

**MINUTES**  
**BOROUGH OF SOUTHMONT**  
**December 13, 1999, 7:00 p.m.**

The scheduled December Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the December 13, 1999 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Rovansek, Mr. Krupa, Mr. Strittmatter, Mr. Leventry, Mr. Kory, Mayor Lary Koval, Secretary: Judith Czynnik, Solicitor: Daniel R. Lovette, West Hills Police: Chief Andy Havas, Zoning Officer: Fred Pullen, and Fire Department: Michael Butler and Hilltop Ambulance: Chet Borosky

ABSENT: Street Commissioner: Jan Bosley,(sick) Engineer: Dave Duray

VISITORS: Robert Morgan 345 Diamond Blvd.

President Pile asked for approval of the November 15, 1999 minutes. A motion was made by Mr. Krupa to accept the minutes as written. Seconded by Mr. Leventry. All in favor, motion carried.

At this time, President Pile called on visitor Mr. Robert Morgan of 345 Diamond Blvd. Mr. Morgan stated that he is concerned about the stop sign placed at the intersection of Edward, Daisy and Dell Streets. He feels that during the Winter months it may not be possible to stop at that intersection. Council had discussed the placement of this sign at the last meeting of Council on November 15, 1999. After discussion, it was the consensus of Council that the sign will remain as posted and reviewed in the Spring.

Mr. Morgan also questioned the reasons for all the signs posted at the newly constructed Chapin Arch pull-off. Presently it is posted with far too many One-Way directional signs at the Heritage Route pull-off. Mr. Morgan feels with all the extensive work done by Mr. Kory, Borough Council, Grandview Cemetery and with all the Borough Engineers design work involved there should be a more attractive sign arrangement. All the signs detract from the historical value of Chapin Arch. Many Council members agreed with Mr. Morgan. After discussion, Council consensus was that we send a letter to PennDot expressing our concerns about the amount of signs, possibly less signs could be used and not on the curbing at the island. Mr. Kory will check with PennDot and see if these signs were part of the specifications.

Mr. Kory will be in touch with the Southern Alleghenies Southwestern Conservancy to discuss the signs and about the Borough turning this area over to them.

Mr. Rodgers stated that he wanted to publicly commend Bob Morgan for the fine work done with the Cable Franchise transfer from TW CableComm to Charters Communications. Mr. Morgan was on the Cable Committee working with other members of COG for the re-negotiations. Mr. Morgan was able to understand the specifics of the Cable transfer. Council agreed.

### POLICE CHIEFS REPORT

Chief Havas's written report records the activities for the month of November. Total revenues for October were \$407.29. Chief Havas reported that after the first of the new year West Hills Regional Police will sponsor a second gun safety program. They will be offering gun locks to the public at \$3.00 per lock. Chief Havas reported that this is an excellent public service to the Community and urges residents to participate. It will be advertised in the newspaper. Det. Sgt. Muselin and Chief Havas attended a training session on 11-18-99 on Violence Against Women. The program was sponsored by Cambria County Task Force regarding county-wide domestic violence protocol and standardized policies that have been recently developed.

### ZONING OFFICER'S REPORT

Mr. Pullen's written report records two (2) sign permits have been issued during the month with construction costs of \$565.00. The estimated year to date construction cost is \$504,423.00.

Four permit applications for demolition or removal of a permanent project were issued and have not been completed. A demolition permit is issued to inform the County that a change to the assessed value of the property has been made. A BOCA Code violation notice was filed against Charles Snyder of 521 Southmont Blvd. The resident has been without gas or water service since March 1999. Mr. Pullen turned the case over to the Agency on Aging and the family has since been removed from the property. There appears to be some health problems in the family. They will be staying at an Aging Office residence until the Cambria County can make a ruling on their behalf. The house at 521 Southmont Blvd. will have to have a Health Inspection before the Snyders are able to return.

### FIRE COMPANY REPORT

Chief Butler's written report records 11 responses for the month of October. Chief Butler requested that the November 15, 1999 minutes read that Chief Butler stated "if someone would 'key a mike' when the siren or pager go off is a common problem and it has happened. Both siren and pager could be knocked out." Chief Butler stated that anybody can "key up a mike", at anytime. This will disrupt the service. Council will send a letter to 911 with our concerns about this problem. Chief Butler's report records that the Fire Department purchased a Scott Thermal Imaging Camera from Allsafe Fire Equipment. The unit was purchased thru the Fire Departments Relief Fund for a cost of \$13,600.00. The Fire Company had purchased the Imaging Camera prior to the November meeting. This unit is compatible with the Westmont Fire Department unit that was just recently purchased. The unit was placed into service on December 2, 1999. Chief Butler reported that the smoke alarms in the Municipal Building are malfunctioning at different times. The Fire Department has contacted Tercek Electric to check out the system. Chief Butler reported that a crew will be in station on December 31, 1999 for any possible Y2K problems.

Chief Butler wanted to comment on Mr. Leventry's retirement from the Borough Council. The Fire Department appreciates and wanted to thank him for the years of service and help he has been to the Fire Department.

### ENGINEER'S REPORT

In the absence of Mr. Dave Duray of Hinks & Locher Engineers , Council will refer to the Solicitor' Report for any remarks and review of the acceptance of Cheney Oak Drive/and the PineBrooke Development Subdivision.

### COMMITTEE REPORTS

#### STREET COMMISSIONER

In the absence of Mr. Bosley, the written report was submitted recording that work is continuing on the remodeling of the garage area. The site was prepared for the new pole building installed on Diamond Blvd. Took recycling trailer to Boswell weekly. Continued picking up leaves. Mr. Bosley's report has a question on the steps from Shady Lane to Harding Street . The hand railing needs to be repaired however, the steps appear to be in Ray Alley which was never accepted by the Borough. The question concerns responsibility for the railing repairs. After some discussion, Solicitor Lovette recommended that our Engineers survey and prepare descriptions of Ray Alley. Council will then decide on if the Borough will convey the alley to the abutting property owners. The Engineers will be notified to do the survey. Council will look into conveying other "paper alleys" to the abutting property owners. There are several alleys that need this review.

A motion was made by Mr. Rodgers to have Ray Alley and steps surveyed and to prepare a legal description, as soon as possible. Seconded by Mr. Krupa. Motion carried. all in favor. We need the legal description in the event we convey the alley to the abutting property owners between Harding and Shady Lane. President Pile took this time and opportunity to commend the Street Commissioner and his crew for the fine leaf collection done this year. Several residents have called Council members to express their approval and good comments about the program this year.

#### STREET COMMITTEE

Mr. Leventry reviewed and reported on the survey of new construction sidewalks constructed or not constructed in areas where the property is geographically feasible. Some new construction has installed sidewalks while others haven't. The Committee will have to continue the review of this Ordinance. Initial Ordinance No. 39 has been in effect since October 13, 1924, Ordinance No 397, dated 11-20-95 and the new Ordinance No. 403 passed on September 16, 1999 all state that sidewalks are to be installed.

After further discussion, Mr. Rodgers suggested that this should be discussed at the next Committee meeting.

No street crack sealing was done this fall, however it is scheduled for early Spring.

**ADMINISTRATION & PERSONNEL COMMITTEE**

Mr. Strittmatter noted that he was not able to attend the last negotiation meeting. Mr. Rodgers and Mr. Leventry met with Union Representative Tim Miller and Jim Carbaugh and Roy Livingston. They are to meet again on December 15, 1999 at 6:30 p.m. The Borough offered them a package that includes a new Hospitalization program.

Mr. Rodgers reviewed the appointments for the various Boards and Commission. A motion by Mr. Rodgers to appoint Mr. William Carstensen to the Zoning Hearing board for a five year term and to the BOCA Appeal Board for a five year term, appoint Mr. James Munro to a four year term on the Planning Commission. Mr. Rodgers made a motion to appoint Mr. Charles Glass, Mr. Ronald Madison and Mr. Henry VonBlohn to the Zoning Hearing Board as Alternate members, each to a one year term. Seconded by Mr. Rovanseck.

Mr. Rodgers made a motion to appoint Mr. George Ambroe to the Greater Johnstown Water Authority for a five year term. Motion was seconded by Mr. Rovanseck. All in favor, motion carried.

Mr. Rodgers continued with a motion to set and advertise the Council meeting schedule for the year 2000, the regular meeting of Council to meet on the third Monday of each month at 7:00 p.m., with a Special Committee meeting at 6:30 p.m., if necessary, to set Committee meetings every Tuesday at 7:00 p.m. if necessary and to set the December 2000 meeting of Council on December 11, 2000 at 7:00 p.m. Motion was seconded by Mr. Strittmatter. All in favor, motion carried.

Mr. Rodgers made a motion to advertise the Re-organization meeting set for January 3, 2000 at 7:00 p.m. for the purpose of re-organizing and setting wage rates. Motion seconded by Mr. Strittmatter. Amended and approved. All in favor, motion carried.

**POLICE COMMISSION**

Mayor Koval reported that the Commission will meet on December 14, 1999, 7:00 p.m. at the Brownstown Municipal Building.

**RECYCLING COMMITTEE**

Mr. Rovanseck had no report.

**INSURANCE COMMITTEE**

Mr. Kory reported that the new storage shed building on Diamond Blvd. was added to our Insurance package.

**BUDGET COMMITTEE/CABLE TV**

Mr. Rodgers made a motion to accept the year 2000 Budget in the amount of \$675,110.00. Motion seconded by Mr. Krupa. Roll Call: Mr. Rodgers, Mr. Rovanseck, Mr. Strittmatter, Mr. Krupa, Mr. Kory, Mr. Leventry, and Mr. Pile, all in favor. Opposed none. Motion carried. Budget was advertised.

Mr. Rodgers made a motion to approve the tax rate Ordinance No 418 at 22 mills for the year 2000 budget. Seconded by Mr. Kory. All in favor, motion carried. Mr. Rodgers took this time to thank Lou very much for all his help in preparing the Budget for the year 2000 and in previous years. Council appreciates his help. All in favor, motion carried. Tax rate was advertised.

### SHADE TREE

Mr. Krupa reported that the Kindred Spirit was sent out in early December. The Tree City USA Award was sent this week. Mr. Krupa recommended that the Shade Tree Commission recognize Lois Smith at the Arbor Day celebration on May 6, 2000. Mrs. Smith was the Borough Secretary for many years and a tree will be planted in her memory, along with Mark Buffenmyer who also passed away this year.

At the request of residents of the Diamond Blvd. Shed area, President Pile is suggesting that we look into the possibility of planting some species of evergreen trees to provide a buffer border around the Fireman's shed and the newly installed Borough shed. Mr. Krupa has received costs from two Nursery's. After review, a motion was made by Mr. Kory to plant trees around this area, for a cost of up to \$1,5000. Seconded by Mr. Rodgers. All in favor, motion carried. Mr. Krupa will use his judgment on the type of trees.

### RECREATION/PLAYGROUND COMMITTEE

Mayor Koval reported that the Budget for 2000 has been approved. The Westmont School District is planning to charge the Recreation Commission for the use of their gym for the Basketball program. The Commission is negotiating with the School District on this issue. Work is continuing at the Ridge. Mayor Koval feels the basketball hoops at the Southmont Basketball Court are lower than they should be. He would like them to be set at the standard rim height of 10 feet.

### BUILDING /GROUNDS COMMITTEE

Mr. Kory recommends that the Borough send a letter to the Fire Company advising them to consider the Fireman's Shed needs to be repaired and painted early in the Spring. Mr. Kory has had complaints on that shed. Council is suggesting they paint it to blend with the area, possibly a green color.

### C.O.G. COMMITTEE

Mr. Rovanseck reported that COG is planning a program to share computer software with Municipalities. COG conference will be held in September 2000. Cog is talking again about a shared video camera program for sewer video's.

### CHAPIN ARCH

Mr. Kory stated that now that the Chapin Arch pull-off construction work has been done we should begin preparation to turn the Arch over to the Southern Alleghenies Conservancy group. A motion by Mr. Kory to authorize the Solicitor to prepare the deed to convey the Chapin Arch to the Southern Alleghenies Conservancy. Seconded by Rodgers. All in favor, motion carried.

### MAYOR'S REPORT

Mayor Koval had a question for Solicitor Lovette, at the November 15, meeting, about the Wren Street property? Solicitor Lovette reported that the property would have to go before the Zoning Hearing Board to change the property from residential to commercial. The Borough could request a hearing to do that. It would have to follow the Zoning Hearing Board rules and would be at the Borough's expense. The property then could be advertised and sold as a commercial site, however if someone wished to build a residential home on this property it would be permitted. Commercial building is not permitted on residential property.

### SOLICITOR

Solicitor Lovette has talked with the Engineers and reviewed with Council a letter Solicitor Lovette wrote to Attorney Gvozdich in reference to the 100% maintenance bond in the amount of \$163,994.32 and to amend the Subdivision and Land Development Agreement dated September 23, 1997 under paragraph 20 which changes the security period from 18 months to 24 months. C & D Associates has agreed and signed this letter dated December 6, 1999. And we have received a letter from the Department of Environmental Protection stating that the Borough has no liability in the fines imposed on Mr. Chiodo for dumping on Lots No. 7 & 8. Solicitor Lovette recommends that we accept the PineBrooke Development from C & D Associates and the Cheney Oak Drive roadway. A motion was made by Mr. Rodgers to accept the PineBrooke Development as amended in the letter dated December 6, 1999, in reference to paragraph 20 of the Subdivision and Land Development Agreement, dated September 23, 1997. Seconded by Mr. Krupa. All in favor, motion carried.

A motion was made by Mr. Rodgers to accept the PineBrooke Development/Cheney Oak Project from C & D Associates. Seconded by Mr. Leventry. All in favor, motion carried. Mr. Bosley has been instructed to plow snow on Cheney Oak Drive. Now that the Borough has accepted the Project the holding pond must be posted. A motion by Mr. Leventry to authorize Solicitor Lovette to prepare a resolution stating that the Pond is not to be used as a Recreational site. Seconded by Mr. Strittmatter. All in favor, motion carried. The pond will be put on the Borough's Liability Insurance.

Solicitor Lovette reported that George Haidar took an appeal on the Magistrates decision and someone from the District Attorney's office will be handling the case. A second violation has been filed and Mr. Haidar will be fined daily for each day the dumped material has not been cleaned up.

Mr. Rodgers made a motion to thank and to commend both Dave Duray and Solicitor Lovette for the excellent work they did to bring the PineBrooke Development Project to a close. Motion seconded by Mr. Rovanseck. All in favor, motion carried.

Solicitor Lovette reported that the deposition of Borough employees went well on the Hartnett case. -Nothing further to report.

### SECRETARY'S REPORT

Mr. Rodgers made a motion to appoint Eric Muncert to fill the unexpired term of Robert Lengel as Assessor. the term expires on December 31, 1999. Seconded by Mr. Leventry. All in favor, motion carried.

After review and discussion, Mr. Krupa made a motion to approve the Animal Enforcement Ordinance No. 419. Motion seconded by Mr. Strittmatter. All in favor, motion carried.

A motion was made by Mr. Strittmatter to approve the Animal Control Agreement with the City of Johnstown, subject to the City's start up date. Seconded by Mr. Krupa. All in favor, motion carried.

Council will need to appoint three Auditors. Mr. Chilcot declined the elected position and Mike Bidelman declined the proposed appointment. Council will make the appointment at the Re-Organization meeting at which time Mayor Koval can give them the Oath of Office. Richard Treece, John Khuri and Douglas Bastaja are the proposed appointments.

We have received a quote on a line sharing device that will eliminate the ringing of a fax call that can be installed on the fax machine. The cost is \$135.00 installed. A motion was made by Mr. Kory and seconded by Mr. Leventry to have the line sharing device installed. All in favor, motion carried.

Council requested that Mrs. Czyrnik receive quotes for a new computer system that will handle the internet. Advantage Computers who has serviced our computers and is familiar with our software and programs submitted a quote in the amount of \$1,848.00.

After discussion, Mr. Rodgers made a motion to approve the new computer in the amount of \$1848.00. Seconded by Mr. Leventry. All in favor, motion carried.

This will include the internet modem and that will take care of the speed needed for internet, it can network with current printers, and the second office computer.

### TREASURER'S REPORT

Mr. Rodgers moved to approve the Treasurer's report for the month of November as submitted in the amount of \$341,866.48 in the General Fund balance. Seconded by Mr. Krupa. All in favor, motion carried.

### TAX COLLECTOR

Mr. Rodgers made a motion to record that we received the November Tax Collector's report, in the amount of Real Estate at \$555.62 and Per Capita at \$247.50. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Rodgers noted that there is a new reporting form from the Department of Community and Economic Development for the Tax Collector to report collection of tax revenue. It will be forwarded to Mr. Quinn.

### APPROVAL TO PAY THE BILLS

After review, a motion was made by Mr. Strittmatter to approve the Payment of the Bills in the amount of \$21,954.38. Seconded by Mr. Krupa. Roll Call: Mr. Rodgers, Mr. Rovansek, Mr. Strittmatter, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile. All in favor, opposed none. Motion carried.

**OLD BUSINESS**

President Pile asked for review of items on the "Tickler List". Items were reviewed, removed or re-listed. Most items are currently in progress. Some new items will be added. Several outstanding items were removed.

**NEW BUSINESS**

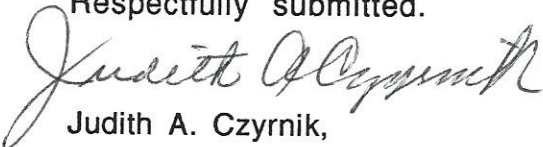
Some discussion was held on the payment received from Upper Yoder Township Sewer Authority on the 1999 payment for sewer rental. Southmont Borough increased the Upper Yoder rental fee from \$6,000.00 to \$8,000.00 beginning 1999. Upper Yoder paid only \$6,000 and withheld the additional fee requested until the Authority reviews the calculations on the number of homes and consumption used. Southmont had prepared a figure amount and submitted it to Upper Yoder at the Committee Meeting November 9, 1999. Both Municipalities are working on determining a formula for the rate. Council recommended that we send a receipt showing the \$2,000.00 balance due. The Secretary will prepare the invoice and note that it is payable by March 31, 2000.

President Pile asked for approval of the November 30, 1999 Committee Meeting notes. Motion made by Mr. Rodgers, seconded by Mr. Leventry. All in favor, motion carried.

At this time President Pile wished to express, with regret, the "retirement" of Lou Leventry. Mr. Leventry has served the Borough for many years, with dignity in a conscientious effort in making the proper decisions for the Borough of Southmont. Mr. Pile remarked that Lou will be greatly missed by all members of Council. Mr. Leventry was awarded a plaque commemorating his thirteen years of service.

At this time Council adjourned at 9:10 p.m.

Respectfully submitted.



Judith A. Czyrnik,  
Borough Secretary

