

MINUTES
BOROUGH OF SOUTHMONT
April 17, 1995

The scheduled meeting of Council was called to order by President Glass at 7:30 P.M.

After the pledge to the flag, the April meeting of Council convened.

PRESENT: Mr. Glass, Mr. Pile, Mr. Leventry, Mr. Rodgers, Mr. Danyluk, Mr. Kory, Mr. Krupa, Mayor Robert Morgan, Solicitor: Dan Lovette, Engineer: Ron Walker, West Hills Police Chief, Andy Havas, Secretary: Judith Czyrnik, Zoning Officer: Fred Pullen (8.:20 p.m.), Fire Co: Michael Butler

ABSENT: Street Commissioner: Jan Bosley, Mr. Dailey-Hilltop Ambulance,

VISITORS:

Karl & Linda Kushner-Okra Alley
Shirley Chaney -Park Trees
George & J.E.Hanzel-Playground
Kathy Crisafulli-Playground
Wm. Leckey-No Subject

Dave Wilkinson-Bluff Alley
Larry Koval-Playground
Ann Neff-Playground
Joe Polantz-Playground

At this time President Glass asked for approval of the March 20, 1995 regular Council meeting minutes. Mr. Leventry made a motion to accept the minutes of the March 20, 1995 meeting of Council. Motion seconded by Mr. Pile. All in favor, motion carried.

BID OPENINGS-Diamond Playground Excavation

A motion to open the bids for the Playground Excavation was made by Mr. Pile and seconded by Mr. Rodgers. All in favor, motion carried.

BID # 1 L & M Excavating
1001 Eisenhower Blvd. \$4,990.00
Johnstown, PA 15904

BID #2 JMF Recreation Corporation
6342 Woodlawn Road \$2,995.00 (ADD Alternate \$850.00)
Verona, PA 15147

JMF Recreation Corp. included the add alternate to install a new lawn at the completion of the project. This was not a specified add.

BID # 3 Charles J. Merlo Inc. \$7,500.00
(telephone bid)

After discussion, a motion by Mr. Kory to accept the low bid of JMF Recreation Corp., in the amount of \$2,995.00, after review of the specifications and all provisions are met. Seconded by Mr. Pile. All in favor. A motion by Mr. Pile to accept the second lowest bid of L & M Excavating, in the amount of \$4,995.00, in the event the JMF bid does not meet specifications. Seconded by Mr. Danyluk. Motion carried. The alternate bid for seeding is being considered, and after discussion the Playground Committee will get other prices on the re-seeding of the lawn area after excavating. At this time President Glass called on visitors, Dr. & Mrs. Hanzel, Mr. Leckey, Ms. Neff. They were only in attendance to update information on the playground. Mr. & Mrs. Kushner and Mr. Wilkinson are on the agenda. Mr. Polantz, Mrs. Crisafullli and Mr. Koval in attendance as the Playground Committee. Mrs. Chaney's concern refers to Ordinance 69, section 6, with the fact that some of the trees in the park are being damaged with the dumping of street materials and leaves. Mr. Kory had a question on the mulch pile in the Park, and asked if the mulch pile was available for residents. Mr. Glass stated that it was available for residents and they should call the Borough office to inform us that they are taking the mulch. This information has been in the newsletters in the past, but will be mentioned again in the next newsletter. Mr. Glass asked Mr. Krupa to review Ordinance 69 and Mrs. Chaney's concerns. Mr. Glass, Mr. Krupa and Mrs. Chaney will meet within the next week, to review her concerns.

POLICE CHIEF'S REPORT

Chief Havas has submitted a written report, no revenue to report this month. (It will be posted on May's report.) Chief Havas reported there have been approximately 6 citations given out at the hockey/basketball courts. His officers have given out verbal warnings; the area has been kept clean. Chief Havas is in receipt of Mr. Kohler's letter in reference to the language at the recreation site. Officers have talked with the kids about the foul language and noise. Special note: Officer Mulkey has presented a seat belt and bicycle safety program to the Girl Scouts and a drug and alcohol program at the Middle School. Chief Havas remarked on the request of the Fire Company to move a no parking sign from the lower portion of Artichoke Alley to the upper portion closer to Dell Street. The Fire Department has problems getting thru when cars are parked in this portion of the alley. Chief Havas is recommending that the sign should be changed, in accordance with the Borough policy, as this is the most narrow section of the alley.

HILLTOP AMBULANCE REPORT

No report

ZONING OFFICERS REPORT:

Written report records, 7 permit issued for this month, with an estimated construction cost of \$555,700. An open house is being scheduled at the Edward Street Townhouses within the month, invitations will be mailed. Tentative construction for the remaining 5 units is for June or July, dependent on the DER's approval of EDU's requested for 1995.

ENGINEER'S REPORT

Mr. Walker discussed the mapping project and the second additions. Because of the Grandview Cemetery aerial pictures there was some misunderstanding of boundaries. It is being worked out. Mr. Kory asked for a total cost of the mapping project. Mr. Walker reported that the Diamond Playground drawings have been received by the County. We have not received approval from the County, however it was reported that it appears there are no problems with our plans.

Residents along the lower portion of the playground have allowed the Engineers and the Borough to take still photo's of their basements to use in the future in the event of water infiltration. Photos are available in the Secretary's office and at the Engineers office.

After receiving word from the DER in reference to the EDU request for 1995. It appears that they will allow only 5 EDU taps at this time and the remaining request will be allotted upon receipt of a tentative schedule for the sources of elevated sewage flows above the two active bypass locations. Council discussed and consensus of Council is that DER should look at the amount of drainage we receive from Upper Yoder Township. Council will discuss further at a later time. Residents with downspout violations have been notified (by telephone) again to complete this project as soon as possible. Some violations will need re-smoked.

FIRE COMPANY REPORT

Chief Butler's written report records twenty four members attended 241 hours of fire training sessions. Chief Butler reported that the Jubilee will be May 29th thru June 3rd. The ride company will be the same as last year and fireworks will be on Friday night. Insurance forms will be given to the Borough for the fireworks. The parade schedule has been completed and the Fire Company will need permission to have the parade. The Fire Company is requesting permission for a parade, additional police and use of the Borough trucks during the setting up and tearing down of the Jubilee. A motion by Mr. Danyluk to permit request for the parade, the use of Borough trucks and extra Police protection during the Jubilee. Seconded by Mr. Rodgers. All in favor.

Mr. Butler remarked on the concern of the storage shed. Permission was granted from Council back in 1979 to build the shed. There are no plans to paint the shed as previously reported by the Fire Company, only paint to cover the graffiti will be cleaned up. The only agreement was that it would remain clean around the area and no equipment would be stored outside the shed. No other agreement.

Mr. Butler reported that he has not had any further discussion on the consolidation of Fire Departments in the West Hills area, nor has he been approached for any further discussion. Council also has not been approached by any departments for further discussion.

COMMITTEE REPORTS

STREET COMMISSIONER'S REPORT

Mr. Bosley's written report records 240' of sanitary sewer and one manhole was installed for the tap in of the new townhouses on Edward Street. Supplied a "y" for future taps for the proposed second unit. Salted streets a few times and patched potholes. Received the new truck on March 14. Picked up gravel and debris piles swept up by residents. removed wooden guide rail at Arch and moved 3 shrubs back from the proposed parking area. Street sweeping was completed in 4 days, by Lower Yoder Township. Worked with the Recreation Commission on the softball field.

STREET COMMITTEE

Mr. Glass addressed the opening of the advertised Public Hearing for the vacation of Okra Alley, (formerly Orange Alley), requested by Mr. Karl Kushner. A motion by Mr. Leventry to accept the formal request for the vacation of Okra Alley situated between Arlington Street and State Street, as outlined in Mr. Kushner's petition dated, March 22, 1995, and to authorize Solicitor Lovette to prepare an Ordinance for the vacation and to advertise the same. Seconded by Mr. Krupa. Motion carried. Questions about the costs were discussed. The letter stipulated that the residents would be willing to pay up to \$300.00 for the survey of the alley. Solicitor fees and advertising will be an addition fee. Mr. Danyluk and Mr. Kory recommend that any future requests such as vacating an alley or property of the Borough's, that all costs shall be paid by the residents, including solicitor fees, advertising and survey fees. Solicitor Lovette informed Council that this property will become property of the abutting residents and will appear on the tax rolls. The legal and advertising costs have always been borne by the Borough. (The legal fee is estimated to be \$100.00 and the advertising estimated fee is \$45.00.)

Mr. Wilkinson also is interested in the vacation of Bluff Alley. After discussion of the cost for engineers survey, legal and advertising fees, drainage, and paving, Mr. Wilkinson felt he should meet with the abutting property owners before he proceeds any further. Solicitor Lovette and Council agreed that he could forgo the paving of the alley, and he could put stone down to access the alley, but he could not pave it without the vacation of the alley. Mr. Wilkinson will get back to Council. If a vacation is agreed upon the Borough would pay 1/3 of the total costs and the abutting property owners would pay the 2/3's of the total cost. (This would include the cost of advertising and legal fees.

President Glass suggested that the costs could be in the amount of \$15,000 for the completed project. We should have an Engineering drawing with drainage and grading of the alley before the Borough proceeds with a request to vacate. Mr. Rodgers made a motion to approve the Engineers up to \$50.00 to prepare a ballpark figure of the costs. Seconded by Mr. Danyluk. All in favor. Mr. Walker will prepare and submit to the Secretary, who will forward a copy to Mr. Wilkinson.

Mr. Leventry discussed the street inspection done on April 13, 1995 with the Street Committee. Crack sealing is recommend to be done twice a year, May and October. The ones and twos are the worse and are in need of repairs. A motion to advertise the street paving program was made by Mr. Leventry and seconded by Mr. Rodgers. The review included paving of a section of Okra Alley near the proposed Playground site.

ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Leventry made a motion to approve hiring 3 summer employees at the rate of \$4.25 per hour. Motion seconded by Mr. Kory. All in favor, motion carried.

RECYCLING COMMITTEE

Mr. Danyluk had no report for this month. (Secretary's Note: The collector did not send the invoice in prior to bill sheet.)

POLICE COMMISSION/COMMITTEE

Mr. Pile reported that the Commission has hired a consultant to recommend the proper computer equipment needed. The Commission discussed the problems at the hockey/basketball courts and Chief Havas is taking care of the problems. The new 4 wheel drive vehicle is in service. And negotiations are not until next year (4 year contract) as previously reported.

INSURANCE COMMITTEE

Mr. Kory asked that the Insurance Committee meet on Wednesday at 7:30 p.m. to further review the recommendations of the compensation carrier, H. A. Thompson Company in reference to the list provided by the Fire Company. The Insurance Committee will also review an Ordinance provided by the Fire company and the Boro./Fire Co. agreement, as suggested by the Fire Company. Mr. Butler was concerned if the members are covered for the maintenance duties associated with the Fire Department. The Committee felt they would be but will check on this question. Solicitor Lovette agreed.

BUDGET COMMITTEE

Mr. Rodgers reviewed the receipts for the 1st quarterly report of 1995. We have received 21% of receipts for the year, and the expenditures are also at 21%.

SHADE TREE

Mr. Krupa has met with Mr. Rocco on the bird houses in the park. Trees have been photographed for any damage during the installation of the playground. One tree already has decay and does need trimming before the playground construction begins. Arbor Day celebration is April 29, 1995 at 10:00 a.m., the Mayor and the Shade Tree Commission will hold a short ceremony. Planting will be at the Recycling Center.

RECREATION COMMISSION

Mr. Pile reported that minutes have been submitted to the Borough. Mr. Glass asked Council to review the letter from Mr. Kohler at the hockey/basketball courts. Mr. Rodgers commended Ms. Sythe on the way she handled the problems described in Mr. Kohler's letter. The Recreation Commission is very concerned about these complaints and will continue to find a solution for the problems.

Mr. Koval reported that a tentative construction schedule is for May 12, volunteers are being scheduled. The building permit has been approved. Laurel Management has agreed to contribute a public water fountain and volunteer labor for the construction of the playground. A list of materials is being prepared for the businesses who have pledged material contributions. Mr. Pile made a motion to utilize an additional \$2,000 from line item #454.00 if needed, for the Playground Committee for items that are not donated. Motion seconded by Mr. Rodgers. All in favor. Mr. Rodgers noted that monies could be transferred. A motion was made by Mr. Rodgers to approve a 20% partial payment from the line item #454.10 in the amount of \$4,000.00 for the Playground equipment. Motion seconded by Mr. Kory. All in favor, motion carried.

Mr. Koval expressed thanks to many businesses who have contributed concrete, lumber, benches and Engineering services. Westmont Kiwanis has offered to donate a table for the shelter. They will be named on the permanent plaque. Mr. Rodgers recommended that an appreciation certificate be presented to each significant donor. Mr. Koval asked for someone from the Street Department to operate the backhoe on May 15, 16 and 17th, to help move materials for the playground. Council agreed. They may also need someone to help unload the equipment when it is shipped to the site. Council agreed.

CABLE TV COMMITTEE

Mr. Rodgers reported that the Cable TV Steering Committee will be presenting 2 documents to each municipality. One being the Ordinance with approximately 180 pages and the other is the franchise agreement itself. The Ordinance is going to cover the non-explicitly regulation of the FCC.

Mr. Rodgers reported that the City of Johnstown has extended their contract for 90 days. Negotiations are at full scale. The franchise contract will be a shorter contract than the last contract, no term of the contract has been agreed on as of this time. The Committee is not asking the Cable TV group for any extras, they are volunteering some services, such as upgrading of the system. The group is concentrating on the basic and standard channels. Choices will still be available for the subscribers. Mayor Morgan felt that Cable TV was very aware of the concerns of the subscribers and it seems that they heard the complaints. Attitudes to the subscribers at the Cable office have also improved.

CHAPIN ARCH COMMITTEE

Mr. Kory reported that Penn Dot is preparing a document for the sale of the Arch, for a cost of \$100.00. Penn Dot indicated to Mr. Kory that they could not sell the property to the Cemetery Association without going out for bids, but they could sell it to the Borough. The Borough could later sell it to the Cemetery Association. The costs to fix the Arch up is estimated to cost about \$16,000.00; \$10,000.00 would be coming from Penn Dot. Mr. Glenn Brougher of the Cemetery Association indicated to Mr. Kory that they could possibly give us some financial help in preserving the Arch, after we receive the documentation from Penn Dot. Mr. Kory will also be in touch with Jonathan Dailey of the Heritage Association, if they are still interested in the preservation of the Arch.

C.O.G REPORT

No report

MAYOR'S REPORT

Mayor Morgan recommend approval on the request to move the "No Parking" sign from the lower end of Artichoke Alley to the end closest to Dell Street. A motion by Mr. Rodgers to move the sign and also put a sign on the salt bin after residents have been notified of the change. Seconded by Mr. Krupa. All in favor. Also signs will be needed for the playground area and the Mayor is recommending that Mr. Bosley order some new signs. The Committee will make recommendation as to where the sign should be placed. President Glass ask for the Mayor to inspect sidewalks. After discussion Mayor Morgan agreed to re-do a sidewalk inspection with the Street Commissioner. Mr. Pile made a motion to notify the residents of the need to rehabilitate the sidewalks and shrubs around their sidewalks. Seconded by Mr. Danyluk. All in favor, motion carried. Residents will be notified to trim shrub and overhanging trees along sidewalks. Ordinance #10 for sidewalks and Ordinance #203A for overhanging brush and shrub.

SOLICITOR'S REPORT

Solicitor Lovette has sent the estimates to Attorney Horner in reference to Mr. Kenney paying the cost in advance for the moving of the storm inlet and sanitary manhole, for access to an alley. Two estimates were sent to Attorney Horner with the costs of the proposed construction. (L & M Construction \$1710.00 and Boro. construction \$1410.00)

Solicitor Lovette will check on the procedures for shutting water off in lieu of delinquent accounts. Solicitor Lovette will also check on the new procedure that the District Justices office is recommending. He will report next month. In reference to the letter about Hales Road, Solicitor Lovette feels we should continue with our original plan to share services for the construction of this road.

SECRETARY'S REPORT

Mrs. Czyrnik's written report records the Liquid Fuels check has been received in the amount of \$37,956.57. Mr. Rodgers made a motion to authorize tax exemption for 7 LERTA accounts, seconded by Mr. Pile. All in favor, motion carried. We received an Unemployment Compensation dividend check in the amount of \$305.99. Deposited to the GF account#341.00

TREASURER'S REPORT

Mrs. Czyrnik's written report records a final balance of \$167,515.20 in the General Fund for March 1995. Approved by Mr. Pile, seconded by Mr. Rodgers. Roll call: Mr. Rodgers, Mr. Danyluk, Mr. Krupa, Mr. Kory, Mr. Leventry, Mr. Pile and Mr. Glass. All in favor, opposed none.

TAX COLLECTOR

No collections. No report.

APPROVAL TO PAY THE BILLS

A motion to pay the bills in the amount of \$45,306.56 was made by Mr. Pile, seconded by Mr. Rodgers. Roll call: Mr. Rodgers, Mr. Danyluk, Mr. Krupa, Mr. Kory, Mr. Leventry, Mr. Pile and Mr. Glass. All in favor, opposed none. (plus \$30.00 to Dr. Cwik for the increased payment for 1995) Mr. Rodgers noted the credit for fees donated by Hinks & Locher Engineers for the Playground.

UNFINISHED BUSINESS

A motion by Mr. Rodgers to appoint Mr. William Kory as the voting delegate for the PSAB Annual Conference and Mr. William Krupa for the alternate delegate. Seconded by Mr. Danyluk. All in favor.

A reminder to Mr. Krupa and Mr. Leventry will attend the May 31, 1995 Annual United Way Meeting.

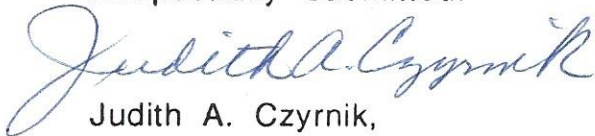
UNFINISHED BUSINESS cont'd

Mr. Glass recommended that Mr. Danyluk attend the Underground Storage tank workshop in Monroeville for new regulations of underground storage tanks. He and Mr. Glass will review the new regulations.

A letter has been sent to Dan Penatzer in reference to the 9-1-1 changes made by Cambria County Emergency Services. Also Mr. Glass felt some changes should be made to the new townhouse addresses on Edward Street. These will cause some of the other addresses on Edward Street to be changed. There are two houses addressed as R. State Street and we are requesting that they change them to Wonder Street, making the addresses consistent with the area.

There being no further business, Mr. Kory made a motion to adjourn the April meeting of Council at 10:55 p.m.

Respectfully submitted.



Judith A. Czyrnik,
Borough Secretary