

MINUTES
BOROUGH OF SOUTHMONT
July 17, 2000 7:00 p.m.

The scheduled July Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the July 17, 2000 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Rovansek, Mr. Danyluk, Mr. Krupa, Mr. Kory, Mayor Lary Koval, Secretary/Treasurer: Judith Czyrnik, Solicitor: Daniel R. Lovette, Engineer: Dave Duray, West Hills Police: Chief Andy Havas, Fire Dept.: Michael Butler, Zoning Officer: Fred Pullen

ABSENT: Mr. Strittmatter, Jan Bosley, Street Commissioner

VISITORS: Bruce Graham 163 State St. Ms. Marcia Shrock 165 State St.
Joseph Stopko 154 State St. James W. Cochran 165 State St.

President Pile asked for approval of the June 19, 2000 minutes, the Special Meeting minutes of June 27, 2000, the June 27, 2000 Committee Notes. A motion was made by Mr. Rodgers to accept the minutes and Committee notes, as presented. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Strittmatter, absent.

At this time President Pile called on the visitors, Mr. Bruce Graham 163 State Street and Mr. Joseph Stopko of 154 State Street. Mr. Graham submitted to Council a petition from the residents on the lower half of State Street to possibly find a way to slow the traffic down. Residents are concerned with the amount of traffic and the speed being used on this short cut to and from Southmont Blvd. Motorists are using this part of State Street to eliminate the section of the Blvd. where the Vascar lines are. The worst time of the day is the early morning traffic and when the 3:30 p.m. to 6:00 p.m. traffic comes through. Mayor Koval and Chief Havas will look at this area to make recommendations to slow the traffic down. A letter was submitted from Mr. Gary Irwin who could not attend tonight's meeting. Mr. Stopko stated that over the years this section of State Street has become children-oriented once again and he is concerned about the speed. He stated that it is excessive and dangerous for the children playing in their own yards.

Council suggested that extra speed signs maybe installed.

POLICE CHIEF'S REPORT

Chief Havas's written report records revenues for the month at \$381.49. The Department was notified that a grant for \$20,000 for tactical equipment was approved. A group of preschool children were given a tour of the police office by the WHRP Secretary, Judy Fetcko. Chief Havas submitted a draft proposal to Mayor Koval for Borough Council to review. It dealt with the possibility of Lower Yoder Township joining the West Hills Regional Police Commission. Brownstown and Westmont have approved the proposal. Some burglaries have occurred in the Westmont/Southmont area. Detective George Muslin did not feel it was serious at this time.

Council reviewed the Diamond Playground incident where an Arlington Street resident drove her car into the Playground Area where children and parents were playing. It seems there are berry bushes and a garden on this section of the playground and the children have been picking the berrys. Survey shows that the berry bushes and the garden are on Borough property, not the resident's. After a lengthy discussion, it was the consensus of Council that we send the resident a strong letter informing her that she has no right to prohibit anyone from picking the berry's, and if another incident happens the Borough will remove the plants. Charges have been filed and in the hands of the West Hills Police. A hearing has been set for late July. The Council noted a letter was received from a former resident of Southmont in Mrs. Chaney's defense.

ZONING OFFICERS REPORT

Mr. Pullen's report records 4 new permits were issued for this month with a construction cost of \$18,350.00. A letter has been sent to Mrs. Morse in reference to a notice to close the business within 10 days since her attorney has not been in touch with the Borough's Zoning Solicitor since the last meeting. A June 30, 2000 extension was approved at the last meeting. Mr. Pullen inspected several complaints this past month. A resident stated that they had seen activity at a vacant property at 5 Cox Street. Mr. Pullen reported that there appears to be no activity. However, the grass is very high. Mayor Koval sent a letter to the owner, giving him ten days to have the grass cut or the Borough will contract to have it cut and bill him for the costs.

A complaint was received on dumping at the Storage Sheds on Stillray Street. Chief Havas and Mr. Pullen check on the dumping and notified the owner to have it cleaned up. Another resident was informed that he needs a permit for a fence that he has already installed. The fence is a solid fence and will have to be removed and replaced with a one-to-one fence.

Mr. Pullen is recommending that Council send a letter to the Greater Johnstown Water Authority in reference to notifying the Municipalities when water is turned off for non-payment of bills. Council is suggesting that all utilities notify the Borough when the service is turned off for non-payment. Mr. Pullen feels there is a potential for unhealthy conditions when the utilities are turned off for long periods of time, as in the Snyder case.

Mr. Kory asked Mr. Pullen to check on the No Trespassing signs placed on a property located on the turn at Orchard and Olive Street. There about a half of dozen signs on the property. There is no rule that records the number of signs allowed to be placed on a property. These signs are temporary. The property owner was directed to clean up the property. He has cut the grass but did not haul any debris away. There are large piles of debris on the property. Mr. Pullen will check on this.

FIRE COMPANY REPORT

Chief Butler's written report records 17 responses for the month of June. The Fire Company responded to a vehicle fire on June 23, 2000. One member of the Department attended a class on Pennfires computer recording systems. The Department was involved in the animal rescue from the hillside off Menoher Highway near Chapin Arch.

Chief Butler reported on the McCullough House's recent incident when an elderly resident was declared missing. The resident was found outside behind the building. She had gone out an emergency exit. This incident causes Chief Butler concern for the safety of the tenants. The staff at the McCullough House do not seem to have adequate training on the fire alarm and security systems at the building. Chief Butler reported that the staff displays a lack of standard procedures regarding evacuation of the tenants. There have been several emergency responses to the McCullough House and these items observed cause the Fire Department concern.

Chief Butler reported on a meeting with several hilltop Fire Departments. Members met with Legislators who offered suggestions and information on grants for Volunteer Fire Departments.

According to the Hilltop Ambulance Association, due to the problem of not having a quorum at the monthly meetings, the Association will as of July 1, 2000 to make all decisions regarding the operations of the Ambulance Association. If necessary decisions will now be addressed by the Westmont Hilltop Fire Department. President Pile wants to further discuss this at a Committee meeting.

Chief Butler asked if there was any progress on the ballfield drain. There is nothing to report at this time.

ENGINEER'S REPORT

Mr. David Duray, Borough Engineer reported that the 2000 Street Paving project has been completed and inspected. However, there is a small problem with Whittaker's invoice. The Engineers and Contractor are working on the correct invoice to be submitted. Some driveway offsets are still in question by the residents. When doing the inspection it was agreed that the driveway offset is not the Borough's responsibility. A letter has been received from Dr. Hunt of Leila Street who is not satisfied. Dr. Burns, also of Leila Street, has questioned the height difference between the driveway and the new pavement. Letters will be sent to these residents with an explanation, with the Solicitor's review before they are sent. An inspection will be done at the storage shed this week. A motion to make final payment to Burgo Construction after inspection was made last month.

Mr. Duray reported on the status of the Sanitary Sewer on Luzerne Street and the Sprague property. They are in the process of acquiring quotes for the plant restoration. The age and arrangements of the plants are the problem. We should be able to award the contract to L & M Contractors for the sewer work by August or September.

On the incident at the Diamond Playground reference to Mrs. Chaney and her berry bushes, (see Police Chief's report), the Engineers will submit a drawing for the Borough to show that the berrys and garden are solely on Borough property. A letter will be sent per Solicitor Lovette's dictation and delivered to Mrs. Chaney. It shall be strong enough for her to know that the plants are on Borough property and the Borough will not tolerate any more harassment towards the people at the playground on Borough property or the bushes and garden will be removed immediately. The incident is being handled by the West Hills Police. Further discussion was held.

A motion was made by Mr. Rodgers to approve the letter to Mrs. Chaney, motion was seconded by Mr. Danyluk. All in favor, motion carried. Mr. Strittmatter, absent.

COMMITTEES

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STREET COMMISSIONERS REPORT

In Mr. Bosley's absence (vacation), his written report records that employees cleaned catch basins, picked up branches after the storms, cut grass at Borough properties, continued installing alley signs and recycled every Thursday. They installed the Emergency lights and Exit signs in Council room, per Insurance Company, ran a new electrical circuit into the Council Room. Weeded and mulched the Barnett St. area, and cut and trimmed trees and cut grass there and at the Barnett Street triangle. Mr. Bosley requested approval for hiring seasonal employees Leo Drager and Daniel Chalich. A motion was made by Mr. Rodgers to approve the hiring of the seasonal employees named at the rate of \$5.15 per hour. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Strittmatter, absent. (Both employees have had physicals and drug testing.) Work will begin in the Cheney Run project for the Army Corp. of Engineer's inspection.

STREETS

As reported at last months meeting, Mr. Danyluk reiterated that the complaints received on driveways along the 2000 Street Paving project were looked at, and it was the consensus of the group that there is no further responsibility of the Borough. The slope of some resident's driveways may need adjustment, by the residents. There appears to be only 3 to 4 residents who have not completed their sidewalk repairs. All have responded and have contractors lined up to do the repairs within the next few weeks. Only one needed paid by the Borough and that resident, (5 Cox Street) has been invoiced. All others paid when the contractor invoiced them.

Cambria County has notified us that we will receive \$9,600.00 in Liquid Fuels funds for 2000. Normally, we receive \$10,000.00 to \$12,000.00 from the County.

ADMINISTRATION/PERSONNEL COMMITTEE

No further report.

POLICE COMMISSION

A motion was made by Mr. Rodgers to go into Executive Session to review legal matters pertaining to Police issues. Seconded by Mr. Kory. All in favor, motion carried. (8:14 p.m.) At 8:41 p.m. Council reconvened. Solicitor Lovette recommended several word changes be made to the Lower Yoder Township proposal being made by West Hills Regional Police. The changes are as follows:

- A. Paragraph 1.- The second word "commission, should be changed to "municipality". And in the second line the word "renewed" should be changed to "extended".
- B. Paragraph 5. - In the third line the word "renewed" should be changed to "extended"
- C. Paragraph 10. - Second line the word "renewed" should be changed to "extended"

A motion was made by Mr. Rodgers to approve the proposal to Lower Yoder Township by the West Hills Police Commission, based on the recommendations by Solicitor Lovette. Motion seconded by Mr. Krupa. All in favor, motion carried 6-0. Mr. Strittmatter, absent.

Mr. Rodgers commended Mayor Koval, Mr. Krupa and Mr. Danyluk for the excellent job on the Commission and their preparation of the proposal.

MAYOR'S REPORT

The Agenda was moved to accommodate Mayor Koval who had to leave early. Mayor Koval reported that he is recommending that we install a 25 Miles Per Hour Speed sign on Leon St. before the descending grade of the hill, after a residents complaint.

It has been noted that Mayor Koval is requesting the pad and electric plug be installed at the Storage Sheds for the soda machines. Also, he is requesting mulch at the playground where the tree was removed.

Also, Mayor Koval will look at several areas of recent speeding complaints and recommend that regular spot speed checking be done by the Police on a routine schedule and report back to the Borough

RECYCLING COMMITTEE

No report.

INSURANCE COMMITTEE

No report.

BUDGET COMMITTEE

Mr. Rodgers reported that the Budget is in good order, we have received 62% of the annual budget receipt projections and spent 31% of the budget expenditure projections for the 6 month report. We have received a note from the Auditor General's office stating they have received the requested specific documentation from the Borough. The Borough is still waiting word on the final Police Pension Audit. The report stated..." it appears the Borough has complied with the finding recommendations"....

SHADE TREE

Mr. Krupa reviewed with Council the tree trimming and removal program that is in progress now. The forester, Jason Hall has looked at about 200 trees in the Borough. Some of the trees were young trees planted by Lichtenfels. Mr. Krupa is suggesting that we print the new limb height and shrub ordinance in the next Newsletter. Two requests to have trees topped have come up this month. One resident has completely topped a tree in the Borough right-of-way abutting their property. Mr. Krupa asked for a ruling from Solicitor Lovette, as to where the shade tree lawn area is when there is no sidewalk. Solicitor Lovette stated that on each street is a right-of-way section and the Borough has jurisdiction on that right-of-way. Maps show the Borough right-of-way.

RECREATION/PLAYGROUND COMMITTEE

President Pile reported that the Recreation Commission will receive two non - matching DCED grants, one for the Elim Playground and one for the Stutzman Playground. Council is invited to the annual Recreation Picnic at the Ridge on August 23, 2000 at 6:30 p.m. The regular monthly meeting will be prior to the picnic at 5:30 p.m.

BUILDING /GROUNDS COMMITTEE

No report

COG REPORT

Annual picnic on August 1, 2000. The annual meeting of COG will be held in Johnstown in September.

CHAPIN ARCH

The Borough is waiting for the States response. The paper work is in the hands of PennDot, Harrisburg.

MAYOR'S REPORT

Changed in Agenda

SOLICITOR

Solicitor Lovette reported that the Declaration of Taking has been filed in the right to easement for the Sanitary Sewer line on Luzerne Street. No further report.

SECRETARY'S REPORT

A motion was made to accept the Secretary's report. A motion 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 June Treasurer's report as presented in the amount of \$439,171.80. Seconded by Mr. Krupa. All in favor, motion carried. Mr. Strittmatter, absent.

TAX COLLECTOR'S REPORT

A motion was made by Mr. Rodgers noting that we have received the June Tax Collector's report with RE collections of \$3,706.78 and PC collections of \$200.00. Seconded by Mr. Danyluk. All in favor, motion carried. Mr. Strittmatter, absent.

PAYMENT OF BILLS

A motion was made by Mr. Krupa to approve payment of the bills, in the total amount of \$70,718.36. Seconded by Mr. Rovansek. Roll Call: Mr. Rodgers, Mr. Rovansek, Mr. Danyluk, Mr. Kory, Mr. Krupa, Mr. Pile. All in favor, opposed none. Absent, Mr. Strittmatter

OLD BUSINESS

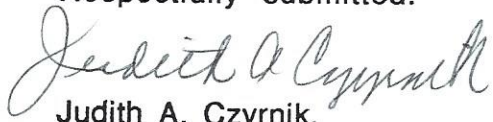
President Pile asked for review of items on the "Tickler List". Items were reviewed, removed or relisted. Some new items will be added. Completed items were removed.

NEW BUSINESS

Nothing at this time.

Meeting adjourned at 9:12 p.m.

Respectfully submitted.



Judith A. Czyrnik,
Borough Secretary

