

**UPPER YODER TOWNSHIP SUPERVISORS  
MARCH 20, 2014**

**REGULAR MEETING  
MUNICIPAL BUILDING**

**MEMBERS PRESENT**

ROY SHAFFER-absent  
EDWARD BARZESKI  
WILLIAM HUSTON  
SCOTT HUNT  
ROBERT AMISTADI

**OTHERS**

KEN MESKO, ENGINEER  
WALTER HOWELL, CHIEF OF POLICE  
MARY KAY MAHER, TWP. SECRETARY  
ROBERT A. SHAHADE, SOLICITOR

**OTHERS:** Tom Chernisky, Fran Sivi, Lee Williamson, G. Sivi

**MEETING CALLED TO ORDER AT 7:10 P.M.**

**APPROVAL OF MINUTES OF FEB 20, 2014**

Bob moved, Bill seconded to approve the minutes as submitted. MOTION CARRIED 4/0

**PUBLIC PARTICIPATION**

**TOM CHERNISKY, COUNTY COMMISSIONER**

Mr. Cernisky introduced himself to the Board stating he is trying to meet with all officials of municipalities in Cambria County. He thanked the Board for all their efforts in running their municipalities and offered his services, should they need any help. He also offered the services of the County's Grant Writer, John Dubnansky who is doing a terrific job. He explained several of the grants and loans that he had obtained for other municipalities stressing the applications that are submitted are for joint-municipal projects, which seem to be approved faster. He stated that Mr. Dubnansky will obtain the information for you and guide you through the process, but it is up to the municipality to do the hands-on work. Mr. Dubnansky would only procure the documents and advise. He also emphasized that only one (1) person contact Mr. Dubnansky, not everyone on the Board for the same reason. Only one contact from the Township need to be in touch with him at any one time, so that Mr. Dubnansky is not overwhelmed with inquiries. He informed the Board should anyone call him personally, he will return their call within a 24 hour period. He thanked the Board for their attention and their efforts for their community.

**APPROVAL OF REPORTS – SECRETARYS, INCOME, PAYROLL, FINANCIAL STATEMENT**

Bill moved, Scott seconded to approve the reports as submitted and to return to the Secretary's report as needed. MOTION CARRIED 4/0

**APPROVAL OF GENERAL FUND BILLS FOR \$74,200.47**

Bob moved, Scott seconded to approve the general fund bills for \$74,200.47. ROLL CALL  
VOTE: Ed-aye, Bob-aye, Bill-aye, Scott-aye. MOTION CARRIED 4/0

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**APPROVAL OF OTHER FUND EXPENDITURES - \$123,871.10**

Scott moved, Bill seconded to approve the Other Fund Expenditures for \$123,871.10.  
ROLL CALL VOTE: Scott-aye, Bill-aye, Bob-aye, Ed-aye MOTION CARRIED 4/0

**UNFINISHED BUSINESS**

**GIS MAPPING**

Ken informed the Board that he intends to update the GIS mapping with the anticipated sewer project. The Authority submitted their application to PennVest for funding and expect it to be approved. The sewer mapping will be another layer with the Township's storm sewers and when completed will be loaded onto the Township's web site. This should be done by July of this year at the latest.

**WESTMONT HILLTOP RECREATION COMMISSION**

Bob expressed his belief that the WHRC is not progressing as it should for the last three meetings. Southmont did not seem interested, only in obtaining their money back and the School District was not cooperating. He believed it will end up in the legal system. It appears the parties are working against each other instead of working for the community.

Bob moved, Ed seconded to authorize the Solicitor to pursue all avenues necessary to get this matter resolved. MOTION CARRIED 4/0

It was noted that Upper Yoder is 100% committed as well as Westmont, but the other two entities – Southmont and the School District are not committing. The latest issues are the grants that had been received and are against the Ridge property. The grants were issued for various reasons going back to 1973 and also involved the sewage system. Efforts were being made to track down the grants and obtain detailed information about them from DCNR. The Ridge is owned by the three entities- Southmont, Upper Yoder and Southmont excluding the School District. The School District has not sent a representative to the last few meetings, but Southmont has. Fran Sivi stated she is getting calls from coaches for setting up summer leagues and is unable to do so due to the quandary of the commission. Bob noted that Upper Yoder is standing in solidarity in their commitment to the community. Discussion ensued on how the public could be informed of the events of the Commission and how it would impact the community, programs, and recreation in the area.

**LARK DRIVE REQUEST**

Correspondence was received from Daniel Conway of 101 Lark Drive with the request for consideration to pave Lark Drive in this year's Paving Program. Currently Lark Drive is a gravel road that accesses Swank Street and Harshberger Road. This request for paving had been received in earlier years.

**COURTNEY DROZ/3470 MENOHER/STORMWATER**

Ken informed the Board he spoke with Mrs. Droz earlier concerning their water runoff. He believes the water is emanating from the quarry and running into the Droz's property. Discussions were held before of the Township providing the pipe and the Droz's doing the pipe installation. Ken noted the length they are looking at is approx. 150 feet and one or two inlets that would divert the water into the nearby headwaters of Dalton Creek. If this would be done, it should alleviate the water problem. Ken will review this with the Droz's.



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**SELL STREET CULVERTS**

Ken noted there are two manholes and culverts on Sell Street below the Township garage that were installed at different times due to the construction of the area. As a result, the pipes are in a zig zag pattern causing the water to backup. The Sewer Authority will be working on the manholes in the area and when that is done, Ken will see if the Authority could work with the Township to straighten out the pipes, put in a bigger diameter pipe and provide a more direct route for the water. The entire sewer work upgrade is estimated to be 1 to 1 ½ years until completed.

**VARMECKY RESIDENCE/521 SWANK STREET SEWER LATERAL**

Ken stated the Varmecky residence that had burned earlier this year is now torn down to the first floor. They had inspected their sewer lateral which is a newer pipe, but a viewport has to be installed yet. After this is installed, the line will be pressure tested. There was a documented sewer violation that will have to be investigated.

**THE RIDGE PROPERTY/MENOHER HEIGHTS**

The Chief cautioned the Board in the discussions concerning the Recreation Commission. He would like to see The Ridge property habitated by a tenant, instead of having the building vacated and boarded up. He said once before the property was vacant and there were a lot of beer parties and vandalism that occurred because no one was living in the property. By having someone on the premises, it deters any trespassers from unauthorized use and they alert the Police if there are any suspicious activity.

**POLICE CRUISER REPAIRS/REAR AXLE**

Chief informed the Board one of the cruisers had its rear axle repaired which resulted in a large repair cost. The vehicle is still being used on the road and is not ready to be disposed of yet in the rotation cycle. Police Commissioner stated the Chief did approach him on the repairs for direction prior to having the axle repaired.

**POLICE COMPUTER**

Chief informed the Board that the current computer and software in the Police office is outdated and cannot accept the Police program J-net. The state is changing their J-net program and access which will require a new machine and program to be ordered. The new machine and program will have the capability of the J-net version 7 and version 8 whenever it is issued. It will have a dedicated line and will cost approx. \$6-700.

**NEW VEHICLES**

No further word has been received yet on the delivery date of the new cruiser. The new F-550 Ford Truck is ready for delivery, but approval has to be obtained from DEP before the 1999 Ford truck could be traded in. Also, the new truck needs rustproofing. If the dealer could do it with a warranty, it will be pursued, if they cannot, then the rustproofing can be done in-house.

**CORRESPONDENCE**

**WEST HILLS RECREATION COMMISSION POSITION**

A letter was received from Paul Pioli of 105 Royal Avenue offering his services as a Board member for the newly formed West Hills Recreation Commission. Letter was acknowledged by the Supervisors.

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### **PIPE STORAGE/555 GOUCHER STREET**

A request was received from the Project Manager Michael Gromel of Gulisek out of Mt. Pleasant to utilize the private property of 555 Goucher Street for storage of pipe and materials as they do the sewer work for the City of Johnstown. Discussion ensued concerning control of the mud on the road, possible noise, and anticipated complaints from the nearby residents. Pointed out was the fact this area is zoned C-2 and the storing of pipes/materials is not a permitted use in this area.

Ed moved, Bill seconded to deny the request to use the property at 555 Goucher Street as a staging area by Gulisek Company. MOTION CARRIED 4/0

### **GOLF COURSE DUMPING**

Discussion ensued on a contractor that is dumping excavated soil from the sewer projects for the City of Johnstown into a gulley on the Golf Course in Upper Yoder. Chief is concerned with the maintenance of the dumping along with dirt and debris that is being carried out onto Goucher Street. Whenever the contractor is contacted concerning the mud, they do clean off the street. Chief has contacted the State concerning the mud, but they will not enforce this complaint. It was noted the sewer work is only 10% completed and concerns were made with the amount of backfilling that will be going into this area.

### **INDUSTRIAL APPRAISAL COMPANY REQUEST**

Correspondence received from the Industrial Appraisal Company requested a reappraisal of the Township's buildings and grounds as the last on-site appraisal was done in 2003. The Supervisors noted the two municipal buildings were reappraised a short time ago and consensus of the Board was that a reappraisal was not needed. TABLED.

### **ADVANCED DISPOSAL/FUEL SURCHARGE NOTICE**

A notice was received from Advanced Disposal of their intentions to add a fuel surcharge to the Township's billing due to the increase imposed by the State as a gas tax. The March invoice reflected this fuel surcharge. Solicitor stated the contract the Township has with Advanced does not permit any additional charges other than the bid amount as accepted by the Township. There are not to be any other charges but their fees as stated in their contract.

Scott moved, Bill seconded to send Advance Disposal a letter stating that the additional fuel surcharge is not permitted in the existing Recycling contract and the fuel surcharge is not applicable under this contract. MOTION CARRIED 4/0

## **NEW BUSINESS**

### **PLANNING COMMISSION APPOINTMENT**

Tom Polacek of 165 Mellott Drive is currently serving on the Township's Planning Commission. His term will expire as of April 1, 2014. Term is for a four year term.

Ed moved, Bob seconded to reappoint Tom Polacek to another four year term on the Township's Planning Commission. Term will run until 4/1/18. MOTION CARRIED 4/0



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**UNIFIRST RUG SERVICE**

A new contract was received from Unifirst Rug Service to renew the contract for another three year term for maintenance and cleaning of the throw rugs in the municipal building. In view of the upcoming move for the Township office to 110 Sunray Drive, the consensus of the Supervisors was to have the service provided month-by-month instead of renewing another three year term, citing a reduction in public traffic once the Township office moves out.

**ROAD INSPECTION**

The date set for this year's road inspection will be on April 8, 2014 at 6:00 p.m. to meet at the Municipal Building by all who can attend.

**LINDA GOODWIN PLANNING MODULE/SUBDIVISION**

A subdivision and Planning Module was submitted by Linda Goodwin who owns property along Fender Lane. She is subdividing her property into three parcels. Along with the subdivision, a planning module was also submitted for review and/or approval. The module and subdivision was reviewed by the Planning Commission at their meeting of March 18, 2014 and found to be in compliance. The County Planning Commission needs to review and approve the Planning Module along with DEP in Ebensburg.

Bill moved, Ed seconded to approve the Planning Module for the Linda Goodwin Subdivision and to forward the same to the County Planning Commission and DEP for their review/approval. MOTION CARRIED 4/0

Bill moved, Scott seconded to approve the submitted subdivision for the Linda Goodwin property along Fender Lane. MOTION CARRIED 4/0

**110 SUNRAY DRIVE RENOVATIONS**

A proposal was received for removal and replacement of the carpeting of the main office area in the Sunray Drive building, along with a proposal to construct a raised platform/dais for the Supervisors bench in the meeting room and the replacement of doors.

Ed moved, Scott seconded to accept the proposal from Brian Bulas Flooring of 1330 Christopher Street for the removal and installation of carpeting for the submitted price of \$1,705.40. MOTION CARRIED 4/0

Bob moved, Scott seconded to accept the proposal from Becker Building and Remodeling of 544 Grove Avenue for the construction of a raised platform/dais and bench along with replacement of doors at the Sunray Drive building for the submitted price of \$15,954.00. MOTION CARRIED 4/0

**DISPOSITION OF TOWNSHIP EQUIPMENT, VEHICLES, SUPPLIES AND/OR MANPOWER**

Scott moved, Bill seconded to make a motion that due to insurance concerns and underwriting, the Township will no longer loan, equip, supply, or provide manpower for non-Township business except for prior consent of the majority of the Board. MOTION CARRIED 4/0

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**BROKER OF RECORD/INSURANCE COVERAGES**

Scott moved, Bill seconded to direct the office to proceed with appropriate correspondence to appoint American Insurance Marketing as the Broker of Record for the Township's health insurance plans. MOTION CARRIED 4/0

**PUBLIC PARTICIPATION – none**

**ADJOURNMENT** - Motion by Bob, seconded by Bill

**ADJOURNED – 8:00 P.M**

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, reading "Mary Kay Maher", written in dark ink.

MARY KAY MAHER  
TWP. SECRETARY

THE NEXT SCHEDULED TOWNSHIP MEETING WILL BE HELD ON THURSDAY, APRIL 17, 2014 AT 7:00 P.M.