

**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, Forrest Lucas, Shanie Richards, Sue Margo, Kim Wilks, Paul Miller, Linda Miller, Wyatt Lohr, Logan Pringle, Brian Misner, Nathan Hart, Duane Harf, Luke Pringle, Eric Lohr, Michele Boback, Ronnie Barbadoes, Randall Maurer, JoAnne Luberto, Bradley and Christina Snyder, Sylvia Sedlymeyer, James Sedlmeyer, Pauline Molchany, Bill Deater, Jason Jeschonek, Robert Katzenstein, Russell Zimmerman, David Fetsko, Donald Hess, Karen Howell

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

**APPROVAL OF MINUTES – March 16<sup>th</sup> and March 27<sup>th</sup>, 2017**

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

**PERSONS REQUESTING TO BE ON AGENDA:**

**CHRISTINA SNYDER, 1625 LUZERNE ST. EXT.**

Mrs. Snyder addressed the Board stating they had moved in June of last year. Her house has a large yard and there is a section of the yard where water is collecting. She inquired if there is a way to install a French drain system and have it drain into the storm water system of the Township. Gary will obtain her information and inspect the area to see what can be done.

**JASON JESCHONEK, LANspeed Technologies**

Jason inquired about providing IT services for the Township for all computers, cameras, and internet service. He has 30 years experience working for Atlantic Broadband and under his company, LANspeed Technologies, he would like to offer his services.

Paul moved, Bob seconded to authorize Jason Jeschonek to walk-through the Township office and Police Department to evaluate the computers, cameras, and internet service in order to prepare a proposal for submission to the Supervisors for IT services. MOTION CARRIED 5/0

**CHAIRMAN RECOGNIZED BOY SCOUT TROOP 217 IN ATTENDANCE OF THE TOWNSHIP MEETING IN ORDER TO EARN A MERIT BADGE**

**PUBLIC PARTICIPATION**

**WILLIAM DETER, 1701 LUZERNE ST. EXT.**

Mr. Deter was concerned with the water runoff that was affecting his neighbor, Mrs. Molchany at 1609 Luzerne St. Ext. She is getting water that is running off of the yards from across the street. He and Ken walked the area and he was told to mark the areas where the water was coming from. He placed stakes and marked the areas where the water was traveling for the road crew to come in and put in storm sewers. That was three years ago and it was never done. The situation has to be controlled and fixed properly. The water is originating from Elknud Lane. There was some work done at the top of Elknud and Christopher 10-11 years ago. If the water is channeled from the yards into the storm sewers that were

installed four years ago, then it would alleviate about 60% of the water from her driveway. Gary will get together to review the area to see what can be done.

**DAVID FETSKO, 9 JEFFERSON STREET**

Mr. Fetsko had his sewer work completed. He is having water problems and installed a sump pump which runs every few minutes. The water is coming down the hill behind his house and cuts across his property. He has his sump pump draining the water out the front of his house. He recently added an extension to it to run it across the sidewalk. There is a catch grate about five houses down the street on the same side of the street. He is requesting the Township extend the storm sewer up the street towards his house so that he can tie the water into it from his sump pump. He is concerned the water running on the street will freeze in the wintertime. Solicitor clarified that he is asking for a location to discharge his sump pump. Gary will review the area to see what can be done.

**SUE MARGO, 253 CAPITAL AVENUE**

Ms. Margo stated she has a problem with water on the other side of the street running towards her property. She has had her sewer work done. Gary was familiar with the area and noted the nearest catch grate is approx. 80 feet away and there is not much "fall" in the ground to divert the water. Ms. Margo stated three-fourths of her yard just caved in due to the water. She also had a blacktop curb on her driveway before the construction to divert the water. When the sewer company connected the sewer line, they replaced the curbing, but did not make it as high as it was before and the water is coming in. It was explained that if they install a catch grate and it fills up with water, but if there is not enough "fall" or slope to the ground for gravity the water will not drain out, but stay in there and freeze. Gary will "shoot" the area to see if there is enough slope to warrant the installation of a catch grate.

**MICHELE BOBACK, 926 SUSQUEHANNA STREET**

Mrs. Boback informed the Board there is a lot of traffic and speeding at the end of Susquehanna Street which is supposed to be a dead-end street. It connects to the Allegheny Lutheran Home's driveway into their campus and many vehicles cut through this area. The Home is building a Day Care Center and when it is completed, she expects more traffic in the area. She would like this addressed before the Day Care Center opens. Chief Hess will review the traffic situation with Mrs. Boback.

**KIM WILKS, 428 SELL STREET**

Ms. Wilks has a water problem and already has a sump pump installed. She gets all the water from the street up to her front door. Sometimes she gets three feet in the basement when the sump pump isn't working. She asked if the proposed work on Sell Street will alleviate her water problems. Ken noted the existing storm pipe comes up the back of her house. It will be brought out and put near the stream channel and should channel 90% of the water. Another catch basin will be installed on Sell Street and it will move the water away from the house. Ken spoke with the contractor, Snyder Excavating, who is under contract for this project. Snyder is working on several other jobs at the moment and it will be another 2-4 weeks before he could start on the Sell Street project.

**ORLANDO HANSELMAN, 400 BERKS DRIVE**

Mr. Hanselman referred to the January, 2017 Township minutes which stated the Supervisors were going to address the water problems with a plan in the spring. He asked what is the status of this plan and if it is ready, does the public have access to it. Chairman noted the Board does not have a plan established yet. Mr. Hanselman requested to be kept up to date when it is formulated.

**ROBERT KATZENSTEIN, 1033 SUSQUEHANNA ST.**

Mr. Katzenstein thanked the Board for addressing his problems several weeks ago. He was very appreciative of their attentions to the matter. The issue was brought to a member of Westmont Borough Council about the installation of storm sewers in the Westmont section of Susquehanna Street to alleviate the water runoff.

Mr. Katzenstein addressed another issue. He suggested forming a committee to address the large amounts of money being paid to the contractors. He would like to see Upper Yoder run the sewer lines up to the resident's houses like they are doing in Southmont. If Southmont is doing this, why can't we? He had his sewer lines done which cost approx. \$5,000 and they did the work in one day. They returned the next day to clean up. He stated that is a lot of money for one day's work. He has talked to a few people and they are willing to work with us in getting a committee together. This committee would see what they could do to help other people. Solicitor stated the Sewer Authority Board members met with DEP concerning this issue. All municipalities are all under the same Consent Order and Southmont has no data to support what they're doing. Mr. Katzenstein stated he does not believe this. He stated that what Southmont is doing is great. Shahade explained that the Sewer Authority has been through this issue a lot. Southmont has a smaller customer base and system than Upper Yoder. Upper Yoder is paying for four pump stations, have 1,700 customers, and have 18 intermunicipal connections. Our flows are 5-6 times more than what they should be and only one in four houses are compliant. Solicitor stated the Authority fought with DEP tooth and nail. The Authority does not have a pre-treatment plant, nor the money or space to house one. Upper Yoder has 25% of the residences done. Mr. Katzenstein pointed out when all the infiltration is removed, the sewage flows will not go down the system. Water will have to be added to flush out the material through the lines. Ferndale is having problems with their system in this regard, Upper Yoder will have the same problem when all this is through.

Mr. Katzenstein also commented on the type of pipe installed, believing the pipe will not last 12-14 years because it is very thin. His sewer certification is good for 15 years. After 15 years, it has to be re-tested only if there is excess in the flows. He was assured the pipe would last.

Mr. Katzenstein also commented on the proposed 10 foot hole that will be dug on Susquehanna Street that will be connected to the storm sewer system to help alleviate the water problem in that area. He proposed doing the same thing in other areas, if it proves out to work.

**FORREST LUCAS, 1008 SUSQUEHANNA STREET**

Mr. Lucas addressed the Board back in February on two items. One was the work on the sewers and the second was the surface water on the ground. He pointed out that this area has a lot of above-ground and in-ground water. He pointed out the lack of a plan to address the water issues, stating he realizes it cannot be done all at one time, but by a section at a time. Mr. Lucas stated when he bought his property, the first thing he did was to install French drains due to the tremendous amount of ground water. The water problems have to be addressed on a priority basis. He stated there should be grant funds available and there should be a plan.

**PAUL MILLER/BOY SCOUT TROOP 217**

Mr. Miller, Scout Leader of Boy Scout troop 217 thanked the Board for allowing them to attend the meeting. They had to leave to allow the boys time to do their schoolwork.

Mr. Miller also commented that three years ago he came to this Board and had a water problem. It took two and one-half years to resolve due to PennDot. He advised everyone present that it takes time to address the water problem. Then when they fix their water problem, they send the water down to the next neighbor and they have a problem. Where he lives is below the area that used to be a stone quarry where all the water ran down across the bedrock. Whenever water problems are fixed, it affects the nearby neighbors and when dealing with the State it takes a long time to resolve.

**ORLANDO HANSELMAN, 400 BERKS DRIVE**

Mr. Hanselman inquired if the Supervisors were aware of the lawsuit that was filed by an individual from Westmont Borough seeking injunction and relief based on Johnstown Redevelopment Authority's overstepping their legal authority by entering into an agreement. Mr. Hanselman asked if the Township is aware it is to be filed and is it appropriate for this Body of Supervisors to file a brief? Solicitor stated the Township is not a party to the action, but a party to the Consent Order. The Township had to sign the Consent Order to avoid penalties. By signing the Consent Order the Township has no resolve to any actions. The Township is caught in the middle. To file for an injunctive relief would require a bond which would have to be a sizeable amount of bond.

**CHAIRMAN CALLS FOR AN EXECUTIVE SESSION AT 7:45 P.M. TO DISCUSS PENDING LITIGATION OR THREATENED LITIGATION. RECONVENED AT 7:59 P.M. STATING NO ACTION WAS TAKEN.**

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

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

**APPROVAL OF GENERAL FUND BILLS - \$79,249.68**

Bob moved, Paul seconded to approve the general fund bills in the amount of \$79,249.68.

ROLL CALL VOTE: Roy-aye, Ed-aye, Bob-aye, Paul-aye, Scott-aye MOTION CARRIED 5/0

**APPROVAL OF OTHER FUND EXPENDITURES - \$101,297.55**

Paul moved, Bob seconded to approve the Other Fund Expenditures in the amount of \$101,297.55. ROLL CALL VOTE: Scott-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 doing other projects at the moment and should be doing the Sell Street project within the next few weeks. The completion date is May 31<sup>st</sup> and he should be able to finish the project within the completion date.

**TIFFANY STREET, DELAPIDATED RESIDENCE**

Paul inquired about a delapidated residence on Tiffany Street that has been abandoned. Solicitor stated the owner is deceased and ran up substantial medical bills and the property is now in an estate. No creditors have come forward to assume responsibility. There is a neighbor that is interested in it and the estate can be opened or the property can be obtained by paying the taxes through a tax sale. Paul inquired if the property can be boarded up as there are reports of animals going into the garage and house. Solicitor stated it would be an abatement of a nuisance and is allowable. The cost to do this would be itemized and a municipal lien placed against the property for the costs. There is a department at the

Hiram G. Andrews facility that trains students on property maintenance. They will be contacted to see if they wish to do this as a project for their students. Also noted was a delapidated structure on Kraft Street and one on Keafer Road.

#### **2017 NEWSLETTER**

Scott commended the office for the latest issue of the newsletter and the amount of articles it contains. Secretary noted Alice prepared the newsletter using the program Publisher. Secretary was questioned if the submission was a draft or a final print. Board was informed it was a final print and all newsletters were taken to the post office the day before. Chairman noted the Board used to approve the draft prior to printing and distributing. Secretary explained in the past, some Supervisors had put in personal articles which were pulled or re-drafted causing a delay in its publication. Time was essential to get the newsletter issued prior to the scheduled brush pick-up date and spring clean up dates. Work on the 2018 newsletter will begin in January to ensure Board approval prior to publication.

#### **CORRESPONDENCE**

##### **ZONING REQUEST – WESTMONT HILLTOP SCHOOL DISTRICT**

Letter was received from the WHSD for the rezoning of the Elementary School located on Goucher Street to a commercial zone. The WHSD is trying to find other uses for the Elementary School. Solicitor noted what they are asking for is "spot zoning" which is illegal under the Municipalities Planning Code.

Scott moved, Bob seconded to authorize the Solicitor to respond to the Westmont Hilltop School District's request for a change of zoning for the Elementary School to deny the request. MOTION CARRIED 5/0

##### **2016 TOWNSHIP AUDIT, BARNES, SALY AND COMPANY**

The 2016 Township audit was completed by Barnes, Saly and Company and has been submitted to DCED in Harrisburg. There were no findings and their report was an unqualified or unmodified audit report which is the best to receive. Solicitor pointed out the revenue reported as received from the Upper Yoder Township Authority under "Charges for Services" was reported under account 364.10 Wastewater/Sewage revenue. Solicitor noted it would have been more accurate to report it under account 379.00 -- All Other Charges for Services. He also noted the newspaper advertisement placed for the Township's financial statement was in summary form and resulted in a \$300 reduction in the cost of advertisement.

Bob moved, Paul seconded to approve the submitted Audit report for the year 2016 by Barnes, Saly and Company. MOTION CARRIED 5/0

##### **POLICE MAINTENANCE CONTRACT – LAURELNET SERVICES**

A proposal was received from Laurelnet Services to maintain the Police Departments's phone services since the initial warranty has expired since its installation. Police Chief Hess will review the contract and advise the Board at the next Supervisor's meeting.

##### **COUNTY AID APPLICATION SUBMISSION**

An application is submitted each year for the Township's share of County Aid in the maintenance of the Township Road. The Board questioned if this amount could be increased. Solicitor noted it is a calculation based on the total of miles maintained by the Township. If a specific project was submitted to the County for special consideration, the Township may obtain additional funds for that project only.

Scott moved, Bob seconded to approve and submit the application for County Aid Liquid Fuel Funds for this year. MOTION CARRIED 5/0

**UPPER YODER VOL. FIRE COMPANY 2017 FUND RAISING EVENTS**

Paul moved, Roy seconded to approve the submitted listing of fund raising events by the UYVFC for the year 2017 in order to have their volunteers covered under workman's compensation during each event. MOTION CARRIED 5/0

**ROAD PAVING PROGRAM – 2017**

The Authority's sewage project is still on-going; however, it is 95% complete and some of the roads do need addressed. Ken will obtain a map showing the completed sections of the Township by the Authority's contractor to determine which roads in that area can be done, if needed. Ken will get with Gary to review the roads and submit a listing to the Supervisors for approval.

**UPPER YODER TWP. SEWER AUTHORITY VACANCY – 5/1/17**

Carol Onufro has been serving the unexpired term of Mary Ringer which will expire on May 1, 2017. Term is for a five (5) year term.

Ed moved, Paul seconded to appoint Tim Mann of 154 Rolling Hills Road to the Sewer Authority Board. Mr. Mann's term of office will run from 5/1/17 to 5/1/22. MOTION CARRIED 5/0

A letter of appreciation will be issued to Carol Onufro for her contributions to the Sewer Authority Board.

**PUBLIC PARTICIPATION**

**ROBERT KATZENSTEIN, 1033 SUSQUEHANNA STREET**

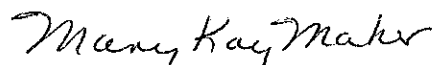
Mr. Katzenstein was concerned with the patchwork repairs done by the Sewer Authority's contractor on Goucher Street and Sell Street as these roads are heavily traveled. Ken informed him that under the Township's road regulations, the final restoration has to be done with cement prior to the application of blacktop on Township roads. The patches that are there now are only temporary. The contractor is returning to complete the final restoration work on these streets. Harshberger Road patches were recently dug up and restored with cement and blacktop as the final restoration. All State road repairs will be governed by PennDot's regulations for restoration.

**MEETING ADJOURNED AT 8:15 P.M.**

Moved by Roy, seconded by Bob MOTION CARRIED 5/0

**ADJOURNED: 8:15 pm**

Respectfully submitted,



Mary Kay Maher  
Twp. Secretary

**THE NEXT SUPERVISORS MEETING  
WILL BE HELD AT THE TOWNSHIP MUNICIPAL BUILDING,  
MAY 18, 2017 AT 7:00 P.M.**