

MINUTES  
BOROUGH OF SOUTHMONT  
September 15, 1997 7:00 p.m.

The regularly scheduled September Council meeting was called to order by President Pile at 7:00 p.m.. After the pledge to the flag, the September 15, 1997 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Leventry, Mr. Krupa, Mr. Kory, Mr. Davis, Solicitor: Daniel R. Lovette, Mayor Robert Morgan, Engineer: Ron Walker and Dave DuRay, Zoning Officer-Fred Pullen, West Hills Police: Andy Havas, and Secretary: Judith Czynnik

ABSENT: Mr. Danyluk: vacation, Street Commissioner: Jan Bosley, Fire Department: Michael Butler

VISITORS: Pete Chiodo 943-B Menoher Blvd. Pat Ditko 134 Avis St.  
Eric Pascucci/Whipple Allen RE David J.Kaltenbaugh, Atty- C&D  
David Weaver, Atty. -C&D Lary Koval, WHRC  
Dave McMillan, Southern Alleg. Charles Koontz, Koontz Disposal

At this time President Pile asked for approval of the August 18, 1997 regular Council meeting minutes. After discussion, a motion was made by Mr. Rodgers to approve the minutes as written. Seconded by Mr. Davis. All in favor. Motion carried.

A motion was made by Mr. Rodgers to open the Garbage Bids, seconded by Mr. Kory. All in favor, motion carried.

Two bids were received.

<u># 1.</u> Southern Alleghenies Disposal Service	#1. Two Year	\$131,763.00
315 Valley View Drive	#2. Three year	\$199,953.00
Davidsville, PA 15928		

<u>#2.</u> Koontz Disposal Service	#1. Two Year	\$141,492.00
Saylor School Road	#2. Three year	\$213,441.00
Boswell, PA 15531		

After some discussion and review of the bids, Mr. Davis made a motion to accept the two year contract from Southern Alleghenies in the amount of \$131,763.00. Mr. Rodgers seconded the motion. At this time further discussion was held and Mr. Rodgers withdrew his second of the previous motion. Motion for the two year contract from Southern Alleghenies died for a lack of a second. A motion was then made by Mr. Leventry to accept Southern Alleghenies three year contract of \$199,953.00, to include the Spring Clean-up for the three years. Seconded by Mr. Krupa. Roll Call : Rodgers, Davis, Krupa, Kory, Leventry and Pile. Danyluk, absent. Motion carried.

VISITOR'S

Eric Pascucci, Project Manager for the Whipple Allen Real Estate group presented to Council a letter expressing his concerns for the approval of the sub-division of the Pine Brooke development. The sub-division needs to be approved before the property can be purchased by Life Services Development, who is proposing to build a 39 unit Assisted Living Facility. A Land Development and Escrow Agreement must be agreed upon before the sub-division is approved. Mr. Pascucci is concerned about the time left in the construction season. He ask Council to respond as to how to expedite the project and still satisfy the Borough Engineer's and C & D Associates commitment in fulfilling the Land Development and Escrow Agreements. Revisions and drawings have been submitted to the Borough Engineers, as requested at the August 18, 1997 meeting with some minor issues that need to be resolved. Mr. Pascucci thought resolutions of these would then mean approval of the sub-division.

Mr. Pile stated that he felt that progress was being made, however, changes were made to the plans that had to be reviewed once again by Borough Engineers. Mr. Chiodo stated that these changes were made at the request of the Borough Engineers. There was some discussion on the escrow agreement and Land and Sub-division Agreement. Road construction costs were not available at the time of the agreements. Solicitor Lovette ask that the signed contracts be submitted to the Borough Engineers for review so that they can confirm a realistic cost of the project, in the event the project goes sour. If that would happen the Borough would be responsible to bid the project as a Municipality, in order to complete the project. Costs are different in private construction than in Municipal construction. Borough Engineers discussed the cost estimates and felt they were not in line with construction costs in this area. Before the Land and Sub-Division Agreement is executed by the Borough, the Escrow Agreement must be in line with the correct construction cost. The Sub-Division and Land Development Agreement was signed by Mr. Chiodo June 16, 1997, however, never executed by Council. Solicitor Lovette stated that this was an offer made to the Borough by Mr. Chiodo. Construction costs could not be entered at that time, as bids had not been received until this month. The Escrow Agreement with 1st Summit Bank is still under review. Mr. Chiodo felt that if the Sub-Division & Land development Agreement was never executed, then there was no agreement and how can Council still refer to an Escrow Agreement? After a lengthy discussion, Mr. DuRay recommended that the Engineers, Bertie Excavating and Attorneys meet and review thoes costs. It was decided that this issue will be discussed at a meeting on Tuesday, September 16, 1997 at 3:00 p.m. with the C & D Associates, Borough Engineers, Attorney's for both parts, the Birtie Excavating Company representative, and members of Council. Solicitor Lovette will conduct the meeting. A motion was made by Mr. Davis and seconded by Mr. Leventry to approve this meeting on September 16, 1997. All in favor, motion carried.

After further review and discussion, the Borough Engineers, Mr. Dave DuRay and Mr. Ron Walker have approved the submitted plans for the sub-division. A motion was made by Mr. Rodgers to approve the plot plan sub-division, as per the recommendation of the Engineers. Seconded by Mr. Davis. All in favor, motion carried. The mylar drawings was executed by Council President, for recording in the County by C & D Associates. The Building Permit can be issued. A special meeting of Council will be called when all the agreements are in order. That meeting will be advertised.

Lary Koval was next on the visitor's list. Mr. Koval presented to Council a list of facts about the Diamond Playground. The list records that Diamond Playground was the top attended playground for 1997. Mr. Koval is asking that a budget line item be considered for 1998 to cover simple maintenance at the playground. Such as fertilizer for the grass or a contract to fertilize the playground, upkeep of the playground, mulch for trees and etc. After discussion Council agreed to the request for recreation funds in the 1998 budget. It was recommended that volunteers, such as the Boy Scouts, could do the raking of leaves and walnuts. The Secretary will check on volunteer help being covered for any liability if volunteers work at the recreation sites.

#### POLICE CHIEF'S REPORT

Chief Havas's written report records that the revenues for July were \$995.17 and August revenues were \$544.45. Mr. Rodgers ask that the WHRP patrol the area around the Southmont Park Complex. Police Commission meeting Tuesday at 7:00 p.m.

#### ZONING OFFICER'S REPORT

Mr. Pullen's written report records two new permits for the month. The year to date total is 49, total construction is \$1,302,561.00. The total construction for the month is \$802,900.00. Mr. Pullen also had some inquiries on a proposed \$400,000.to \$500,000. renovation of a property at 340 Gardner Street. There could possibly be a Zoning Hearing meeting for a possible slight violation of the set back. The Architects are reviewing their proposal. Details are not complete. No other report.

#### FIRE COMPANY REPORT

The written report submitted by the Fire Company records total emergency responses at 17 for the month. The Fire Company is color coding the fire hydrants. This will enable the department to determine the approximate water flow capacity. Three members attended 14 sessions on fire structure of large dwellings. One member attended EMT recertification. The Hilltop Ambulance report was received.

### ENGINEER'S REPORT

Mr. Ron Walker informed Council that a Penn Dot Final Audit of the 1997 Paving program will be done October 7, 1997 at 11:00 a. m. He also submitted a drawing showing the right of way line with respect to the cracked and shifting wall and sidewalk along Southmont Blvd. The wall is located just between the Langhorne Street intersection and just along the backyard of the old Croyle house, now Zuharak's. When it was the Croyle house only Langhorne Street existed at the front of the house. Old drawings indicate that the borough put the wall in to support the new Southmont Blvd., formerly Wonder Street, and to protect the Croyle house. Mr. Leventry stated that replacement is necessary to provide needed support to Southmont Blvd. A preliminary replacement cost of \$60,000. was mentioned. Therefore, a motion was made by Mr. Leventry to have Hinks & Locher Engineers prepare a preliminary cost estimate for a new retaining wall and sidewalk, seconded by Mr. Krupa. All in favor. The Street Committee will continue to follow this project. Mr. Walker had a question on the legal description of the portion of Leek Alley (Long Alley) that he wants vacated. Solicitor Lovette suggested that only the portion that his property fronts on can be vacated. The small portion left will remain Borough property, for use during snow removal. Motion was moved and seconded to prepare the legal description for only that portion. All in favor.

After discussion it was decided to set Wednesday, September 24, 1997 at 3:30 p.m. to view the Sanitary Sewer videos. Street Committee members should attend.

At this time Council decided to review the final BOCA Code (9-11-97 #2 Draft) After several questions, Mr. Rodgers made a motion to advertise the proposed amended BOCA Ordinance No.409, seconded by Mr. Davis. All in favor, motion carried. A motion was made by Mr. Rodgers to advertise a Public Meeting for review of the code on Tuesday, October 14, 1997 at 7:00 p.m. Mr. Kory seconded the motion. All in favor, motion carried.

An Executive Session was called to discuss legal issues at 8:30 p.m. The regular meeting of Council reconvened at 8:50 p.m.

### COMMITTEE REPORTS

#### STREET COMMISSIONER

Mr. Bosley's written report records that employees saw cut and removed blacktop at 115 Arlington Street, repaired the storm sewer and then had the paving contractor repave the driveway. Painted double yellow lines on curves on Diamond Blvd., and painted turning lanes on either end of Susan Drive. Painted crosswalks along Menoher Blvd. Attached used 8" high mine conveyor belt along the fence bottom at the hockey rink. Attached loose fence at many locations.

Tapped into sanitary sewer at end of Wonder Street and installed new sewer line for the shed/restrooms at the ballfield. Installed water line and hooked up to meter box. Ran some of the underground conduit for electrical service. Began digging for the footer at the shed/restrooms. Inventoried and marked all traffic signs on Borough Street map. Received the rebuilt hopper lift cylinder and installed on old leaf machine; works correctly. The cost was \$642.00, had it been new it would have cost \$1,000. to \$2,000. .

#### STREET COMMITTEE

Mrs. Leiner of Arlington Street has called several time in reference to how dark it is since the light has been moved. Mr. Leventry stated that he will look at the area in the dark.

#### ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Leventry wanted to go on record as being opposed to the increase in speed on Southmont Blvd., as proposed in the new Traffic Ordinance. Mr. Leventry contends that it is not the purpose of Council to tell the residents what they need, but to do what the folks want. Mr. Leventry feels there have not been any problems due to the present posted speed, and the sidewalk abuts the street along Southmont Blvd. Mr. Kory spoke with several residents along Southmont Blvd., and they are very much opposed to any increase of speed along the Blvd. Currently under Vascar rules you have to be going over 10 mph of the speed limit, in order to be issued a fine. Currently the speed on Southmont Blvd. is 25 mph. All other items of the Ordinance were in order.

A motion by Mr. Kory to amend the Traffic Ordinance and retain the speed on Southmont Blvd. at 25 mph. Seconded by Mr. Krupa. Roll call: Mr. Rodgers-No, Mr. Davis-No, Mr. Krupa-No, Mr. Kory-Yes, Mr. Leventry-Yes and Mr. Pile-No. Mr. Danyluk, absent. Motion defeated. A motion then was made to approve the original ordinance as submitted with attachments. Roll Call: Mr. Rodgers-Yes, Mr. Davis-Yes, Mr. Krupa-Yes, Mr. Kory-No, Mr. Leventry-No and Mr. Pile-Yes. Mr. Danyluk, absent. Motion passed. After further discussion, a motion by Mr. Leventry to advertise the proposed Ordinance No. 410 , as submitted. Motion seconded by Mr. Davis. All in favor, motion carried. Mr. Davis felt this Ordinance should be addressed at the Public Hearing meeting on October 14, 1997, with the BOCA code.

Mr. Davis reviewed the evaluation submitted for Cindy Bednarz, Borough Clerk. The probation period is up September 17, 1997, and Mr. Davis made a motion to approve \$5.25 per hour from \$5.15, as discussed when Mrs. Bednarz was hired. Seconded by Mr. Rodgers. Motion carried. Effective 9-17-97  
Review will be done again at budget time for 1998.

Mr. Davis is still meeting with representatives of different CPA firms to prepare a request for proposal for Borough Audits. Also, the School District has met to discuss the two low bids from EIT Collector's. Mr. Pile stated that School District is remaining with PAMS for their EIT collections. Westmont, Upper Yoder and Southmont are still not committed. Mr. Pile recommends that we send a letter to PAMS giving them 90 day notice that we will not renew our agreement. A motion by Mr. Davis was made to notify PAMS of the 90 day notice of termination and services. Seconded by Mr. Rodgers. All in favor, motion carried. Mr. Davis submitted a resume of a IUP student, Mr. Robert Moore, who is interested in doing an internship with the Borough. A motion was made by Mr. Rodgers and seconded by Mr. Davis to approve the internship, at no cost to the Borough. All in favor, motion carried. Several projects were discussed, such as the shed and restrooms construction schedules at the ballfield, playgrounds maintenance program and etc. Mr. Davis will be the contact person for Mr. Moore. We need to check on our Insurance for volunteers.

#### POLICE COMMISSION

Mayor Morgan reported that no new talks have been held with Upper Yoder Township about merging Police Departments. WHRPC will hold their meeting at Brownstown on Tuesday, September 16, 1997.

#### RECYCLING COMMITTEE

No report.

#### INSURANCE COMMITTEE

Mrs. Czyrnik reported that at the request of the Insurance Committee the Industrial Appraisal breakdown was sent to our PIRMA Insurance representative John Azpell. Mr. Azpell replied, September 15, 1997 with recommendations of increasing our current liability insurance on the buildings, as suggested by the Industrial Appraisal findings. The annual increases are \$440.00 to the Borough Building, \$26.00 to the garage and \$6.00 to the Recycling shed. Mr. Azpell is still checking on the equipment section to make any recommendations. After discussion, a motion by Mr. Kory to make the necessary increases to the Building insurance. Motion seconded by Mr. Rodgers. Motion carried. An Insurance meeting will be held in conjunction with the Public Meeting October 14, 1997. Mr. Azpell will be invited to attend.

#### BUDGET COMMITTEE

Mr. Rodgers asked that all Committee Chairman prepare their Budget requests by October 1, 1997 for the 1998 Budget. The tentative budgets must be ready for approval at the November meeting for final adoption at the December meeting.

### SHADE TREE

Mr. Krupa reported that he attended a workshop of the South West Tree Association in Indiana, PA. It appears that Southmont is much farther ahead of other communities. Informational items were shared by the municipalities attending. Fund raising issues were discussed. Mr. Krupa is asking for any Newsletter items by October 15, 1997. BOCA code items can be included.

### RECREATION/PLAYGROUND COMMITTEE

Mr. Pile reported that the Diamond Playground was the highest attendance site within the Commission for the summer programs. The Commission is requesting to extend the 1994 lease at the Ridge for a 25 year commitment beginning August 1, 1997. This is needed for the grant from the DCNR. Mr. Rodgers stated that we have not yet received the requested documentation for the activities and costs at the Ridge. Council had earlier requested this information. Discussion was held, a motion was made by Mr. Krupa to table the 25 year lease signature until more information is supplied. Seconded by Mr. Rodgers. It was suggested that Ms. Sythe meet with Council to update our requests.

### BUILDING /GROUNDS COMMITTEE

No report.

### C.O.G. Report

Mr. Krupa reported that COG now has 43 members. The request for salt bids has been completed. Results will be mailed this week. A workshop will be held November 8, 1997 by the CCACC, for elected and appointed officials. \$10.00 registration fee.

### CHAPIN ARCH

Mr. Kory reported that the construction at Chapin Arch will not begin until the Spring. No other report.

### MAYOR'S REPORT

Mayor Morgan reported that the blue trailer is still sitting at the Firemen's shed and he asked that the Fire Company put it away. Cable upgrade to fiber optics is being done. Mayor reminded Council to forward any new ordinance enacted to the Police for their file.

### SOLICITOR

Solicitor Lovette prepared the Anti-Pornography Ordinance and it has been advertised. A motion was made by Mr. Rodgers to approve the Anti-Pornography Ordinance No. 408. Seconded by Mr. Kory. Roll Call: Mr. Rodgers-Yes, Mr. Davis-Yes, Mr. Krupa-Yes, Mr. Kory-Yes, Mr. Leventry-Yes and Mr. Pile-Yes. Mr. Danyluk, absent. Motion passed. All in favor, motion carried.

SECRETARY'S REPORT

Mrs. Czyrnik's report requests additional memory be installed in the base computer in her office. Mr. Rodgers made a motion to increase the megs up to 32 .  
**Motion seconded by Mr. Davis. All in favor, motion carried. The DEP is sponsoring a**  
two day program in Carlisle. The Borough is to receive an award for their Corrective Action program. All expenses will be paid by DEP. A motion was made by Mr. Leventry for Mr. Danyluk and Mr. Bosley to attend. Seconded by Mr. Rodgers. Motion approved. The Greater Johnstown Water Authority requested approval to hold three additional meetings in Council Chambers. Meetings are September 23, 25 and October 7. Approval was given on a motion by Mr. Leventry and Mr. Rodgers seconded the motion. Motion carried. A request from Westmont Borough for salaries and wage information was discussed. Consensus of Council was to not complete the request.  
The 1998 Minimum Obligation report was submitted to Council. Report will be forwarded to PMRS.

TREASURER'S REPORT

Council accepted the Treasurer's report for the month of August in the amount of \$355,560.87 in the General Fund balance. All in favor, motion carried.

TAX COLLECTOR

Mr. Quinn's written report for August records \$121.00 collected in Per Capita collections. No Real Estate collected this month. A motion made by Mr. Rodgers that we accept the Tax Collector's report, seconded by Mr. Kory. All in favor, motion carried.

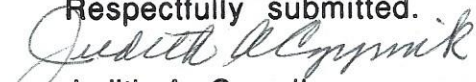
APPROVAL TO PAY THE BILLS

A motion by Mr. Rodgers to include Mr. Davis's mileage report for a Pittsburgh conference, in the amount of \$35.00 added to the bill list in the amount of \$19,483.06 Roll Call: Mr. Rodgers, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile, all in favor, motion carried. Mr. Danyluk, absent

OLD BUSINESS

Items on the "Tickler List" were discussed. Items were reviewed, removed and relisted. Remove BOCA Code, Anti-Porno, and Engineers Monitoring Pine Brooke. Also removed painting Dell and Daisy lines. Storage sheds is beginning to develop  
Motion to adjourn at 9:50 p.m. All in favor.

Respectfully submitted.

  
Judith A. Czyrnik,  
Borough Secretary