

MINUTES  
BOROUGH OF SOUTHMONT  
SPECIAL MEETING  
July 27, 1995

A special advertised meeting of Council was called to order by President Glass at 7:30 p.m. After the pledge to the flag, the special meeting of Council convened.

PRESENT: Mr. Glass, Mr. Pile, Mr. Leventry, Mr. Kory, Mr. Krupa, Mr. Danyluk, Mr. Rodgers, Solicitor Lovette, Street Commissioner-Jan Bosley, Engineer-Ron Walker, Zoning Officer-Mr. Pullen, Clerk/Secretary-Nancy Kush.

ABSENT: Secretary/Treasurer-Judith Czyrnik

VISITORS: Jonathan Daily                      Chapin Arch                      John Ponas                      Chapin Arch  
                    Nicholas Antonazzo-Chapin Arch                      Jennifer Drummey                      Shade Trees  
                    Movene Ponas                      Chapin Arch

Present Glass explained to Council that Mr. Kory has been working on the determining ownership of the Chapin Arch property. President Glass asked Mr. Kory to bring Council up to date on the subject. It has been Southmont Borough's interest in helping to provide a pull off area, possibly with several parking spaces and etc., for the public and the Southwest Heritage Preservation Association to use. Since the last meeting of Council Mr. Kory has been busy with Penn Dot and the Heritage Preservation Association. At the last Council meeting, Mr. Kory explained, it was decided that an inspection would be done on the property adjacent to the Arch. This property is being offered to the Borough by the Citizens Cemetery Association, with the stipulation that it has to be used for historical purposes. Council did not wish to spend additional funds on property that was not Borough owned. Initially the Borough was awarded a grant of \$10,000.00 for work at the arch. Mr. Kory had asked Penn Dot for an additional \$10,000.00. Mr. Larry Bilotto of Penn Dot has assured Mr. Kory that he is 100% sure that we would be eligible for 80% of the \$26,000 proposed by Merlo Construction for the construction cost for paving, curbing and signs at the Arch. Mr. Karl King of the Southwest Heritage Preservation Association had been willing to grant \$4,000.00 for the descriptive informational sign that would be posted on the property. In money terms, Mr. Kory stated that it looked good and would not be too costly for the Borough, however, Mr. Kory would wait for the inspection report.

Solicitor Lovette reiterated the monies available, the Federal/State (NESTEA) grant in the amount of \$20,000.00, Borough budgeted funds in the amount of \$10,000.00 and a \$4,000.00 grant from the Southwest Heritage Preservation Association for a total of \$34,000. The bid from Merlo Construction is for \$26,500.00., the estimate for re-pointing and repair at the Arch is \$6,000.00 and \$4,000.00 to put up the descriptive informational sign, for a total of \$36,500.00. That is \$2,500.00 difference. That is assuming the cost to re-point and repair has not changed.

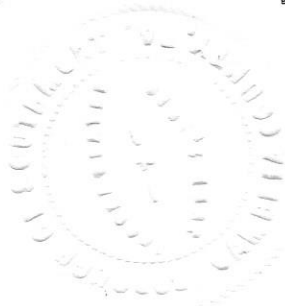
Mr. Rodgers explained that the Merlo proposal is firm at \$26,500.00, if he should have to return to the site it would be a higher bid. Merlo Construction is currently working on the Menoher Highway, Rt. 271 construction.

At this time, Mr. Leventry reported to Council that on Wednesday, 20th, Ron Walker, Ed Danyluk, Wm. Krupa and Mr. Leventry inspected the wall. Mr. Glass and Mr. Bosley inspected the wall at a later date. Mr. Leventry stated that the cemetery wall extends about 2' high above ground in the area of the Arch. The total height of the cemetery wall along the hillside is about 8'-0". The Committee felt there would be extensive repairs needed. It is excessively deteriorated. Mr. Leventry submitted pictures showing horizontal and vertical cracks, a locust tree pushing on the wall and other signs of deterioration. Ron Walker reported that a ball park figure to repair the cap of the arch, underpinning portions of the main arch, removing the tree, cleaning and replacing stones at the wall could cost \$15,000.00 to \$20,000.00. The bulk of the wall appears to be stable. A question on the length of the wall, Mr. Leventry estimated it at about 100 yards.

Mr. Rodgers stated that he is concerned that Grandview is not more interested in the Arch. He felt that Grandview should be the entity interested in preserving the arch. As a Southmont Borough Councilman, Mr. Rodgers did not feel the Borough of Southmont should accept property, the expense or the liability of the Arch property and adjacent land being offered by both Penn Dot and Grandview Cemetery. He also felt we should no longer cut the grass at the Arch. Mr. Glass felt the base of the Arch was in fine condition. Mr. Rodgers felt it was an attractive nuisance.

Mr. Antonazzo suggested that 95% of the Arch is in Penn Dot's right-of way, we could accept their offer, get the grants available, clean up the Arch and let Grandview take care of their exposure, take care of cleanup and the liability. The Arch is an entrance to the Borough.

Mr. Jonathan Daily asked if it would be possible for Southmont to accept the Penn Dot right-of-way only, and not the Cemetery offer of the adjacent land.





Solicitor Lovette suggested that if we accept the right-of-way only, we would need to :

- 1.) Fix it up and make sure it is safe.
- 2.) Give notice to the Cemetery that they are to cut their grass and keep the area clean.
- 3.) Set up an agreement telling Grandview we will allow them the right Of way to their property. (The area below the arch on the hillside.)
- 4.) Inform them in writing that there is a problem with the wall, directing them to fix it and install a fence, and inform them of any other known problems with this land.

Mr. Pile left at 8:00 p.m, returned at 8:20 p.m.

Mr. Rodgers felt we should not make the Grandview Arch our concern. Grandview should be more interested and should fix up the Arch. Southmont should have no liability for this Arch, it is not our property. According to Ron Walker all the parking proposed is on Penn Dot property. Only a small portion of the Arch is on Cemetery property. Mr. Krupa asked if we accept only the Penn Dot right-of way would the grant monies still be available. Solicitor Lovette felt there are two problems if that should happen,

- a.) The proposed project cost is before Merlo leaves this site.
- b.) We would have to have the Cemetery agree to allow us to fix the part of the Arch that sits on their property.

Mr. Kory had the same concerns. Solicitor Lovette suggested getting permission to repair it. President Glass suggested getting the permission to repair the corner of the Arch and not to accept the Grandview offer for the additional land.

Mr. Antonazzo, speaking as chairman of the Planning Commission, feels the Arch should be preserved since it is the only historical monument in the Borough and we can not rely on the Cemetery Association to preserve it. The Planning Commission endorses the idea of accepting the right-of-way portion, including the 90%/95% of the Arch. Mr. Antonazzo also endorses the suggestion to notify the Cemetery that we would be making repairs and would gladly repair and clean their portion of the Arch. The Planning Commission has estimates of \$1,500.00 to clean and \$5,000.00 to repair and re-point the Arch.

After more discussion, Mr. Rodgers expressed his concerns of the eternal liability problems and eternal upkeep of the property. While Council all agree it is nice to save the Arch, it is not practical for Southmont to do it, it should be Grandview responsibility. Mr. Ponas informed Council that possibly 20 years ago the Kiwanis Club planted grass and shrubs at the Arch and Penn Dot said at that time they would cut the grass. Mrs. Ponas feels all groups should do what ever is possible to preserve the Arch, for its historical value.



After further discussion, Mr. Danyluk made a motion that Southmont Borough not take over any portion of the Cemetery property, and give them notice that Southmont Borough will no longer cut grass and do maintenance at the Arch. Motion was seconded by Mr. Rodgers. Mr. Kory stated that he would like to leave a window open and not close the door entirely on the project. Mr. Kory reiterated the motion, and thanking the Cemetery for their offer. Mr. Kory would like to refrain from voting. Solicitor Lovette assured Mr. Kory the vote would not be a conflict of interest. Roll call vote: Mr. Pile, Mr. Leventry, Mr. Kory, Mr. Krupa, Mr. Danyluk, Mr. Rodgers, Mr. Glass, all in favor, opposed none. Motion carried.

Mr. Rodgers made a motion to adopt a resolution making the public aware of the project, and to support the project; suggesting the Kiwanis Club, as suggested by Mr. Ponas, Grandview Cemetery, Kernville Reunion, the Heritage Association and the community in general rally around this project and contribute monies to Grandview or Penn Dot to fix the Arch. All of Council had the same concerns. The Arch should be preserved but it should not be Southmont Borough's project only. Mr. Rodgers withdrew his motion until Council establishes how the right-of-way offer is resolved.

Further discussion was held on the possibility of Southmont putting the cap on the Arch to preserve and seal the top. We would need Grandview's and/or Penn Dot's permission to do this. Mr. Danyluk made a motion to reject the offer of ownership of the Arch area of Penn Dot right-of-way land, seconded by Mr. Rodgers. Mr. Kory question the reason for rejecting the ownership of this land. Mr. Rodgers stated he does not want to own the land, but is in favor of repairing the arch. He does not want to accept the responsibility and liability of this land. Mr. Rodgers, Mr. Danyluk, Mr. Krupa, Mr. Leventry, Mr. Pile, all in favor, opposed Mr. Kory, Mr. Glass. Motion passed 5 to 2.

Mr. Danyluk made a motion to ask permission from Grandview Cemetery and Penn Dot to cap the Arch and repair the Arch, as was originally intention, seconded by Mr. Rodgers. All in favor, motion carried.

Mr. Kory will call the Cemetery Association and Penn Dot officials and inform them of the Councils decision, to reject their proposals. He will also ask about permission to go on the properties to repair and cap the Arch.

On another matter, Mrs. Jennifer Drummey made Council and the Shade Tree Commission aware of the fact that we are in violation of the Borough Code, section 2726, where it is stated that whenever the shade tree commission proposes to plant, transplant or remove shade trees notice of the time and place of the meeting must be given to one newspaper once a week for two weeks before the meeting. Solicitor Lovette suggested that before we remove any other tree we must make the proper notice of the replanting, removal or transplanting.



It appears in emergency removals for safety there is no problem. The Commission should publish the removals when they make their schedule for the work. Mrs. Drummey made an offer to serve on the Shade Tree Commission. Mr. Krupa appreciated the offer. Mr. Krupa will decide if any more trees will be removed this year.

Mr. Rodgers commended Mr. Kory for his research and hard work in gathering all of the information for Council to finally come to a decision on the Chapin Arch. Mr. Danyluk seconded the commendation. All of Council agreed.

Discussion of the latest letter from Mrs. Rocco was discussed very briefly, Mr. Glass will respond. The Mayor requested that no parking signs be installed in the alley at the playground. These signs have been installed, as instructed by Council at a prior meeting. Mr. Bosley also informed Council of crosswalk signs and street crosswalk painted on Diamond Blvd. at the entrance to the Playground. Mr. Bosley has checked with Penn Dot and Chief Havas for the signs and crosswalk paintings

Mr. Danyluk made a motion that approves the installation of the playground signs and crosswalk according to the Penn Dot regulations. Seconded by Mr. Rodgers, all in favor, motion carried.

Mayor Morgan reviewed with Council the inspection of the sidewalks. One half of the Borough has been inspected and Mayor Morgan has prepared a draft of a letter to the residents, informing them of the violations. Letters will be sent within the next week and residents will be given 60 days to complete their repairs, after which time if not completed the Borough will contract for repairs and bill the residents. Letters need not be certified. There are approximately 92 sidewalk violations. The second half will be done next year. Council will be given a copy of the letter being sent.

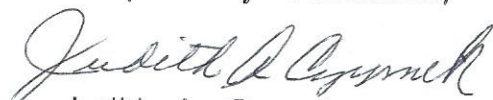
Mr. Krupa was asked to research a tree replacement problem at the Carpenter's residence on Thoburn Street. When the tree planting was done on Leila Street no trees were planted on the Carpenter property. Mr. Danyluk asked if when a tree is removed, must a tree be replaced. Mr. Krupa responded that in most cases the tree must be replaced.

There will be a Penn State workshop held at Hoss's on August 25, 1995, Mr. Glass suggested that the Shade Tree Commission attend the workshop with Mr. Krupa.

Mr. Pullen will address a letter to a resident who has installed a 6' high fence in the back yard area without a permit. He will send a letter to the resident.

A motion to adjourn at 9:30 p.m. All in favor.

Respectfully submitted,

  
Judith A. Czynnik,

