

MINUTES
BOROUGH OF SOUTHMONT
December 14, 1998, 7:00 p.m.

The regularly scheduled December Council meeting was called to order by Vice-President Leventry at 7:00 p.m. After the pledge to the flag, the December 14, 1998 meeting of Council convened.

PRESENT: Vice-President Leventry, Mr. Rodgers, Mr. Krupa, Mr. Kory, Mr. Rovansek- (7:09), Mr. Strittmatter, Street Commissioner: Jan Bosley, Mayor Lary Koval, Engineer: Dave Duray, Solicitor: Daniel R. Lovette, Secretary: Judith Czynnik, West Hills Police: Chief Andy Havas, Zoning Officer: Fred Pullen, and Fire Department: Mike Butler

ABSENT: Kevin Pile, (out of town)

VISITORS: None

Vice-President Leventry asked for approval of the November 16, 1998 minutes. A motion was made by Mr. Kory to accept the minutes as written. Seconded by Mr. Krupa. All in favor, motion carried.

POLICE CHIEF'S REPORT

Chief Havas reviewed the written report as submitted. Revenue for the month of November were not received to date. They will be reported on the next report. Chief Havas had nothing else to report. There being no questions, Council accepted the report.

ZONING OFFICER'S REPORT

Mr. Pullen's written report records 3 new permits were issued since the last report, with an estimated year to date construction total of \$707,103.00. Mr. Pullen's report recapped the 1998 Zoning business. There were 11 BOCA code violations. Three Zoning Board hearings, each requesting front or side yard set back regulations. Two new buildings were built this year. The Fire Company built the two bay garage and one residential garage was built. Mr. Pullen will continue to look for a sample ordinance on residential dumping. The Secretary will call PSAB for some samples. Mr. Pullen questioned a Building Permit application he received for an individual who does not own property in the Borough, he rent space at 455 Orchard Street and he is questionably engaged in a landscaping business from that address. The permit is for a garage and shed to house his equipment for the business. Council consensus is that this zoned for residential use and should not be allowed. Council suggested that Mr. Pullen discuss this with the Zoning Solicitor. Solicitor Lovette commented that you must be a property owner to obtain any permit.

FIRE COMPANY REPORT

Chief Butler reported on the written report submitted for November. There were 19 emergency run or assists during the month. Open House was held on November 8, to dedicate the new garage and fire station. County, State and Borough representatives attended as did many residents.

The Fire Company is concerned about the floor coloring of the new garage. The color does not match the specs. The damaged sidewalk and excessive water area is under review. During the month the fire department responded to two physical rescue calls. A fifteen month old child was locked in a car and a man had his hand caught in a sewer pipe. Chief Butler had nothing to report on the siren progress or the testing of the pagers. The Hilltop Ambulance report is on file. Chief Butler questioned the status of the plowing Cheney Oak Drive. This will be discussed under the Street Commissioner's report. There was some question on the roadway from Lino's Restaurant to the area of the old tennis court. Mr. Pullen suggested some storm water management might be needed. Mr. Duray will check on this question.

ENGINEER'S REPORT

Mr. Dave Duray of Hinks & Locher Engineers reviewed with Council the final inspection of the retaining wall on Southmont Blvd. A partial payment in the amount of \$42,656.14 had been previously paid. Mr. Duray reviewed Change Order #1 and Change Order #2 as well as the final request for payment, in the amount of \$10,920.66. With change orders the bid price of the project was \$59,962.20 however, some of the estimated materials for the project were not needed showing a decrease of \$6,385.40. This changed the actual cost of the project to \$53,576.80. After discussion, a motion was made by Mr. Kory to approve Change Order #1, Change Order #2 and approve the final payment of \$10,920.66 for the retaining wall project on Southmont Blvd. Motion seconded by Mr. Rodgers. Roll call: Mr. Rodgers, Mr. Rovanseck, Mr. Strittmatter, Mr. Krupa, Mr. Kory and Mr. Leventry, all in favor, opposed none. Mr. Pile, out of town. The new/old curb joint needs sealing, otherwise the final inspection was satisfactory.

Mr. Duray completed the survey and descriptions for the vacation of Path Alley as requested by Mrs. Hurrell and Mr. Muncert of Luzerne Street. Solicitor Lovette will prepare the deeds and necessary Ordinance for approval.

The paving was not completed on Cheney Oak Drive, in the PineBrooke development. Mr. Duray will begin completing the final Corrective Action report for 1998. He will need to request the number of EDU taps for 1999 construction. At this time, Solicitor Lovette reviewed the information he received concerning the request by Dr. Kastelic to acquire the Water's property that abuts his property on Gardner Street. Solicitor Lovette stated that the property could be conveyed however, it must remain for all times, as a park, walking trail, rustic character and/or a nature reserve area. Solicitor Lovette believes that the park could be sold, conveyed or otherwise, however, nothing could ever be built on this property. The property could never be used for anything other than public use. After discussion, Council decided to refer this to the Committee for further review. This will be discussed at a January Committee meeting. Further discussion was held on the plowing on the Cheney Oak Drive. A motion made by Mr. Rodgers that since the Borough has not accepted the continuation of the street up thru the PineBrooke Development project, we will not plow the roadway until it is accepted. Seconded by Mr. Krupa. All in favor. We will continue to plow the area of the Townhouses. A letter will be sent by certified mail to inform the Assisted Living Facility and Mr. Chiodo.

COMMITTEE REPORTS

STREET COMMISSIONER

Mr. Bosley's written reports records that the underground fuel storage tanks were removed November 4, 1998. Areas over the tanks and concrete slabs were removed by the Borough. All soil testing and samples were satisfactory. The area was backfilled and paved November 17, 1998. The 1983 truck was traded for the 1998 truck on November 3, 1998. Routine maintenance work was performed at the Borough Building. Picked up leaves the entire month. Continued to cut grass at Borough properties. Cleaned catch basins as needed. Mr. Krupa has marked areas for planting of a few Shade Trees. Mr. Bosley will dig the holes within the week. The old (#12) leaf machine was repaired. The impeller housing and bearing support was welded. The radiator was removed for repair. Mr. Bosley asked about doing the routine maintenance work on Corn Alley. With the present law suit against the Borough by Mr. Hartnett, Mr. Bosley was asking for approval. Solicitor Lovette said to continue as we have in the past, to fill holes with the milled material.

STREET COMMITTEE

No further report.

ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Strittmatter reported on a letter received from Cindy Bednarz resigning from the part time clerk position. She had taken a full time position. Cindy's last day was December 4, 1998. On December 8, Mrs. Czyrnik received a phone call from Cindy stated that she wanted to come back. The Personnel Committee had a schedule meeting on December 8, and her request was reviewed. The Committee met with Mrs. Bednarz on December 9, 1998 to review her position. The Committee is recommending that she be rehired to the part time position. After discussion, a motion was made by Mr. Strittmatter to re-hire Cindy Bednarz for the part time position, at the same wage. Seconded by Mr. Rodgers. All in favor, motion carried.

Mr. Strittmatter reviewed the updates on the Copeland Deferred Compensation Plan (457) that the employees are participating in. Some new Federal regulations have been enacted for the protection of the plan and investments. A motion by Mr. Rodgers was made to approve and sign the plan, as submitted. Seconded by Mr. Krupa. All in favor, motion carried.

Mr. Strittmatter further made a motion to approve the Salaries and wages set by the 1999 Budget as follows; Secretary/Treasurer \$21,600.00, Part-Time Clerk at \$5.90 per hour, Street Commissioner \$27,800.00, Street Department (Union) Hourly rate at \$10.12, Temporary Part Time Street Department \$8.00, Seasonal Street Department hourly rate \$5.15, Extra-Snow Removal (when called out) \$6.00 and the Solicitor's retainer at \$3,600. Engineers fees are on file. Motion seconded by Mr. Rodgers. Roll Call; Rodgers, Rovanseck, Strittmatter, Krupa, Kory, Leventry, all in favor, opposed none. Mr. Pile-absent.

Mr. Strittmatter asked that the Codification be referred to the Committee in response to the items in question for the final preparation of the Ordinances.

Mr. Rodgers made a motion to approve the re-appointments to the Boards and Commissions as follows; BOCA Appeal Board and Zoning Hearing Board-Mr. Robert Griffith, Five year terms, Planning Commission Mr. John Kriak and Mr. Ted Baranik, each a four year term, Health Officer-Dr. Richard Kastelic to a five year term, West Hills Regional Police-Kevin Pile for a two year term, Westmont Hilltop Recreation Authority-Kevin Pile for a five year term and Kevin Pile and Lary Koval to the Recreation Commission for a 3 year term and William Kory as an alternate for a three year term. Two re-appointments to the Alternate Zoning Hearing Board, Mr. Howard Volbers and Mr. Ronald Madison each to a one year term. A third appointment will be made at a later date. Seconded by Mr. Strittmatter. All in favor, motion carried.

Mr. Rodgers made a motion to approve the 1999 meeting schedule for the third Monday of each month, with the exception of December 1999, which shall be the second Monday of December, Committee meetings each Tuesday, as needed and to advertise same. Seconded by Mr. Strittmatter. All in favor, motion carried.

POLICE COMMISSION

Mayor Koval reported there is a Police Commission meeting on December 15, 1998.

RECYCLING COMMITTEE

No report. Recycling chart on file.

INSURANCE COMMITTEE

Mr. Kory had no report.

BUDGET COMMITTEE

After final review and discussion, a motion was made by Mr. Rodgers to adopt the 1999 Budget, as advertised in the amount of \$651,110.00. Some changes were made for the final adoption. Seconded by Mr. Kory. Roll call; Roll Call; Rodgers, Rovansek, Strittmatter, Krupa, Kory, Leventry, all in favor, opposed none. Mr. Pile-absent. Mr. Rodgers made a motion to approve the 22 mills Real Estate millage, seconded by Mr. Strittmatter. Roll Call; Rodgers, Rovansek, Strittmatter, Krupa, Kory, Leventry, all in favor, opposed none. Mr. Pile-absent.

The Upper Yoder Township sewer rental was raised to \$8,000.00 in the 1999 Budget. A motion to send a letter to Upper Yoder Township increasing the sewer rental fee from \$6,000.00 to \$8,000.00. Seconded by Mr. Strittmatter. All in favor, motion carried. Solicitor Lovette will prepare the agreement.

Mr. Rodgers further made a motion to permit the Borough Secretary to make necessary account transfers for the year end balance. Seconded by Mr. Rovansek. All in favor, motion carried.

SHADE TREE

Mr. Krupa thanked the Borough Secretary for getting the Newsletter completed. The Shade Tree Commission will be planting several trees before the year end. GPU will be replacing a tree along Daisy Street.

Mr. Krupa stated that the Tree City USA application has been made.

RECREATION/PLAYGROUND COMMITTEE

Mayor Koval reported that Hilltop Area Recreation Commission did not have a meeting in November. Nothing to report. He did question if the field would be ready for ball game schedules next Spring. Mr. Bosley will check with Lichtenfels Nursery.

BUILDING /GROUNDS COMMITTEE

No report.

C.O.G. COMMITTEE

Mr. Rovanseck reported on the action by the City on a need and consensus of the COG members that some animal collection program be offered. All municipalities seem to have the same problem and COG will pull together a plan for the review of the municipalities. Council is interested in this plan.

CHAPIN ARCH

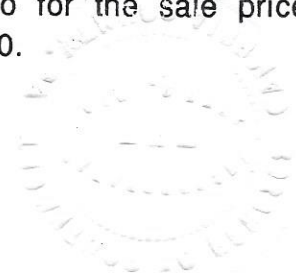
Mr. Kory had nothing to report until Spring.

MAYOR'S REPORT

Mayor Koval reported that he had received a letter from Mr. & Mrs. Kittka in reference to the "Watch Children" sign installed on Pearl Street, as per her request. No action for a speed limit sign in Court Alley. Mayor Koval will notify Mrs. Kittka that the reflectors on the right of way of the alley need to be removed. Mayor Koval asked that the Committee continue with a solution to the Merlo hedge violation. Mayor Koval has looked at other sidewalks and hedges or trees overhanging in the area.

SOLICITOR

Solicitor Lovette prepared the deed for the purchase of a section of the right of way fronting the property of Daniel Kresko on Southmont Blvd. A resolution need to be prepared and approved. A motion by Mr. Krupa to approve Resolution No 9804 and to approve the signature on the final deed. Seconded by Mr. Rodgers. All in favor, motion carried. After signatures, a final invoice will be sent to Mr. Kresko for the sale price \$125.00, appraisal fees-\$75.00 and the deed preparation of \$100.00.



SECRETARY'S REPORT

Mrs. Czyrnik's report records all advertisements were made for the Budget inspections, Ordinance 415/Tax millage for 1999 and the December meeting night change.

A motion to accept the Secretary's report was made by Mr. Rodgers and seconded by Mr. Rovansek. All in favor.

TREASURER'S REPORT

Council approved the Treasurer's report for the month of November in the amount of \$257,419.38 in the General Fund balance. Mr. Rodgers moved the motion to approve, and Mr. Rovansek seconded. All in favor, motion carried.

TAX COLLECTOR

Mr. Quinn's written report for the November Report records \$1974.47 in Real Estate collections and \$115.50 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. Rodgers to approve the Payment of the Bills in the amount of \$21,112.67. Seconded by Mr. Krupa. Roll Call; Rodgers, Rovansek, Strittmatter, Krupa, Kory, Leventry, all in favor, opposed none. Mr. Pile-absent. Mrs. Czyrnik reported that several bills would be paid before the year end, for approval at the January meeting.

OLD BUSINESS

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

NEW BUSINESS

There being no New Business, Vice President Leventry wished everyone a Merry Christmas and Council adjourned 8:45 p.m.

Respectfully submitted.

Judith A. Czyrnik,
Borough Secretary

