

MINUTES
BOROUGH OF SOUTHMONT
August 16, 1999, 7:00 p.m.

The regularly scheduled August Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the August 16, 1999 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Rovansek, Mr. Krupa, Mr. Strittmatter, Mr. Kory, Mr. Leventry, Mayor Lary Koval, West Hills Police: Chief Andy Havas, Street Commissioner: Jan Bosley, Engineer: Dave Duray, Solicitor: Daniel R. Lovette, Secretary: Judith Czynnik, Zoning Officer: Fred Pullen, and Fire Department: Michael Butler

ABSENT: none

VISITORS: Robert Morgan 345 Diamond Blvd.

President Pile asked for approval of the July 19, 1999 minutes. A motion was made by Mr. Leventry to accept the minutes as written. Seconded by Mr. Kory. All in favor, motion carried.

At this time President Pile called on Robert Morgan, who reviewed with Council the transfer of TW Franch Cable Comm. franchise to Charter Communications VI. Mr. Morgan stated that Charter would be buying the Company and take over the franchise. The current franchise with TW Franch would be honored. Mr. Morgan explained that COG has contacted the Attorney they used when they were writing the current franchise agreement. He had some issues that need to be addressed. He submitted these issues to COG and they were forwarded to Karen Broach of TW Franch Cable Comm. He felt that until these issues are answered and our interests are protected, the transfer should not be signed. Mr. Morgan stated that some changes will take place. They will be offering some on line services and a two way addressing system thru the call box. The Cable TV COG Committee will continue to inform Council about the progress. Mr. Rodgers noted that Mr. Morgan has been very helpful, and commended him for doing a good job.

POLICE CHIEFS REPORT

Chief Havas's written report records the revenues for the month at \$660.09. Council had asked Chief Havas to explain the reporting procedure on the monthly reports. Chief Havas explained that Criminal Offenses Part I are more serious crimes such as assault, thefts, etc., and Part II Offenses are less serious incidents such as DUI, criminal mischief, disorderly conduct and etc. These are split up like that because of the UCR, Universal Crime Report. These go with the FBI stats. Each of these are added to previous month totals, for an ongoing year date total.

Chief Havas stated that the Criminal Arrests are broken down into two areas, Adults-male and female, and under Juveniles. Chief Havas explained the difference between an offense and arrest. An offense is when an incident happens. Arrests are when an arrest is made. It might be on a current crime or a crime that happen several years ago. For clarification, Chief Havas reported that all calls do not go thru 911 center. Calls of non-emergency issues that are called directly into West Hills Regional are handled thru the Department. The 911 stats will not match with West Hills status. All calls are documented into the computer each day. The Investigating Officer, who is a Sargent, is included in these calls. After questions Chief Havas continued with his report. Officer Kessler participated in a Children's fingerprinting program at the Westwood Plaza, BiLo Market. On a request from Council, Chief Havas and Mayor Koval will look at the Dell/Daisy/Edward Street Right Turn Keep Moving/Stop sign. they will make recommendations at the next meeting.

ZONING OFFICER'S REPORT

Mr. Pullen's written report records four (4) permits have been issued during the month with construction costs of \$97,675.00. The estimated year to date construction cost is \$400,998.00.

The Zoning Hearing Board met on August 5, 1999 to hear the appeal of C & D Associates for an additional set back for development of one, two family dwelling to be built on Lot No. 3. The appeal was approved. The permit will be issued after 911 addressing has been established and the proper liability insurance papers are received from the contractor. Southmont Borough has been notified by the National Pollutant Discharge Elimination System and the Department of Environmental Protection that the hold on Building Permits for PineBrooke Subdivision has been removed. Permits can now be issued. Mr. Pullen received a letter from Dr. Kastelic who is in the process of removing the tree house located on Borough Property adjacent to his property at 56 Gardner Street. Dr. Kastelic is still interested in purchasing a portion of this property. Also, there are two trees that will have to be removed in order for a crane to move the tree house. Mr. Krupa will look at the trees and advise Dr. Kastelic. Mr. Pullen noted that during his inspection of sidewalks, there still are many houses that do not have address numbers visible to the street and pedestrian traffic. Mr. Duray noted that his office is still waiting for Storm Water management specs. and drawings for the PineBrooke Subdivision. Council decided that until these drawings are received by the Engineers the Building Permit No. 9939 should be held and not issued.

FIRE COMPANY REPORT

Chief Butler's written report records 20 responses for the month of July. Rick Reed has resigned from the Fire Department as of July 27, 1999. A list of new officers was submitted to Council. W.C. Murray has filled in the low areas around the new Fire Co. Building and along the sidewalk along Thoburn Street. Grass seed has been planted. Mr. Strittmatter asked if Rick Reed's replacement has been named to the Fire Siren Committee. Chief Butler will be in touch with Mr. Strittmatter on an appointment. The Hilltop Ambulance report is on file. President Pile will notify Chief Butler when a meeting will be arranged to discuss the Ambulance Association fund drives.

Chief Butler reported that his department will work with the Police Department for traffic control on the Bike A-Thon scheduled for this weekend, August 21, 1999, from 9 p.m. to midnight. Mr. Krupa is still trying to schedule an inspection of the trees that need trimmed that are causing fire truck damage.

ENGINEER'S REPORT

Mr. Dave Duray of Hinks & Locher Engineers reported that he received word that the Chapin Arch project was bid and it was \$50,000.00. PennDot might request more money from the Borough on the costs of the project. Mr. Kory stated that the consensus of Council is that no more money would be available. Information requested by the Department of Conservation & Natural Resources has been forwarded. Mr. Duray is awaiting word from their representative Alex Tatanish. Council felt that some other source of funds might be available.

Some deletions and changes were made to the low bid of Burgo Construction bringing the amount to \$18,145.00 from \$24,400.00. After further discussion, Mr. Rodgers made a motion to approve the necessary Change Orders so the Soccer Field Building can be completed. Motion was seconded by Mr. Kory. All in favor, motion carried.

Mr. Duray continued with the letter Hinks & Locher Engineers have written to Mr. Chiodo concerning the many items that have not be completed on the PineBrooke Development area. Among the items our Engineers are recommending for completion; written certifications of the adequacy of the construction in reference to the "landslide" area of the holding pond, stabilization of the cut into the basin embankment, revised stormwater management calculations reflecting the as-built watershed and basin configurations need to be submitted for review, (these calculations should include design calculations for the inlet ditch cross sections and lining.) Fencing should be reinstalled, stormwater management conversion deficiencies need to be corrected, finish grading all disturbed area completed to the satisfaction of the Borough and upon approval of revisions the Developer shall provide a three day written notice of scheduling of construction operations related to the corrections as listed.

Council further discussed the concerns of not having this project completed once again before winter sets in. It was the consensus of Council that a tentative date of August 30, 1999 for a special meeting with the Solicitor, Street Committee, and Engineers to discuss the Borough possibly bidding the project for completion. It was Council's decision that the project be done using the Escrow monies to pay for the cost of the construction and drawings. The road is complete and can be accepted, however, it will not be accepted until the entire project is completed. Council received a letter (July 27, 1999) from Mr. Chiodo requesting the roadway be accepted and snow plowing be put on the winter maintenance agenda.

Mr. Duray reviewed the 1999 Street Paving inspection. Two concerns, one at 521 State Street and marks on Beacon Street have been looked at and no indentations or physical damage was noted. Resident at 521 State Street has been notified. Both paving invoices for 1999 have been approved by the Engineers. Payments will be made from Liquid Fuels in the amount of \$81,882.15, \$26,060.66 will be made from the General Fund. Mr. Kory thanked Dave Duray for all of the help on the Chapin Arch project.

COMMITTEE REPORTS

STREET COMMISSIONER

Mr. Bosley's written report records two new catch basins were built on the downhill side of Diamond Blvd. before paving was done. Also, employees lowered a catch basin on Southmont Blvd. and Harding Street before paving. Work began on the rebuild of the concrete section of Leon Street. cracked and broken sections have been removed and new concrete was poured. Usual maintenance was done on the building, clean-up of catch basins and limbs and branches picked up after storms. Employees are continuing to work on the building/garage. A new storm sewer is being installed on Gardner Street between Diamond Blvd. and Orchard Street. Mr. Bosley had a question on the responsibility of a "t" with a cap in Lark Alley on the property of Truhan/Keklak to have access for cleaning out the pipe that Mr. Keklak is installing. After discussion, Council approved the Borough providing the "T" with cap for this project. Mr. Bosley stated that grass will be re-planted at the Benner property at 230 Wonder Street, in the area of the previously done storm sewer line work, as soon as the drought restrictions are lifted.

STREET COMMITTEE

Mr. Leventry reaffirmed the street paving inspections. Mr. Leventry reported that after review of Upper Yoder Township's water consumption calculations, based on what we know as the District No 1 section of Upper Yoder sewer discharge, he feels that we possibly need to have the Engineers both from Upper Yoder and Southmont look at the correct sewer connection areas and possible satellite connecting areas. Mr. Leventry feels that this should be further discussed at the Committee meeting set for August 30, 1999.

ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Strittmatter informed Council that Tim Miller, AFSCME representative for the Union members met August 10th with Union members and the Negotiation Committee. Contract proposals were submitted to the Committee, for review. The list will be distributed to Council. The Committee will meet again September 2, 1999, for further discussion. Current rates for Hospitalization have increased very much for the October 99/00 period. Council will discuss this further. The PennDot Agility Agreement has been approved. The next step is to outline in detail specific services to be exchanged.

POLICE COMMISSION

Commission meeting will be at Southmont Borough on Tuesday, August 17, 1999 at 7:00 p.m.

RECYCLING COMMITTEE

Mr. Rovansek stated that a County Representative has been invited to attend a meeting of Council to discuss the bins that have been placed in the Hoss's parking lot. They will attend the September meeting.

INSURANCE COMMITTEE

Mr. Kory discussed the PIRMA proposal to increase the limit and coverage for damages to \$10,000,000. A motion was made by Mr. Kory to approve the increase, seconded by Mr. Rodgers. All in favor, motion carried. Mr. Kory reviewed the renewal of the Worker's Compensation insurance for 1999/2000. A motion was made by Mr. Kory to renew the Worker's Compensation in the amount of \$8,680.00 Seconded by Mr., Rodgers. All in favor, motion carried. Which was a decrease of \$91.00 from the 1998/99 insurance.

BUDGET COMMITTEE

Mr. Rodgers reported that the Auditor General's office is in to audit the Police Pension/Non-Union Pensions for the years 1996, 97 and 98.

SHADE TREE

Mr. Krupa reported that the Committee is preparing the list for the fall tree cutting, planting and tree removal at several locations through out the Borough. It will be advertised. Mr. Leventry reported webs in the trees along Orchard Street. Mr. Krupa will look at the trees.

RECREATION/PLAYGROUND COMMITTEE

Mayor Koval reported that the annual picnic will be held at The Grove on Wednesday, August 25, 1999. A request from Westmont Borough to form an Ad Hoc Committee in the Westmont Hilltop Recreation Commission, was addressed. All other Municipalities within the Commission felt there was no need for the Committee. Ms. Troyan is working on the Fall brochure. All summer programs have been completed for 1999. Mulch was delivered to the Diamond Playground, Borough employees placed the mulch in the play area. Students from Bishop McCort spread the mulch in the play area.

BUILDING /GROUNDS COMMITTEE

Mr. Kory reported that the areas around the Fire Department where fill was need has been done. Nothing other to report.

C.O.G. COMMITTEE

Mr. Rovanseck reported that there was no COG meeting this month, due to the picnic. A draft of the proposed intergovernmental ordinance was submitted to Council and Borough Solicitor. It was prepared by the City of Johnstown. It was discussed and several items concerned Council. There is another meeting August 26, 1999, at which time Mrs. Czyrnik will ask these questions.

CHAPIN ARCH

No further report

MAYOR'S REPORT

Mayor Koval asked about the procedure on letters to residents who have not complied with cutting high grass and weeds or overhanging limbs and branches. Council decided that all letters of such violations shall be signed by the Secretary, and that the Police will deliver the letter. If the resident does not comply in the time (20 day) allowed, the Officer shall write a citation for the violation.

SOLICITOR

Solicitor Lovette reported that the Insurance Carrier for the West Hill Regional Police has taken over the Must case and Solicitor Lovette withdrew his appearance. Solicitor Lovette will appear at the depositions of Jan Bosley and Thomas Dailey in reference to the Hartnett case. This deposition date will be rescheduled. Solicitor Lovette also sent a letter to Attorney Weaver in reference to George Haidar property at 1070 Luzerne Street. Nothing has been done, Chief Havas provided Solicitor Lovette will pictures taken this date. Council consensus is to follow through to schedule a hearing in Magistrate Barron's office. Solicitor Lovette reported that proposed Ordinance 417, to vacate a portion of Path Alley has been advertised. Deeds with easements have been prepared for Eric Muncert and Elizabeth Hurrell for that portion of Path Alley. A motion by Mr. Rodgers to approve Ordinance #417 as submitted. Seconded by Mr. Leventry. All in favor, motion carried. Mr. Muncert has been invoiced for the Solicitor, Engineers and filing fees.

SECRETARY'S REPORT

Mrs. Czyrnik's report records a request to attend a Census 2000 session on September 30, 1999 in Richland and a request by the Community Arts Center to place a sign in the triangle at Millcreek and Menoher Highway. A motion by Mr. Rodgers to approve the Secretary attending the Census 2000 session and to the Arts Center for the temporary sign at the triangle. Seconded by Mr. Krupa. All in favor, motion carried. Sidewalk notices have been sent out to residents who have sidewalks that are in need of repair. A letter from Frank Manno was noted. Current property owners are responsible for the repairs. We have had several residents who have completed their repairs.

TREASURER'S REPORT

Mr. Rodgers moved to approve the Treasurer's report for the month of July as submitted in the amount of \$372,133.34 in the General Fund balance. Seconded by Mr. Krupa. All in favor, motion carried.

TAX COLLECTOR

Mr. Rodgers made a motion to record that we received the July Tax Collector's report, in the amount of Real Estate \$24,833.82 and Per Capita \$885.00. Seconded by Mr. Kory. All in favor, motion carried.

APPROVAL TO PAY THE BILLS

After review, a motion was made by Mr. Leventry to approve the Payment of the Bills in the amount of \$46,038.71. Seconded by Mr. Krupa. Roll Call: Mr. Rodgers, Mr. Rovansek, Mr. Strittmatter, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile. All in favor, opposed none. Motion carried.

OLD BUSINESS

President Pile asked for review of items on the "Tickler List" . Items were reviewed, removed or re-listed. Most items are currently in progress. A Committee meeting will be held August 31, 1999 to review tickler items.

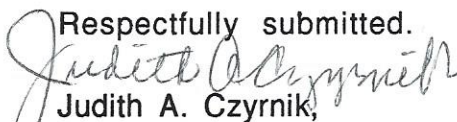
NEW BUSINESS

There is one more newspaper recycling date for the 1999 program, October 23, 1999 from 8:00 till Noon.

A motion was made by Mr. Kory and seconded by Mr. Krupa. All in favor. to approve any Councilman, the Secretary, Street Commissioner or Solicitor to attend the Fall Conference of PSAB. Council discussed the closing of Hoss's Steak and Seafood Restaurant. Council will send a letter to Hoss's expressing their concerns for a business closing and a vacant unattended building and also what their plans might be for the same.

At this time an Executive Session was called to discuss Police issues. (9:25 p.m.) Council reconvened at 9:40 p.m. There being no further questions, a motion was made by Mr. Rodgers to adjourn the August meeting, motion was seconded by all. Council adjourned 9:42 p.m.

Respectfully submitted.


Judith A. Czyrnik,
Borough Secretary