

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

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

PRESENT: President Pile, Mr. Leventry, Mr. Krupa, Mr. Davis, Mr. Danyluk, Solicitor: Daniel R. Lovette, Mayor Robert Morgan, Engineer: Ron Walker, Zoning Officer-Fred Pullen, Street Commissioner: Jan Bosley, West Hills Police: Andy Havas, Fire Department: Michael Butler, and Secretary: Judith Czyrnik
ABSENT: Mr. Kory (vacation), Mr. Rodgers (hip surgery)

VISITORS: Charles Koban 1050 Luzerne Street Isabel Hurrell 1042 Luzerne St.
Barbara & Eric Muncert 1046 Luzerne St. Vivian Partsch 218 Wonder St.
Pete Chiodo 943-B Menoher Blvd. Pat Ditko 134 Avis St.
Marlin Stockwell 504 Diamond Blvd. Pat Fyock 315 Orchard Street
Ernie Peterson 314 Fayette St Charles Getty 325 Diamond Blvd.
Thomas Zurilla 1739 Lyter Drive (Pension Consultant)

At this time President Pile asked for approval of the June 16, 1997 regular Council meeting minutes. Mr. Leventry asked that Mr. Rodgers reason for being absent was so noted as hip surgery. And also for clarification, Mr. Ron Walker's name be complete when recording the minutes, as there is also a Mr. Mark Walker in the same Engineer's office. Motion was made to approve minutes as corrected, all in favor. Motion carried.

VISITOR'S

President Pile called on Mr. Eric Muncert to act as spokesperson for the residents of Luzerne Street who had some concerns about a proposed project at 1070 Luzerne Street. Mr. Muncert noted that he appreciates the fact that the Borough and WHRP are responding to the concerns of the residents who have complained about the high grass and debris stored at the 1070 Luzerne Street address. Mr. Koban was concerned about the proposed massive driveway in the back of 1070 Luzerne Street and possibly one in the front. Mr. Koban's concerns are that if a 50' wide driveway is allowed the run off water and any snow removal will be onto his property. Mrs. Isabel Hurrell remarked that she is a long time property owner and has been very happy with the residents and has always been proud of their neighborhood. She wishes that to remain the same.

Mr. Koban is against any property owner building on the property line and infringing on to the abutting property owner.

Mrs. Fyock of 315 Orchard Street attended the meeting to discuss her displeasure over receiving a letter about trimming a tree that is hanging over into her property and the street. The letter was sent to the Fyock's in error and Council apologized.

Mr. Ernie Peterson talked with Council on the improvements that are being made to the Soccer/Ballfield. There are about 11 teams in the AYSO group and they want to help with the planning of the field improvement work. Mr. Peterson spoke with Chief Butler and the Borough about the drainage problems at the entrance gate. The Borough employees will level out the area and gravel will be put in, then fill. Mr. Peterson mentioned that the Westwood Kiwanis is interested in helping with shrub planting after the field work is completed. Mr. Peterson thanked Council for their support.

Mrs. Vivian Partsch is asking Council to make a curb cut in Artichoke Alley, an unaccepted alley, (formerly Apple Alley) on the Leon Street side. When Leon Street was paved a high curb was put in place to prevent storm water run-off erosion. This curb prevents Mrs. Partch from entering the alley to her garage from Leon Street. There are a total of three garages located here. The Street Committee will look at the area and make recommendations. Mrs. Partch received an unsigned letter from someone about the possibility of Artichoke Alley being closed, Council has no knowledge of such closing.

Mr. Peter Chiodo and Mr. Pat Ditko submitted to Council documentation as requested by the Zoning Hearing Board at the meeting on July 2, 1997 confirming water service to PineBrooke development area, gas services, Cambria County Planning Commission review of the land use goals, and landscape design. Also provided was documentation and response on relationship of the nursing facility and the neighboring restaurant and response to the Fire Department's concerns about the facility. A traffic study has been done and results have been submitted to Council. A "Loan Package" agreement has been approved by 1st Summit Bank for the PineBrooke project. These items were requested by the Zoning Hearing Board. Mr. Chiodo is looking to expedite the approval of Council. Council agreed to review all of the material and after Engineers are satisfied with the complete drawings as required, Council could call a Special meeting of Council to consider for approval of the PineBrooke project. Mr. Chiodo will work with the Engineers to finalize his plans.

Mr. Charles Getty attended the meeting to go on record applauding the Borough Council and Playground Committee for the superior job in planning the Diamond Playground. During the early planning and construction Mr. Getty and other residents had opposed the playground site, he stated all his fears were unfounded. He praised the Recreation Commission for their staff and supervised playground activities and he wishes they could extend the time of their program. Mr. Getty asked about the trailer parked at the storage shed. Chief Butler told him it is only out until it gets painted, normally the trailer is housed in the shed.

POLICE CHIEF'S REPORT

Chief Havas's written report records monthly revenue for May at \$530.24 and June at \$527.43. Chief Havas reported that there was some vandalism of hood ornaments from vehicles. The police have investigated and found 60 ornaments were stolen, along with tape sets and recorders. The police have interviewed 8 or 9 youths who were involved. Chief Havas reported that he had a call from the County on a drug and alcohol program that they are sponsoring at the Diamond Playground on Wed. July 23, 1997.

ZONING OFFICERS REPORT

Mr. Pullen's written report records 8 new permits have been issued for this month with a construction cost of \$181,688.00. This brings the year to date construction cost to \$335,911.00. Mr. Pullen noted that 11 complaint records have been received from WHRP. There will be a continuance of the Zoning Hearing Board on August 6, 1997 at 7:00 p.m. to consider the permitted use of the assisted living proposed building on a portion of the PineBrooke Development site. Mr. Pullen filled Council in on a permit he refused for Mr. George Haidar of 1070 Luzerne Street who applied for a permit to build a parking area with a retaining wall. There is a set back and the costs of the project are not inline with the size of the project, therefore Mr. Pullen refused the application. There also was another permit that has expired for replacement and construction at the 1070 Luzerne Street residence. This permit was issued in 1996 and has expired with the project not being completed. Both projects have become an issue as Mr. Pullen is an abutting property owner to the residence. Solicitor Lovette spoke with Zoning Attorney Pat Kiniry about appointing an assistant Zoning Officer to Mr. Pullen for this project and at other times. A motion was made by Mr. Danyluk to appoint Mr. Charles Glass as an assistant to the Zoning Officer. Seconded by Mr. Davis. All in favor, motion carried.

FIRE COMPANY REPORT

The written report submitted by the Fire Company records total responses at 13 for the month. The new air booster pump on the cascade system has been installed on Rescue 26-2. This unit will increase the filling capacity of the system. The Fire engine was sent out for routine servicing, hose leaks were discovered and they have replaced the hoses. Details on the ball field improvements are that the Fire Company and Engineers recommend that an 18' x 120' area in the field should be lowered about a foot and a drain pipe be installed, refilled with gravel, then dirt and be reseeded. This is to accommodate the heavy activity during the Jubilee when the amusement vehicles are entering and leaving the field. It will also help with drainage on the soccer field.

Chief Butler asked if the Borough could help with the labor costs to level the area. Mr. Danyluk requested to Chief Butler that the fire company equipment stored in the boiler room be removed. Chief Butler said he will have it done. Mr. Bosley offered to put the basketball hoop in the salt storage bin.

At this time President Pile introduced Cindy Bednarz who was hired as the new part time clerk. President Pile then called on Thomas Zurilla, Consultant for the Police Pension Plan. Mr. Zurilla submitted copies of forms that need executed for the termination, reservation of funds and distribution options for the offices involved for the scheduled termination of the Police Pension Plan with Principal. A motion was made by Mr. Davis to have the Solicitor prepare the termination ordinance for by August 1, 1997 and to advertise. Seconded by Mr. Danyluk. Roll Call: Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Leventry and Mr. Pile. Absent Mr. Kory and Mr. Rodgers. All in favor, motion carried. Solicitor Lovette will prepare the Ordinance to terminate the plan and draft a letter to Anthony Wilt for him to request his Social Security estimated rate for when he is eligible under the plan in June of 1998. Mrs. Czyrnik and Solicitor Lovette have tried in vain by telephone to get this information. Copies of the forms and Ordinance will be forwarded to Principal and to the State Auditor General's office. Mr. Danyluk made a motion to have the Plan Administrator, Mrs. Czyrnik, prove and execute the reversion of funds, distribution to employees and forms and submit them to Principal, terminating the plan. Seconded by Mr. Krupa.

ENGINEER'S REPORT

Mr. Ron Walker stated that there will be a pre-construction meeting on July 22, 1997 at 1:00 p.m. for the 1997 paving contract with Quaker Sales. Quaker will be in on July 24, 1997 to mill a section of Diamond Blvd. in preparation of the paving schedule. Legal descriptions and a survey were prepared and submitted to Solicitor Lovette to prepare deeds for the sale of 8 lots on lower State Street. Mr. Mark Walker is preparing a response to DEP on the annual Corrective Action report. Mr. Ron Walker reported that the survey to establish ownership of the retaining wall that is shifting along Southmont Blvd. will be completed by the August meeting. A right of way map has been received from PennDot on Harshberger Street and Daisy Street. Mr. Danyluk will review the map to establish if Mr. Lear's bushes are in the right of way and causing an obstruction of vision when turning onto Harshberger Street.

A motion by Mr. Leventry was made to approve the application of 15 additional sewer taps for the PineBrooke development, contingent on the Engineers approval. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Pile will sign the application at that time.

COMMITTEE REPORTS

STREET COMMISSIONER

Mr. Bosley's written report records branches were trimmed around signs and at street intersections at various locations. Inlets were cleaned and debris was picked up. Installed new manhole with sixty feet of 16" pipe to a newly built spring box to collect spring water above Squash Alley. Cleaned Squash Alley below Diamond Park. Swept streets early in June. Replaced front section of fence on Hockey Court. Continued with new street sign installations.

Lowered and replaced catch basin on Diamond Blvd. at Luzerne Street for paving schedule. Cleaned out mud, sod, and debris from Upper Cheney Run. Some rocks will be cleaned out in the trash collector area. Mr. Bosley stated that the sewer cleaning equipment worked well in cleaning this up. Replaced catch basin on Mabel Street and poured new curb. Work began on another section of Arlington Street where there is a collapsed storm sewer pipe in the driveway of Mrs. Frambach at 115 Arlington Street. It will be replaced. A lengthy discussion was held on the area of Mr. Griffith's property at 121 Arlington Street where some small undulating depressions are evident. The storm sewer is not in this area. A portion of the storm sewer near the Griffith's tool shed will be dug up and replaced. About 6'-0" of pipe is involved. Mr. Danyluk commented on the fine job done by the Street Department at the Diamond Blvd. and Squash Alley project. Council was very pleased with the work. Mr. Bosley stated that the leaf collector is in and will be shipped soon. A & H Equipment will be in this week to demonstrate sewer cleaning and root removal with water pressure.

STREET COMMITTEE

Mr. Leventry discussed the inspection that he and Mr. Bosley made on the curb cut request on Leon Street by Mrs. Partsch. This request has been referred to the Street Committee for recommendations at the August meeting. An invoice was received from the Recreation Commission for materials to stake the hockey fence. Consensus of Council is that this is a Recreation invoice not Borough's. The invoice will be returned to the Recreation Commission.

ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Davis reported that he spoke with Mr. Sam Catanese on the changes in the language for the request for proposals on the Borough audits. This should be ready for the August meeting.

Mr. Davis spoke with Zoning Solicitor Pat Kiniry on the progress of the new BOCA Ordinance. We should also have this by the August meeting.

Mr. Davis has submitted a conference request form for review and approval. After Council reviewed the form a motion was made by Council to accept the form, all in favor, motion carried.

The Westmont Hilltop School District has received three quotes for collection of the EIT. PAMS quote is 2.25% commission, Central Tax Bureau is 2.25% and Berkheimer Associates is 2.50%. Copies available for Council. They will meet in August for vendor interviews and to award contract.

POLICE COMMISSION

Mayor Morgan noted that he had attended the Upper Yoder Township's monthly meeting on June 19, 1997 in reference to a letter sent to UYT about their joining the West Hills Regional Police Commission. Another meeting was set up for July 15, 1997 to discuss further and it appears there is some interest. Mayor Morgan and Mayor Callahan of Westmont will meet again with UYT.

RECYCLING COMMITTEE

No report.

President Pile moved up the agenda items as he has a prior commitment and has to leave early.

RECREATION/PLAYGROUND COMMITTEE

Mr. Pile reported on the Recreation Commission in response to several questions that Southmont Borough had in reference to the Ridge and the amount of hilltop residents use of the area. Ms. Sythe reported that every renter pays for usage at the Ridge. Residents are given rentals before non-residents. Mr. Danyluk did not feel the questions asked were answered completely. Mr. Danyluk asked if we could have a list of times the Ridge was used and the calendar of activities.

APPROVAL TO PAY THE BILLS

After discussion and review, a motion was made by Mr. Krupa to approve the bills for a total of \$61,093.62. Seconded by Mr. Leventry. Roll Call: Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Leventry and Mr. Pile, all in favor, opposed none. Mr. Rodgers, absent Mr. Kory, absent Motion carried.

Mr. Pile asked for approval to attend a Effective Municipal Meeting Conference, Tuesday, September 9, 1997 at the Holiday Inn, Rt. 56, Johnstown, PA. Motion made by Mr. Danyluk, approved by Mr. Davis. All in favor.

President Pile discussed skunk complaints in the Borough with Council. Mr. Davis will review the problem and make recommendations to Council. President Pile left at this time (9:10 p.m.)

INSURANCE COMMITTEE

In Mr. Kory's absence, Mrs. Czynnik submitted the PIRMA Worker's Compensation renewal package in the amount of \$10,209.00 for the term 8-1-97 thru 7-31-97. To be paid in quarterly payments of \$2,814.75. A motion by roll call: Mr. Danyluk, Mr. Davis, Mr. Krupa, and Mr. Leventry. All in favor, motion carried. absent: Mr. Kory, Mr. Rodgers

BUDGET COMMITTEE

No report.

SHADE TREE

Mr. Krupa reported he wanted to clarify a conversation he had with Mr. & Mrs. Fyock in reference to the tree limbs from their neighbors tree. Several employees were in conversation with the Fyocks' and after several attempts to resolve the situation Mr. Krupa determined the Fyocks' want the Borough to remove the tree in question. The tree is on private property and is not the Borough's responsibility.

Lichtenfels called and are removing trees on Diamond Blvd. near the Middle School. They asked if they could remove some Borough trees at no cost to the Borough on the Southmont side of Diamond Blvd. Mr. Krupa gave Lichtenfels permission to remove the trees.

BUILDING /GROUNDS COMMITTEE

No report.

C.O.G. Report

Mr. Davis reported that COG is having a picnic on August 5, 1997. A & H Equipment will be demonstrating a sewer camera and other equipment. Mr. Davis asked to attend this picnic. Council approved anyone who wanted to attend the picnic. Mr. Bosley expressed interest in attending.

CHAPIN ARCH

No report.

MAYOR'S REPORT

Mayor Morgan recommended Council approve a request to close off a section of Lettuce Alley the evening of August 2, 1997 for a neighborhood block party. A motion by Mr. Krupa to approve the request as per letter of July 19, 1997. Seconded by Mr. Davis. All in favor, motion carried. The Fire Company and Police Department will be sent a copy.

SOLICITOR

Solicitor Lovette has prepared the Ordinance setting the speed limits throughout the Borough, traffic signs, parking areas and etc. Council made a motion to turn the Ordinance over to the Street Committee and hold advertising until they review.

Solicitor Lovette received a call from David Holland of Erie, in reference to surface mining in the limits of Southmont Borough, in the PineBrooke Development area. There are no provisions in the Borough Zoning Ordinance for either underground or surface mining. Solicitor Lovette informed Mr. Holland that any permit to mine would be refused as this is a residential area.

SECRETARY'S REPORT

Mrs. Czyrnik's report records that she worked with Tom Zurilla and Solicitor Lovette during the month, for the Police Pension termination. Request for approval for Kevin Pile and Curt Davis to attend a meeting with other municipalities and utility company's in reference to energy management and shared services. The meeting will be held in the Cambria County Courthouse. Motion was made by Mr. Danyluk, that anyone who wants to go can attend. All in favor, motion carried. Mr. Tim Walsh has submitted a petition with signatures requesting acceptance and vacation of a section of Long Alley. A Public Hearing is necessary and it will be advertised for the August meeting.

It is the consensus of Council that the procedure for a requested vacation of an alley way is that after a petition is signed and a public hearing is set up, and approval of Council to accept and or vacate the alley a deed is prepared for the property owners abutting the alley. Residents paying the cost of the deed preparation. This is accordance with the Borough code.

TREASURER'S REPORT

Council accepted the Treasurer's report for the month of June in the amount of \$411,031.23 in the General Fund balance. All in favor, motion carried.

TAX COLLECTOR

Mr. Quinn's written report for June records \$3,797.63 collected in Real Estate taxes and \$235.00 in Per Capita collections. A motion made by Mr. Danyluk that we accept the Tax Collector's report, was seconded by Mr. Davis. All in favor, motion carried.

APPROVAL TO PAY THE BILLS

Moved ahead on agenda.

OLD BUSINESS

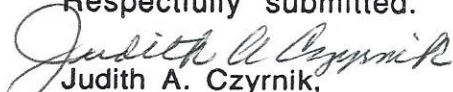
Items on the "Tickler List" were discussed. Items were reviewed, removed and relisted. Council discussed various sewer projects that need reviewed.

NEW BUSINESS

New business was discussed under earlier reports.

There being no other business, Council adjourned at 10:00 p.m. All in favor, meeting adjourned.

Respectfully submitted.


Judith A. Czyrnik,
Borough Secretary