

BOROUGH OF SOUTHMONT
148 Wonder Street
Johnstown, PA 15905

Minutes for December 6, 2010

The pledge of allegiance was conducted and the scheduled December 6, 2010 Council meeting was called to order by President Rodgers at 7:00 p.m.

Present: Attorney Dan Lovette, Manager Richard Wargo, Sec. /Tres. Judith A. Czynnik, Clerk-Amanda Claycomb, President Richard Rodgers, Council Members; Mr. Ed Danyluk, Mr. Herb Ewald (7:10), Mr. William Kory, Mr. Tom Strittmatter and Mr. Robert Morgan, Mayor Gregory Paolini, West Hills Police Sgt. George Musulin, Fire Chief Mike Leckey

Absent: Council Member Mr. Kevin Pile (out of town), Engineer Scott Rughe (excused)

Bid Opening

A motion was made by Mr. Kory to approve opening the bids for 12 Harding Street. Motion seconded by Mr. Morgan. All in favor, motion carried (6-0). One bid was received from Stan Carrier in the amount of \$2,501.00. A brief discussion was held regarding the past due taxes on 12 Harding Street. Council agreed to postpone action on the bid until the December 14, 2010 meeting to confirm taxes on the property will be forgiven.

Meeting Agenda

A motion was made by Mr. Morgan to approve the Council Meeting Minutes of November 15, 2010. Motion seconded by Mr. Strittmatter. Mr. Pile absent. All in favor, motion carried (6-0). A motion was made by Mr. Morgan to approve the Special Meeting Minutes of November 23, 2010. Motion seconded by Mr. Strittmatter. Mr. Pile absent. All in favor, motion carried (6-0). A motion was made by Mr. Strittmatter to approve the ratification of payroll in the amount of \$8,063.26. Motion seconded by Mr. Morgan. Role call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Kory, Mr. Strittmatter and Mr. Morgan in favor. Mr. Pile absent. Motion carried (6-0). A motion was made by Mr. Morgan to approve the bills from November 17, 2010 through December 7, 2010 in the amount of \$44,984.80. Motion seconded by Mr. Strittmatter. Role call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Kory, Mr. Strittmatter and Mr. Morgan in favor. Mr. Pile absent. Motion carried (6-0). A motion was made by Mr. Kory to approve the November 2010 treasurer's report. Motion seconded by Mr. Strittmatter. Mr. Pile absent. All in favor, motion carried (6-0). A motion was made by Mr. Kory to note the receipt of the November 2010 tax collector's report in the amount of \$161.59. Motion seconded by Mr. Danyluk. Mr. Pile absent. All in favor, motion carried (6-0).

Police Chief's Report

Nothing to report.

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Fire Company's Report

Chief Leckey stated Glick Fire Equipment contacted the fire company to report Engine 26-1 needs additional repairs required to pass inspection. Chief Leckey provided Council with an estimate from Glick totaling \$14,763.19. A motion was made by Mr. Danyluk to approve the additional repairs to Engine 26-1. Motion seconded by Mr. Morgan. Role call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Kory, Mr. Strittmatter and Mr. Morgan in favor. Mr. Pile absent. Motion carried (6-0).

Engineer's Report

Mr. Rughe excused. Mr. Wargo reported EADS is reviewing the results of the cleaning and televising to compile a presentation for the December 14, 2010 Committee Meeting. Mr. Wargo reported that on December 2, 2010 a blocked drainage pipe under Menoher Boulevard near Shady Lane caused a flooding event noting EADS will send a letter to Engineering District 9-0 to request maintenance action be completed as soon as possible to prevent a repeat of the event.

Zoning Officer's Report

Mr. Wargo reported one zoning permit issued and three approved sewer compliance certificates. Mr. Wargo reported the property owners of 424 Southmont Boulevard have not complied within the given time limit by Magistrate John Barron. Mr. Wargo stated Magistrate Barron will be going to the site to speak with the owners.

Mayor's Report

Mayor Paolini stated the "Watch Children" signs have not been installed on Langhorne Avenue. Mr. Wargo stated the signs have been ordered and will be installed.

Manager's Report

Mr. Wargo reported the energy saving lighting for the Borough building has been delivered and will be installed January 2011. Mr. Wargo reported a meeting will be held on December 7, 2010 with Johnstown Redevelopment Authority and The EADS Group regarding the corrective action plan.

Solicitor's Report

A motion was made by Mr. Kory to approve Ordinance Number 483 which sets the tax rate for 2011 at 13 mills. Motion seconded by Mr. Ewald. Role call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Kory, Mr. Strittmatter and Mr. Morgan in favor. Mr. Pile absent. Motion carried (6-0). A motion was made by Mr. Morgan to approve Ordinance Number 484 which modifies Ordinance Number 469 reducing the per capita tax to five dollars (\$5.00). Motion seconded by Mr. Morgan. Role call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Kory, Mr. Strittmatter and Mr. Morgan in favor. Mr. Pile absent. Motion carried (6-0).

Secretary's Report

Ms. Czyrnik reported the Citizen's Cemetery Association made a payment of \$6,500.00 for the year 2010 in lieu of taxes. Ms. Czyrnik stated the contributions to the Cambria County Library and the Community Arts Center have been made. A motion was made by Mr. Danyluk to approve advertisement of the Council meeting schedules for 2011 as follows: Monthly meetings will be the third Monday of each month at 7:00 p.m. Committee meetings will be Tuesday of each week, when necessary at 4:00 p.m., and at 6:30 on the third Monday, if necessary. Motion seconded by Mr. Strittmatter. Mr. Pile absent. All in favor, motion carried (6-0).

1) COMMITTEE REPORTS

A. Streets: Mr. Wargo reported leaf collection is complete.

B. Administration: Nothing to report.

C. Personnel: Nothing to report.

D. Police Committee: Nothing to report.

E. Fire Company Committee: Nothing to report.

F. Budget & Tax Collection Committee: A motion was made by Mr. Strittmatter to approve the final budget for 2011. Motion seconded by Mr. Morgan. Role call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Kory, Mr. Strittmatter and Mr. Morgan in favor. Mr. Pile absent. Motion carried (6-0).

G. Shade Tree Committee: Mr. Morgan reported the shade tree grant has been closed out.

H. Recreation Committee: Mr. Ewald reported the Recreation Commission voted to not renew the contract of the current Recreation Director Robin Gates. A lengthy discussion was held regarding Council's displeasure and concerns with the Recreation Commission's general conduct. Council agreed to discuss the subject further at the December 14, 2010 meeting.

I. Buildings & Grounds Committee: Nothing to report.

J. COG Report: Nothing to report.

K. Greater Johnstown Water Authority: Mr. Pile absent.

L. Open Records: No open record requests received.

New Business

A motion was made by Mr. Morgan to approve the depositories for 2011 as follows: General Funds (Mainline Bank & PLGIT); Cheney Run (PLGIT); Motor License Fund (PLGIT); Garbage and Sewer Funds (Mainline Bank); Jumbo CD (First Commonwealth); Fire Truck, Dump Truck and Back Hoe Accounts (First Commonwealth); Money Market Accounts (First Commonwealth & Mainline Bank). Motion seconded by Mr. Strittmatter. Mr. Pile absent. All in favor, motion carried. A motion was made by Mr. Morgan to accept the Cheney Run Fund and Liquid Fuels Highway Fund and approve adjustment to figures with transfers. Motion seconded by Mr. Strittmatter. Mr. Pile absent. All in favor, motion carried. A motion was made by Mr. Kory to approve the new appointments and reappointments to Commissions and Boards as follows: Zoning Officer – 5 year term (Richard Wargo); Zoning Solicitor – 5 year term (Robert Shahade); Zoning Hearing Board – 5 year term (Eric Muncert and Paul Sheesley); Alternate Zoning Hearing Board – 1 year term (Charles Glass, Ronald Madison and Francis Kelly); IPMC Code Appeal Board – 5 year term (Eric Muncert and Paul Sheesley); West Hills Regional Police – 2 year term (Tom Strittmatter, Ed Danyluk, All of Council as alternates). Motion seconded by Strittmatter. All in favor, motion carried. Mr. Rodgers called for an Executive Session at 8:08 p.m. regarding personnel. The Executive Session ended and Council resumed its meeting at 8:20 p.m. A motion was made by Mr. Danyluk to approve wages as follows: Manager \$34,500; Part Time Advisory Secretary/Treasurer \$12.70/hour; Assistant Secretary/Treasurer-Clerk \$10.70/hour; Street Commissioner \$33,675; Street Department \$13.17/hour; Hourly Rate/Seasonal/Experienced/Snow Plow \$8.00; Hourly Rate Seasonal Part-Time \$7.50. Motion seconded by Mr. Ewald. Role call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Kory, Mr. Strittmatter and Mr. Morgan in favor. Mr. Pile absent. Motion carried (6-0).

There being no further business, a motion was made by Mr. Morgan for a continuance of the December 6, 2010 meeting at 8:28 P.M until December 14, 2010 at 4:00 p.m.. Motion seconded by Mr. Strittmatter. All in favor, motion carried (6-0).

**CONTINUANCE OF DECEMBER 6, 2010 MEETING
DECEMBER 14, 2010
4:00 P.M.**

Present: Council President Mr. Richard Rodgers; Council Members Mr. Ed Danyluk, Mr. Robert Morgan and Mr. Kevin Pile

Absent: Council Members Mr. Herb Ewald, Mr. William Kory, Mr. Tom Strittmatter and Mayor Gregory Paolini

Meeting Agenda

A motion was made by Mr. Morgan to approve the bid from Mr. Stan Carrier for 12 Harding Street in the amount of \$2,501.00 and authorize Borough Manager Richard

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Wargo to proceed with the sale. Motion seconded by Mr. Pile. Role Call: Mr. Rodgers, Mr. Danyluk, Mr. Pile and Mr. Morgan in favor. Mr. Ewald, Mr. Kory and Mr. Strittmatter absent. Motion carried (4-0). A motion was made by Mr. Danyluk to forgive the Borough taxes on 12 Harding Street. Motion seconded by Mr. Pile. Role Call: Mr. Rodgers, Mr. Danyluk, Mr. Pile and Mr. Morgan in favor. Mr. Ewald, Mr. Kory and Mr. Strittmatter absent. Motion carried (4-0).

There being no further business, a motion was made by Mr. Morgan for adjournment of the December 14, 2010 meeting at 4:05 P.M. Motion seconded by Mr. Danyluk. All in favor, motion carried (4-0).

Respectfully submitted,
Amanda D. Claycomb
Borough Clerk

SPECIAL MEETING
DECEMBER 29, 2010
4:04 P.M.

Present: Council President Richard Rodgers; Council Members Mr. Ed Danyluk, Mr. Herb Ewald, Mr. Kevin Pile, Mr. Robert Morgan

Absent: Council Members Mr. William Kory, Mr. Tom Strittmatter and Mayor Gregory Paolini

Meeting Agenda

An Executive Session was called at 4:05 p.m. regarding personnel. Executive Session was ended at 4:15 p.m. and Council resumed its scheduled meeting. A motion was made by Mr. Danyluk to approve immediately hiring Attorney Michael Carbonara as Borough Solicitor according to rates as follows: A retainer in the amount of \$300.00 per month which includes attendance at the monthly meetings; Additional legal services provided for the Borough will be billed at an hourly rate of \$150.00 per hour. Mr. Pile stated Mr. Strittmatter could not be present but indicated to Mr. Pile he was concerned about the process for choosing a solicitor and felt Council should review other options. Motion seconded by Mr. Ewald. Roll Call: Mr. Rodgers, Mr. Danyluk, Mr. Ewald, Mr. Pile and Mr. Morgan in favor. Mr. Kory and Mr. Strittmatter absent. Motion carried (5-0).

There being no further business, a motion was made by Mr. Morgan for adjournment of the December 29, 2010 meeting at 4:21 P.M. Motion seconded by Mr. Ewald. Mr. Kory and Mr. Strittmatter absent. All in favor, motion carried (5-0).

Respectfully submitted,
Amanda D. Claycomb
Borough Clerk