

**MINUTES**  
**BOROUGH OF SOUTHMONT**  
**September 20, 1999, 7:00 p.m.**

The regularly scheduled September Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the September 20, 1999 meeting of Council convened.

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

ABSENT: Street Commissioner: Jan Bosley

<u>VISITORS:</u> Wanda Webb CableComm/Transfer	Fred Brant-PineBrooke
Attorney G. Gvozdich-PineBrooke	C. Strashensky- C & S Const
Pete Chiodo-PineBrooke	Tanya Caretti-CC Solid Waste Auth.
Pat Ditko-PineBrooke	Tom Zurilla-Police Pension 8:30p.m.
Glenn Keiper-PineBrooke	Tom Gray-Hinks & Locher Eng.

President Pile asked for approval of the August 16, 1999 minutes. A motion was made by Mr. Krupa to accept the minutes as written. Seconded by Mr. Strittmatter. All in favor, motion carried.

At this time President Pile called on Tanya Caretti, Director of Cambria County Co. Solid Waste Management. Mrs. Caretti was in attendance to explain the reason for the recycling bin located in Hoss's parking lot. A sign was placed on the PennDot right of way with out permits from either PennDot or the Borough of Southmont. The County was also approached by phone calls from residents of Westmont and Upper Yoder Township to place the bins in this area, especially for newspaper. That was early in April of 1999. This was the reason for choosing this location. Mrs. Caretti explained that the bins were placed in this area since it is considered a high volume roadway. Population and high traffic areas are considered. Hoss's Steak and Seafood House agreed to allow the County to place the bins in their parking lot and signed a site agreement and a three year contract. Hoss's has since closed their business at this address at 912 Menoher Blvd. This is legal and binding with the sale of the Hoss's property. Mrs. Caretti stated that Southmont is the only Municipality who has newspaper recycling several times a year. Westmont, Upper Yoder, and the City of Johnstown do not. These bins accept newspaper. There is some question on the right of way along Menoher Blvd. PennDot is stating that there is a 48' right of way. Mrs. Caretti stated that PennDot had given them permission to install the sign. The Borough was not made aware of that previously. There is a question. Will the County continue the program indefinitely and what is Southmont to do with their program? Mr. Strittmatter asked if the County was going to take over recycling through-out the County.



Mrs. Caretti stated that the program has no political boundaries. She feels residents will continue to use Southmont's voluntary program. Mr. Kory suggested that the County do a study for the next 3 to 6 months on the volume of materials at both locations. Mr. Pile pointed out that Southmont has spent approximately \$30,000 to provide the voluntary recycling program in Southmont. The County has now placed a unit that will do what we started. Mr. Strittmatter feels either the County is going to run recycling or the Municipalities are, not both. Comparison figures will determine the effect on our program. It appears the object of the County is to target high traffic areas. The site agreement is that the owners allow them to be on the property for a minimum of three years. Mr. Rodgers asked if any other municipality asked that this site on the Easy Grade be used. Mrs. Caretti stated that they had conversation with other residents, not municipalities, for a center to be placed in this area. The County has requested that the bins be moved to the driveway entrance area for easier snow removal, by the County. Mr. Pullen gave Mrs. Caretti a sign permit application. Council suggested that the County ask permission before they place recycling bins within their boundaries.

Mr. Chiodo was in attendance, along with his Attorney Gvozdich and contractors. Mr. Pile reviewed with Council the reason for this part of the agenda. The PineBrooke project which had started in September of 1997, is still not complete. Council and Engineers have been working with C & D Associates to have this project completed under the terms of the Subdivision and Land Development agreement signed September 23, 1997.

Two Special meetings were canceled this month, awaiting Storm Water Management drawings and specifications requested by the Borough Engineers. These drawings were received too late for review by the Engineers before the meeting. Dave Duray discussed a letter of September 16, 1999, outlining the status of the project since August 18, 1999, the current status of the project and the deficiencies or activities that are to be completed prior to Borough acceptance of the entire project. As follows:

- 1.) Sealed final versions of the project plans and stormwater management calculations.
- 2.) Regrade, topsoil, reseed area of the right perimeters of the interceptor trench.
- 3.) Remove surface rocks from the basin slopes.
- 4.) Design and install erosion protection on slope of Ditch B. Material delivery certifications of riprap in upper portion of ditch.
- 5.) Provide R-5 rock lining of the flow path as specified on plans of 2-8-98.
- 6.) Install "speed bumps" flow diversion across personal care home drive.
- 7.) Provide documentation of Earth Disturbance Permit closure acceptance by the Cambria County Conservation District. Borough Engineers do not agree with interpretations of the interceptor trench with respect to the spring seeps and recommend that upon completion of the above items the required 18 months/15% maintenance bond be increased to a 24 month/20% bond before acceptance by the Borough.



Attorney Gvozdich, Solicitor Lovette and members of Council discussed the Subdivision and Land Development Agreement. The actual cost of the roadway and stormwater management will be the items that need to have a maintenance bond. This would be the only areas conveyed to the Borough. Mr. Duray summarized the items that need to be completed. He feels it should take a few days of physical work and a few more days to prepare the final documents for Engineers review. After further discussion Solicitor Lovette referred to the agreement on page 17, Completion date, page 10, para. D., Default by the Developer., and page 8 on Failure to Proceed. The letter from Hinks and Locher dated September 16, 1999 and received by Mr. Chiodo on September 17, 1999 will serve as notice that he has twenty days to complete the project for Borough acceptance or Borough will have the project completed. October 6, 1999 will be the last day for completion. Further discussion. C & D Associates have requests in for payments to their Contractors, request for acceptance of Cheney Oak Drive, and a Building Permit that will not be approved until this work is done. They are still responsible for the 18 month maintenance bond. Attorney Gvozdich wants to be assured that when these seven items are complete, inspections made and everything is satisfactory to all parties, the Borough will accept the project. Solicitor Lovette set up a schedule that when work is being done Engineers are notified no later than noon of the day before work is to be done. Telephone messages will not be accepted. Borough Engineers and Chiodo Engineers will meet to review details of the seven items. Further and continued discussion.

A motion was made by Mr. Rodgers authorizing the Borough Engineer to prepare specifications for bidding if they have not completed the Cheney Oaks project by October 6, 1999, at C & D Associates expense. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Chiodo asked if the Building Permit for the two family dwelling can be issued, as the Borough is holding the permit until completion of this PineBrooke Development. Consensus is that the permit will be held until the project is completed. If the project is completed before the October 6, 1999 date, the Permit can be issued with Borough Engineer and Solicitor approval.

At this time Mr. Rodgers asked to change the Agenda to review the Cable TV Resolution.

#### **BUDGET/CABLE T V COMMITTEE**

Mr. Rodgers had nothing on the Budget report. On the Cable TV, Mr. Rodgers reviewed the revised final Resolution on the Cable TV Transfer from TWFanch to Charter Communications VI. Mr. Rodgers reported that some changes were made by COG and Cable Comm. has approved the changes. Mr. Gossard of Cambria Somerset Council of Governments, (COG) recommends the new revised Resolution for Borough approval, upon approval of the Solicitor. A motion was made by Mr. Rodgers to approve the final Resolution on the Cable transfer. Seconded by Mr. Rovansek. All in favor, motioned carried. The previous Cable contract will remain in effect.



**POLICE CHIEFS REPORT**

Chief Havas's written report records the revenues for the month at \$1,229.87. Det. Sgt. Muslin will attend a Police Media Relations Seminar sponsored by the Richland Township Police. Chief Havas and Det. Sgt. Muslin will attend a PA-LEMIS police reporting program in Harrisburg. Chief Havas filed a citation against George Haidar of 248 Barron Ave. for continued dumping at the property at 1070 Luzerne Street. The citation was filed at Magistrate Barron's office, however, a change of venue was requested and the case will go to Magistrate DeCort's office, in Portage. Chief Havas will inform Council and Solicitor Lovette when a date is scheduled. Chief Havas and Mayor Koval looked at the Stop /Except right turn Sign of Daisy at Dell and Edward Street. The recommendations are have the Street Commissioner remove the Except Right Turn from the sign to eliminate the confusion at this intersection. Motion was made by Mr. Rovanseck and Mr. Kory. All in favor, motion carried. Chief Havas asked if the trees could be trimmed around the "15 Mile -School Zone Sign" on Menoher Blvd., near Clarks. Mr. Krupa said it would be done.

**ZONING OFFICER'S REPORT**

Mr. Pullen's written report records five (5 ) permits have been issued during the month with construction costs of \$31,460.00. The estimated year to date construction cost is \$425,558.00.

Notice has been received that a Change of Venue has been requested for the George Haidar property at 1070 Luzerne Street for dumping. A letter was sent to Cambria County Solid Waste Management for the sign placed on Menoher Blvd. for the Recycling Center in Hoss's parking lot. A letter was sent to Attorney Kiniry about a set back on a property previously built on Cheney Oak Drive. The properties have been sold since the initial permit was issued which resulted in discovery of a set back violation. Mr. Pullen asked for Zoning Solicitor Kiniry to make a ruling. A request was made to place a temporary sign at the intersection of Menoher and Burnett Street by the PTO of the Westmont elementary School. A motion was made by Mr. Rovanseck to allow the sign as a non-profit organization to be placed, until September 26, 1999. Motion seconded by Mr. Kory. All in favor, motion carried. Council received a letter from Howard Volbers resigning as an Alternate Zoning Hearing Board member. Motion was made by Mr. Rodgers accepting the resignation, with a letter for his dedication and service to the Borough. Seconded by Mr. Kory. All in favor, motion carried. A replacement appointment will be made at the end of the year.

**FIRE COMPANY REPORT**

Chief Butler's written report records 12 responses for the month of August. Chief Butler reported that his department worked with the Police Department for traffic control on the Bike A-Thon scheduled August 21, 1999. Two members of the SVF responded with a forest fire crew and other Hilltop Departments to fires in Fulton and Bedford County. A new Biosystems four gas monitor was purchased. This meter will measure oxygen level, carbon monoxide and levels of explosive limits and sewer gas. The cost was \$1,410.00. No Hilltop Ambulance Association meeting, no quorum. Chief Butler attended a Y2K meeting with Cambria County 911 during the month.



### ENGINEER'S REPORT

Mr. Dave Duray of Hinks & Locher Engineers asked Council's permission to view any new construction in the PineBrooke Development area. Mr. Duray wants to be assured that the storm water management system design can handle the proposed developed area. Mr. Duray also talked with the Department of Conservation of Natural Resources about the plans and bid changes he sent to Harrisburg last month. Mr. Tatanish has not had a chance to look at the material sent him, he will do so this week and be back to Mr. Duray. Some discussion was held on Building Permits and the stated cost of the construction at the time of issue. What is the penalty for a false statement on the Building Application? Mr. Pullen will look at this question and get back to Council.

Mr. Duray reported nothing new on Chapin Arch other than they had a preconstruction meeting and work is to begin soon. The new bus pull-off areas on Goucher Street are beginning also. Solicitor Lovette and Mr. Duray will continue to monitor the PineBrooke progress. Mr. Rodgers and Council thanked the Engineers for an outstanding job done on the hopeful closure of this project and the Solicitor for the excellent way the agreement was written.

### COMMITTEE REPORTS

#### STREET COMMISSIONER

Mr. Bosley's written report records completion of repairs to concrete sections of Leon Street between Leila and State Street. Repaired lower end of Celeste Drive with milled material. Weeded the Garden Club planting area near Barnett Street. Continued to work on Borough Building renovations in the Garage. Performed maintenance on trucks and backhoe. Began work on storm sewer drain on Gardner Street between Orchard Street and Diamond Blvd. Re-seeded area in Mrs. Benner's lawn that did not grow in the Spring. Will begin hooking up electric at the restroom/storage shed on the soccer field. Westmont Borough double seal coated downhill lane of the Millcreek Rd. Mr. Bosley stated that he will need at least one additional employee for leaf collection. Crack sealing will be done early next month and brush clean-up about third week of October. It will be advertised. Mr. Bosley has not heard from Mr. Keklak as to when they will begin the drainage work along Thoburn Street. Specifications for the pole storage building will be advertised for bids. Mr. Bosley reported that Mr. Carbaugh has been off sick since September 9, 1999. He had been hospitalized for a few days.

#### STREET COMMITTEE

Mr. Leventry no further report. Mr. Leventry will respond to a letter received from Dr. Rodgeron on a section of Kale Alley, that is need of repair.

### ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Strittmatter remarked that he had been out of town and several meetings have been changed for the Negotiation meetings. Members of the Committee will meet after tonights meeting. A meeting is set for September 23, 1999 with the representative of AFSCME.

### POLICE COMMISSION

Commission meeting will be at Brownstown Borough on Tuesday, September 21, 1999 at 7:00 p.m. Tom Zurilla, Borough Consultant for the Police Pension termination and Attorney General's audit for the years 96,97,98. An exit meeting was held on September 1, 1999 with Mr. Rodgers, Mr. Zurilla, Auditor General Auditor, Julie Dobrick and the Borough Secretary. At this meeting Mr. Zurilla reviewed the findings of the AG's office. Ms. Dobrick and her Supervisors were not able to make a determination on the liquidation of the Police Plan's assets remaining after all Officers had been paid either by an annuity or pay back of withheld monies to the plan. They have turned this over to the Auditor General's Legal Department in Harrisburg. This determination will take approximately 12 months. The Borough has paid back \$79,000.00 to the State. These are monies that had been received from the State over the years of the Plan. There is no precedent with this type of termination. Summarizing, the Borough will either have to pay all back, or will receive all or percentages could be worked out. The Borough will have the right to appeal any unfavorable decision. Council asked Mr. Zurilla to submit a bill for his services to date. The difference between PMRS pension and this Police Pension Plan is the Police do not have a "pool type" plan, like PMRS. Some other observations were made, no findings or citations. Mayor Koval reviewed the Police Committee meeting held at which time a copy of the Police History was submitted. Also, calculation showing proposed new monetary percentage contributions for Police Service covering the three West Hills member Municipalities. Discussion was on which area uses the most service, line items on the budget, and several other items. The Contract is between Municipalities and the Commission. All decisions will be made by Council.

### RECYCLING COMMITTEE

No report.

### INSURANCE COMMITTEE

Mr. Kory had nothing new to report. No information available for hospitalization to date.

### BUDGET COMMITTEE

Moved up on the agenda

### SHADE TREE

Mr. Krupa reported the Committee had an advertised meeting on September 14, 1999. Tree planting and tree removal was discussed. A motion by Mr. Rodgers was made to plant a tree in the name of Mark Buffenmyer at Arbor Day 2000 and make a \$100.00 contribution to the Fire Company and \$100.00 to the Shade Tree Commission in his memory. Seconded by Mr. Kory. Motion carried. Mr. Buffenmyer passed away in August, 1999.



**RECREATION/PLAYGROUND COMMITTEE**

Mayor Koval reported that the annual picnic/meeting was held at The Grove on Wednesday, August 25, 1999. The Fall brochure has been mailed out to residents. The Commission will hold bid opening for Ridge improvements.

**BUILDING /GROUNDS COMMITTEE**

Mr. Kory had nothing other to report. Some landscaping still needs to be done around the Fire Department Bldg.

**C.O.G. COMMITTEE**

Mr. Rovansek reported that Fall bids for salt and anti-skid have been completed. Council reviewed the second draft of the Dog Enforcement Ordinance. After discussion and some other questions, Council agreed that Southmont is interested in joining the program however several questions still need an answer. Council recommended that these questions be answered and another draft be submitted to each Municipality for approval. A motion by Mr. Rodgers to table the Dog Enforcement Ordinance until the October meeting. Seconded by Mr. Rovansek. All in favor. This will be reviewed at the October meeting of Council.

**CHAPIN ARCH**

A PennDot preconstruction meeting was held this month and construction will start on the Chapin Arch project. Also, the Bus pull off project along Goucher and Menoher will also begin.

**MAYOR'S REPORT**

Earlier in the agenda. Letters are being sent to residents who have high grass and weeds. Police will deliver a letter to a resident on Southmont Blvd., with a final notice and that citations will be issued if no response within the period stated. The "except right turn" sign will be removed at the Daisy, Dell and Edward Streets intersection, as directed by Council.

**SOLICITOR**

Nothing further to report.

**SECRETARY'S REPORT**

Mrs. Czzyrnik's report records that review is in progress to update the employees hospitalization plan. Received payment from Eric Muncert for the Engineering and Solicitor's fees for the vacation of a section of Path Alley. A motion was made by Mr. Rodgers to approve attendance to the Cambria County Borough's Association Fall Dinner October 26, 1999, in Ebensburg. Seconded by Mr. Krupa. All in favor, motion carried. The Minimum Municipal Obligation (MMO) for the Non-Uniformed pension plan was submitted to Council, according to Act 205. Received a letter from Lino's in reference to the Sunday deck parties and the noise. Mr. Berteotti stated that he is working with the West Hills Police and has taken action to decrease the noise level.

Mrs. Czyrnik submitted the 1998 Borough Audit report from the elected auditors. All accounts were found to be in order. Mr. Bosley will meet with PennDot in reference to the Agility Work Plan to outline specific details of exchange work programs. Council directed the Secretary to look into a new phone system for the Building.

### TREASURER'S REPORT

Mr. Rodgers moved to approve the Treasurer's report for the month of August as submitted in the amount of \$417,313.08 in the General Fund balance. Seconded by Mr. Rovanseck. All in favor, motion carried.

### TAX COLLECTOR

Mr. Rodgers made a motion to record that we received the August Tax Collector's report, the amount of Real Estate \$2,096.93 and Per Capita \$71.50. Seconded by Mr. Kory. All in favor, motion carried.

### APPROVAL TO PAY THE BILLS

After review, a motion was made by Mr. Krupa to approve the Payment of the Bills in the amount of \$23,113.26. Seconded by Mr. Kory Roll Call: Mr. Rodgers, Mr. Rovanseck, Mr. Strittmatter, Mr. Krupa, Mr. Kory, Mr. Leventry and Mr. Pile. All in favor, opposed none. Motion carried.

### OLD BUSINESS

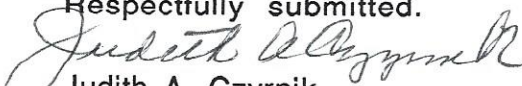
President Pile asked for review of items on the "Tickler List". Items were reviewed, removed or re-listed. Most items are currently in progress. Mr. Leventry reported that he has been in touch with the First Church of Christ Scientist on Menoher Blvd. They have repairs to make on the sidewalks and asked if they could do half of the repairs this year and the balance next year. Mr. Rodgers and Mr. Kory made a motion to cooperate with any and all residents of the Borough in the sidewalk repairs. All in favor. All other items will remain on the Tickler List.

### NEW BUSINESS

A Committee meeting will be held on October 5, 1999 to discuss UYT Sewer rates, Dog Enforcement, sirens, hospitalization. The Secretary will invoice Upper Yoder Township for the sewer rental and Grandview for their annual contribution. There is one more newspaper recycling date for the 1999 program, October 23, 1999 from 8:00 till Noon. The Minutes from the August 31, 1999 Committee meeting were accepted by Mr. Rovanseck and Mr. Kory. All in favor, motion carried. President Pile recommended that we Budget the \$2,500.00 again in the year 2000 to the Community Arts Center. Mr. Rovanseck made the motion to approve and Mr. Krupa seconded. All in favor. A letter will be sent to the Center advising them of the contribution. Mr. Lengel's letter was received and will be discussed at the October 5th meeting.

Council adjourned 10:00 p.m.

Respectfully submitted.

  
Judith A. Czyrnik,  
Borough Secretary