

MINUTES
BOROUGH OF SOUTHMONT
November 19, 2001 7:00 p.m.

The scheduled November Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the November 19, 2001 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Rovarsek, Mr. Kory, Mr. Krupa, Mr. Danyluk,

Mayor: Lary Koval, Secretary/Treasurer: Judith Czyrnik, Jan Bosley-Street
Commissioner, Solicitor: Daniel R. Lovette, Engineer: David Duray, Zoning Officer: Dyke Orms, Fire Dept.: Chet Borosky, West Hills Police: Chief Andy Havas.

ABSENT: Mr. Strittmatter-Out of Town

VISITORS:

Gerry Sloat- Mayor Elect	301 Diamond Blvd.
Fred Pullen	1110 Menoher Blvd.
Charles Koban	1050 Luzerne Street
Brad Kimmell	19 Harding Street

President Pile asked for approval of the October 15, 2001 minutes, and the Committee Meeting Notes-October 30, 2001. A motion was made by Mr. Krupa to accept the Minutes and Notes as presented. Seconded by Mr. Danyluk. All in favor, motion carried. Mr. Strittmatter, absent.

At this time President Pile called on Mr. Fred Pullen to speak to Council. Mr. Pullen discussed the problem with the property at 1070 Luzerne Street, owned by Mr. George Haidar. The property has several piles of debris covered by dirt. The piles were to be spread out and covered with dirt then seeded. Mr. Pullen stated that this has been a problem since 1997 when Mr. Haidar applied for a Building Permit to build a parking lot on the property. The Building Permit was denied and citations were issued. This was finally settled by the Cambria County Courts. Mr. Haidar was to clean the piles of debris up and reseed the property. This has not been done. Mr. Haidar has been granted variances at a Zoning Hearing Board meeting on August 2000 and October 5, 2000. Zoning Solicitor Pat Kiniry and the Board granted the variances contingent on several facts. (This Finding of Facts dated October 10, 2000 is on file.) Mr. Haidar was given until September 1, 2000 to either submit a new building permit (the old one expired) with the required specifications or level the debris, cover and reseed or the approved variance expires. None of this has been done.

Solicitor Lovette stated that Mr. Glass, Assistant Zoning Officer, has been in touch with Mr. Haidar and feels that the problem will be resolved very soon. Solicitor Lovette suggested that we allow Mr. Glass to continue to work with Mr. Haidar to resolve the problem. Mr. Pullen felt that if the debris was leveled and reseeded he and Mr. Koban would be satisfied. Council suggested we hold any decisions until December 10, 2001 meeting of Council.

Mr. Danyluk was concerned with the amount of tree limbs and branches in the back yard. He feels this should also be cleaned up.

POLICE CHIEF'S REPORT

Chief Havas's written report records the revenues for the month of October at \$164.01. Chief Havas reported that the Police Department had received approximately 12 calls for suspected anthrax contamination from residents in various municipalities. Samples were taken to the Allegheny County FBI Analysis Center. Chief Havas reported that a plan has been prepared by the Police Department and is available to other municipalities. It is an outline of the procedures to follow in the event of suspicious mail or packages.

Chief Havas reported on the survey of streets in Southmont patrolled over the last month. Officers patrolled Edward, Helen, Floyd and State Streets after complaints from residents about speeding. Summarizing Chief Havas reported 10 vehicles were clocked at 28 miles per hour on Floyd Street. One was 36 miles per hour. One vehicle on State Street was clocked at 45 miles per hour. Violation was written. A citation was written. State and Leon Street traffic was monitored also. Out of 28 vehicles timed the average speed was 30 miles per hour. Chief Havas will submit a copy of the survey for Southmont's file. The majority of the clocked vehicles were not in excess of the speed limit. The Police must allow 10 miles over the posted speed limit, and the police usually allow 15 mph over the speed. There will be a Police Commission meeting on Tuesday, November 20, 2001 at 7:00 p.m. in Brownstown.

Several officers attended the Part 1 Crimes Scene Technician Course. Chief Havas reported that the Trick or Treat night was very quiet. Everything went well.

ZONING OFFICERS REPORT

Mr. Orms reported that there were 4 permits issued for the month and the total year to date construction cost is \$799,889.00. A complaint was received from Mark and Kim Connors of 22 Shady Lane about the condition of the Schirk property at 21 Shady Lane. After inspection of the property, Mr. Orms sent a letter to Mr. Schirk informing him of the violations and giving him until 11-30-01 to tell us in writing when he expects to make the repairs. The former apartment house at 455 Orchard Street will be converted into a single house. There was some question in the past about a lawn care business working from that address. The new owner has removed the frame building and the business from his property. Nothing further to report.

FIRE COMPANY REPORT

Chief Borosky's written report records 19 activities for the month of October. Chief Borosky reported that James Carbaugh has successfully completed the Fire Officer class and State Certification for Fire Office 1. Chief Borosky asked that Southmont submit a copy of the Westmont Guidelines on the procedure to report anthrax.

Chief Borosky reported that the Southmont VFD had occasion to rescue a cat from the storm sewer line thru Southmont into the city line under Franklin Street and into the stream that runs behind Murphy's Bar. This was a storm sewer and in the City line raw sewage was found in that line. Council suggested that Chief Borosky have the

ENGINEER'S REPORT

Mr. David Duray of Paul C. Rizzo Associates reported that he submitted a Cost Estimate for the 2002 Street Paving Program. The cost estimate is \$77,650.00, with

an additional \$6,450.00 for placing milled material in several alleys. A five percent fee was added for Budget purposes. Mr. Rodgers reviewed the estimated costs in respect to the 2002 Tentative Budget. Funds have been put in place for the proposed paving costs. The proposed cost estimate Southmont received from Westmont Borough to pave a section of Millcreek Rd. from Menoher Highway to the Cemetery entrance is \$46,455.00. After a lengthy discussion, it was suggested by Solicitor Lovette that we have Mr. Bosley and Southmont Engineer, Dave Duray meet with Westmont's Street Supervisor, Mr. Batey to review the specifications for the paving of the Millcreek Rd. so that we are comparing properly. Southmont's Engineers estimated that section of paving would roughly cost about \$30,000.00. It was further decided that Southmont will include this section of Millcreek Rd. in our 2002 Street Paving advertisements, for comparison. Southmont Borough will send a letter to the Cemetery Association notifying them of the proposed construction and any possible consideration to the paving cost estimated. Mr. Batey stated that this paving project will be considered contingent on the proposed construction of an addition to the Ferndale Elementary School on Dartmouth Ave.

Solicitor Lovette reviewed the Sewer Rental Agreement with Upper Yoder Sewer Authority. The Authority is meeting tonight and Solicitor Lovette feels that the agreement will be approved.

Mr. Duray reported that he has received the flow meter that was sent back for repairs. It has been installed and functioning properly. Mr. Duray recommended to Council that he would like to make a presentation to Council to explain a GSI system to managing the storm sewers, sanitary sewers, curb cut, sidewalks, catch basin reconstruction, street and alley information and other invaluable information for Borough files. This Geographic Information Systems (GSI) information could be updated several times each year or as the work progresses. Council expressed interest and suggested that Mr. Duray give a presentation and give Council some cost estimates for installing the GSI program,

Solicitor Lovette received a letter from Attorney Abood who is representing Alex Goodman of 330 Langhorne Avenue in reference to property damage for overflowing sewers on his property. Solicitor Lovette stated that this is the first time Southmont ever heard of any flooding on this property. Attorney Abood was not sure when this flooding occurred. Solicitor Lovette is waiting for Attorney Abood to get back to him. Mr. Bosley and the Engineer will look at this problem and provide information to Solicitor Lovette. On another issue, Solicitor Lovette received Notice of Appeal for Mr. Charles Sprague of 1044 Menoher Blvd. Mr. Sprague is appealing the Cambria County Courts for the Magistrates Judgment (which Mr. Sprague failed to attend) and payment for the easement on the Luzerne Street Sanitary Sewer project which was near Mr. Sprague's property. Solicitor Lovette will appear when the date is set for the appeal.

Mr. Bosley received a call from Mr. Charles Hartnett in reference to a proposed new building and for a new sanitary sewer line on the

COMMITTEE REPORTS

STREET COMMISSIONERS REPORT

Mr. Bosley's winter report was reviewed. Sections of Hazel Street sanitary sewer line and Helen Street sewer were repaired. These sections of bad pipe were found during smoke testing. Several potholes and areas of sewer repairs were blacktopped. Continued to pick up leaves, cut grass and recycle during the month. Brush clean up was done the week of October 15, 2001. The five new sanitary sewer taps on Cheney Oak Drive have been inspected and invoiced for the front footage. Trimmed overhanging trees and limbs in several areas in the Borough. Trees were trimmed at two locations in alleys for the proposed lights on existing poles and around an existing streetlight on Arlington Street. Continued to check flows in designated sanitary sewer manholes. Mr. Bosley will schedule smoke testing for the year 2002 sometime in January.

Mr. Bosley reported that PennDot will not be painting lines in the Borough under the Agility Program. Mr. Bosley will install the new Borough "welcome" signs before year end.

STREET COMMITTEE

Mr. Danyluk had nothing further to report.

ADMINISTRATION/PERSONNEL COMMITTEE

In Mr. Strittmatter's absence President Pile asked that all evaluations be turned in as soon as possible.

POLICE COMMISSION

Mayor Koval reported that a Police Commission meeting will be held November 20, 2001 at Brownstown Borough. Budget figures have been submitted to the Commission members. The hospitalization insurance premiums have increased this year. Mayor Koval feels the Police Commission needs to review the current plan and look at other options. He also feels the Commission needs to review the Officers enrolled in the newly formed CERT Team and possible costs for reimbursement. This is a response program set up to respond to hostage type situations. The Commission does not have cost estimates for the program.

RECYCLING COMMITTEE

Mr. Rovanseck reviewed the recycling report. New signs will be put in the shed. Mr. Rovanseck submitted an article for the Newsletter. Because of the contamination by some residents Council discussed the possibility of installing surveillance cameras at the recycling shed.

INSURANCE COMMITTEE

Mr. Kory had nothing to report other than Hospitalization insurance premiums will be increased.

BUDGET COMMITTEE

Mr. Rodgers reviewed the Budget. Mr. Rodgers reminded Council that we are still awaiting the State Auditor's report on the Police Pension Audit. The 2002 Budget has been prepared. Mr. Rodgers made a motion to approve the 2002 Tentative Budget and to advertise for Final Adoption on December 10, 2001. Seconded by Mr. Kory. All in favor, opposed none, motion carried. Mr. Strittmatter absent.

Mr. Rodgers reviewed with Council the prior years of Real Estate taxes. Taxes in 1983 were 21 mills, and an increase was set in 1994 to 25 mills. Millage decreased in 1996 to 23.5 mills and decreased again in 1998 to 22 mills. Mr. Rodgers made a motion to have the Solicitor prepare and advertise an Ordinance setting the 2002 Real Estate tax at 22 mills. Seconded by Mr. Kory. All in favor, opposed none, motion carried. Mr. Strittmatter absent.

Mr. Rovansek commended Mr. Rodgers and the Budget Committee for a fine job on detailing and reviewing each line item, in order to keep taxes in line.

SHADE TREE

Mr. Krupa reported on the Shade Tree Commission activity this month. The application for Tree City USA is ready to be signed by Mayor Koval for 2002. Mr. Krupa reported that the Newsletter will be sent out in December.

RECREATION/PLAYGROUND COMMITTEE

President Pile reported that the Recreation Commission has responded to the Redevelopment Authority of Cambria County regarding the Playground Safety Audit. Mr. Pile stated that he has a copy of the proposed 2002 Recreation Commission Budget, if anyone is interested. Nothing further to report.

BUILDINGS and GROUNDS

Mr. Kory reported that Big City Signs has submitted a new drawing and color chart for the new signs that will be installed on the Municipal Building and in the front lawn. The cost is approximately \$1,660.00. These signs were previously approved

C.O.G REPORT

Mr. Rovansek reported that COG is working on the Uniformed Construction Code inspections. Council will schedule a special Committee Meeting to review all the information on this new State program. Mr. Danyluk attended the COG First Annual Conference at the University of Pittsburgh at Johnstown. He spoke with COG representatives in reference to the sewer camera to be purchased. Southmont has been informed that the County will pay for the COG membership for the year 2002.

CHAPIN ARCH

Solicitor Lovette reported that the Borough has recorded the deed from PennDot for the Chapin Arch. A new deed will be written to convey the Chapin Arch over to the Conservancy Group. Mr. Kory suggested that Southmont Borough set up a Committee to

MAYOR'S REPORT

Mayor Koval reported that he attended a November 7th, Cambria County Emergency Management Meeting. A very lengthy discussion was held on the Anthrax issue. There have been no incidents in Pennsylvania to date. Mayor Koval looked at the parking problem on Orchard Street, at several different times. He found that there was no problem and recommended that the Borough do nothing, at this time.

SOLICITOR 'S REPORT

Solicitor Lovette reviewed with Council the Realty Transfer Tax exclusions and exemptions that have arisen lately. Parties to real estate transfers have claimed exclusion or exemption for various non-statutory reasons. The Department of Revenue has concluded that there is no exclusion or exemption from this tax. County Solicitor Robert Shahade has notified all Municipalities of this practice and feels Solicitor Lovette should pursue the records and recover the taxes for Southmont. A motion was made by Mr. Rodgers to pursue and recover any Real Estate Transfer Taxes owed to Southmont Borough. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Strittmatter absent.

Solicitor Lovette reported that the Wren Street Playground deed has been prepared and forwarded to Mr. Bukowski's attorney.

A motion was made by Mr. Danyluk to approve Ordinance No. 430, amending Ordinance No 359, increasing fence heights from 5 foot to 6 foot. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Strittmatter absent.

After discussion a motion was made by Mr. Rodgers to authorize Solicitor Lovette to prepare an Ordinance allowing the Tax Collector to charge \$10.00 for providing tax certifications upon request by the public. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Strittmatter absent.

SECRETARY'S REPORT

The Secretary's report has been submitted and records that the Borough has received payment in full from the liens against Pete Chiodo and the Pinewood Development area, for outstanding Zoning Hearing Board meeting fees, front footage on property at 300-302 Cheney Oak Drive and outstanding Lawyer's and Engineer's fees for the development of Cheney Oak Drive. All judgments have been removed. A motion to accept the Secretary's Report was made by Mr. Rodgers and seconded by Mr. Kory. All in favor, motion carried. Mr. Strittmatter absent.

TREASURER'S REPORT

A motion was made by Mr. Rodgers to accept the October Treasurer's Report, as presented, in the amount of \$309,831.33. Seconded by Mr. Kory. All in favor, motion carried. Mr. Strittmatter, absent.

TAX COLLECTOR'S REPORT

Mr. Rodgers made a motion to note that Southmont received the October Tax Collector's Report, with Real Estate Collections at \$1,587.52. Seconded by Mr. Kory. All in favor, motion carried. Mr. Strittmatter, absent.

PAYMENT OF BILLS

After discussion, a motion was made by Mr. Krupa to approve payment of the bills, for a total amount of \$ 25,617.08. Seconded by Mr. Rovansek. Roll Call: Mr. Rodgers, Mr. Rovansek, Mr. Kory, Mr. Danyluk, Mr. Krupa, and Mr. Pile. All in favor, opposed none. All in favor, motion carried. Mr. Strittmatter, absent.

OLD BUSINESS

President Pile asked for review of items on the "Tickler List". Items were reviewed, removed or relisted. Some new items will be added.

NEW BUSINESS

President Pile suggested that a letter be written to Charter Communications to complain about the increase in cable TV fees. Also, Council discussed the PSAB recent action to endorse the AFLAC (American Family Life Assurance Company) to members to expand their benefits package thru a "pre-tax" deduction on the payroll. This benefit is designed to pay cash dollars to help cover family expenses associated with serious illness or injury.

A thank you note was received from the Cambria County Library Association. Mr. Rodgers recommended that a Resolution be written recognizing the outstanding job done by Mayor Koval and Councilman Ronald Rovansek during their tenure on Council. There being no further business President Pile moved to adjourn the November 19, 2001 meeting of Council. All in favor. Mr. Strittmatter, absent.
Meeting adjourned at 8:50 p.m.

Respectfully submitted,



Judith A. Czynnik,
Borough Secretary