

SUPERVISOR'S MEETING
August 9, 2012

The Jackson Township Supervisors held their regular meeting at 8:00 a.m. at the Jackson Township Municipal Building. Members present were Supervisors Bruce Baker and John Wallet along with Secretary-Treasurer / Manager Dave Hirko and Solicitor Bill Barbin. Supervisor Mark Westrick was unable to attend. The meeting was called to order by Chairman Bruce Baker with the Pledge of Allegiance to the flag.

Board Roll Call was taken with all Supervisors Baker and Wallet present.

Public Comments Concerning Agenda Items:

(None)

Correspondence:

(None)

Old Business:

(None)

New Business:

(None)

Other New Business:

(None)

Public Comments:

Ed Smith said, I own several properties and wanted to talk about JETSA and the position they have taken on pressure testing creating a hardship on the residents. My concern is not just with my property but with my neighbors. I believe I've complied with what JETSA asked people to do and here is a letter I've given JETSA showing that the service lines passed the pressure test. That didn't satisfy JETSA because I hadn't done anything inside the house. What I felt like saying, was if you have probably cause of some sort of health hazard at any one of my properties, go to the Court of Common Jurisdiction and get a warrant and I will open my house to you on the presentation of that warrant. That comes from the 4th Amendment of the US Constitution that tells citizens they have a right to be secure in their homes. **Solicitor Barbin** asked, have they knocked on your door to search your property? **Smith** replied, no they have not. **Barbin** asked, are you saying that JETSA observing your pressure test violates the 4th Amendment of the United States Constitution and you're calling that a search and seizure? They require to observe the test and not just rely on a letter of what your contractor says. **Smith** said, since you want to put it in those terms, yes. I'd agree with that. What I'm about to do is ask the Board to ask you for an opinion and if your opinion is that my complaint is groundless and has no basis in fact, then I will heed that. **Barbin** said, Johnstown had 150 million gallons from the sewer system going into the river not just from JETSA but all communities and got an order from the DEP. JETSA also had problems with their pump systems and they had to come out and do by-pass pumping on a pretty regular basis. JETSA had a problem with huge amounts of flows coming through their system and it was causing serious problems and lots of additional cost for everybody in the System. I understand JETSA is now 85% done and I know now JETSA is well under the over flow amounts. It proves there was excess water coming in and an action was taken and now there's not excess water. **Smith** replied, yes and the result of that is a good thing. The ends doesn't always justify the means. Tyranny is effective. It works but should you do it. Not necessarily. **Barbin** said, we don't live under tyranny Ed. We have a well ordered system of law. **Smith** said, I don't want to live under tyranny but we have a system that is imposing unnecessarily hardships on homeowners requiring them to spend money they may not have to do work that in many cases doesn't need to be done to meet a goal that doesn't exist. Out of my four properties there was only one small problem. JETSA had interpreted a request from the Johnstown Regional Sewage that they inspect their sewage lines to avoid infiltration. **Barbin** said, JETSA got a request from the PaDEP dated April 18, 2008 that every single sewage provider in the Greater Johnstown area to clean, inspect and identify problems in their lines. 85% of the people in Jackson Township followed the rule and you're coming in and saying I don't have to follow the rule. That sounds a little like special treatment. **Smith** said, I don't think so. I want all customers to be treated fairly. **Barbin** said, under Pennsylvania Municipal Law, individual municipal organizations have the right and the duty to make these determinations. You understand that it would be unfair to your neighbors who have complied not to do the required testing. **Smith** said, these rules should have been made after public hearings. It's important that people affected by laws understand the laws. **Barbin** asked, they didn't discuss this at public meetings? **Smith** replied, undoubtedly they did but there was no public knowledge of it. If I had known I would have had some comments. **Chairman Baker** said, we need to wrap this up. This 2 minute public comment has turned into a 30 minute debate. We do support JETSA and their efforts. **Smith** said, it's clear to me you support JETSA and

up to a point, that's fine.

Announcements:

Chairman Baker announced, The Board of Supervisors next scheduled meeting will be held on Thursday, August 30, 2012 at 7:00 pm at the Jackson Township Municipal Building

Adjournment:

Motion Wallet, second Baker to adjourn the meeting at 8:32 am. Vote-2 yes.

Respectfully submitted,

A handwritten signature in black ink that reads "David M. Hirko". The signature is written in a cursive style with a horizontal line at the end.

David M. Hirko, Secretary