

MINUTES
REGULAR MONTHLY MEETING
Wednesday, March 5th, 2014
Municipal Building – Miller Shaft

Chairman Cooper opened the meeting at 7:00p.m., with the salute to the flag.

Roll Call: Supervisor William Cooper – present; Supervisor Richard Olshavsky – present; Supervisor Jeffery Kostan, present; Solicitor C. J. Webb – absent.

Public Participation

Ben Selapack addressed Supervisor Kostan concerning an article published in the Altoona Mirror on February 11, 2014. Supervisor Kostan stated that what was published was not what he said. Also questioned was the supervisor meeting pay for January 16th payroll. Supervisor Olshavsky was not paid for the December meeting.

Bill Offman asked about the status of the Drive-Inn sign. Supervisor Cooper said that nothing was approved yet pending approval of PennDot. Mr. Offman also expressed his opinion on a previous meeting saying that he was not allotted his time on the floor by being told to sit down, and the newspapers using his name as the only one complaining about the Drive-Inn sign. Supervisor Cooper said that he told him to stay at the meeting in order to deflect a confrontation.

John Nicholson represented Shoemaker Circle and some concerned Portage Township residents concerning the problems created by Amfire Mining and the trucks hauling to its cleaning facility by way of Shoemaker Circle. Mr. Nicholson distributed ordinances to the Supervisors pointing out that Amfire is not following the criteria of the ordinances. The ordinances discussed are:

Ordinance 1999-2, addressed public nuisances. Mr. Nicholson said that ponds on Amfire property are over two (2) feet deep and are not fenced. This is a safety concern for the children. Other concerns were the coal dust being a pollutant and excessive noise.

Ordinance 1996-4, addressed air pollution and the rights of the Township to impose fines and penalties if the environment is endangered as stated in the ordinance.

Ordinance 1999-5, addressed weight limits, Section 2 which states that all Township roads have a weight limit including Shoemaker Circle.

Ordinance 1995-3, which addressed storm water management,

Ordinance 2013-2, which addressed weight limits – all roads listed did not exceed the 10-ton limit. How could Shoemaker Circle be posted in excess of the 10-ton limit?

Mr. Nicholson would like to ask the Township why Amfire was allowed to perform road construction on Shoemaker Circle when no engineer study was performed, no easement

permit issued, or no maintenance agreement was installed. Who would assume liability if there would be an accident involving damage to personal property or bodily injury?

Other questions raised were:

- Why is the road not required to be permitted?
- Did the Township abandon the road leading to the cleaning plant? If not, how is Amfire still using the road without restrictions?
- Why does the truck wash only affecting Delancy Drive, not Shoemaker Circle,
- Why was the road bonded when used by Cooney Coal Co., and not now?

The residents of Shoemaker Circle would like the trucks to abandon the use of Shoemaker Circle until proper requirements are met by the codes of this municipality.

Supervisor Cooper discussed the sale from Cooney Brothers to Amfire concerning bonding of the roads. The Township can look into bonding of the road. The pipe placed under the road is not suitable for heavy truck traffic with no base, no support, and does not adhere to Township ordinances. Supervisor Olshavsky said the Township put in the pipe, but the traffic was not as heavy when Cooney Bros. Coal Co. used the road.

Supervisor Olshavsky said the ordinance written is overview of all the township roads, each added on as the study is done. Till that is done, the road is officially not bonded. Don't think the road was ever bonded. In the past, if the Township went to Mr. Cooney and told him there was a problem if we resolved the issue we would be reimbursed or they did the repairs to our suggestions.

Betty Bracken of Shoemaker Circle complained that her basement had two feet of water that was of sludge and the excess runoff in her yard. The Township will investigate and try to solve the problem. John Nicholson suggested Amfire foot the bill. He also suggested if the Township put a 10-ton weight limit it could be enforced by the state police.

Supervisor Olshavsky said the Board met with Amfire, and they will bond the road if needed. We discussed the issues and hopefully some improvements will be made to make the situation better in the future.

Renee Maul said that her house shakes from the coal trucks going past her house. She wants something done. Children have to be driven to the bus stop because the blind spots in the road make walking to dangerous. Breaking of the train was also discussed.

John Nicholson addressed state guidelines for using tarps and suggested implementation of ordinances to enforce these guidelines by the Township and the Borough. Supervisor Olshavsky said they will investigate this.

The Supervisors discussed their meeting of February 19, 2014, with Amfire. The following was discussed:

- Amfire will submit MDS sheet showing chemicals used to clean the coal to keep the dust down.

- Amfire is planning to put a dust fence on the west side of the stacker piles, and are considering sprays on automatic timers. Supposed to let only 40% of the dust get through.
- Police monitoring and ticketing was discussed

- Numbering of the coal trucks was discussed. If we can better identify the truck, we can push for discipline.
- Amfire would bond the road if necessary,
- Possibly have an alternate truck route was considered, but this would cause engineering problems and route loading problems at the railroad. But we have not given up on that issue. If we can get an alternate route it would take the traffic problem out of the area.
- Breaking the train was brought up.
- Amfire showed map of project for the new refuse pile and told us how they collect water runoff from the piles. They must treat this water they plan to use that is used for cleaning coal and for the water sprays. The permit is in pre-permit stage.

Supervisor Olshavsky said he spoke with Kurt Smith, DEP, and he is aware of the problem and that Amfire was written up two or three times for dust problems and can only write a citation while on the site, must see the dust and explained once permit applied for, can ask for a public meeting.

James Nicholson requested to ask DEP to do an air quality study of that area to determine what hazardous chemicals are in the coal fly ash that is being dumped by Benscreek and it will blow all over the place. The study will show what radius the chemicals are dropping and how many people are affected.

James Nicholson discussed that Amfire is buying acreage in the Martindale area for a nine year project, and if they get this plant with no problem will expand and this problem will affect the whole area. They are running 300 trucks a day now, if they get a new permit approved are proposing running 700 trucks a day. The new cleaning plant is proposed to be built by the school. Want to route cleaning work from Adams Township to the new cleaning plant.

A question was raised about why fencing of the ponds. This area is on private land.

John Nicholson said will set up a meeting for next week with DEP, Amfire, and the Supervisors to do a walk around. Supervisor Cooper said the Supervisors that could attend would be there to represent the Township. Supervisor Olshavsky said that we will talk with our engineer concerning bonding the road.

Approval of Minutes

February 5, 2014 Reorganization Meeting

Supervisor Olshavsky made a motion to approve the February 5, 2014 Regular Meeting minutes as presented. Supervisor Kostan seconded the Motion. **Motion carried, 3-0.** Supervisor Cooper – yes; Supervisor Kostan – yes; Supervisor Olshavsky – yes

February 10, 2014 Special Meeting

Supervisor Cooper made a motion to approve the February 10, 2014 Special meeting minutes as presented. Supervisor Olshavsky seconded the Motion. **Motion carried, 3-0.**
Supervisor Cooper – yes; Supervisor Kostan – yes; Supervisor Olshavsky – yes

Secretary's Report

The secretary's report was presented to the Board, and Supervisor Olshavsky made a motion to accept the secretary's report as presented. Supervisor Cooper seconded the motion. **Motion carried, 3-0.**

Supervisor Cooper – yes; Supervisor Kostan – yes; Supervisor Olshavsky – yes

Road Master's Report

The Road Master's Report was presented by Supervisor Cooper which included the following:

- Repaired machinery as needed
- Plowed roads and applied anti-skid when needed,
- Cleaned drains
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Supervisor Olshavsky made a Motion seconded by Supervisor Kostan to accept the Road Master Report. **Motion carried, 3-0.**

Supervisor Cooper – yes; Supervisor Kostan – yes; Supervisor Olshavsky – yes

Code Enforcement Officer's Report

The Code Enforcement Officer's Report was presented by Supervisor Cooper which included the following:

- Residents complaining of dog barking on Puritan Road.

Supervisor Cooper made the Motion to accept the Code Enforcement Officer report and Supervisor Olshavsky seconded the Motion. **Motion carried, 3-0.**

Supervisor Olshavsky –yes, Supervisor Cooper –yes, Supervisor Kostan –yes.

Old Business

Road Master/Assistant Road Master Positions

Supervisor Cooper made a motion to retain Richard Shaffer as Road Master, seconded by Supervisor Kostan. Motion carried, 3-0.

Supervisor Olshavsky – yes, Supervisor Kostan – yes, Supervisor Cooper – yes.

Assistant Road Master position – Tabled

Bus Garage

Supervisor Cooper made a Motion to approve the Bus Garage Development Plan contingent upon approval of other viewing agencies. Supervisor Olshavsky seconded the Motion. **Motion carried, 3-0.**

Supervisor Olshavsky – yes, Supervisor Cooper – yes, Supervisor Kostan – yes.

New Business

Township Auditor's Pay

At the advice of the Township Solicitor, Supervisor Olshavsky made a Motion to pay the Township Auditors \$150.00 for 2014. Supervisor Kostan seconded the Motion.

Motion carried, 3-0.

Supervisor Olshavsky –yes, Supervisor Cooper –yes, Supervisor Kostan –yes.

Utility Trailer

Supervisor Olshavsky read prices: Metzlers- \$1395, Morcheski's- \$1550. Both the trailers are the same, but the trailer from Metzlers has a jack in the wrong spot and would cost to move it. Supervisor Cooper made the Motion, seconded by Supervisor Kostan to purchase the trailer from Morcheski's. **Motion carried, 3-0.**

Supervisor Kostan –yes, Supervisor Cooper –yes, Supervisor Olshavsky –yes.

2015, 36.220lb Dump Truck, Cab and Chaise

Supervisor Olshavsky discussed the bad condition of the 1994 International. Because of the lag time to order and get into the manufacturing line, I contacted a manufacturer and was presented with a package comparable to the Township's 2011 Truck. Put on agenda to discuss and possible order. A co-stars price for the truck with steel wheels- \$100,818.00; non-polished aluminum wheels- \$101,761.00. The price does not include the extended warranty. Supervisor Olshavsky made the Motion to order the truck w/aluminum wheels priced at \$101,761.00, seconded by Supervisor Cooper. **Motion carried, 3-0.**

Supervisor Olshavsky –yes, Supervisor Kostan –yes, Supervisor Cooper –yes.

2015 Dump Body, Hydraulic and Equipment Package

Trying to get costars prices, have one price, waiting for more to compare.

Garage Project

Supervisor Cooper discussed scheduling a public meeting to go over ideas for a new garage to get the public's input. The public will be notified on when and where the meeting will be held. Supervisor Cooper made a motion to hold a special meeting on the garage project, seconded by Supervisor Kostan. **Motion carried, 3-0.**

Supervisor Cooper –yes, Supervisor Kostan –yes, Supervisor Olshavsky –yes.

ADJOURN

Supervisor Olshavsky made the Motion to adjourn, seconded by Supervisor Kostan.

Meeting adjourned at 8:55 PM.

Those visitors who signed the sign out sheet: Betty Bracken, Bob Lutz, Bill Offman, John Nicholson, James Nicholson, Glenn Calderwood, Ben Selapack, Jean McCabe, Mark

Leturgey, Michele Kolenovic, Nancy Adams, Karen Maul, Paul Maul, Joe Walters, Frank Sojak, Duane Lamar, Renee Maul, Jerry Porubon, and Francis Maul

Submitted by: Ruby Moore, Secretary

MINUTES SUBJECT TO APPROVAL BY BOARD.