

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
MARY KAY MAHER-TWP SECRETARY

OTHERS: Orlando Hanselman, Tom Goughnour, Mitchell Custer, Jenny Custer, Nancy Gilbert, Betty Campbell, Linda Folan, D. Folan, Lucinda Custer, Theodore Custer, Keith Kuckenbrod, Jo Ann Luberto, Dominick Luberto, Teresa Emeigh, Thomas Williams, Joseph Podrebarac, Erin ODonnel, Barbara Connor, David Fetsko, Karen Howell, Rich Chimiak, William Deter

CHAIRMAN CALLED THE MEETING TO ORDER AT 7:00 P.M. WITH THE PLEDGE OF ALLEGIANCE. THERE WAS A MOMENT OF SILENCE TO HONOR THE PASSING OF SYLVESTER "BLACKIE" MUSCARDELLI WHO HAD WORKED FOR THE TOWNSHIP FOR 35 YEARS

APPROVAL OF MINUTES – APRIL 20, 2017

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

PERSONS REQUESTING TO BE ON AGENDA:

JENNY CUSTER-430 TIFFANY STREET

Mr. and Mrs. Custer were present to address the dilapidated condition of the house next to their's at 434 Tiffany Street formerly owned by Denise Karwoski. Ms. Karwoski had passed away and her brother in Texas does not want the property. Mr. and Mrs. Custer have been trying to sell their house for the past two years; however, due to the condition of the Karwoski's house next to them, it has brought down the value of their property. Mrs. Custer presented pictures of the condition of the house showing the garage door broken, the roof falling in and the neighbors have confirmed there are animals living in the house as they have access through the broken door. A cousin of Ms. Karwoski had looked at the house, but due to the many liens against it, they did not want the property. Mrs. Custer stated her and her husband are two working professionals with student loans to pay, therefore, they cannot purchase the house and level it. They are at the point where they want to sell their house and purchase a larger family home, but cannot due to the condition of the Karwoski house. She asked what the Board can do to help them. It is reducing the value of the entire neighborhood.

Solicitor noted that the estate was never opened, which requires someone to open it. The property can be purchased at a tax sale; however, there are numerous liens against the property. The Board can apply to the Cambria County Redevelopment Authority to obtain a Nuisance Abatement grant to raise the building. Mrs. Custer asked if the Township could purchase the property and she was informed they cannot. She also asked about a control burn by the Fire Company, but was informed the Fire Company is no longer allowed to do them. Solicitor informed her that the property can be purchased for \$300 at a private tax sale; however, it will have a bad title with the claims filed against it. The building could also be demolished by piggy-backing the City of Johnstown who has gross demolitions in the City. This would afford a lower price for the demolishing.

Betty Campbell of 433 Tiffany Street stated there are trees and vines that are growing from the property that are getting tangled up in the overhead wires. She is concerned if there is a storm, all the material will come down which will affect her service wires which are on the same poles. She also confirmed there are six cats living in the property and she has seen rats and a racoon coming and going from the house.

Mrs. Custer stated her husband went inside and saw that the second floor of the house is coming down into the first floor. Paul informed her that the students at the Hiram G. Andrews Rehabilitation Center will board up the property once it has been confirmed there are no dangerous materials in the house. Chief Hess will inspect the property as soon as possible to remove anything of a dangerous nature so that the students and advisor can board up the property. The Board will apply for a grant to the County Redevelopment Authority for its demolition.

PUBLIC PARTICIPATION

DAVID FETSKO, 9 JEFFERSON STREET

Mr. Fetsko addressed the Board concerning the discharge of a sump pump he installed after his sewer work was completed. Currently he is discharging it out the front of his house into Jefferson Street. Gary Serball informed him the Township is going to run a storm sewer pipe up through the grass through the right of way to the existing catch basin. Mr. Fetsko can then tie his discharge into the new piping. Mr. Fetsko suggested running the pipe up the alley and make it six feet deep in order to catch all the water coming from the alleyway. Gary informed him the existing catch basin is only two feet deep and the water would never drain. Chief Hess confirmed that the Township/City boundary line runs in the middle of the alleyway and the residents access their garages through the alley. Bob suggested installing a swell down the middle of the alleyway to catch the water and re-direct it. At the moment, Mr. Fetsko is draining the water down Jefferson Street which has to be addressed before winter freezes the water. Gary informed the Board the existing catch grate runs underneath Berkley Road.

Tom Goughnour of 7 Jefferson Street stated the alleyway used to be brick and the water seeped down into it. Since it was paved over several times, the water has no where to go. It travels down the alleyway and eventually ends up on his property by his garage.

It was noted the alleyway is only 5-6 feet wide and may not accommodate a swell. Ken inspected the area recently and recommended installing a berm on the side where the houses are to keep the water from running into the properties and put the swell on that side with the pipe on that side. He did not think in swell in the middle would be feasible. Ken stated that you have to look at the slope and the grade to see what is feasible. Ken will review the area with Gary to see what the best possible solution will be to help the whole neighborhood.

ORLANDO HANSELMAN, 400 BERKS DRIVE

Mr. Hanselman stated this is his 5th consecutive attendance at the Township meeting. He requested the Board put the monthly financial statement on the web site for all residents to review. It is approved at the meetings, but the public does not get to see it. He stated for the sake of transparency, he asked it be posted instead of paying for a copy at the office. He inquired if the stormwater management plan was developed as was promised in the spring. The Board indicated the plan was prepared and will be the guideline for the projects for the year 2017. Mr. Hanselman requested the plan be posted on the web site also. Mr. Hanselman also requested a copy of the bill list and the annual audit be posted for the public to see as a sign of good faith.

BARBARA CONNOR, 127 PINECREST WAY

Ms. Connor presented pictures of pine trees that border her property with that of her neighbors. Three trees came down last fall and fell on her property. Because the trees fell on her property, she had to pay for their removal. It cost \$3,000 to have them removed. Solicitor recommended the issue be deferred to

the Nuisance Enforcement Officer. Ms. Connor stated she cannot mow her yard underneath them because of the dead branches and she is afraid more will come down, possibly hurting someone. In the winter, there were a lot of dead branches that came down to the point that emergency vehicles may not be able to get through the road.

Bob moved, Scott seconded to forward the pictures and issue to Mark Walker who enforces the Nuisance Ordinance. MOTION CARRIED 5/0

WILLIAM DETER, 1702 LUZERNE ST. EXT.

Mr. Deter stated he has a problem with water runoff that pools at the end of his driveway. Gary was aware of the problem and stated he will be installing a catch basin and running a pipe to the nearest storm sewer to alleviate the water pooling.

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

Scott moved, Paul 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 - \$44,072.19

Roy moved, Bob seconded to approve the general fund bills in the amount of \$44,072.19.
ROLL CALL VOTE: Roy-aye, Ed-aye, Bob-aye, Paul-aye, Scott-aye MOTION CARRIED 5/0

APPROVAL OF OTHER FUND EXPENDITURES - \$97,860.37

Paul moved, Bob seconded to approve the Other Fund Expenditures in the amount of \$97,860.37. ROLL CALL VOTE: Bob-aye, Paul-aye, Bob-aye, Ed-aye, Roy-aye MOTION CARRIED 5/0

UNFINISHED BUSINESS

SELL STREET STORM SEWER PROJECT

Ken stated Snyder Excavation is will be starting the project on June 12th.

POLICE DEPARTMENT COMPUTER PURCHASES

Paul requested the Board approve the purchase of three computers to replace the existing computers in the Police Department. Current computers are 10 years old and one is crashing and malfunctioning. There was a previous motion on record on May 19, 2016 for the Department to purchase a file server.

Paul moved, Scott seconded to authorize the Police Department to replace the existing computers in the Police Department. MOTION CARRIED 5/0

POLICE REPORT – CHIEF HESS

Chief Hess reported the Police Dept. handled 185 calls in April and there were two arrests. One for trespassing and one for harassment. The Department has been approved with purchasing gas from GetGo and will use them for fueling the cruisers. Chief ordered body armor for the part-time officers through a donation from the Carl Espy family. He has scheduled the officers for Taser training in June at no cost to the Township. Chief stated another donation to the Department has resulted in the purchase of verticle gun racks for the cruisers and two rifles. Previously the guns were stored in a hard case. Chief also made

contact with people at the Allegheny Social Ministries for safety training for the staff and pre-k/daycare children at no cost to them to keep the children safe.

Paul moved, Bob seconded to send a letter to the Carl Espy family thanking them for the donation to the Police Department. MOTION CARRIED 5/0

CORRESPONDENCE

DONATION ACKNOWLEDGED

Doug and Sally Oakley of 129 Rolling Hills Road submitted a donation to the Township to use as needed.

Roy moved, Ed seconded to send an acknowledgement and thank you to the Oakley's for their donation. MOTION CARRIED 5/0

AFSCME UNION NEGOTIATIONS

Correspondence was received from the AFSCME representative to begin negotiations for the contract that will be expiring 12/31/17.

Scott moved, Ed seconded to send an acknowledgement to AFSCME and ask them for tentative dates to begin negotiations. MOTION CARRIED 5/0

POLICE MAINTENANCE CONTRACT

A proposal was received from LaurelNet Services to cover the Police Departments phone system for an annual fee of \$675.00.

Paul moved, Bob seconded to continue services for maintenance of the Police Department phone system with LaurelNet Services for the annual fee of \$675.00. MOTION CARRIED 5/0

SECRETARY'S REPORT

GARBAGE/RECYCLING FEES – SECONDARY RESIDENCES

Correspondence and phone calls were received from several residents requesting consideration for the garbage/recycling collection fees on secondary residences on their properties that are used for storage. Policy was the residences were charged if they were habitable. Chief Hess was requested to inspect the residences and report back to the Board on their status.

CELL PHONE REIMBURSEMENT

Per the Police Chief's contract, the Township is to provide him with phone service. Chief has requested to use his own private cell phone instead of department phones.

Scott moved, Bob seconded to reimburse the Chief of Police the sum of \$40.00 per month as reimbursement for the use of his personal cell phone for police duties. MOTION CARRIED 5/0

RECORDS TO BE DESTROYED

Secretary presented a list of Township records to be destroyed that are over ten years old as allowable by the State.

Bob moved, Scott seconded to authorize the destruction of the requested records. List to be attached and made part of these minutes. MOTION CARRIED 5/0

OFFICE POSTAGE RENTAL AGREEMENT

The Township office is currently renting a postage meter from Pitney Bowes under a lease agreement that will be expiring. Request was received to renew the lease agreement for another five (5) year term. Fee is split between the Township and the Sewer Authority.

Bob moved, Scott seconded to approve the renewal of the postage machine rental from Pitney Bowes for a monthly charge of \$57.69/month for a five (5) year term. MOTION CARRIED 5/0

SUNRAY DRIVE BUILDING RENOVATIONS

Several items were requested to enhance the interior of the Sunray Building and its functions. The installation of a lock on an interior door, the renovation of a hallway door to become a panic door, and the installation of a "help" buzzer on the wall outside of the entranceway doors to assist the handicapped.

Bob moved, Scott seconded to authorize Gary to install/change the requested items to the Sunray Drive building. MOTION CARRIED 5/0

WEST HILLS RECREATION COMMISSION PAYMENTS

The Township had made two \$25,000 payments to the commission last year and a letter was issued that no payments will be made for this year. Scott pointed out the assessments are higher this year and the Township is obligated to remit one-half a mill. The difference in the higher assessments will be calculated and presented to the Board next month for approval for payment.

MINI-EXCAVATOR

The Township had rented a Mini-Excavator from Groff Tractor, Ebensburg this summer. Groff Tractor will be contacted to provide the cost to obtain a grader from them at the same time for the berm work planned for this summer. Solicitor reminded the Board to make sure the prices and through Co-Stars pricing.

PENNDOT CONNECTS – GOUCHER ST.

Ken reported to the Board that he met with representatives of PennDot recently concerning future improvements to the Goucher Street area from Braddock Street down to the Armory. PennDot is planning future work and wanted the input of the conditions of this section of the road from the Township as it is a high hazardous area for traffic. Per Ken, they may consider installing a center lane for turning to avoid future collisions.

NEW BUSINESS

ROAD PAVING PROGRAM

Ken submitted a preliminary listing of future roads to be addressed for this year based on discussions with Gary. Westview Drive will be added as the road is in bad shape. There are portions of Sell Street that could be addressed as it is a major traffic route into the Township. A couple of streets could be seal coated. There are different ways to renew the surface. There is a scratch and gravel course and a single seal of tar and chip. There is also a double seal of tar and chip and then a fine gravel on the second level. Meadow Drive was done with a double seal and is working well.

BERKLEY ROAD GAS LINE

Paul inquired about the work being done by the Gas company on Berkley Road. He noted the road is sinking where they were working and there is a potential for an accident. Board inquired about Road Encroachment Permits that are obtained by any company working on Township Roads. Secretary noted they are submitted and turned over to the Road Dept. to monitor; however, they are received usually after the work is done.

Bob moved, Scott seconded to send a letter to the Gas Company they must apply for permits prior to any work to be done on any Township Road and to bring to their attention the safety hazard issue from the work done on the lower part of Berkley Road where the road is sinking. MOTION CARRIED 5/0

ROAD MILLING

Gary pointed out if Jefferson Street is to be paved, it will have to be milled first or else the water will be coming over onto the sidewalks. Any future sewer work to be done by the owners will be done on the inside of the curve of the street. He requested the Board take a look at it and maybe add it to the list. Ken noted Quaker Sales was recently in the area milling several areas for State Pipe with the sewer work. They may be available for the Township's milling. Gary also pointed out Sell Street should be milled. Board was requested to look at Jefferson Street and Sell Street to see if they should be added to the Road Paving list. List will be reviewed at the next meeting.

BERKLEY ROAD DRAINAGE STABILIZATION

The drainage ditch that runs parallel to Berkley Road is washing out one of the neighboring properties. Ken presented a quote from Snyder Excavating to stabilize the drainage ditch with Rip Rap stone for a quote of \$22,300. Solicitor recommended it is critical that the remedial work be done and that it cannot be deferred any longer. This action is done as an emergency measure to alleviate any further damage.

Ed moved, Roy seconded to direct Snyder Excavating to stabilize the drainage ditch along Berkley Road for their quoted price of \$22,300.00. MOTION CARRIED 5/0

ROAD DEPARTMENT NEW HIRE

Ed moved, Scott seconded to hire Hayden Barr of 302 Finch Street as a full-time road worker to start on June 19, 2017 with six months probation to get his CDL license. He will be full-time as per the road contract. MOTION CARRIED 5/0

SEWER AUTHORITY VACANCY – 5 YR TERM – tabled

**PUBLIC PARTICIPATION
ADA COMPLIANT**

Karen Howell stated she was asked by a resident if the Sunray Building was ADA compliant as the front glass doors are very hard to open. The building was inspected by Nick Bailey, Codes Officer when the Township office first moved in and inspected again by Mark Walker, Codes Enforcement officer. Bob pointed out the closure mechanism on the doors can be adjusted a little, but not a lot.

**BOARD AND SOLICITOR ADJOURNED INTO AN EXECUTIVE SESSION AT 8:05 P.M. TO BE RECONVENED.
EXECUTIVE SESSION WAS FOR PERSONNEL MATTERS. MEETING RECONVENED AT 8:50 P.M.**

POLICE CHIEF CONTRACT ADDENDUM


Paul moved, Bob seconded to approve an addendum to the Police Chief's contract to change the rate of compensation per hour to \$33.17 for the first three (3) years; \$33.65 for the fourth year; and \$34.13 for the fifth year, retroactive to the day of hire of April 16, 2017. MOTION CARRIED 5/0

MEETING ADJOURNED

Moved by Bob, seconded by Paul to adjourn the meeting MOTION CARRIED 5/0

MEETING ADJOURNED AT 8:55 P.M.

Respectfully submitted,



Mary Kay Maher
Twp. Secretary

**THE NEXT SUPERVISORS MEETING
WILL BE HELD AT THE TOWNSHIP MUNICIPAL BUILDING,
JUNE 15, 2017 AT 7:00 P.M.**

RECORDS TO BE DESTROYED

UPPER YODER TOWNSHIP – MAY, 2017 SUBMITTED TO THE BOARD OF SUPERVISORS

2005	ACCOUNTING RECORDS
2005	BANK STATEMENTS
2005	GENERAL LEDGER
2006	ACCOUNTING RECORDS
2006	GARBAGE RECORDS
2006	EXPENDITURES A-Z
2006	BANK STATEMENTS
2006	TAX RECEIPTS
1999-2001	TWP. HOSPITALIZATION, EYE/DENTAL RECORDS