

MINUTES
BOROUGH OF SOUTHMONT
April 21, 1997 7:00 p.m.

The regularly scheduled April Council meeting was called to order by President Pile at 7:00 p.m.. After the pledge to the flag, the April 21, 1997 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Leventry, Mr. Krupa, Mr. Kory (9:00 p.m.), Mr. Davis, Mayor Robert Morgan, Engineer: Ron Walker, Zoning Officer-Fred Pullen, West Hills Police: Andy Havas, Street Commissioner: Jan Bosley, Fire Department: William Leckey, and Secretary: Judith Czarnik

ABSENT: Mr. Danyluk, Solicitor: Daniel R. Lovette, Fire Chief: Mike Butler.

<u>VISITORS:</u> Eric Muncert	Charles Koban
1046 Luzerne Street	1050 Luzerne Street

At this time President Pile asked for approval of the March 17, 1997 regular Council meeting minutes. There being no question or correction, Mr. Davis made a motion to approve the minutes as written. Seconded by Mr. Krupa. All in favor. Absent Mr. Danyluk, Mr. Kory. Motion carried.

VISITOR'S

At this time President Pile called on Eric Muncert who informed Council of a unsightly development that is happening at 1070 Luzerne Street. Mr. Muncert is speaking for property owners Mr. Robert Lengel, Mr. Pullen, Mr. Charles Koban and himself. Mrs. Isabelle Hurrell of 1042 Luzerne Street wrote a letter to Council with the same concerns. There is a new owner at this address and he is renovating the house into a 3 apartment unit. The residents are concerned about the amount of debris that is beginning to pile up around the unit. Some of the debris is from the renovations and some is being hauled in from other sites. Mr. George Haidar had indicated that he planned on burning the debris and some of the trees that he has taken down on his property. Vans and construction vehicles from Mr. Haidar's construction company are parked at this address for several days at a time. Mr. Haidar does not reside at this address. Residents are requesting the Borough do not issue any burning permit because of the potential hazardous conditions on the boundaries of Stackhouse Park. A fence was being installed with used block stacked on high and Mr. Pullen made him take the fence down, since it did not meet Zoning requirements. Mr. Haidar indicated that he planned to put a parking area at the front of the house for the residents who lived there. Mr. Pullen has taken pictures of this area to show to Council.

After a lengthy discussion, Chief Havas has recommended that he look at the area and talk with Mr. Haidar to let him know that he is in violation of Property Maintenance Code of the Borough, and he will talk with him about the hazard of burning in this area so close to Stackhouse Park.

Council agreed that Chief Havas should speak with Mr. Haidar and report back to Council at the next meeting. No burning permit will be issued at this time for this area, as recommended by the Fire Company due to the winds, conditions and location in reference to Stackhouse Park.

On another issue Mr. Muncert asked for permission to re-pave the section of Path Alley which is his driveway. This portion must have been paved by a previous owner, as the Borough has never accepted this alley. Council agreed to the paving on a motion by Mr. Rodgers to have Solicitor Lovette prepare a Right of Way agreement before any paving is done. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Danyluk and Mr. Kory absent. Sewer lines are in Path Alley.

POLICE CHIEF'S REPORT

Chief Havas reviewed the submitted March monthly report with Council. Revenues for the month were \$608.95. There were some acts of vandalism during the month, Chief Havas reported. During the month Chief Havas and Det. Sgt. Musulin met with the School District on various drug, alcohol and other issues of concern. The WHP Department monitored the rock slide clean-up and repair on Menoher Blvd. There have been some additional minor slides this past week. Officer Watts will be attending a Truck Weight school for two weeks. The West Hills Regional Police Commission will meet at Southmont Municipal Building on May 21, 1997 at 7:00 p.m. They will meet in Southmont for the next four months. The car seat program is doing well, 8 seats have been distributed this month. Chief Havas was reminded to notify the Borough office when patrolling officers see any construction or remodeling being done in the Borough.

ZONING OFFICERS REPORT

Mr. Pullen's written report records 8 new permits have been issued for this month with a construction cost of \$32,800. Mr. Pullen reviewed a notification from the Commonwealth and the Justice Department requiring newly constructed multi dwellings with 4 or more units to be handicapped accessible. This will be further discussed at a meeting on May 13, 1997 at 7:00 p.m. when the new BOCA Code Ordinance is reviewed.

FIRE COMPANY REPORT

The written report submitted by the Fire Company records total responses at 12 for the month. Ten members attended a CPR recertification March 25th at the Southmont Fire Station. The Fire Department assisted the Police Department with the rock slide on Menoher Blvd. Mr. Leckey representing the Fire Department, requested that the Borough approve the use of the Borough trucks for set-up and authorize payment of 1/2 the extra police protection for the Jubilee. A motion by Mr. Leventry and Mr. Davis to approve their request. All in favor, Motion carried. Mr. Walker returned the proposed building drawings to Mr. Leckey.

ENGINEER'S REPORT

Mr. Walker reviewed several items on the new proposed fire truck bay. The footing on the existing building will need underpinned with concrete. This is a fairly standard construction procedure and should cause no problem to the existing building. Mr. Walker stated that there are no mechanical or electrical drawings available to date. The Borough should receive these drawings for the impact on the existing building. Foam insulation does not provide much insulation value.

Mr. Walker provided the legal descriptions to the Solicitor for the Chapin Arch deed transfers. Solicitor Lovette will have the deed signed by Citizens Cemetery and Penn Dot to the Borough of Southmont. Then Southmont will sign the deed over to the Conservancy when the project is completed. A motion was made by Mr. Rodgers approving the signature of the deed from Southmont to the Conservancy at the appropriate time. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Danyluk and Mr. Kory absent.

After the Street Inspection Mr. Walker noticed a potential problem along Southmont Blvd. between Langhorne and Harding Street. This is an area that is proposed to be paved, but the retaining wall and sidewalk are sinking. Mr. Walker feels it should be looked at before paving is done. Mr. Leventry will meet with Engineers to review the ownership and responsibility. Mr. Davis will be meeting with a DEP representative on the drainage of the proposed Pinewood development. A street inspection was held April 16, 1997 and recommendations are to pave sections of Cox Street, Arlington, Langhorne, Cheney, Bluff, Floyd Streets and sections of Diamond and Southmont Blvd. Mr. Leventry recommended the Engineers prepare cost estimates. Mr. Leventry made a motion for the Engineers to advertise for 1997 Street Paving bids to be opened at the May 18, 1997 meeting. Seconded by Mr. Rodgers. All in favor, motion carried. (Mr. Danyluk and Mr. Kory absent.)

COMMITTEE REPORTS

STREET COMMISSIONER

Mr. Bosley's written report records that a 15" sanitary sewer bypass off State Street had collapsed. Borough employees dug it up and made the repairs. The Street Department installed a new auger shaft bearing on the salt spreader. Picked up branches, gravel and debris throughout the Borough. Delivered materials to the Johnstown High School Welding Department for the new bleachers for the Soccer field. Repaired door and new lock on the Council room door. Repaired the fence and clean-up debris in the Cheney Run, routine maintenance. Some potholes were patched in March. Mr. Bosley reported that Mr. Livingston will be off beginning April 23, 1997 for 10-12 weeks for knee surgery. Mr. Bosley is requesting that we re-hire Phil Buchan for summer work. He was a fine worker and will be available for work beginning May 12.

A motion was made by Mr. Rodgers to re-hire Phil Buchan for summer employment at minimum wage of \$4.75 per hour. Seconded by Mr. Leventry. All in favor, motion carried. Mr. Danyluk and Mr. Kory absent. Mr. Bosley began repairing the unpaved alleys with milled materials. A meeting has been set for April 29, 1997 to meet with Ed Williams of PennDot to look at the Menoher Blvd. and Susan Drive area and at other various intersections within the Borough. Borough employees have begun installing new street signs and posts. Mr. Krupa will designate the areas where the new holes are to be dug for the new trees that are to be planted on Arbor Day at the intersection and along Helen and Leila Streets. Mr. Batey of Westmont Borough called Mr. Bosley and informed him of a tree along Millcreek Road that is very large and rotted out on the one side. This tree is on Cemetery property. Council decided that a letter should be written to the Citizen's Cemetery Association to have the tree trimmed or taken down.

Mr. Bosley will need to raise and/or rebuild catch basins before the 1997 street paving begins.

STREET COMMITTEE

Mr. Leventry reported to Council that during the recent street inspection Lennox Alley was found to be paved. Our records indicate that the alley was never vacated or accepted by the Borough. In 1992 Mr. Shadade did approach the Borough about costs and procedures for accepting the alley. After the Borough furnished the cost estimates nothing more was heard from Mr. Shadade. All paving must be approved by Council. Council agreed to having the Solicitor send a letter to Attorney Shadade as a point of information about the paving. Also, there is a sewer line in this alley. Some discussion was held on the difference between accepting, vacating, right of ways, property access and etc. Council will ask Solicitor Lovette for clarification on these issues. They should be written and explained in a manner that is fully understandable to all members of Council and for future reference. Mr. Leventry believes we need to be consistent in these right of way matters.

A motion by Mr. Rodgers to approve the sale of three Borough properties to Mr. Masterson on Southmont Blvd. and Langhorne Street, in the amount of \$250.00; Mr. Reed on Leon Street for \$1,000.00; and Mr. Klanchar on Dahlia Street in the amount of \$500.00, all plus filing and recording fees. Seconded by Mr. Leventry. All in favor, motion carried. Mr. Rodgers further recommends that the Committee continue with the sale of Wren Street and the other Borough properties available.

ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Davis reminded Council that there will be meeting with Principal Financial Group on April 29, 1997 at 7:00 p.m. All Council is invited. Mr. Rodgers has invited Mr. Tom Zurilla of Valley National to the meeting as a consultant. The meeting is to further discuss plans to terminate the Police Pension Fund. Mrs. Czyrnik will attend the meeting, as Plan Administrator.

POLICE COMMISSION

Mayor Morgan reviewed with Council that the Commission has sent letters to the Legislators urging them to amend Act 111 in reference to the 50/50 distribution of arbitration costs. The issue of Civil Service testing is being researched by the Commission Solicitor. A letter has gone out to Upper Yoder concerning the possibility of merging or becoming a part of the Regional Police. They are in the middle of a contract but they may be interested in talking with the Commission. Nothing confirmed.

Mr. Rodgers discussed the idea of daily reports, such as our Department's log sheets. Mr. Rodgers is not sure WHRP keep such reports. He also feels there should be some inservice meetings between the Chief and his Officers. It is good Administrative procedures. Items such as the zoning differences in each municipality, burning laws and others. The new proposed BOCA code will need explained to Officers. It is a regional police department and officers should be made aware of the policy in the different municipalities. In service would help these matters. This concern should be brought to the attention of the Commission. (Mr. Kory / 9:00 p.m.)

RECYCLING COMMITTEE

No report. Spring Clean-up is May 6th for Tuesday collections and May 8th for Thursday collections. The 9Q1 Performance Grant application has been sent to the State for 1996. There was a total of 29.3 Tons recycled, no residue.

INSURANCE COMMITTEE

Mr. Kory had no report other than the fact that the Hartford Insurance and Department of Labor and Industry have inspected the boilers and found some violations. After discussion as to why the necessary controls were not installed at the time of installation Council agreed that these violations must be corrected. Mr. Davis made a motion to complete the work the inspection calls for, then clarify responsibility and cost factor. Motion seconded by Mr. Rodgers. All in favor, motion carried. Mr. Danyluk was absent.

BUDGET COMMITTEE

Mr. Rodgers reported on the Borough Audits, reporting that audits were received from Kendall & Prebola, Deborah Herbert CPA, Barnes- Saly, & Company, Wm. Stasko CPA, Wessel & Company and Gentile, Weiner, Catanese, & Vulcan. Mr. Rodgers has asked Sam Catanese to attend a meeting to for clarification of the Request for Proposal that we advertised. This meeting will be set at a later time.

Mr. Rodgers continued reporting that the Budget for the 1st quarter is good. We should be at 25% of receipts and we are at 21%. Expenditures is at 16.1 % for the 1997 budget. We appear to be on target. Taxes, prior payments are ahead of budget estimations.

SHADE TREE

Mr. Krupa reported that Arbor Day celebration will be on April 26 at 10:00 a.m.. Arbor Day is to be held at the corner of Leila and Helen Streets. Five to seven Hedge Maple trees will be planted; they have been purchased at Lichtenfels Nursery. Mayor Morgan will read a proclamation. All of Council is invited.

Mr. Krupa is asking for clarification on the right of way with reference to trees on Borough property.

RECREATION/PLAYGROUND COMMITTEE

Mr. Rodgers is asking Council to invite Ms. Sythe to the our next meeting to discuss the long range plans for the extra 1/4 mill approved for the Recreation Commission. A letter will be sent to Ms. Sythe. The Westmont Hilltop Recreation Commission minutes records that rollerblading is allowed on the Grove gymnasium floor. The Middle School does not allow rollerblading on their floor. Ms. Sythe will check with the manufacture if this would be allowed. No other report.

BUILDING /GROUNDS COMMITTEE

No report.

C.O.G. Report

No report other than the Spring Bids have been received and Agway is the low bidder for the unleaded fuel.

CHAPIN ARCH

Mr. Kory reported Stan Caldwell formerly with Southwestern Conservancy has changed positions and no longer is on the Conservancy's Board. Our new contact is Len Liehvar as of April 14, 1997.

MAYOR'S REPORT

Mayor Morgan reported the Cable Comm update. They are installing fiber optics. Mayor Morgan will attend a 9-1-1 meeting on April 29, 1997 in Ebensburg with Chief Butler. Mayor Morgan reviewed the request from Westmont to decrease speed on Millcreek Road. A motion was made by Mr. Leventry to decrease the speed from 35 mph to 25 mph and supply appropriate signage. - Seconded by Mr. Kory, all in favor, motion carried. Mr. Danyluk absent.

Mayor Morgan reported that Don Gossard of COG set up a meeting with Cable Comm to review their time schedule according to our agreements. It will be either May 7th or 8th. Census information has been turned over to the Secretary for completion. Mayor Morgan had a call from a resident on Diamond Blvd. about a tree replacement. Mr. Krupa will look into the request.

SOLICITOR

Solicitor Lovette was excused from tonight's meeting, however, President Pile spoke with him in reference to the suit in the court of Common Pleas by Westmont against the Greater Johnstown Water Authority. Solicitor Lovette said no action was necessary just now. He will keep abreast of the suit.

At this time Council went into Executive Session 9:35 p.m. Council reconvened at 9:45 p.m.

SECRETARY'S REPORT

Mrs. Czyrnik's report records specifications have been prepared for the leaf loader. A motion by Mr. Rodgers to approve advertising and receiving bids on the leaf loader. Seconded by Mr. Leventry. All in favor, motion carried. A motion made by Mr. Davis not to enter into agreement for a DEP grant application for a wood chipper with Ferndale and Brownstown. Seconded by Mr. Rodgers. All in favor, motion carried. On other matters, two appraisers were in from Industrial Appraisal Company to put a value on the building, structure and inventory. No report yet.

A motion was made by Mr. Rodgers to approve advertising the Spring Clean-up and the Street Sweeping schedule. Seconded by Mr. Leventry. All in favor, motion carried. Mr. Danyluk absent. We had a request to approve a resolution supporting the application of a grant to preserve the natural waterways in our area. Tabled until next month, more information needed. We received a deed from Attorney Kalenish on behalf of Mr. Ponas of Arlington Street. In 1992 the Borough approved vacation of Okra Alley giving Mr. Ponas 8 feet of the alley and he has prepared a deed with the total property on one deed. A motion by Mr. Kory to execute the deed, seconded by Mr. Krupa. All in favor, motion carried. A dividend was received from PSAB/US fund in the amount of \$418.62 for 1996. The 1997 Liquid Fuels Tax allocation was received in the amount of \$39,664.13. Council agreed to scrap the old Tarco leaf machine.

TREASURER'S REPORT

Mr. Rodgers made a motion to accept the Treasurer's report for the month of March in the amount of \$237,030.12 in the General Fund balance. Seconded by Mr. Leventry. All in favor, motion carried.

TAX COLLECTOR

Mr. Quinn's written report for March records \$0.00 collected in Real Estate taxes and \$0.00 in Per Capita collections. A motion made by Mr. Rodgers that we received the Tax Collector's report, was seconded by Mr. Davis. All in favor, motion carried.

APPROVAL TO PAY THE BILLS

After discussion and review, a motion was made by Mr. Rodgers to approve the bills for a total of \$51,958.69. Seconded by Mr. Krupa. Roll Call: Mr. Rodgers, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile, all in favor, opposed none. Motion carried. Mr. Danyluk was absent.

OLD BUSINESS

Items on the "Tickler List" were discussed. Items were reviewed, removed and relisted.

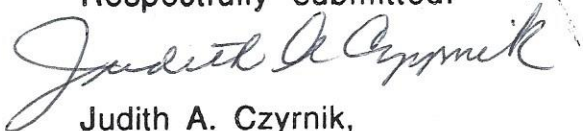
NEW BUSINESS

If any member of Council is interested in attending the Annual Conference in Philadelphia June 22-25, 1997, please contact the Borough Secretary as soon as possible.

Council discussed the placement of signs on Borough property such as in the triangle at Menoher and Millcreek Rd. and on other Borough properties. A motion was made by Mr. Rodgers that no sign should be posted on Borough Property unless approved by Borough Council and only for community related projects. Construction signs being placed on private property was also discussed. These are only temporary during construction.

Council adjourned at 10:10 p.m. All in favor, meeting adjourned.

Respectfully submitted.



Judith A. Czyrnik,
Borough Secretary

