

MINUTES
REGULAR MONTHLY MEETING
Wednesday, August 6, 2014
MUNICIPAL BUILDING – MILLER SHAFT

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

Roll call: Supervisor William Cooper – present; Supervisor Olshavsky – present; Supervisor Jeffrey Kostan – present; Solicitor C.J. Webb – present.

Public Participation

Before the Board opened the floor up for Public Participation, Chairman Cooper read a statement from our Solicitor C.J. Webb reading as follows:

On July 14, 2014, the Board of Supervisors met in executive session with the Township Solicitor and Township Engineers to discuss legal issues and receive legal advice regarding potential litigation related to Amfire Coal operation and Shoemaker Circle and Lumber Road. After conferring with our Solicitor concerning previous comments related to possibly involving the Township in potential litigation, the Supervisors are going to limit the Board's comments concerning any issues involving the Amfire Coal operation and Shoemaker Circle and Lumber Road.

Chairman Cooper then opened the floor up for Public Participation requesting that before addressing the Board please state their name and address for convenience of the Board and the secretaries preparing the minutes.

Bill Offman addressed the Board regarding water issues up by the Drive-In. Supervisor Kostan asked Mr. Offman if it was working with what they did thus far to help improve the water. He said it did but if heavy rain comes it goes straight down to his place. Mr. Offman explained there has been a lot his money spent to try to fix the water problem. He is asking the Supervisors to please do something with this. Supervisor Kostan and Supervisor Cooper said they will set up meeting with the Drive-In owner to discuss the water runoff.

George Benko of 101 Gulf Course Road addressed the Board requesting that the Township takes over a portion of Gulf Course Road. He is asking the Township to take any consideration in taking over the road. He is willing to give up right of way or whatever is necessary to make this a Township Road. He also is willing to give approximately 1800 feet of property to make it back to the houses so they too can have the road as a Township road. There are children that have to walk this distance to walk to and from the bus. This has been requested about five or six years ago for the Township to take over but it was denied. Mr. Benko related to the Board he knows the Township does pick up roads and maintain them. Supervisor Kostan asked Mr. Benko who owns the property up to his and Mr. Benko stated that Dave Edminson owns the Gulf Course, he was unable to attend but is willing to

do anything necessary also to help if the Board is willing to take over the road. Supervisor Cooper stated to Mr. Benko that the Supervisors will get together to go up and look at the road and everything he is referring to.

Glenn Calderwood spoke regarding the water in yards and that there are Ordinances in place to not allow water or dirt in peoples yards.

Dwayne Lamar asked who the Code Enforcement Officer was and how does he get a hold of him if he had a dog problem.

A gentleman from Dulancy Drive spoke regarding the repair of the railroad track section of the road wanting to know if the Township had anything to do with it. Supervisor Cooper and Supervisor Olshavsky spoke regarding this and the Supervisors did speak with Norfolk as did he and he gave the Township a thank you because they came in and fixed the road and it is in terrific condition now.

Andrew Gruse, of Cemetery Road related to the Board and to the guests of the Township to discuss the start up a Crime Watch on August 20, 2014 at 7:00 pm at the Portage Fire Hall. This is an organizational meeting and would like a representative of the Township to attend and any other guests that would be interested.

Renee Maul then spoke to the Board wanting to know when they spoke of litigation we're they referring to the residents themselves or them to Amfire. Supervisor Olshavsky then explained "that it was a written general statement by our Attorney covering multi assets." Supervisor Olshavsky also stated that statements at the meeting and asking questions to the Board not only on this issue but other issues also, "the Board has been pretty lenient on discussing openly and discussing probable's that could happen or not such in the sense to get with the Engineers on the design and the issue of the weight limit he gave us this advice." "That's all I can say I can't say a whole lot more on any legal issue not only this." Renee Maul then spoke stating that " she is a tax payer and that is your duty, I don't feel that I should have to hear that a lawyer told you that you can't talk about that, that is what we tax payers pay your salaries for to listen to our problems and to help us." Ms. Maul also stated "she is not saying you haven't, I'm saying you have done some, but this is far from over." "I am very frustrated and I am very upset."

Supervisor Olshavsky stated that the Township is not trying to put that picture forward other than every time we make a statement here and if the situation or somebody takes us to court they can take our statement and use it against us. Supervisor Olshavsky then added it is not easy, we have been very open and have been instructed to say we are working on getting a better situation. Supervisor Olshavsky also stated that we cannot say we found this or we found that until we get all the facts from our attorney and our engineer.

Ms. Maul asked about the road study. Supervisor Olshavsky related to her there is more about the road study they were going to discuss a little bit later in the meeting. Ms. Maul

raised the question do we need representatives from Harrisburg to come up here to answer our questions.

Supervisor Cooper stated that he felt that the Township has been working very hard to try and get this resolved, and we found out some other issues that were going on up there with the trucks. Supervisor Cooper and Supervisor Kostan went up and talked to Inter Power where they received two different numbers for Inter Power but they have not yet returned their calls. Supervisor Cooper said they talked to a gentleman up there and he said they send up 40 to 50 trucks every day out of that pile. It is not all Amfire. We wanted to set up a meeting with them to discuss other options with their trucks (traffic). Also they asked how long are they going to be up there (the boney pile) and he said four to five years. They also have another boney pile that they will be there for twenty years, which means a total of 25 years of work for the coal trucks.

Supervisor Kostan said that Inter Power is affiliated with the Co-Gen plant in Colver. They haul out of there. Supervisor Kostan also stated that at the last meeting they explained when they had met with Amfire and how many trucks were in the morning (4) to how many in the afternoon (2), in that process of talking to Amfire they decided to go up and this is when they discovered the amount of trucks Inter Power sends. Amfire does not monitor their trucks. The Supervisors had no idea that they had that many trucks up there a day.

Ms. Maul also discussed with the Board on how Amfire is looking for an alternative route, she stated they were up there surveying where the railroad tracks used to come through Shoemaker Circle.

Supervisor Cooper said they really don't know what all is going on up there regarding that issue. It is still in the preliminary stages. Supervisor Cooper did want the residents to know that he contacted Amfire regarding the water truck. He told them the water truck is killing a resident's trees, he did state that the man running the water truck was a little aggressive, and they will slow it down. Using a little bit of water and the sweeper truck would work a lot better.

Supervisor Kostan and Supervisor Cooper also reiterated to the residents of Shoemaker Circle that they are listening and that everybody has a voice the Supervisors are listening and still want to get this issue resolved for them.

A resident asked if it was legal to run on that road being a one lane road if there is no safety issue. Supervisor Cooper stated the road study is done but until the new attorney is hired they cannot do anything regarding it. Supervisor Cooper explained why the current Solicitor CJ Webb had to withdraw from the Amfire issue is because one of the partners that work with Attorney Webb did some title work for Amfire. Supervisor Cooper wanted the residents to know that until the new Attorney learns and understands this issue, we the Supervisors cannot say a whole lot to the residents.

A resident asked if the road can still be bonded if deemed unsafe. And the Supervisors agreed that they can bond the road. Again this is all on hold until the new attorney is hired.

Another resident asked about a situation in turning around on Mine Road by the sign for Amfire. He feels civilians are getting in trouble for this by Amfire, Supervisors will look into this.

Bill Koval of Fowler Lane, regarding the water situation, Supervisor Kostan did say they were up there to look at the ditches along his property. They will get together with the Road Master and see what they can do to resolve the problem.

Approval of Minutes

July 2, 2014 Regular Monthly Meeting

Supervisor Olshavsky made a motion to approve the July 2, 2014, Regular Monthly Meeting Minutes as presented. Supervisor Kostan seconded the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Secretary's Report

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

Road Masters Report

The Road Masters Report was presented to the Board by Supervisor Cooper which included the following:

1. Paved burm on various Township roads.
2. Paved Cyran Alley, Elwood Drive, Hemlock Drive, Jamestown Road, Sportsman Road, Shady Springs Road
3. Trimmed trees on Robel Road to Hufford Hill, and on Alvin Circle in Martindale.
4. Cleaned drains and ditches from debris caused by heavy rains on various Twp roads
5. Maintenance on Township equipment: repaired side spreader, pulley and fuel tank leak on the Ford F-700, and repaired shift linkage on the other Ford pick-up
6. Repaired potholes on Grant Street, Shady Springs Road, and Ida Drive
7. Cleared weeds on various Township Roads by brush hogging and also the spraying of weeds.

Supervisor Kostan made a motion to accept the Road Masters Report, Supervisor Cooper seconded the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Code Enforcement Officer's Report

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

1. Received a complaint for 141 Upper Road about a dog – spoke with the owners they said they would take care of it.
2. Received a complaint at 147 Oil Circle Drive of burning wire at night- checked the situation and found no evidence.
3. Received a complaint at 1939 Puritan Road of high grass not being cut- contacted the owner he has agreed to have a lawn care service take care of the place from here on out, he is physically unable to cut it himself.
4. Received a complaint for a residence on Jamestown Road regarding high grass and no front door – people have cut the grass and are currently moving in.

Supervisor Cooper made a motion to approve the Code Enforcement Officer's Report with Supervisor Kostan seconding the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Treasurer's Report
Jun-14

FUND	BAL MAR 2014	REC'D JUNE 2014	EXP. JUNE 2014	BAL. JUNE 2014
1ST SUMMIT MM	272,006.68	380.03	0	272,386.71
GENERAL	646,776.19	241,657.24	228,795.20	659,638.23
STATE	218,467.33	112,215.41		330,682.74
ALL	1,137,250.20	354,252.68	228,795.20	1,262,707.68

The Treasurer's Report for the Second Quarter was presented to the Board by Supervisor Olshavsky. A motion was made to accept the Treasurer's Report by Supervisor Cooper, seconded by Supervisor Kostan. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Old Business

- a. Traffic Ordinance for Stop Sign on Cyran Alley

Supervisor Olshavsky made a motion to accept the ordinance for the stop sign on Cyran Alley with Supervisor Cooper seconding the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

New Business

Retain special Counsel for Representation RE: Shoemaker Circle/Lumber Road

Supervisor Cooper made a motion to appoint Nathan W. Karn, Sr., as special counsel to advise and assist the Portage Township Supervisors in legal matters relating to Amfire/Shoemaker Circle and Lumber Road. As in the past, the hourly rate would be \$150.00 per hour. Supervisor Olshavsky seconded the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Resolution 2014-2 Supplemental Appropriation for the 2014 Budget

Supervisor Olshavsky explained this Resolution is for 2014 gas well rights with money received (\$855.04) for the year 2014. The money will be placed in the Storms and Drains Highway Code. Supervisor Olshavsky made a motion to accept this Resolution with Supervisor Kostan seconding the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

25 MPH Speed Limit Sign for Dulancy Drive

Supervisor Cooper explained to the public that this will be a letter sent to the state requesting that a speed limit of 25 mph be placed up to or past Star Printing. With some discussion from those present at the meeting and also from some letters that were received from area businesses requesting same, Supervisor Olshavsky made a motion that PennDot be contacted in written form asking for a reduce speed to 25mph from the Portage Borough Line (SR 164) to the Washington Township Line. Supervisor Kostan seconded the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Renewal of EMC Insurance Policy

Supervisor Olshavsky made a motion to accept the purchase of our Renewal Insurance Policy through EMC with the intent in 2015 we contact other Companies to compare rates. Supervisor Cooper seconded the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

2014 Fall Convention Advertisement

Supervisor Olshavsky made a motion to place the same size ad with the updated personnel as we have done in the past. Supervisor Kostan seconded the motion. **Motion carried 3-0.** Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Tool Box Purchase

Supervisor Olshavsky made a motion for the Supervisors approve the purchase of a new tool box for the garage not to exceed \$1200.00. Supervisor Kostan seconded the motion.

Motion carried 3-0. Supervisor Olshavsky – yes; Supervisor Cooper – yes; Supervisor Kostan – yes.

Supervisor Olshavsky made a statement apologizing to the appropriate person involved as to when he spoke to the media. He did some checking and found he was wrong. He also expressed his commitment to the Township residents.

Adjourn

Supervisor Cooper made a motion to adjourn the meeting with Supervisor Kostan seconding the motion. (8:00 pm)

Those attending the meeting: Glenn Calderwood, Joe Walters, Kelly Cernetich, Andrew Gruse, Alfred Maul, Renee Maul, Francis Maul, Jerry Poruban, Duane Lamar, Bob Lutz, John Waksmunski, Bill Offman, Bill Koval, Amanda Petrunak.

Respectfully submitted by Michelle Kostan, Township Secretary.

Minutes subject to approval by the Board.