

MINUTES  
BOROUGH OF SOUTHMONT  
July 15, 1996 7:30 p.m.

The regularly scheduled July Council meeting was called to order by Vice-President Leventry at 7:30 p.m.. After the pledge to the flag, the July 15, 1996 meeting of Council convened.

PRESENT: President Pile (7:50p.m.), Mr. Rodgers, Mr. Danyluk, Mr. Leventry, Mr. Krupa, Mr. Kory, Mr. Davis, Zoning Officer: Fred Pullen, Mayor Robert Morgan, Engineer: Ron Walker, Street Commissioner: Jan Bosley, Secretary: Judith Czyrnik, and Mike Butler, Fire Department

ABSENT: Solicitor: Daniel R. Lovette, West Hills Police: Chief Andy Havas,

VISITORS: Ray Hartnett 3 Wren Street Karen Broach Time Warner  
Robert Mitchell 121 Daisy Street Wanda Webb Time Warner

At this time Vice-President Leventry asked for approval of the June, 17 1996 regular Council meeting minutes. Mr. Kory noted two corrections. Council approved minutes as corrected. All in favor, motion carried.

Vice-President Leventry began the July meeting with Mr. Ray Hartnett who presented Council with a picture board of the run-off and storm water problems on Wren Street from Corn Alley and the sanitary sewer flooding on Wren Street. Mr. Hartnett explained the continuous problems during the recent storms and problems that have resulted from the hard winter. On June 14, 1996 the Hartnett property was flooded, on June 24, July 3, and again July 7, 1996. Mr. Hartnett stated the flooding is because of the poor condition of Corn Alley. He also asked that the alley be plowed in both direction for the extra width needed for cars to pass. The residents of the Wren Street/ Corn Alley area have tried to build the area up and preserve the natural beauty by planting trees and making improvements. Mr. Hartnett stated that Borough employees have begun to put milled materials in Corn Alley and that has improved some of the problems. Corn Alley is not an accepted alley, however, the Borough has maintained the alley. He is asking for a solution to the run-off and over flow problems. Mr. Danyluk told Mr. Hartnett that the Borough is aware of the problems and that infiltration is one of them. The sewer line is being monitored several times a week. Council assured Mr. Hartnett that they will continue to investigate the problems towards finding a solution for this sanitary sewer overflow.

Mr. Robert Mitchell informed Council of a potentially dangerous area at Daisy, Dell and Edward Streets. Also at the Daisy-Harshberger Street intersection. Mr. Mitchell feels that a double yellow line on Daisy Street would help to keep people on their own side of the road when turning from Harshberger Street onto Daisy Street.

Mr. Mitchell also reported that a "No Parking" sign was knocked down last winter and has not been replaced. Mr. Bosley will replace the sign. After several near misses and several accidents on his property, Mr. Mitchell feels that the intersection is mismarked. On the down hill slope he believes the crown of the road is too high and tends to pull to the left side. He feels it is 3" to 4" off. The irregular intersection at Daisy, Dell and Edward Street will be looked at by Mayor Morgan.

On recommendation by Mr. Rodgers, Vice-President Leventry moved the Cable TV report up on the agenda to accommodate any further questions from Council. Ms. Karen Broach discussed the new Cable TV ordinance, the Franchise Agreement and a Resolution approving the transfer of the Cable TV Franchise from Time Warner Entertainment to Fanch Cablevision of Indiana.

At a Committee Meeting earlier, Mayor Morgan summarized for Council the Franchise Agreement, reporting the franchise is for 4 years initial term-upgrade within 3 years and an 8 year extension. (subject to review) There is to be a system upgrade within 24 months, possible 70 channel, two-way programming, fiber optics and senior citizens 5% discount.

Mr. Kory asked a question on any monthly cable cost increases. Ms. Broach explained there are three components for increasing rates in the remaining 4 years agreement that TWE has with the FCC. There is #1. A \$1.00 increase for cost to operate, #2. Cost of Living, which is based on the prior year, and #3.

Programming-external costs. Converters will be optional to the consumer. Mr. Davis asked about advanced billings and how the consumer will be notified. Mr. Rodgers displayed a copy of the billing with information on the bill about the service and billing which has been already changed to the middle of the billing cycle, allowing 7 days after due date before penalties are added. There are billing messages on each invoice. Customers are notified every month of any changes.

After further discussion Mr. Rodgers made a motion to approve Cable TV Ordinance No. 402, as advertised. Seconded by Mr. Davis. Roll Call: Mr. Rodgers, Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile all in favor, opposed none. Motion carried.

A motion to approve the Franchise Agreement with Time Warner Entertainment with one amendment for a 5% franchise fee across the board, subject to review and approval of our Solicitor. Seconded by Mr. Kory. Roll Call: Mr. Rodgers, Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile all in favor, opposed none. Motion carried.



A motion was made by Mr. Rodgers, to approve Resolution No. 9602, the transfer of the cable television franchise from TWE to the partnership of TWE, Fanch and Hornell. Seconded by Mr. Kory. Roll Call: Mr. Rodgers, Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile all in favor, opposed none. Motion carried.

Ms. Broach suggested that for the next years budget the revenues will be based on "real time" rather than previous years revenues.

#### POLICE CHIEF'S REPORT

Chief Havas's written report records revenues for the month of May in the amount of \$710.49. During June there were a total of 539 calls. There was a robbery on Orchard Street this past month. The Department participated in a bicycle safety program at the Stutzman Playground. Chief Havas is at a convention this week.

#### ZONING OFFICER'S REPORT

Mr. Pullen report records eleven permits were issued this month in the amount of \$26,270. Mr. Klanchar has not made much progress this month. Year to date estimated construction costs are \$362,525.00. Mr. Danyluk asked Mr. Pullen to check on the Allison property on State Street, as the terms of the agreement do not appear to have been met. Mr. Pullen is still waiting for the Klanchar project to be complete. It is not as timely as was expected.

#### FIRE COMPANY REPORT

Chief Butler's report submitted to Council records the Department answered 30 calls this month. Mr. Butler reported the alarm system was struck by lightning during a recent storm. Power was out, phone system was out, and the fire alarm system malfunctioned. Tercek repaired the circuit system. Mr. Danyluk asked Chief Butler about additional protection for lighting strikes or outages. The Department was called to pump two flooded basements, at 221 Mabel Street and 110 Leon Street. Chief Butler reported on an estimated cost received from Inspection Engineers (Pete Chiodo) for a one story addition to the Fire Company building. The proposed addition would be 40' x 48' x 18' high for an estimated cost of \$144,000.00. This price would be subject to outside help, possibly from the Army Corp. of Engineers for excavating, Borough help in the paving, and any other additional help they could receive to lower the costs. Designed provisions have been made for a second floor in the event the Fire Department should find a need to further expand. According to Borough Code any purchase over \$10,000.00 must be advertised for bids. Council will check with Solicitor Lovette if there is a need to advertise for bids on a Fire Company project. Mr. Jim Dailey has submitted the Hilltop Ambulance Association report and it is on file. Mr. Dailey would like to attend a Budget Meeting.



ENGINEER'S REPORT

Mr. Walker reported Quaker Sales is cooperating with the Borough storm sewer construction by altering their paving schedule. Hannah Alley and Leon Stree will be paved after all the construction is complete. The other paving has been completed and a partial invoice is on the Bill Sheet.

Mr. Rodgers asked about a letter received from Spencer, Custer & Wolfe about how a property owner was notified ref.: Hannah Alley acceptance and the property owners assessments for the paving. Mrs. Czyrnik had mailed all of the information to the Attorney, as requested. This is a buyer/seller situation, as the property changed hands between notifications.

Mr. Leventry reported that the intersection of Orchard Street/Menohar Blvd. has better drainage since Quaker Sales added more slope to the intersection.

At this time, Chapin Arch was moved up on the agenda, for the Engineers input. Mr. Kory explained Marsia is almost complete on the stonework at the Arch. Some clean-up needs to be done. The Cemetery Association is concerned about the wording of maintaining and cutting the grass at the Arch. They would like to have a time limit set on how long the Association is to be responsible for the maintenance of the Arch, after ownership is taken over by the Southwestern Alleghenies Conservancy. Penn Dot has agreed. Dave Sherman of Penn Dot is asking our Engineers for another drawing of the Interpretive Pull Off Site. Ron Walker will be in touch with Mr. Sherman. Mr. Sherman is also requesting we up date Resolution 9401, providing for the reimbursement necessary for construction costs. Current Council President signature is needed. We will not incur any further costs for this project. The agreements are ready to be signed. President Pile recommended that we table the signing until we receive letters of commitment from Southwestern Alleghenies Conservancy for immediate take over of the project after completion. A motion by Mr. Danyluk to table the Penn Dot agreement for Chapin Arch until next month, seconded by Mr. Leventry. We will be in touch with SWAC for commitment letter.

Mr. Kory suggested that we trim the trees and branches that are resting against the Arch. Council agreed that a letter will be sent to Grandview requesting they include the tree trimming in their maintenance.

On another matter, Mrs. Benner of 230 Wonder Street was in touch with Dale Mills of the Department of Environmental Protection in reference to the sewer back up on June 14, 1996. Mr. Mills referred the problem back to Southmont. Mr. Rodgers recommend that we send another letter to Mr. Mills, reminding him to refer to our letter of March 13, 1996, the infiltration is from Upper Yoder Township. Council further suggests that we ask our Solicitor to talk with Upper Yoder's Solicitor towards finding a solution to the overload problem in our sanitary sewer system.

## COMMITTEE REPORTS

### STREET COMMISSIONER'S REPORT

Mr. Bosley's written report records the first phase of storm sewer construction was completed on Leon Street. The Diamond Blvd./Hannah Alley storm sewer construction has been completed. Mr. Bosley is on schedule with the paving as agreed by Quaker Sales. During the month Leon Street had to be refilled after 5 rain storms washed out the fill. Cleaned up intersections and streets after severe rain storms. Mr. Bosley suggested that we televise the line in Squash (Grape) Alley. Roto Rooter feels there is a problem area in the line, possibly roots. The Street Department has begun to fill holes in the dirt alleys with milled material. Mr. Davis asked if the Street Commissioner could check on a line that drains the ground water (springs) thru the Park and on down to Arlington Street. A resident is experiencing some sinking along his driveway and wanted to know if this is related to that drain. Mr. Bosley will check.

### STREET COMMITTEE

Mr. Leventry reviewed with Council Ordinance 403, amending Ordinance 39 and 397 to include the word "maintenance" of sidewalks. Mr. Danyluk made a motion to approve Ordinance 403, seconded by Mr. Rodgers. All in favor, motion carried. Mr. Leventry scheduled a Committee meeting July 24, 1996 at 7:00 p.m., to further discuss and finalize the sidewalk guidelines, property addressing numbers and junked vehicles ordinances. All Council members are invited to attend.

### ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Rodgers reported on the meeting with Rich Lear of PA Municipal Service on July 10, 1996. Mr. Lear had nothing new to report, and the consensus of Council is to pursue looking at the auditing procedures of PAMS and the School District. Mr. Davis suggested we look at other collection agencies.

### RECYCLING COMMITTEE

Mr. Danyluk discussed the recycling of newspaper. Two newspaper collections are scheduled on July 27th and October 12, 1996. It has been advertised. The NIMBY Inc. recycling program that was piloted in Richland has been discontinued because of the decrease in newspaper price.

### INSURANCE COMMITTEE

Mr. Kory recommended that we renew the Workers Compensation with PIRMA, in the amount of \$13,557.00 for the term 1996-97. It is on the Bill Sheet.



BUDGET COMMITTEE

Mr. Rodgers gave a quick review and reported that we are in line with our budget. We have received 66% of our receipts and have expended 48% of the budget, as of June end.

SHADE TREE

Mr. Krupa had nothing new to report. His Committee will have a meeting July 17, 1996 to discuss other projects.

RECREATION/PLAYGROUND COMMITTEE

Mr. Pile reported that Southmont Borough has received the Department of Conservation and Natural Resources, Keystone Small Community and Parks grant in the amount of \$20,000.00. This is a non-matching grant and will be used for the storage shed, restrooms and new backstops at the Southmont ballfield.

CABLE TV COMMITTEE

Cable was moved up on the agenda.

C.O.G. Report

No report, other than Mr. Davis will attend the C.O.G picnic August 6, 1996. A motion was made by Mr. Rodgers for Councilmembers attendance at the C.O.G. picnic, seconded by Mr. Danyluk. All in favor, motion carried.

Mr. Davis also will attend the Employment Law Seminar August 21, 1996 at the Pittsburgh airport. A motion by Mr. Rodgers for Councilmembers attendance at the Employment Law Seminar, August 21, 1996. Seconded by Mr. Danyluk. All in favor, motion carried.

Mr. Davis submitted to Council a summary of the seminar

CHAPIN ARCH

Chapin Arch was moved up on the agenda.

MAYOR'S REPORT

Mayor Morgan reported that he attended the EMS training session on July 9, 1996. A comprehensive Emergency Management program was reviewed. Sidewalk inspections were made on the second year phase of the program. Letters will be sent to property owners to make corrections. Mayor Morgan and the Committee found many residents who need proper identification or addressing of their houses. Another suggestion for Council is that we begin an update of the street signs. Mayor Morgan recommended they all be uniform. The older signs are beginning to fade. Commissioner Baranik scheduled a meeting with Penn Dot officials at the Borough Building on June 21, 1996. At the meeting Penn Dot said they had no monies to make any repairs at the rock slide area. However, they will look at water run-off problem in the same area. A letter will be sent to Commissioner Baranik for his leadership in scheduling the meeting.

Mayor Morgan will discuss with Chief Havas about the three way intersection of Dell, Daisy and Edward Streets, as requested by Mr. Mitchell. Also, Mayor Morgan recommended that we purchase a new writing board for the Council room. Letters have been sent to residents to trim trees and brush from sidewalks, alley ways and intersections. The Secretary will call Upper Yoder in reference to trees and brush overhanging on Elknud Lane and Keppler Drive.

#### SOLICITOR

In the absence of Solicitor Lovette the Secretary reported that there will be a hearing on July 26, 1996 in reference to Peregoy/Kenney litigation.

#### SECRETARY'S REPORT

The Secretary's report records a letter has been written to Dr. W. Kowtonik in reference to the amount of garbage he is putting out and how early the garbage is being set out for collection. The Secretary will take the Notary Oath in Ebsenburg, new term will expire July 27, 2000. The new construction at the Pinewood Restaurant entrance owned by Inspection Engineers will need to have a letter for the front footage of the property. Mr. Bosley will check the tap in with Mr. Chiodo.

#### TREASURER'S REPORT

Mr. Rodgers made a motion to approve the Treasurer's report with a balance of \$325,616.30 in the General Fund for June 1996. Mr. Kory seconded. All in favor, opposed none. Motion carried.

#### TAX COLLECTOR

Mr. Quinn's written report records \$3,913.10 collected in Real Estate taxes and \$245.00 in Per Capita collections for the month of June. Total amount of \$4,158.10. A motion by Mr. Rodgers approving the Tax Collector's report, was seconded by Mr. Danyluk. All in favor, motion carried.

#### APPROVAL TO PAY THE BILLS

After questions and review, a motion was made by Mr. Rodgers to pay the bills in the amount of \$112,917.27. Seconded by Mr. Krupa. Roll Call: Mr. Rodgers, Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile all in favor, opposed none. Motion carried.

NEW BUSINESS

Mr. Danyluk would like Council permission to get information and prices on codification of the Ordinances. Council agreed. Mr. Danyluk agreed to research the possibilities.

OLD BUSINESS

No other old business.

President Pile called an Executive session at 10:00.

Council adjourned 10:30 p.m.

Respectfully submitted.



Judith A. Czyrnik,  
Borough Secretary

