

MEMBERS PRESENT

EDWARD BARZESKI
ROY SHAFFER
ROBERT AMISTADI
PAUL PIOLI
SCOTT HUNT

OTHERS PRESENT

ROBERT SHAHADE - SOLICITOR
KEN MESKO - ENGINEER
GARY SERBALL - ROAD SUPERVISOR
CHIEF DON HESS
ALICE HUMMEL- ASST. TWP SECRETARY

OTHERS: Justin Capoceller, Barbara Connor, Jenny Custer, Mitch Custer, Dave Fetsko, Sara Goughnour, Tom Goughnour, Lynne Koontz, Ted Koontz, Todd Miller

CHAIRMAN CALLED THE MEETING TO ORDER AT 7:00 P.M. WITH THE PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES – MAY 18, 2017

Bob moved, Roy seconded to approve the minutes as submitted. **MOTION CARRIED 5/0**

PERSONS REQUESTING TO BE ON AGENDA

None

PUBLIC PARTICIPATION

Tom Goughenour, 7 Jefferson Street

Mr. Goughenour stated that he was attending due to stormwater control. He stated that due to the heavy rains occurring at the present time, his garage he had approximately 3" of water coming down from the alley. He also stated the bottom of Berkley Road and Buhl Alley, cars can barely get through due to the rainwater flowing like a river and coming over towards his garage. He also stated the same thing is happening at Dave Fetskos' property. Mr. Goughenour stated he has attended several meetings now and would just like to have the situation taken care of.

Bob stated that the situation on Jefferson Street is in no way on the back burner and the Township has purchased an excavator and is working on these situations. Gary stated that he had already spoken with Mr. Goughenour and it is on their schedule.

Lynn and Ted Koontz, 209 Old Orchard Way

Mrs. Koontz stated they are incurring all the run off stormwater on Old Orchard Way. The storm waters flood out their yard and field, causing the trees to become uprooted. She stated that the front of the property does have a drain but a drain needs to be placed in the back part of the alley. Ed stated that Gary has been down and was given permission by the board to remove those two trees.

Mrs. Koontz also stated the creek has not been maintained and wants to know what is going to be done about it. She indicated they have rebuilt their bridge two (2) times now and the ground is eroding away from it. She stated that pipe was laid down and covered on all the properties except theirs, which is filled up with weeds. She stated she didn't know who had laid the pipe on the other properties, but asked why pipe wasn't laid on their property to carry the creek water and then filled in? Ed stated that perhaps each individual property owner placed and covered the pipe as it would be their private property. Mrs. Koontz showed photographs to the Board, showing all the gravel and weeds that piles up, plugs up and overflows the bridge, flooding out her yard and field. Mrs. Koontz asked who maintains the bridge if the creek is going to stay? She also questioned who is responsible if someone gets hurt, slips and falls on that bridge? She stated she feels that they have done their part. She asked for legal counsel's opinion on the matter. Solicitor stated that he is unfamiliar with her property or problem, therefore, he could not reply at this time.

Mr. Koontz stated he is 6th generation living in this house and can remember his grandmother having people from the Township coming down regarding this situation over the years. It was discussed that possibly some

of the problem is incurring from the placement of the Duplex's on top and Mrs. Koontz stated this had been discussed in the past.

Bob stated that a few catch grates won't solve the problem when there is a heavy rain like we had tonight. Ed stated that the problem is where would we take the water to? When questioned if the Township could disturb the stream, Ken stated that the Township has to be very careful going into a stream, as doing anything over 50 feet, requires a permit from DEP. Bob requested Gary and Ken together inspect the situation and report back to the Board.

Jenny Custer, 430 Tiffany Street

Mrs. Custer and her husband wanted to thank the Township for the incredible speedy work regarding the demolition of the 434 Tiffany Street property. She stated that Road Supervisor, Gary Serball and others came out, talked and worked with them regarding the property. Ed informed the Custer's that the crew is to be coming tomorrow morning to start working on the demolition. Mrs. Custer stated she and her husband are super appreciative that their local government works so well.

Barbara Connor, 127 Pinecrest Way

Mrs. Conner stated that she was wondering what the status was regarding her nuisance complaint regarding the neighboring tree situation. Ed stated that they had not received an update on this matter prior to the meeting but will place a call to Mark in the morning and the office should also follow up with a memo to Mark to find out what the status is at this time.

Dave Fetsko, 9 Jefferson Street

Mr. Fetsko stated that he still has to put the sump pump drain pipe over the sidewalk and is concerned someone will get hurt.

Mr. Fetsko felt the Supervisors may want to increase the taxes in order to cover the expense of replacing the entire stormwater system in the Township. Solicitor noted there are various ways of funding such projects such as increase in taxes, frontage assessments, or a special levy. However, that would have to be determined by the board and after the current sewer project is completed.

APPROVAL OF REPORTS – SECRETARY'S, INCOME, PAYROLL, FINANCIAL STATEMENT

Bob moved, Scott seconded to approve the reports as submitted with discussion on the Secretary's report later in the meeting. **MOTION CARRIED 5/0**

APPROVAL OF GENERAL FUND BILLS - \$47,955.89

Paul moved, Scott seconded to approve the general fund bills in the amount of \$47,955.89.
ROLL CALL VOTE: Bob-aye, Paul-aye, Bob-aye, Ed-aye, Roy-aye MOTION CARRIED 5/0

APPROVAL OF OTHER FUND EXPENDITURES - \$94,781.02

Scott moved, Paul seconded to approve the Other Fund Expenditures in the amount of \$94,781.02. **ROLL CALL VOTE: Roy-aye, Ed-aye, Bob-aye, Paul-aye, Scott-aye MOTION CARRIED 5/0**

UNFINISHED BUSINESS

SELL STREET STORM SEWER PROJECT

Ken stated the contract was awarded to Snyder Excavating back in January 2017. The contract had an end of May 2017 deadline, however, that was extended because of the permit from DEP. The contractor stated he as to start by June 12, 2017, however, that hasn't happened and in speaking with him today, the contractor

stated the Sell Street Project is next on his list. Solicitor verified that the contractor's insurances are in order to proceed on the project.

2017 ROAD PAVING PROGRAM

Ed stated, Gary is scheduled to meet with Mike Bowser of PennDot, June 16, 2017, regarding the 2017 Road Paving Program.

SEWER AUTHORITY VACANCY – 5 YR TERM

The Sewer Authority Vacancy was tabled at this time.

AWARD OF ARLE GRANT

Solicitor stated that the Township was awarded an ARLE Grant. The school district is liable for costs to accommodate the intersection improvements up to a maximum of \$200,000 per agreement. Trans-Associates has submitted their cost proposal for design of the project engineering to be approved and signed. However, Solicitor noted the award would be contingent upon the expressed contract from PennDot.

Bob moved, Paul seconded to accept the ARLE Grant and to accept the Trans-Associates Agreement, contingent upon the expressed contract from PennDot. MOTION CARRIED: 5/0

PROPERTY DAMAGE RESTITUTION RECOVERY

Paul asked Chief Hess to explain the problem at the Magistrate's office. Chief Hess stated, paperwork had been filed at the District Magistrate Barron's office, however, there was an error that occurred at the Magistrates office, dropping the ball on the matter. The Chief has talked to the defendant and at this time the defendant is not cooperative.

Paul moved, Ed seconded for Chief Hess to proceed with restitution from the defendant due to damage sustained on Columbia Street. MOTION CARRIED: 5/0

COPS HIRING PROGRAM (CHP) GRANT

Chief briefly discussed the COPS Hiring Program (CHP) Grant and its benefit to the Township.

Paul moved, Bob seconded for Chief Hess to proceed applying for the (CHP) COPS Hiring Program Grant. MOTION CARRIED: 5/0

PART-TIME POLICE OFFICER HIRED

Paul moved, Bob seconded the Township hire Officer Todd Miller as a part time officer once all paper work is approved. MOTION CARRIED: 5/0

ACT 172 OF 2016 – VOLUNTEER SERVICE CREDIT PROGRAM

Scott addressed the Board regarding Act 172 of 2016 which allows the Township the ability to draft an ordinance to give tax credits towards Real Estate Tax, Earned Income Tax or both to active volunteers of fire departments and emergency medical services based on guidelines set forth by the Township and the Fire Chief and EMS Supervisor.

Scott stated that he had talked to Tim Reitz who is the Upper Yoder Fire Chief and EMA Director. Tim stated they are in favor of Act 172 of 2016 and are interested in meeting with a few of the board to discuss Act 172 of 2016.

Bob moved, Paul seconded the Board meet with Mr. Reitz and others prior to next month's meeting to further discuss the matter. MOTION CARRIED: 5/0

ELIM STREET PLAYGROUND

Scott indicated that there was some carryover from the 2016 budget for upgrades at the Elim Street playground. Scott stated that he will be in touch with Road Supervisor Gary Serball to have some work done at the playground as soon as possible. Scott also indicated the Township has a resident that is disabled and

he and Ken are trying to incorporate some ADA things so he may enjoy the park too. Scott stated he and Ken will have a more defined plan to bring to before the Board at next month's meeting.

CHIEF OF POLICE REPORT

Chief Hess reported the following:

1. a total of 265 calls and 8 arrests during the month of May 2017
2. the GETGO Fleet cards are working well for the officers
3. Taser Training is scheduled for Monday June 19, 2017
4. AR-15 patrol rifles have been purchased and the 1st vertical gun rack has been installed in #877. due to the generous donations to the Police Department
5. Chief hand delivered Thank You letters to both of the monetary donors

INTRODUCTION OF NEWLY HIRED PART-TIME OFFICER

Chief Hess introduced and welcomed newly hired Part-Time Officer Todd Miller to the Upper Yoder Police Department. Officer Miller is an 18-year member of the Upper Yoder Fire Company and a full-time police officer with another department.

SAFEWISE AWARD PRESENTATION

Chief Hess acknowledged that Upper Yoder Township has been ranked 7th of the 20 Safest Cities in Pennsylvania for 2017. In 2016 Upper Yoder Township was ranked 13th. Chief Hess attributed the accomplishment of rating 7th in Pennsylvania for 2017 goes to the 3 full-time officers, with their deep knowledge and care about Upper Yoder Township. Chief Hess also stated that it is a pleasure working with Police Commissioner Paul Pioli. Chief Hess presented Commissioner Pioli with the award.

CORRESPONDENCE

GARBAGE/RECYCLING FEES – SECONDARY RESIDENCES

Chief Hess had submitted a report to the Supervisor's regarding his following up on a Memo regarding possible garbage exonerations where he personally inspected each property.

Ed moved, Scott seconded to not allow exoneration to 170 Laurel Way and the mother-in-law cottage at 3360 Menoher Blvd., as both properties are inhabited, per Chief Hess' report.

MOTION CARRIED: 5/0

Ed moved, Scott seconded to approve exoneration 2986 Menoher Blvd, based on Chief Hess' report that nobody is residing in the apartment above the garage and the utilities are turned off. MOTION CARRIED: 5/0

Township office was instructed to send letters to all parties informing them of the Supervisors decision.

SWANK STREET WATER RUN OFF

It was acknowledged that the Township Road Department had received a thank you letter from Mr. Rick Smith of 348 Swank Street for installing the asphalt curbing in front of his property, alleviating the excess storm water that had been eroding his yard and driveway apron.

STORMWATER MAINTENANCE AGREEMENT – GIANT EAGLE

Solicitor gave Ken a copy of the Agreement, instructing him that it needs corrections and additional materials to be attached before further processing.

UYVFC ROSTER LIST

Roy moved, Bob seconded to acknowledge the Upper Yoder Volunteer Fire Company Roster.

MOTION CARRIED: 5/0

POLICE CONSOLIDATION SURVEY REQUEST

Discussion was had that at this time there was no interest in pursuing a joint venture with the other police departments in the Johnstown area.

Bob moved, Ed seconded to not approve or sign the Letter of Intent for the Police Consolidation Survey Request and that a letter should be issued to Judge Krumenacker regarding the Boards decision on this matter. MOTION CARRIED: 5/0

AFSCME UNION NEGOTIATIONS

Dates were discussed to meet with AFSCME Union Representative Tim Miller in regarding to the Road Crews and Office Staff contract negotiation. Solicitor stated the meeting does not need to be advertised, as it is considered an executive session for contract negotiation.

Ed moved, Bob seconded to meet with Mr. Tim Miller of AFSCME 6:00pm on July 11, 2017, at the Township municipal building. MOTION CARRIED: 5/0

The Supervisors adjourned into Executive Session at 7:48 pm and Chairman reconvened the meeting at 8:14 pm.

Ed moved, Roy seconded to purchase a new CX31B Case mini excavator at \$42,900.00, along with a used 18" bucket for the Case CX31B mini excavator at a price of \$800.00, from Groft Tractor & Equipment, Inc. Payment is not to be made as Ed is going to talk to Darrell Jones at Groft Tractor & Equipment, Inc. to see what type of financing may be available. It is to be noted the purchase is being made through the Co-Star Program and the Board will make a ratification at the meeting. **MOTION CARRIED: 5/0**

MEETING ADJOURNED

Paul moved, Ed seconded to adjourn the meeting. MOTION CARRIED: 5/0

MEETING ADJOURNED AT 8:15 P.M.

Respectfully submitted,



Alice Hummel
Assistant Twp. Secretary

**THE NEXT SUPERVISORS MEETING
WILL BE HELD AT THE TOWNSHIP MUNICIPAL BUILDING,
JULY 20, 2017 AT 7:00 P.M.**