

BOROUGH OF SOUTHMONT
148 Wonder Street
Johnstown, PA 15905

Minutes for August 20, 2007

The pledge of the alliances was conducted and the scheduled August 20th 2007, Council meeting was called to order by President Pile at 7:01 p.m.

Present:

President Pile, Borough Manager Loretta Spak, Attorney Dan Lovette, Council Member Mr. Dick Rodgers, Council Member Mr. Herb Ewald, Council Member Mr. William Kory, Council Member Mr. Thomas Strittmatter, Council Member Mr. Ed Danyluk, Council Member Mr. William Krupa, Mayor Gerry Sloat, Engineer Dave Duray, Fire Chief Michael Butler, Fire Captain Chet Borosky, Fire Deputy Chief Mike Leckey, and Street Commissioner Jan Bosley.

Absent: None

Visitors: Linda Krupa 206 Orchard Street, Henry Von Blohn 301 Bliss Street, Lary Koval 336 Orchard Street, Marge Pile 515 Diamond Blvd., Mike & Kathy Crisafulli 519 Diamond Blvd., Jeanne Van Riper 300 Orchard Street, and Dave Goldblatt 210 Orchard Street all on shrubs in Court Alley.

Meeting Agenda:

President Pile asked for the approval of the Meeting Minutes of July 16th and Committee Minutes of August 14th. Mr. Rodgers made a motion to approve the council meeting minutes of July 16, 2007 and committee meeting notes of August 14, 2007. Seconded by Mr. Kory all approved motion carried.

Mr. Koval mentioned low hanging tree branch at 102 Gardner Street also at 208 Gardner/Diamond shrubs growing over sidewalk for years presenting an issue. Mr. Bosley will be reviewing these items. Letters will be sent out to residents on issues of sidewalks, house numbers missing as well as low branches. Mr. Kory mentioned there were 23 letters sent out to residents regarding property issues.

President Pile asked if anyone would like to speak about the Court Alley issue. There was an open floor discussion and various views on this issue.

First, Jeanne Van Riper spoke up regarding the hazard at the end of Orchard with the stop sign hidden by the trees. She spoke about another town that was a "tree town" where it was the borough responsibility to take care of the trees. It was addressed to her that it is the homeowners responsibly to take care of their trees indicated by Mr. Krupa. Jeanne suggested getting one contractor as a group to address trimming the trees for a better cost value. Attorney Lovette referenced Section 2721 through Section 2729 in Borough Code as a provision regarding shade trees.

Second, Lary Koval wanted to know how far the distance should be from the alley. There is a beam; he was concerned regarding the snow plowing and such hitting and causing damage.

President Pile brought up the issue with Mr. Goldblatt property and his overgrown arborvitae. Attorney Lovette was asked to address the board on his previous advice regarding this issue. He recommended that that board should follow their ordinances they have in place, it has always worked. That is why they are in place. There has been deadlines given and they were ignored and not followed. Nothing has been done with these for 10-12 years. He feels that there is no other alternative then to follow the ordinance. There were two meetings on this previously.

Mr. Krupa indicated the arborvitaes are 2-3 feet over the property line.

Captain Chet Borosky was asked his opinion and he indicated that it was too narrow; they need all the space they can get. Safety issues are important in protecting homes on streets.

Mr. Krupa had a pros and cons listing of the Goldblatt's arborvitae issue. There were only two that indicate a con and that was the cost and the time it would take for the greenery to come back. He recommended following the ordinance.

Mr. Goldblatt indicated that he has trimmed them this year and last year. He believed trimming these would make them dangerous with "sticks" showing, no greenery. Mr. Krupa made the following motion: We as the borough council need to do our job of enforcing the ordinances of the borough for the safety of all residents of Southmont. The arborvitae from the Goldblatt property along Court Alley, which is currently overhanging their property line by 2-3 feet, must be trimmed back to the property line. Furthermore, a full 12 feet minimum vertical height clearance maintained above the surface of the roadway. The trimming shall be property performed to promote greening over the next few years. The trimming must be completed by September 15th, 2007 and checked by the borough to insure compliance. If not in compliance, the borough will immediately hire a contractor to complete the work at the Goldblatt's expense. The clearances are to be maintained annually and will be checked on or about April 30th, and September 30th each year. Seconded by Mr. Ewald, all in favor motion carried. Mr. Rodgers noted the letters from Lichtenfels, Borough Insurance Company, and the Fire Company be attached to official minutes and kept in the minutes book (see addendum A, B, and C).

Police Chief's Report

West Hills Police report for June shows revenue in the amount of \$263.13 (ordinance violations \$104.89 and vehicle violations \$158.24). July shows revenue in the amount of \$185.53 (ordinance violations \$35.46 and vehicle violations \$150.07). West Hills Police Chief Andy Havas has nothing to report.

Zoning Officers Report

Report shows activity as of 8/13/07 of twenty-four (24) permits at a total construction cost of \$151,186.29. Letter dated July 17th regarding fence at 1046 Menoher Boulevard was discussed. Fence is being worked on and council agreed to time requested by home owner (80 feet this year, 80 feet in 2008 and final 80 feet completed in 2009).

Fire Company Report

Fire Chief Butler's written report records ten (10) responses during the month of July. There were three calls between the hours of 10 p.m. to 7 a.m. Southmont had five (5) assists in July; two (2) to Upper Yoder, two (2) to Lower Yoder, and one (1) to Westwood. Fire Chief Michael Butler mentioned they assisted with three fires. These three fires are related to what you saw in the news regarding arson. It is mostly in the Lower Yoder Township area. We re-bid on the new radios, we got three proposals back approximately \$16,000 a piece this does not include the \$4,000 for the sirens. They are pushing it back because of the frequency, it may be this year, and November 15th is the new date. FCC is December 31st. The counties 911 centers itself has been trying to get these issues worked out. We need your approval and a letter for burn property of Mr. Moskall. Mr. Ewald made a motion to send letter to Fire Company approving burn training class for 114 Pedan Lane. Seconded by Mr. Danyluk, all in favor motion carried. Fire hydrants and location with the Water Authority was discussed, a hydrants map will be provided. Mr. Ewald will make himself available to show the authority where they are located. Mr. Kory made a motion to paint curb at entrance of fire station off of Thoburn up to Wonder Street and no parking sign be placed. Seconded by Mr. Danyluk, all in favor motion carried. The July Hilltop Ambulance Association report was received and is on file.

Engineer's Report

The written Engineer's report for August was received and reviewed. Mr. Duray recommends holding back 10% of the Quaker Sales invoice for 2007 paving; they have one "punch list item" left at Shady Lane to complete. Mr. Danyluk made a motion to pay \$49,852.80 to Quaker Sales on bill sheet (original invoice \$55,392). Seconded by Mr. Rodgers, all in favor motion carried. Mr. Duray talked about dye testing and home laterals. There were some concerns on dye testing that was completed in the past. He recommended to retest Violet Street area; they will be putting dye in the rainspouts and such. This will help before they have to go into the homes; he wants to exhaust all avenues first. The Borough received a letter extending the MS4 program; this is the extension for the five year program. The P.C. Rizzo Engineering firm is closing Mr. Duray and Mr. Farabaugh will be moving to CJL Engineering. CJL Engineering was the former Dynamic Design. They have about 38-39 employees. President Pile was assured the service and rates would remain the same. Mr. Krupa made a motion to approve CJL Engineering to handle the Borough's needs. Seconded by Mr. Rodgers; roll call: Mr. Rodgers, Mr. Ewald, Mr. Kory, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, and Mr. Pile all in favor, opposed none. P.C. Rizzo will be transferring the borough files and maps to CJL Engineering. Mr. Duray suggested some of the old maps should be kept at the borough. They are owned by the borough and the borough would have better use for them. Mr. Bosley indicated that he has room for them.

COMMITTEE REPORTS

A. Street Commissioners Report

Mr. Bosley's written report was received and reviewed. Mr. Bosley indicated that 138 State Street is not tapped into the sewer line. Mr. Ewald made a motion for road crew to tap in 138 State Street, Mr. Wallace to repair line from curb to house. Seconded by Mr. Rodgers, all in favor motion carried. Mr. Kory indicated fixing the "snail" at Diamond playground is appreciated. Police Chief Havas will watch for older kids using the playground equipment (damaging). The Army Corp of Engineers inspected the Cheney Run Project, everything is fine. There are large trees behind 175 State Street trees; he is recommending that we remove them, formal notice will be received. Dumping at St. Mary's is not allowed anymore. Brush is hard to get rid of. In the past we used the chipper from Westmont but they don't want us to use it because it is getting old. Westmont got the grant; technically Southmont is 50% owners. Mr. Ewald suggested Mr. Bosley check with Lower Yoder for a dumping site. Mr. Danyluk mentioned a ditch that needed opened up due to a complaint.

- B. Streets:** Mr. Danyluk stated sidewalk inspections will be completed within two weeks; list will be forwarded to Ms. Spak for letters. Mr. Ewald noted house numbers are to small. President Pile believes they have to be at least three inches.
- C. Personnel:** Mr. Krupa mentioned he has personnel issues he would like to address in an Executive Session at end of meeting.
- D. Police Committee:** Major Sloat was not present at last meeting. Mr. Strittmatter mentioned it was a routine meeting.
- E. Recycling Committee:** Mr. Kory mentioned receiving forty-six dollars (\$46) for recycling of plastic. It is going well.
- F. Insurance Committee:** Mr. Rodgers has nothing new to report.
- G. Budget Committee:** Mr. Strittmatter requests Ms. Spak to check income reflected in account #364.10 and #364.30.
- H. Shade Tree Report:** Mr. Krupa mentioned a new dumping site needs to be found, with all the rain we need to find accommodation for all the branches/debris. President Pile suggested calling a service/contractor in to help trim trees around stop signs and such. Mr. Krupa indicated that he has three different people that he uses.
- I. Recreation Committee:** Mr. Kory stated soccer field restrooms were discussed; the recreation committee will be looking into. Everyone on council is invited to attend appreciation picnic scheduled for Wednesday, August 22nd at 6:30 PM.
- J. Building and Grounds Report:** Mr. Kory has nothing new to report.

K. COG Report: Mr. Ewald has nothing to report.

L. Grandview Committee: Mr. Kory has nothing to report. Mr. Strittmatter mentioned the amount of \$6,500 showing in account #387.00 reflects 2006 payment. Ms. Spak will request 2007 payment in November.

M. Greater Johnstown Water Authority: The July minutes were received. President Pile, nothing major going on right now. Some issues being discussed are: CT is using 85,000 gallons a day, a lawsuit has been settled, and the cash flow is not doing too badly (at a breakeven with the expenses). Mayor Sloat inquired if the Water Authority is allowed to advertise about the quality of the drinking water verse the bottled water that people pay for. He feels the borough has great water. The fact that people are buying water to replace perfect drinking water doesn't make any sense. Ebensburg used 120,000 gallons a day, it is anticipated that the consumption will increase.

Mayor's Report

Mr. Danyluk made a motion to approve the Emergency Services Mutual Aid Agreement. Seconded by Mr. Rodgers, all in favor motion carried.

Solicitor's Report

Solicitor Lovette updated council concerning Professional Family Care & Services tax exemption appeal. We will revisit the municipal lien on #16 Harding Street at year end.

Manager's Report

Ms. Spak's written report was submitted and reviewed. Mr. Strittmatter made a motion to approve six month CD (5.30% yield) with Portage National Bank. Seconded by Mr. Krupa, all in favor motion carried. Borough health inspections were discussed, Ms. Spak will contact Johnstown City to inquire on their process. Southmont Borough has four (4) establishments that need inspected. Mr. Danyluk made a motion to purchase power and network surge suppressor for eighty dollars (\$80) plus handling and shipping. Seconded by Mr. Kory, all in favor motion carried. Mr. Rodgers moved to accept the Manager's report. Seconded by Mr. Kory, all in favor motion carried.

Treasurer's Report

Mr. Rodgers made a motion to approve July's Treasurer Report in the amount of \$321,311.60. Seconded by Mr. Strittmatter, all in favor motion carried.

Tax Collectors Report

Mr. Rodgers noted we received the July Tax Collector's report with Real Estate revenues at \$9,498.43. Seconded by Mr. Kory, all in favor motion carried.

Payment of Bills

Mr. Danyluk made a motion to approve payment of bills in the amount of \$89,488.36 (adding Quaker Sales, holding 10%, total of \$49,852.80). Seconded by Mr. Krupa; roll call: Mr. Rodgers, Mr. Ewald, Mr. Kory, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa and Mr. Pile all in favor, opposed none.

Old Business

President Pile reviewed the "Tickler List".

New Business

Mr. Bosley submitted pictures of two pickup trucks for sale at Federal Surplus. He is looking into how to transport trucks back if we purchase (inspection, licenses, etc.). Mr. Bosley and Mr. Danyluk will go to look at vehicles this week. Mr. Danyluk mentioned as of 8/13/07 eight fences were approved for zoning permits. There is one on Christine Court that is a solid fence. He suggested that this fence should not be approved, no exception. The zoning officer

position of making exceptions should not be allowed. The zoning officer approved this fence on June 15th. The address is Edward Street, but fence is in back yard near Christine Court, ZP2007-09. This issue will be placed on committee meeting agenda.

At 9:05 p.m. President Pile called for an Executive Session to discuss personnel issues. At 9:18 p.m. Council reconvened. Mr. Krupa made a motion to pay Mr. Orms for his Zoning Administrator Assistant duties he has been performing for the past two months. Seconded by Mr. Rodgers, all in favor motion carried.

There being no further business, a motion was made by Mr. Rodgers for adjournment of the August 20, 2007 meeting at 9:21 P.M. Seconded by Mr. Ewald, all in favor motion carried.

Respectfully submitted,
Loretta Spak, Borough Manager
9/18/2007 10:08 AM