

MEMBERS PRESENT

EDWARD BARZESKI
ROY SHAFFER
ROBERT AMISTADI
PAUL PIOLI
SCOTT HUNT

OTHERS PRESENT

ROBERT SHAHADE - SOLICITOR
KEN MESKO - ENGINEER
GARY SERBALL - ROAD SUPERVISOR
MARTIN DEAN - OFFICER IN CHARGE
MARY KAY MAHER-TWP SECRETARY

OTHERS: Orlando Hanselman, JoAnn Luberto, Domenick Luberto, Donald Hess, Lynn Kassander, George Kassander, Shane Gavin, Den Chambers, Gina Bonnono, Tony Bonnono, Chris Lugar, Ralph Demarco, Marlene Conner, Sylvia Sedlmeyer, James Sedlmeyer, Gary Webber, Karen Howell

**CHAIRMAN CALLED THE MEETING TO ORDER AT 7:00 P.M. WITH THE PLEDGE OF ALLEGIANCE.
CHAIRMAN ANNOUNCED EACH SPEAKER WILL BE ALLOWED FIVE MINUTES**

APPROVAL OF MINUTES – January 19, 2017

Bob moved, Paul seconded, Roy abstained as he was not present at the last meeting.
MOTION CARRIED 4/0/1

PERSONS REQUESTING TO BE ON AGENDA:

ORLANDO B. HANSELMAN – 400 Berks Drive

Mr. Hanselman referred to his group of residents that were affected by basement flooding as "SWAMP" which means Storm Water Affected My Property whether it affected their property or because of a lack of storm water management. Last meeting he submitted three questions to the Supervisors and was looking forward to their responses.

He wanted to introduce two more pieces of information. He read a newspaper article published on Jan. 25th which referred to the Somerset County Commissioners authorizing the Redevelopment Authority of Somerset County to apply for a total of \$765,985 for infrastructure projects in the County and several of its municipalities. The Authority's Executive Director received the Commissioners approval to submit an application for a 2016 entitlement Community Development Block Grant program funding. The CDBG program, administered by the State Dept. of Community and Economic Development provides funding and technical support for community development projects such as those involving housing, rehabilitation, public services, community facilities, infrastructure improvement, and development and planning. Mr. Hanselman asked the Supervisors what are we doing to attract money for the storm water system?

Mr. Hanselman then read another article published on Jan. 24th that stated Ebensburg is to begin pressure testing prior to a sewer project. The article stated while waiting for the start of a 9 million dollar wastewater project with Cambria Township, Ebensburg Borough officials have decided to move forward with sewer line pressure testing enforcement in two areas. Borough Council voted unanimously at its regular meeting to begin air pressure testing at Ebensburg Industrial Park and an area on the NW side of the Borough referred to as Elderwood. Residents and business in those areas will be responsible for complying with the Borough's ordinance requiring pressure testing for lateral sewer lines that were connected to the new system once it's in place. Mr. Hanselman stated the Borough Manager, Dan Penatzer was a source of information. The project could become a problem with Ebensburg Borough if the right precautions are not taken. Mr. Hanselman stated there are problems that could be anticipated and could be prevented that Upper Yoder is experiencing. Upper Yoder is not

doing the right thing. Basements are being flooded that were not flooded before. The flooded basements are being pumped out onto the streets causing water problems, freezing, and the streets to buckle. In the summertime, the standing water being diverted from sump pumps will result in mosquito problems. These are the new facts that Mr. Hanselman wanted to introduce to the Supervisors. He stated he came to the meeting to find out what the Supervisors are planning since they had time to deliberate and prepare their analysis.

Ken Mesko of Mesko and Associates had prepared a written response to Mr. Hanselman's questions which will be attached and made part of the Township minutes of this meeting.

Ken commented on the newspaper articles that were read. He noted the CDBG funds that Cambria County Commissioners apply for are entitlement money which is a direct source of money. It is a competitive source of money that services low to moderate income families. The only area Upper Yoder may have that these funds may be used would be the Camoset Village area. Upper Yoder would not qualify for those funds. Regarding the article on Ebensburg, Ken stated he manages property in that area and is involved with the park. Ebensburg will be eliminating the infiltration in the system because it contributes to the overflows in the sewage plant. Upper Yoder has six overflows that run into the creeks and storm sewers that have to be eliminated and the Township has to prove to DEP that they have been eliminated or else pay fines.

Mr. Hanselman thanked the Board and Engineer for the thorough answers to his questions and inquired if he could obtain a copy prior to the next meeting. He noted the answers were very respectful and he appreciated that; however, he did not hear what was proposed for those already victimized with flooded basements financially. Mr. Hanselman stated that the Board is re-acting rather than pro-active.

Mr. Hanselman referred to the Storm water Ordinance No. 270, Section 102 B which states "a comprehensive program of storm water management, including reasonable regulations of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of people of the Commonwealth, their resources and the environment." Mr. Hanselman stated storm water management is needed for the welfare and protection of the constituents of the Swamp. Proactive answers are needed along with necessary funding to protect them. Mr. Hanselman asked what has the Township done to address those properties to come up with a plan that we already know have problems. Mr. Hanselman stated he prefers pro-active and has found that those who don't have time to plan or can't afford to plan end up paying more in the long run.

LYNN KASSANDER – 123 RAVINE STREET

Mrs. Kassander stated that she has always had water coming in, but she had ignored it. When the hard rain came, she called the Township and had six people including the engineer come out and check her home. The Chairman came out and looked at her property. She stated she wanted to make a point that Upper Yoder "IS" helping us and their people. Chairman stated that they do what they can. Lynn stated she had no idea 1,250 residences were not done out of a total of 1,700. She was informed that Compliances Notices are being sent out neighborhood by neighborhood so that not everyone is trying to hire a contractor at the same time. Mrs. Kassander wanted to make a point to everyone present that the Township is not ignoring the problem.

RALPH DE MARCO – 124 RAVINE STREET

Mr. DeMarco stated the Township is doing what they have to do and they are not ignoring the people. He informed the Board there is a road approx. 75 feet long that leads to the pavilion at St. Clement's Church and is packed with stone and shale. He stated there is no drainage on the road and asked if the Township approved the road as it is constructed. Solicitor stated the Code Enforcement Officer issued the permit to the Church and the Board is not involved with that process. The road should've been part of the plan. The permit will have to be pulled and have the permit officer look at it. Mr. DeMarco stated the water runs down the road and comes down Ravine Street and Garland. Chairman stated it will be addressed.

GEORGE KASSANDER – 123 RAVINE STREET

Mr. Kassander stated the road to the pavilion is not paved and it's angled down at the end where there is a big hump. The water runoff comes into his back yard and becomes a lake. Ed noted there is an unapproved paper alley from Ravine to Lindberg. The Township is looking at piping that area and also down Ravine Street down to the gate.

JOANN LUBERTO – 429 BRADDOCK STREET

Mrs. Luberto presented pictures of her front yard and the damage that was done by the trucks from State Pipe. The water is now accumulating at the end of her driveway and turns to ice. Ken informed her that State Pipe will be doing restoration work in the spring. Mrs. Luberto also inquired why she and her neighbor are getting flooding as their houses are not on the same level but higher up. Her and her neighbor, Sylvia Sedlmeyer both had 3" of water in their basements and they had their sewer work done at the same time in October. Both were flooded on Dec. 18th and never had any flooding before.

Mrs. Sedlmeyer stated they did install a sump pump that runs intermittently. Discussion ensued on the work done by the contractor, whether he put in new lines in a new channel or replaced the original lines in their original location, and whether the old line was capped off. Ken will pull the sketch of their system and review them.

Mrs. Luberto stated the contractor had torn up her old tile where the old pipe was which involved the bathroom and shower. After she replaced everything, then she was flooded. The water was coming out from under the shower and most of the tile. The Board explained if the contractor did not cap the pipe, a camera can be inserted and run down the line. The water gets in by hydraulic pressure and will take the path of least resistance. Mr. Sedlmeyer did not see where capping the old line had any effect on the water coming in. Mr. Sedlmeyer stated there is no floor drain. The old drain was taken out and a sump pump installed and it was sealed off with concrete. They have had no problems with it since then. The sump pump is about five feet from the sewer and is pumped outside to go down the street. He stated about 3-4 houses down the street, the water crosses to the other side of the street. Ken will pull their records and will look at their properties.

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

Scott moved, Paul seconded to approve the reports as submitted with discussion to follow on the Secretary's Report. MOTION CARRIED 5/0

APPROVAL OF GENERAL FUND BILLS - \$110,032.65

Scott moved, Paul seconded to approve the general fund bills in the amount of \$110,032.65.
MOTION CARRIED 5/0

APPROVAL OF OTHER FUND EXPENDITURES - \$81,247.11

Bob moved, Paul seconded to approve the Other Fund Expenditures in the amount of \$81,247.11. MOTION CARRIED 5/0

UNFINISHED BUSINESS

SELL STREET STORM SEWER PROJECT

Ken stated the permit was received from DEP for the Storm sewer project and a contract was submitted to Snyder Contracting. A proceed order will be issued once the contract is returned signed. No further response was received from the last easement. All other are signed and three are ready to be recorded. The fourth has a diminutive impact on the project.

ELIM STREET DEMOLITION UPDATE

Per the report received from Ken Tewell, asbestos was found in the building in various places. Per the Solicitor this has to be mitigated prior to demolition of the building. The Board cannot proceed without due diligence. He recommended the Board to proceed with mitigating the removal of the asbestos. A proposal was submitted KLA Roofing and Construction for its removal and disposal for \$5,296.00. The award of the demolition contract was contingent upon the removal of any asbestos found.

Paul moved, Bob seconded to approve the proposal by KLA Roofing and Construction in the amount of \$5,296.00 for the removal and disposal of the asbestos in the Elim Street Building. MOTION CARRIED 5/0

CORRESPONDENCE

NEW BUSINESS

ZONING HEARING BOARD – VACANCY – 3 YEAR TERM

John Onufro's term on the Zoning Hearing Board expired as of 1/3/2017.

Roy moved, Bob seconded to appoint Jon Onufro to another three year term on the Zoning Hearing Board. His term will run to 1/3/2010. MOTION CARRIED 5/0

PUBLIC PARTICIPATION

MARY STATLER-543 HARSHBERGER ROAD

Mrs. Statler informed the Board that she has had several pine trees removed from the front of her yard that faces Harshberger Road. She wanted to install a post and rail fence. When she talked to Mark Walker, the Zoning Officer, she was informed that she could only install a two foot fence in the front yard due to the Zoning Regulations. Solicitor noted there is a restriction on the front yard fences due to the visibility and site of adjoining neighbors trying to pull out onto the road. They suggested she check the neighborhood to see if others have fences in their front yards and how high they are.

MEETING ADJOURNED INTO EXECUTIVE SESSION – NOT TO RECONVENE

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

ADJOURNED: 7:40 pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Kay Maher".

Mary Kay Maher
Twp. Secretary

**THE NEXT SUPERVISORS MEETING
WILL BE HELD AT THE TOWNSHIP MUNICIPAL BUILDING,
MARCH 16, 2017 AT 7:00 P.M.**



February 16, 2017

Response to Orlando B. Hanselman's January 19th meeting comments:

1. Mesko & Associates never said that any specific area of work would encounter storm or groundwater problems. Rather, due to the amount of Inflow and Infiltration, some customers may encounter problems after the Sanitary Sewer System is no longer collecting Inflow and Infiltration. As of this date, 450 pressure tests have been certified as compliant. Approximately 11 homes, or about 2.4%, that have experienced groundwater infiltration into the basement as the remedial work was performed.
2. Property owners who are not qualified to perform the work themselves contract with a plumber or excavating contractor to complete necessary repairs to insure that the public Sanitary Sewer System is not collecting Inflow and Infiltration from its customers. Mesko & Associates is called to witness the pressure testing after all work has been completed. Accounting for possible groundwater infiltration is the duty and responsibility of the contractor hired by the property owner. The Township does not specify what remedial action must be taken in order for the customers' private sewer laterals to be compliant. The test through pressure testing or otherwise is whether or not the customers' private laterals are water tight. The contractor should be accountable to the property owner for evaluating whether or not the remedial work taken will insure that surface or groundwater will not infiltrate the property owner's basement. Township Ordinance No. 54, enacted March 8, 1962, as amended by Township Ordinance No. 265, enacted December 18, 2009, and the Authority Rules and Regulations have always specifically prohibited the introduction of ground or surface water from entering the Sanitary Sewer System. If properties have groundwater infiltrating basements after compliance work is completed, this would indicate that the properties had connections to the Sanitary Sewer System to begin with and the contractors failed to do their due diligence in identifying the illegal connections before final repairs were made.

Before the public project began, each customer was sent a Customer Bulletin which clearly provides:

"Despite the system wide smoke and dye testing, the inflow and infiltration has not been reduced. Buildings sewers and sewer mains are not water tight... Any inflow or infiltration into a customer's lateral is a violation of Upper Yoder Township Ordinances which can result in imposition of continuing fines and the unmarketability of the customer's property... Customers are required to have water-tight Building Sewers (laterals). Inflow and infiltration of ground or surface waters is prohibited."

As the public project progressed to an area, each customer was given a Preliminary Notice To Comply which included notice that the Department Of Environmental Protection mandated that the Upper Yoder Township Authority eliminate Inflow and Infiltration from its Sanitary Sewer System and that Upper Yoder Township Authority shall require televising or pressure testing of all private laterals (Building Sewers) and the remediation, repair and/or replacement of any private laterals which fail to pass the televising or pressure testing. The Preliminary Notice To Comply also informed each customer that up to forty percent of all Inflow and Infiltration comes from private sewer laterals (Building Sewers), illegal connections and deteriorating pipes which permit ground or surface water infiltration.

Finally, when the public project was completed in any given area, each customer in that area was given a Notice To Comply which again reiterated that the "... Department of Environmental Protection mandate[s] that Upper Yoder Township Authority shall remove all Inflow and Infiltration from its Sanitary Sewer System in order to eliminate Sanitary Sewer Overflows," and that the "Upper Yoder Township Authority Engineer will coordinate with you, if you are qualified, or with your contractor, to supervise the pressure testing."

3. The current year budget for stormwater projects is \$390,000. Past/current projects have costs in excess of \$500,000. Sixteen percent of the current Road Crew budget is spent or allocated for stormwater projects.

It is impossible to establish a stormwater management plan for surface water run-off in areas that are not currently experiencing surface water run-off and the customers in that area have not satisfactorily completed pressure testing or close circuit television inspections. The Upper Yoder Township Authority system has approximately 1,700 customers. To date, approximately 1,250 more compliance tests need to be done. It would be a hardship and premature at this point to impose a stormwater tax on property owners. The complaints received have been limited to groundwater infiltration for which the Township is not empowered or able to control. Further, entire streets within completed project areas have satisfactorily complied with the Ordinances and the Rules and Regulations and no complaints have been received.

The Ebensburg Borough example was a surface water problem that is evident each time it rains hard. I worked in Ebensburg. When the curb and sidewalk projects were completed, no storm sewers were installed. As a result, the residents who experienced flooding identified the flows as surface water which was channeled by the curbs. Ebensburg Borough Council thereafter enacted its "stormwater tax" to address the surface water run-off problems.

Upper Yoder Township Ordinance #270 is a Stormwater Management Ordinance which prohibits inadequate management of accelerated run-off of stormwater resulting from new development (refer to Section 102).

The Township Supervisors comprehensively plan and manage its stormwater run-off problems annually. The Township Supervisors, the Road Master and the Engineer inspect each neighborhood street and alley for blight, road conditions and water drainage problems, and they regularly address if, when and how the same shall be remedied. The budgeting process is also included from year to year in conjunction with said inspections.

Finally, the Board of Supervisors and the Authority Board members always respond to citizens', taxpayers' and customers' complaints, and they assess to what extent they may be empowered to remedy the same, and they work with the complainants accordingly.