

MINUTES
BOROUGH OF SOUTHMONT
November 16, 1998 7:00 p.m.

The regularly scheduled November Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the November 16, 1998 meeting of Council convened.

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

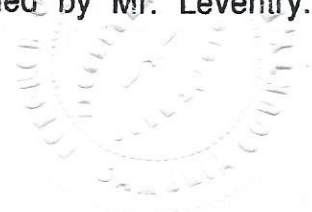
ABSENT: Street Commissioner: Jan Bosley (sick)

<u>VISITORS:</u> Mr. & Mrs. Steve Kittka 501 Diamond Blvd.	Speed check and signs
Mr. & Mrs. Eric Muncert 1046 Luzerne Street	Path Alley
Mrs. Isabel Hurrell 1042 Luzerne Street	Path Alley
Attorney Mike Walker 421 Walnut Street	Path Alley
John Wilfong	TD Reporter

President Pile asked for approval of the October 19 ,1998 minutes . A motion was made by Mr. Leventry to accept the minutes as written. Seconded by Mr. Krupa. All in favor, motion carried.

At this time, President Pile called upon Mrs. Lynne Kittka. Mrs. Kittka wanted to request Council to look at the speed in Court Alley. There are more children in this area than in the past and they play in the alley. Mrs. Kittka feels there should be a "Children at Play " sign placed in the alley. Also, at Diamond & Pearl Street the morning traffic speeds down thru there and children are waiting for the school buses. President Pile suggested that Mayor Koval look at the area of concern and make recommendations at the December meeting.

Attorney Mike Walker representing Mr. & Mrs. Muncert and Mrs. Isabel Hurrell of Luzerne Street. The residents wish for Council to accept and then vacate Path Alley from Luzerne Street to Tioga Street. Attorney Walker submitted to Council the petition to accept Path Alley signed by both above property owners on Path Alley. He submitted a second petition to vacate Path Alley. This is a 16 foot wide alley extending a distance of 373 feet bordering both properties. Attorney Walker indicated there are gas and water lines located in the alley as well as a catch basin located at the Tioga St. end of the alley. Both residents are fully aware that they cannot build any permanent construction on this 16 foot of property, formerly Path Alley. The residents understand that they will have to pay the Engineering costs and Solicitor's cost to prepare a deed in their name for the additional 8 feet to their property. A motion by Mr. Rodgers, authorizing Hinks & Locher Engineers to survey the area and prepare legal descriptions for Solicitor Lovette to prepare the deeds was seconded by Mr. Leventry. The motion passed, all in favor, opposed none.



POLICE CHIEF'S REPORT

Chief Havas reviewed the written report submitted. Revenue for the month of October was \$1,023.62. Chief Havas reported that Trick or Treat night was pretty quiet as Officers patrolled the area. Mr. Rodgers commended both the Fire Department and the West Hills Police for the services provided during the Trick or Treat night. A letter will be sent to each Department. Officer Mulkey assisted with children's fingerprinting at the Westmont Vol. Fire Co.'s open house. Officer Lose and Bellak escorted students of the Ferndale Elementary School on a tour through Westmont Borough. Fingerprinting was also done at the Southmont Vol. Fire Co. open house on Sunday, November 8, 1998

ZONING OFFICER'S REPORT

Mr. Pullen's written report records 2 new permits were issued since the last report, with an estimated construction cost of \$28,500.00. The year to date estimated construction total is \$682,303.00. At the conclusion of the second hearing on the Geo. Haidar violation, Magistrate Barron was unconcerned that Mr. Haidar violated the agreement he made at the first hearing in May. We will not file a case in the Cambria County courts and we therefore consider this action closed. Mr. Pullen suggests that we look into preparing an ordinance requiring a permit for dumping of material within the Borough. Restrictions would be spelled out in this ordinance. President Pile suggested that Mr. Pullen submit a sample ordinance to the Street Committee for review. Mayor Koval is concerned that when dumping is considered we have to be aware of any chemical waste that could be dumped in our area.

FIRE COMPANY REPORT

Chet Borosky submitted the Fire Company's report in the absence of the Fire Chief, Mike Butler. The Department had a total of 12 emergency and 5 non-emergency runs for the month. Mr. Borosky reported that the Fire Police and Fire Department helped with Trick or Treat night. It was exceptionally quiet this year. The Open House went over well on November 8, 1998. Mr. Rodgers felt that the Fire Company did a fine job with the Open House and they should be commended. The Fire Company has been notified that the above ground diesel tanks are in operation. A key and instructions were given to Mr. Borosky on November 1, 1998. Mr. Leventry noted that Mr. Bosley inspected the landscaping around the building and found some areas are sinking and no gravel has been put in the window well. It should be checked again in the Spring. The Hilltop Ambulance report is on file.

ENGINEER'S REPORT

Mr. Dave Duray of Hinks & Locher Engineers reviewed with Council the progress of the Southmont Blvd. retaining wall. A partial payment in the amount of \$42,656.14 has been requested. Mr. Duray has reviewed the partial payment and finds it to be in order. There are some paving and patching to be completed on the sidewalk, curb and road. This should be completed and ready to re-open Southmont Blvd. by early next week. (November 22, 1998)

Mr. Duray reported that he spoke with Mr. Chiodo and there are some internal problems with him and the Contractor. It appears that the paving will not be done on Cheney Oak Drive this year. Mr. Duray reminded Mr. Chiodo that he will be responsible for the snow plowing on Cheney Oak Drive again this year, as the Borough cannot plow until the road has been accepted. Council discussed that we have not received payment for the Engineers & Attorneys fees for the PineBrooke Development from 1st Summit Bank. Invoices for reimbursement in the amount of \$2,131.88 have been sent to 1st Summit Bank, as directed. Solicitor Lovette will call again. Mr. Duray recommends holding off till Spring for the plumbing and electrical bidding on the Soccerfield/Restroom building.

COMMITTEE REPORTS

STREET COMMISSIONER

Mr. Bosley called in sick. His written report records routine maintenance work was done on the building, trucks and Borough properties. Finished replacing the street signs and posts. Continued to pick up leaves daily. Completed the hook up of the new above ground diesel tank. It has been inspected by the Department of Labor and Industry. Completed the construction and relocation of the sanitary line at 230 Wonder Street. We expect this will prevent sewage back up during heavy rains. Removed pumps, conduit, wiring and switches from both the diesel and gasoline pumps. Completed and dug out the underground storage tanks on November 4, 1998. All soil samples taken were okay. Mr. Bosley got a price of \$1,600.00 for the paving in the alley where the underground tank were removed. Miller Paving was the only paving Contractor still doing paving at this late date. Council approved.

STREET COMMITTEE

Mr. Leventry had nothing further to report other than a suggestion to work over time, until 5 P.M. (2 hours each day) until the leaves have been all collected. After discussion, Mr. Leventry further suggests that a leaf collection schedule should be written up, in order to help the residents know when the the leaf machine will be around their area. This can be scheduled for next years leaf collections. The right of way on Southmont Blvd. in front of Mr. Daniel Kresko has been appraised. The property is approximately 42.42' x 50.03' x 85.46' and has a market value of \$125.00. Mr. Kresko is interested in purchasing this portion of the right of way on Southmont Blvd. to possibly build another house and have the same set back. Mr. Rodgers made a motion to sell the right of way, and authorize the Solicitor to prepare the deed for filing in the County. Motion seconded by Mr. Leventry. All in favor, motion carried. Solicitor Lovette has the necessary descriptions to prepare a deed. Mr. Kresko will be responsible for the purchase price, appraisal fee, deed preparation and filing charges.



ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Strittmatter is asking Council members to complete their evaluation reports. The Committee met with residents and Fire Company personnel to discuss the siren. After the tour of the site and receipt of the consultant's report, Mr. Strittmatter met with Mr. Reed and Mr. Forquer. They agreed to work toward developing an acceptable short term plan and to look at long term plans for resolving the problem. The short term plan is to test the pagers at night, investigate and consider installing a timer to limit operation from 10:00 P.M. to 7:00 A.M., perhaps looking at alternate siren locations. They will investigate False Alarm ordinances from other municipalities and possibly develop one for Southmont. Long term they will evaluate alpha/numeric pagers, conduct more formal pager tests, develop cost and schedule for new siren and evaluate all alternatives for further action. Mr. Strittmatter reported that the committee will continue to meet and advise Council of the progress. The Administration & Personnel Committee suggests that the December 21, 1998 Council meeting be changed to December 14, 1998. A motion was made by Mr. Rodgers and seconded by Mr. Leventry to change the meeting from December 21, 1998 to December 14, 1998 and advertise. All in favor, motion carried. There will be a Committee meeting December 8, 1998 at 7:00 p.m. for a final budget meeting and to discuss other Borough business.

POLICE COMMISSION

Mayor Koval reported that the Police Commission will meet on Tuesday, November 17, 1998 at the Brownstown Municipal Building. Mr. Rodgers suggested that Mayor Koval ask the WHPC if they have a TTD (telecommunications devise for the deaf) in operation.

RECYCLING COMMITTEE

No report.

INSURANCE COMMITTEE

Mr. Kory had no report other than that the new fire department building addition has been insured.

BUDGET COMMITTEE

A motion was made by Mr. Rodgers to approve the tentative budget, advertise and to authorize the the Solicitor to prepare the ordinance for the tax rate at 22 mills and Garbage fees at \$68.00 for the year 1999. Seconded by Mr. Kory. All in favor, motion carried.

Mr. Rodgers commented on the new Government Channel that was negotiated for residents under the Cable Telecommunications Agreement. It should be on line about December 1998. The new Government Channel will be used for dealing with local government issues and information.



SHADE TREE

Mr. Krupa reported the tree removal and stump removal has been completed for 1998. Mr. Krupa is hopeful that planting can still be done pending Lichtenfels schedule. The Newsletter should go to the printer before Thanksgiving. Mr. Krupa will send the application in for the Tree City USA award again this year.

RECREATION/PLAYGROUND COMMITTEE

Mayor Koval reported that the Hilltop Area Recreation Project (HARP) group is still interested in making a basketball/roller hockey court on the recreational lot on Woodmont Road. They are asking Upper Yoder for help in leveling the lot to make it larger.

BUILDING /GROUNDS COMMITTEE

Mr. Leventry had no other report. The Fire Company building is near finalization and some discussion was held on the playground, recreational areas and area where the pole building will be located for the two leaf machines.

C.O.G. COMMITTEE

Mr. Rovansek reported that at the meeting the budget was discussed. There seems to a need and consensus of the members that some arrangement be made for an animal collector. All municipalities seem to have the same program and COG will pull together a plan for the review of the municipalities. It is the consensus of Council to get involved in such a plan.

CHAPIN ARCH

Mr. Kory had nothing to report until Spring. Mr. Leventry made a motion to accept the responsibility of maintenance for the Garden Club project at Barnett and Menoher Blvd. Seconded by Mr. Strittmatter. All in favor, motion carried.

MAYOR'S REPORT

Mayor Koval reported that he attended the Open House for the Fire Company's new addition. Mayor Koval attend the 9-1-1 Emergency Management Fire Service course at the Ebensburg Emergency Center. On November 14, 1998, Mayor Koval attended the 1998 Fall conference at Hidden Valley. He attended session on Police issues and Sexual Harassment . He also attended a session on playground safety and the need for a certified Safety Officer. He thanked Council for allowing him to attend these sessions.

SOLICITOR

Solicitor Lovette reported on the letter he sent to Attorney Gvozdich in reference to the construction of Cheney Oak Drive, specifically the paving. Weather will no longer permit paving and this must be done in the Spring. Solicitor Lovette made it clear that the Borough cannot accept this project until paving, the holding pond and some other items are corrected. Therefore, the Borough will not plow the roadway again this winter. A letter has been sent to the Mellon Bank Trust Department, in reference to the Robeert S. Waters charitable trust date in 1952. Solicitor Lovette is looking to see if there are any limitations on conveying this property to a resident.

And finally, Solicitor Lovette reported that he has asked for a copy of the survey of the Merlo property, to see if the sidewalk is on Borough property. He advised Mr. Merlo's attorney that we would advise him before we instruct anyone to cut the hedges. Council will discuss further, the enforcement to our Ordinances and cost of enforcement. Solicitor Lovette suggested that Mayor Koval review other possible situations similar to this area. He suggested that pictures be taken.

SECRETARY'S REPORT

Mrs. Czyrnik's report records the 1998 DEP Stream Inspection report was received for the maintenance on the Cheney Run after their annual inspection. The project condition is acceptable. Monies used for labor maintenance was reimbursed to the General Fund in November. There is to be a Sheriff's Sale, December 11, 1998 on a property at 726 Diamond Blvd. I have notified the Sheriff's Department that there is unpaid sewer and garbage fees for this property.

Mrs. Czyrnik will be in touch with Dr. Kastelic about the Health Officers vacancy.

TREASURER'S REPORT

Council approved the Treasurer's report for the month of October in the amount of \$335,890.75 in the General Fund balance. Mr. Rodgers moved the motion to approve, and Mr. Kory seconded. All in favor, motion carried.

TAX COLLECTOR

Mr. Quinn's written report for the October Report records \$2,510.76 in Real Estate collections and \$66.00 in collections for Per Capita. A motion was made by Mr. Rodgers that we receive the Tax Collector's report, seconded by Mr. Kory. All in favor, motion carried.

APPROVAL TO PAY THE BILLS

After review and there being no questions, a motion was made by Mr. Krupa to approve the Payment of the Bills in the amount of \$88,308.05, with a question on the payment of \$45.00 to Thiel for wiring correction in the trailer hitch on the new 1998 truck. Seconded by Mr. Rodgers. Roll Call: Rodgers, Rovansek, Strittmatter, Krupa, Kory, Leventry, and Pile. All in favor. Opposed none, motion carried.

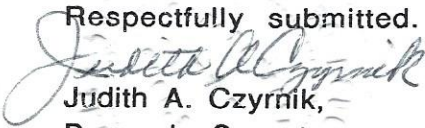
OLD BUSINESS

Items on the "Tickler List" were discussed. Items were reviewed, removed and re-listed.

NEW BUSINESS

Mr. Rovansek made a motion that the Spring Clean-up be done the third week of May instead of last of April. Seconded by Mr. Rodgers. All in favor, motion carried. There being no more business Council adjourned 8:25 p.m.

Respectfully submitted.


Judith A. Czyrnik,
Borough Secretary