

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
ALICE HUMMEL - ASSISTANT TWP. SECRETARY

OTHERS: Ron Budash, Nathan Cook, Orlando Hanselman, Donald Hess, Karen Howell, Robert F. Johnson, Robert Katzenstein, Patrick Kepple, Barry Kohn, Donna Guaetta-Kohr, D. Luberto, JoAnn Luberto, Sue Margo, Gary Minchau DMD, Sharie Richards, Jodi Wachs

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

Chairman announced that the meeting of February 19, 2017 had adjourned into Executive Session-not to reconvene. No action was taken.

Chairman announced that each speaker on the Agenda and/or during Public Participation will be allowed up to five (5) minutes to speak.

APPROVAL OF MINUTES – February 19, 2017

Scott moved, Bob seconded to approve the February 19, 2017 Minutes as submitted.

MOTION CARRIED: 5/0

PERSONS REQUESTING TO BE ON AGENDA:

Robert Katzenstein, 1033 Susquehanna St.

Mr. Katzenstein stated he has been a resident of Upper Yoder Township since 1960. He stated that he had to pay 125% of the water bill for a number of years and when that was over, they put all the homes in Westwood. Over the years, their area has been suffering from water damages originating from Sunshine Avenue. He acknowledged that there is spring water in that area and it comes the whole way down Susquehanna Street, where he lives on that corner.

Dr. Gary Minchau lives right behind him and the Bondy's live right across the street. Gary Minchau built his house on a double lot and had a lot of problems due to water after the house was built. When Bondy's put their foundation in, their basement was flooded and they had to put in sump pumps. When the first sewerage was put in this area, it flooded all around.

Mr. Katzenstein stated when he did his sewer lines this year, the contractor only had to put two holes in because they burst his lines, but had to pump and pump to get the water out and the same situation occurred with Minchau's house. Upper Yoder Township put the storm sewers in and Dr. Swick and Mr. Katzenstein paid for all the storm sewer line in their area. He stated there are no storm sewers coming in from Sunshine Avenue to the Township line. He paid a lot of money to have the sewer put in this year and now he gets water in his garage constantly. He feels that he has paid his dues to this area. Mr. Katzenstein stated Upper Yoder Township is a very nice place to live and he is a victim of circumstances.

When he talked to the Engineer about his water, he was told he had water problems and he already knew that. Now, they have to put sump pumps all around their homes in their neighborhood. Bob asked if it is surface water that is running continuously. Mr. Katzenstein stated that it is. He stated that Upper Yoder Township has a storm sewer line at the Westmont Line, but they aren't eliminating enough of the surface waters. Ron Budash stated that all that water comes down from Beaver Court and Sunshine Avenue in Westmont. He stated they actually had to get concrete blocks from Ron's house to put his furniture to keep it out of the water in the basement.

Ron Budash stated when he did his sewer, they hit bedrock and he spent another week just digging to get his sewer line put in. Consequently, when we had the storm in December 2016 with all the snow and heavy rain, he never had water in his basement, but he could have gone swimming between his house and Caulfield's house. Ron also stated just one week before that he had his sewer done at a cost of \$15,000 to put in the sewer and had to redo his basement as a result of the water damage. Ron stated he is lucky that he doesn't get the rush of water that the Minchau's and Katzenstein's get. He stated the water continues down through that neighborhood, but all that water starts in Westmont Borough and there are not adequate storm sewers in Westmont to help our area out. Ron stated, when you take the I & I and the surface water out of the rainspouts, the topography of the land, the water runs downhill and into your neighbor's lawn. This is the biggest perpetrated act that has been put upon the homeowners and there is no question that our infrastructure is deteriorating. The Township Authority got a Pennvest Loan to fix the I & I. Ron stated we do have a problem here and he understands the position the Supervisors are in as it is perpetuating in another municipality. Bob asked if they think the infiltration of the surface water is what is causing the problem. Ron Budash stated absolutely, when there is a heavy rain, Minchau's and Katzenstein's have a problem every time.

Mr. Katzenstein said he was a victim of circumstances, he loves his little house and has put a fortune into it. Every time it rains, his sump pumps run continuously and it scares him if it would stop. Bob asked Ken if he thought the disruption of the lines is contributing to these problems. Ken stated the Winter and Spring are the worst times for the groundwater problems. Ron interjected that some homes sit up a little higher like a moat when it rains. Bob suggested they look at the stormwater situation in that area. Roy stated the Township can ask Westmont to cooperate with us, as he remembers when the Township put the storm sewers in that area. Solicitor said he thought Westmont would cooperate with Upper Yoder. Ron stated when he moved there in the late 1970's and when we got those heavy rains, it all perpetuates at Beaver Court and Sunshine Avenue. Now that we are controlling the I & I, it adds to the situation at hand. Mr. Katzenstein stated he felt, if we would put like a 12ft hole in there, fill it full of rock and pump it over to the stormwater line, it may help. Ed and Bob both stated that the Township should meet with Westmont. Ken will coordinate with Dave Birch at Westmont and then when they inspect the roads, they can all get together. Ed told Mr. Katzenstein, we will try to get a solution to their problem.

Pat Kepple, 213 Old Orchard Way

Mr. Kepple stated he recently found a 10-inch pipe sticking out and draining into his backyard, causing a major water problem in his yard. He stated there are springs on the one side of his house which he has dealt with in the past, but now as a result of this newly erupted pipe, there is water flooding the other side of his house where he has never had any trouble before resulting in both sides of his house being flooded with water. He indicated garbage has been coming out of the pipe and he has no idea where the drain pipe is from. He stated the water comes off the hillside, angled off from Columbia. Paul Pioli, said that when Mr. Kepple contacted him, he looked at the pipe and Columbia Street was really dry.

Mr. Kepple stated both his and his neighbors' trees are starting to be uprooted because of the heavy water flow running through their yards from the pipe that suddenly appeared out of nowhere. Mr. Kepple questioned that perhaps the Township can re-divert this water into the creek behind his house. Ed asked Gary to take a look at his problem. Solicitor stated that the issue with the springs are all private property and there isn't anything that can be done about that. Bob stated, the Township needs to take a look at the 10" pipe and see where it's from and how to take care of it. Ed asked Gary to put this on the list for road inspection, and in the meantime, try to find out where the pipe is coming from and what is the purpose of the pipe.

Bob Johnson, 220 Keafer Road

Mr. Johnson stated his concern with Keafer Road being an unpaved road which constantly washes out. Mr. Johnson stated he is concerned that should an emergency occur, the police, fire department, ambulance, etc. would not be able to get down the road. He is located one mile from Route 271 and there are six homes on their road. Mr. Johnson indicated he has spoken to Gary on various occasions and the Road Department spends a significant amount of time constantly rebuilding the roadway.

He indicated there have been ruts 6" – 8" deep and he is requesting the Township take steps to control the water runoff. Mr. Johnson stated Keafer Road desperately needs to have a crown put on it and a ditch needs to be dug from the hunting camp down. He stated that even if the Township would double tar and chip the road and push the rain to the side it would help. Mr. Johnson indicated the roadway erodes at the end of the pavement and he and Gary Radnoti of 176 Keafer Road have unclogged those pipes many times.

There are a ton of issues, with the road not being paved. One of those issues is the fact that salt cannot be applied in the winter time, because it would turn the unpaved roadway to mud. He stated Marion Lech called in to the Township today and was told Keafer Road was not an accepted road. Mr. Johnson reiterated, the Township needs to take some action because of days like today, if there would be an emergency, the responders would not be able to reach them.

Orlando Hanselman, Berks Drive

Mr. Hanselman referred to the meeting in January 2017 where he proposed several questions along with the February 16th 2017 comments and complaints received that have been limited to groundwater. and groundwater is a situation to which the township has no control. Mr. Hanselman stated he feels that what these people are dealing with is not a groundwater situation, it is a storm water situation.

Mr. Hanselman stated Upper Yoder Ordinance #270 is a Stormwater Management Ordinance which prohibits inadequate management of accelerated run-off of stormwater resulting from new development. He stated the section that Ken is referring to at various times, section 102B says; The governing body of the Municipality finds that: A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of the people of the Commonwealth, their resources and the environment. He stated what they have found is when their cases have been turned over to Upper Yoder Township's insurance company, they are denied compensation based on groundwater and not stormwater. He stated the December storm was heavy rain with melting snow, which is stormwater and that semantics are being played. Mr. Hanselman requested that Mr. Mesko's response be appended in full to the Minutes of February 2017 and asked in the presence of the Sunshine Law, they be posted as soon as possible.

Mr. Hanselman questioned how do you propose that these victimized township tax payers be compensated? He stated we have stormwater issues throughout the area. Mr. Hanselman referred to storm water affects my property known as "SWAMP", where property values are going down, and sump pumps are putting water out onto the streets. He stated proactive planning and engineering assessment needs to be done, quantifying it and figuring out a way to pay for it, such as Ebensburg, pays a storm water tax. These things need to be considered, however, in February, the response was that the fee was called premature and a hardship. We need a proactive plan. We need to have a plan which proves a need, comprehensive evaluation, funding proposal and plan. The problem is expanding and it is only going to get worse. He stated that sending their claims to the insurance company is not accurate, and we should not delude ourselves that this is a result of the DEP mandate. Mr. Hanselman stated he is still waiting for the second question which has not been answered, which is how are these people that have suffered damage going to be compensated.

Sharie Richards, 241 Capital Avenue

Mrs. Richards stated when the crews came in from Cranberry Township and pushed out the old terra cotta and put new in, her yard became a swamp and she can't walk into her yard because it is soaking wet. She stated that she did contact Denny Hartland to see what was going on. Mrs. Richards indicated she has lived at that location for 44 years and had no problem until the sewage was put in and now water is coming under her patio, into her fencing and into her basement. She realizes that everyone had to do it, but she is upset because it is costing her more money. She had put a french drain in part of the yard at the cost of \$2,000 and now she has to find someone to take care of the water that is coming into her basement TV room. Even though the TV room hasn't flooded, she has a closet down in her basement and it appears the water is now coming up through the closet floor. She stated there is a storm drain down at Ullery's house and it does not work properly.

She gave her opinion that the nearest storm drain is not down deep enough to catch everything and the water does not trickle out the pipes. She stated she needs a storm drain placed down deep enough to be put in at her home, as there is always water laying across the road in front of her home. Solicitor, Bob and Ed, all indicated they would take a look at it during the upcoming road inspection. Mrs. Richards presented a letter to Ed for Sue Margo, who had to leave because she is on call.

Joanne Luberto, 429 Braddock

Mrs. Luberto stated she understands the frustration people are having as she had to put in sump pumps because nobody explained that this sewer work was going to cause problems. She had to rip floors out and replace a refrigerator in her basement. She stated there is water running out in the street all the time and its creating a muddy mess. She asked what is going to be done and why can't we go to the government?

Paul indicated that the Upper Yoder Township Authority went to Pittsburgh and met with the DEP. Ron Budash stated the Authority had no decision from the Government as they were very non-committal and this is the mandate. Ron stated the unfortunate thing is it's an unfunded mandate and the Authority obtained a loan they have to pay back over many years and there was nothing for the homeowners, as Upper Yoder did not meet the criteria to get funding and grants for the constituency and some municipalities got a lot more based on their median income. Mr. Hanselman interrupted that storm water management must not be confused with the sewer, as the problems they are addressing today are storm water problems.

Mrs. Luberto also stated she has noticed there are three stormwater drains in front of St. Clements Church, which have leaves, trash and bottles on top of them. She asked who is responsible for keeping those cleaned off? The Board replied that on Goucher Street it would be PennDot. The Solicitor and Board stated that the Township Road Crew does a good job on the Township roads.

Barry Kohr, corner of Pallister and Shekomeko

Mr. Kohr stated that he has a view port at Palliser and the sewer line runs down Shekomeko. He stated there is 50 feet of sewer line that needs replaced questioned who pays for that line. He indicated he had talked to Ken in November 2016 and was told the 50 feet of sewer line would be his responsibility. Solicitor stated that the area being discussed is an unopened street or paper street which was never accepted by the Township. Solicitor advised Mr. Kohr to go to the courthouse and research the title to take corrective action to defend title of said property.

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

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

APPROVAL OF GENERAL FUND BILLS - \$57,772.67

Bob moved, Roy seconded to approve the General Fund Bills in the amount of \$57,772.67.
ROLL CALL VOTE: Scott-aye, Paul-aye, Bob-aye, Ed-aye, Roy-aye MOTION CARRIED 5/0

APPROVAL OF OTHER FUND EXPENDITURES - \$73,677.26

Roy moved, Bob seconded to approve the Other Fund Expenditures in the amount of \$73,677.26.
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 that he has been in contact with Snyder Excavating and as soon as the weather breaks they will get started.

GIANT EAGLE STORMWATER PROJECT

Paul questioned Ken for an update on the Goucher Street Giant Eagle Stormwater retention pond. Ken stated they owe one revision related to the scheduling of mowing and cleaning of vegetation. He stated that after that is submitted they are done. Ken stated it appears to be working, as he hasn't had any complaints and they have kept the water from discharging.

LETTER OF RESIGNATION

Scott moved, Ed seconded to acknowledge and accept the letter of resignation of Officer William Slisz, who had served the Township as a part-time police officer. MOTION CARRIED 5/0

CORRESPONDENCE

2017 GARBAGE EXONERATIONS

Two garbage exoneration requests have been received at the Township Office for the year 2017.

Scott moved, Bob seconded to approve the garbage exoneration requests for both 182 Old Peterson Drive and 472 Kraft Street for the year 2017. MOTION CARRIED 5/0

NEW BUSINESS

2017 SPRING ROAD INSPECTION

The Spring Road Inspection Date was set for April 6, 2017 at 4:30pm. Supervisors, Engineer, Solicitor and Road Supervisor are to meet at the Township Building.

ELIM STREET BUILDING UPDATE

Solicitor stated we are awaiting paperwork to come in regarding additional costs for the asbestos removal.

PLANNING COMMISSION APPOINTMENT

Bob moved, Paul seconded to re-appoint Roy Shaffer to the Planning Commission for a four year term, beginning April 1, 2017 until April 1, 2021. MOTION CARRIED: 5/0

CEMENT MIXER PURCHASE

The Road Department is in need of a new cement mixer.

Paul moved, Ed seconded to approve the purchase of a new cement mixer from Crist Corporation in Altoona, PA. MOTION CARRIED 5/0

ADVERTISEMENT / SELLING OF USED ROAD DEPARTMENT EQUIPMENT

Advertisement for the selling of used Road Department equipment was discussed. Those items include but are not limited to the street sweeper, a compressor, and a plow. Solicitor stated before advertising, he will double check the proper procedures for advertising, as the 2nd Class Township code has been modified.

PUBLIC PARTICIPATION – N/A

EXECUTIVE SESSION

Paul moved, Bob seconded at 8:20pm to adjourn into Executive Session with the Board to reconvene. MOTION CARRIED 5/0

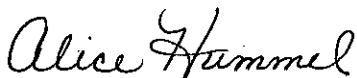
Chairman reconvened the meeting to order at 8:55pm. Chairman stated the Board discussed personnel actions and have included unanimously to call a Special Meeting of the Township Supervisors, March 27, 2017 at 7:00pm for the purpose of discussing the hire of a Police Chief and any other business that comes before the Board.

MOTION TO ADJOURN:

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

ADJOURNED: 8:58pm

Respectfully submitted,



Alice Hummel

Assistant Township Secretary

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