

MINUTES
BOROUGH OF SOUTHMONT
June 16, 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 June 16, 1997 meeting of Council convened.

PRESENT: President Pile, Mr. Leventry, Mr. Krupa, Mr. Kory, Mr. Davis, Mr. Danyluk, Solicitor: Daniel R. Lovette, Mayor Robert Morgan, Engineer: Ron Walker, Zoning Officer-Fred Pullen, West Hills Police: Andy Havas, Fire Department: Michael Butler, and Secretary: Judith Czyrnik

ABSENT: Mr. Rodgers, Street Commissioner: Jan Bosley,

VISITORS: Charles Koban 1050 Luzerne Street Eric Muncert 1046 Luzerne St.
Ken Kerrick 369 Bliss St Mr. & Mrs. Dick Hoover 361 Bliss St
Keith Griffith/Heritage RE Alex Keklak 89 Thoburn Street
Pete Chiodo 943-B Menoher Blvd. Pat Ditko 134 Avis St.
George Haidar 248 Barron Ave. Jean Shroyer R 271 Grove Ave.
Mr. & Mrs. Milan Gjurich 121 State Street

At this time President Pile asked for approval of the May 19, 1997 regular Council meeting minutes. There being no question or correction, Mr. Davis made a motion to approve the minutes as written. Seconded by Mr. Krupa. All in favor. Motion carried.

A motion was made by Mr. Danyluk to open the 1997 Street Paving bids. Seconded by Mr. Krupa. All in favor, motion carried.

The first bid was from Quaker Sales \$53,805.75
and the second bid from Derry Construction \$54,882.50

A motion was made by Mr. Leventry to accept the lowest bid of Quaker Sales in the amount of \$53,805.75, pending review by the Engineers and Solicitor. Seconded by Mr. Danyluk. Roll call: Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile. Mr. Rodgers absent. Motion carried.

VISITOR'S

President Pile called upon Mr. George Haidar who owns a property on Luzerne Street. Mr. Haidar just wanted to explain about the trees he cut down and wanted to burn along with some construction materials he accumulated along side of his property. At the last Council meeting residents complained about the debris and the possibility of burning. It was Council's decision not to allow any burning so near to the Stackhouse Park area. The County has also issued a no burning restriction due to the lack of rain this Spring.

Mr. Keith Griffith of Heritage Real Estate is in the process of selling the last parcel of land owned by M & T along Susan Drive. This is a residential area. The prospective purchaser is planning to build a new home and has done sewer elevation studys. Copies will be given to Mr. Pullen. Mr. Griffith asked if he needs a permit to cut the guard rail for a driveway and a sewer permit. Mr. Pullen told Mr. Griffith that when he receives the building permit application, this will allow for the sewer tap in. The fee is based on front footage for the tap in and must be inspected. If a cut is needed in the guard rail for the driveway that will also be done with the building permit.

Mrs. Jane Hoover spoke with Council in the hopes of swaying a Zoning concern that she and other residents of Bliss Street have. She is opposed to the proposed office building on the site of the green house on the property of the former Bethlehem Management Club. She is asking that Council consider changing the Zoning requirements or suggest that the developer investigate alternative sites for their proposed building. The residents of Bliss Street feel that the office building will negatively impact their property values. Solicitor Lovette advised Council that Mrs. Hoover is asking Council to restrict the developer beyond the restrictions in the Zoning Ordinance. Solicitor Lovette counseled against any changes to the Zoning Ordinance and advised Council not to make changes. He suggested Mrs. Hoover to appeal before the Zoning Hearing Board.

Mr. Alex Keklak of 89 Thoburn Street presented to Council pictures of a ravine that runs behind his property, between Long Alley and Thorn Alley. Both alleys are "paper" alleys, they exist only on the Borough maps. This area is marshy with a small stream that is probably spring fed. The pictures show the amount of water and marshy area. He also is informing Council that residents are dumping debris and tree trimmings in this area. He is asking that Council look at the problem and possibly install drain pipes or try to find some solution to this drainage problem. There are several trees in the alley way that could fall on to his property. Council has directed the Street Committee to review this problem.

Mr. Chiodo and Mr. Ditko submitted to Council new drawings for PineBrooke, the signed Subdivision and Land Development Agreement, a legal descriptions of the parcel being developed, a storm water management plan for a 25 year storm, an agreement with the Greater Johnstown Water Authority for service provisions, all necessary easements and right-of-ways, and a copy of the documentation submitted to the DEP. A copy of the subdivision has been submitted to the County, and Mr. Chiodo is waiting to get approval from them. Mr. Chiodo submitted a plat of the development plan with structures, streets, parking spaces and etc. Financial securities are meeting this week and he feels sure he will have the finances. The proposed Assisted Living Corporation will be developed on 3 acres of this sub-division. Mr. Pullen spoke briefly on the scheduled Zoning Hearing Board meeting for the permitted use of an assisted living unit. The plan will be approved if all of the above requirements are met.

Mr. Chiodo told Council the the DEP recommended a silt fence be installed and logs and debris needed to be cleaned up. This is being done. Mr. Chiodo asked that since he is installing the street and sewer lines, that the Borough waive the sewer front footage tap-in charge.

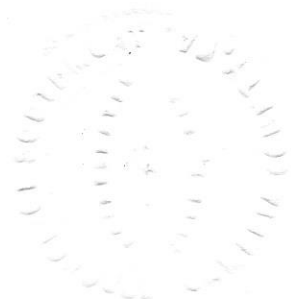
President Pile asked the Street Department to open the bids for the sale of the eight Borough properties along State Street. Two bids were received. Mr. Leventry opened the first bid from Jeffrey Masterson for property lot no.'s 227, 228, 229 in the amount of \$750.00. A second bid was received from Mr. Milan Gjurich and Cynthia Cruse for all eight of the lots in the amount of \$800.00. Mr. Gjurich and Mrs. Cruse are abutting property owners. After discussion Mr. Danyluk made a motion to accept the \$800.00 bid for the entire 8 lot parcel as is and to have surveys and legal descriptions done to prepare the deeds. Motion seconded by Mr. Kory. All in favor 5, Mr. Davis opposed. Motion carried. Legal descriptions will be prepared and surveys made if necessary. After the sale any trees that the new owners would want to remove will be their responsibility.

POLICE CHIEF'S REPORT

Chief Havas's written report records monthly activities for the month of May and the annual report with traffic reports and summaries for 1996. The revenue check has not been received for the month of May. It will be reported in June. Letters were received thanking the Department for their assistance. Chief Havas mentioned that there is a Police Commission on Tuesday, June 17, 1997 at the Southmont Borough Building at 7:00 p.m. Mayor Morgan asked to be moved up on the agenda, reporting that the WHRPC will attend the Upper Yoder Township meeting on June 19, 1997 to discuss police activities. Mayor Morgan will report back to Council on the outcome.

ZONING OFFICERS REPORT

Mr. Pullen's written report records 9 new permits have been issued for this month with a construction cost of \$61,196.00. This brings the year to date construction cost to \$154,255.00. Mr. Pullen noted that 12 complaint records have been received from WHRP. Two new permits were issued due to the notifications. As mentioned before, there will be a Zoning Board hearing on July 2, 1997 at 7:00 p.m. for the permitted use of the assisted living proposed building on a portion of the PineBrooke Development site. The approval of the permitted use will be approved only when the conditions that are outlined in our letter of June 2, 1997, concerning the agreement for sub-division and land agreement.



FIRE COMPANY REPORT

The written report submitted by the Fire Company records total responses at 10 for the month. Chief Butler reported a new air booster pump on the cascade system in the Rescue unit installation was delayed until late June. Chief Butler reported that the Jubilee did not do as well as last year because of the weather conditions. The Fire Company finally received the specifications for the proposed new building and the Fire Company has not had time to review the plans.

Chief Butler explained that at the entrance of the soccer/ballfield at the gate, the trucks leaving the Jubilee damaged the field. Chief Butler has spoken with Lichtenfels and they recommend scraping down about 6"/8" to 10" and filling in with 4"-5" gravel for drainage. Then to cover over with topsoil and reseed. Council asked the Borough Engineers to review the area for cost estimates and recommendations for this project. A motion was made by Mr. Danyluk to approve Engineers preparing cost estimates, drawings and recommendations.

ENGINEER'S REPORT

Mr. Walker reviewed the Corrective Actions Plan report. Mr. Mark Walker will address the DEP's response on the quarterly report for clarification on our request of the sanitary sewer EDU taps.

Mr. Walker discussed the televising of the Griffith property on Arlington Street. Roto Rooter cameras show blockage at both the upper and lower ends of the line in question. Leaving about 50' of pipe not televised. The line will be opened at the Arlington Street end and cleaned so that televising can continue and damage assessed. Mr. Walker will review the new drawings submitted by Mr. Chiodo and report at a Special Committee meeting scheduled for June 24, 1997 at 7:00 p.m. Mr. Walker reviewed the Street Paving bids during the Council meeting and they appear to be in order.

COMMITTEE REPORTS

STREET COMMISSIONER

Mr. Bosley's report records that cracks on various streets have been filled. Rebuilt and patched blacktop around catch basin on Diamond Blvd., near Pepper Alley, that had collapsed. Cut grass on Borough properties. Finished repairing unpaved alleys with milled materials. Cleaned inlets off and shoveled up gravel and dirt from wash out areas. Removed the wooden play structure from the Wren Street Playground. Picked up bleachers from Johnstown High and assembled on the soccer field. Dye tested storm sewers in the Diamond Blvd./Orchard St. area to determine if the dye appeared in the spring water above Squash Alley which caused property flooding. The dye did not appear in the spring water.

STREET COMMITTEE

Mr. Leventry reported that we are waiting for right of way drawings from PennDot for the problem of shrubs that might be in the right of way on Daisy and Harshberger. After we review the drawings we will turn the issue over to Chief Havas for removal or trimming of the shrub as it causes a problem for traffic turning onto Harshberger.

Mr. Leventry reported that two bids were received for a sewer cleaning machine to clean out the Upper Cheney Run (Wonder St.) stream.

#1. GAP Inc. \$7040.00 (4 days)

#2. Robinson Pipe Cleaning Co. \$3,850.00 (5 days)

A motion was made by Mr. Danyluk to accept the Robinson Pipe Cleaning Co. for the low bid of \$3850.00. Seconded by Mr. Krupa. All in favor, motion carried.

Residents of Arlington Street asked that a street light be installed in the area of their property. The Street Committee is checking with Penelec to determine the costs of relocating the light and/or installing a higher watt bulb on other lights in the area. Penelec will call us back, and then the Committee will make their decision.

ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Davis reported that he met with Dan Lenzy at Catanese's office to get good language on a request for proposal for the Borough audit. This new proposal will be given to the agencies that returned proposals to the Borough previously.

Mr. Davis reviewed with Council on the termination of the Police Pension plan. It has been recommended that an Ordinance should be written to terminate the plan.

A motion was made by Mr. Davis for the Solicitor to prepare an Ordinance to terminate the plan. Seconded by Mr. Danyluk. All in favor, motion carried.

At this time Mr. Davis asked for an executive session, for Personnel matters.

President Pile called executive session at 8:40 p.m. Meeting reconvened at 8:45 p.m. and a motion was made by Mr. Davis to hire Cynthia Bednarz as a Clerk at \$5.15 per hour to \$5.25 per hour after ninety days. This is for a 25 hour a week position or as needed. Seconded by Mr. Danyluk. At budget time Mrs. Bednarz will be properly evaluated with the other employees.

POLICE COMMISSION

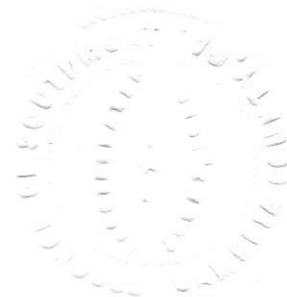
No further report.

RECYCLING COMMITTEE

No report.

INSURANCE COMMITTEE

Mr. Kory had no report.



BUDGET COMMITTEE

No report.

SHADE TREE

Mr. Krupa reported on his article recently published in the Tribune, concerning Borough Shade Trees. Mr. Danyluk asked Mr. Krupa to look at a complaint about trees overhanging on Wonder Street. He will look at the area and send letters where necessary.

RECREATION/PLAYGROUND COMMITTEE

Mr. Pile reported on Mr. Getty attending the Commission meeting and complimented the Playground Committee for the outstanding job and for furnishing a beautiful facility. He also complimented the Commission for the summer playground program. We have received final drawings for the soccer/ballfield restrooms and Mr. Pile feels we should move forward. Mr. Bosley and possibly Mr. Koval will supervise the project. Volunteers will be used for construction of the project. A motion was made by Mr. Danyluk to proceed and seconded by Mr. Krupa. It was recommended a wire or pipe be put in the bottom of the fencing recently replaced at the hockey court at State and Olive Street. This will keep the fencing from curling up at its bottom.

BUILDING /GROUNDS COMMITTEE

No report.

C.O.G. Report

Mr. Davis reported on the COG meeting. They are asking if any member is interested in sharing the cost of a line painting machine. Questionnaires were sent to all Council members. There will be a municipal training seminar at St. Francis October 25, 1997. Shared Municipal services training will be held at the COG meeting in Ebensburg on July 10, 1997.

CHAPIN ARCH

Mr. Kory had no report.

SOLICITOR

Solicitor Lovette will prepare an Ordinance setting the speed limits throughout the Borough. A sample ordinance was received from PSAB that will be used as a guideline. A motion was made by Mr. Davis to have the Solicitor prepare and advertise an ordinance setting the speed limit in the Borough, and traffic signs within the Borough limits. Seconded by Mr. Danyluk. All in favor, motion carried. The ordinance will be prepared according to the regulations of the MVC, Section 6109.

On another issue a letter was received from Mr. Walsh of Leon Street requesting that he would like to obtain ownership for a portion of Leek Alley (Long) that abuts his property. Mr. Walsh will be sent a letter informing him of the proper procedures for acquiring this property. He would need to have a signed petition from abutting property owners stating their willingness to have this portion of the alley accepted and then vacated. President Pile stated that we need to develop a policy when residents make a formal written request, with a signed petition from the abutting property owners, and present it to Council. Residents would be responsible for any survey costs, attorney expense and filing fees to have a deed prepared.

SECRETARY'S REPORT

Mrs. Czyrnik's report records that a Senior Citizen's Awareness Program was held, attendance was small but the participation was well received. Second notices were sent to residents who did not comply with the address numbering ordinance. Sat in on the interviews for an office clerk position made available June 13, 1997. Attended a hearing at District Justices office for an unpaid sewer and garbage invoice.

TREASURER'S REPORT

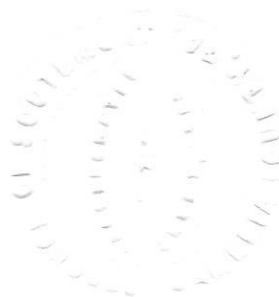
Council accepted the Treasurer's report for the month of May in the amount of \$363,762.84 in the General Fund balance. All in favor, motion carried.

TAX COLLECTOR

Mr. Quinn's written report for May records \$161,915.93 collected in Real Estate taxes and \$3,635.80 in Per Capita collections. A motion made by Mr. Danyluk that we received the Tax Collector's report, was seconded by Mr. Krupa. All in favor, motion carried.

APPROVAL TO PAY THE BILLS

After discussion and review, a motion was made by Mr. Leventry to approve the bills for a total of \$20,475.55. Seconded by Mr. Krupa. Roll Call: Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile, all in favor, opposed none. Mr. Rodgers, absent. Motion carried.



OLD BUSINESS

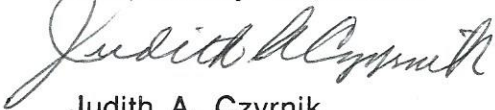
Items on the "Tickler List" were discussed. Items were reviewed, removed and relisted. Mr. Krupa and Mr. Leventry attended the United Way meeting. Council discussed various sewer projects that need reviewed.

NEW BUSINESS

President Pile had a question about Council attending the Zoning Hearing Board meeting, Solicitor Lovette felt it was not necessary.

There being no other business, Council adjourned at 9:30 p.m. All in favor, meeting adjourned.

Respectfully submitted.



Judith A. Czynnik,
Borough Secretary

