

MINUTES  
BOROUGH OF SOUTHMONT  
March 17, 1997 7:00 p.m.

The regularly scheduled March Council meeting was called to order by President Pile at 7:00 p.m.. After the pledge to the flag, the March 17, 1997 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Danyluk, Mr. Krupa, Mr. Kory (8:20 p.m.), Mr. Davis (7:17 p.m.), Mayor Robert Morgan, Engineer: Ron Walker, Solicitor: Daniel R. Lovette, Zoning Officer-Fred Pullen, West Hills Police: Det. Sgt. George Muslin, Mike Butler, Fire Department and Secretary: Judith Czyrnik

ABSENT: Mr. Leventry, West Hills Police: Chief Andy Havas, Street Commissioner: Jan Bosley.

VISITORS: Ron Rovansek  
92 Thoburn Street

Marlin Stockwell  
504 Diamond Blvd.

At this time President Pile asked for approval of the February 17, 1997 regular Council meeting minutes. There being no question or correction, Mr. Danyluk made a motion to approve the minutes as written. Seconded by Mr. Krupa. All in favor. Absent Mr. Leventry. ( Mr. Kory and Mr. Davis late)

VISITOR'S

Mr. Stockwell was at the meeting to observe. Mr. Rovansek wished to inform Council of several potential hazardous conditions. #1) the intersection of Dell Street, Daisy Street and Edward Street. Mr. Rovansek feels the motorist does not fully understand the intersection right turn sign and the stop signs. Council turned the suggestion over to the Street Committee to re-look at this intersection. #2) Mr. Rovansek suggests that a painted island be done providing a specific lane for Harshberger Street motorists turning onto Daisy Street. At Diamond and Susan, the same situation happens. Motorists descending Diamond Blvd. and wanting to turn left onto Susan cut the intersection onto the incoming lane of Susan Drive. #3) on Menoher Blvd. when you want to turn left onto Susan Drive upcoming cars think you are passing the right hand lane of Menoher. Suggestion is to paint delineator lines in that lane, or a sign posted that left lane is to turn onto Susan Drive. Mayor Morgan informed Mr. Rovansek that these are not new concerns, they have been discussed in the past. After a lengthy discussion, Council turned the concerns over to the Street Committee. #4) Mr. Rovansek felt that the Council overreacted to the parking situation on Thoburn Street when they posted the No Parking Signs. Construction was going on at 89 Thoburn Street and construction workers parked on both sides of the street. Mayor Morgan informed Mr. Rovansek that "No Parking" signs were posted on a request from the Fire Department and a continuation with the "No Parking" on Thoburn Street on that side of the street.

### POLICE CHIEF'S REPORT

In the absence of Chief Havas, Sgt. Muslin reviewed the February written report. February revenues were \$470.94. President Pile noted that Southmont had no Criminal Offenses Part I, or Part II and no Criminal Arrests for the month of February. WHP Officers Watts and Stutzman have assisted in a car seat safety program at the Ferndale Elementary School on February 26 and February 28. Officer Watts attended a two day class presented by Penn Dot on weights and measures of Commercial Motor Vehicles. Reminder, the Police Commission will meet the first 4 months of 1997 in Westmont, next 4 months in Southmont and the final 4 months in Brownstown. The grievance committee meeting of the WHP was held and will be discussed under the Mayor's report.

### ZONING OFFICERS REPORT

Mr. Pullen reported on his written report. There have been two new permits issued this month and one extension of Permit No 9605, that has not been completed. Construction estimates for this month are \$6,209.00.

Signs placed on Borough property was discussed at great length. Mr. Pile asked that the Building and Grounds Committee to look into concerns for a firm policy for future guidelines on sign placement on Borough properties.

### FIRE COMPANY REPORT

Chief Butler reviewed the written report submitted by the Fire Company. There was a structural fire on February 2nd at 123 Helen Street. The fire was quickly extinguished, however the fire and smoke damage was extensive. Chief Butler reported that the Jubilee will be held May 26th thru May 31, 1997. This is the 25th anniversary and promotional programs are being set up.

On a question from last Month, Solicitor Lovette suggested that if we get a legal description of the Fire Company's proposed new building plans, he can prepare a 99 year lease for that parcel of Borough owned property on which they plan to build, for one dollar a year. If no tax money is used they do not have to bid, as long as the Borough does not guarantee any loans. The Borough needs to know how the Fire Company plans to finance. A motion was made by Mr. Danyluk authorizing the Engineer to prepare the legal description of the new building and driveway and the Solicitor to prepare the 99 year lease. Seconded by Mr. Rodgers. The lease will be submitted to the Building Committee for recommendation before approval. Copies of the Fire Company agreement with Southmont Borough will be distributed to the Committee.

Mr. Danyluk asked that someone attend the April 22, 1997 PSAB seminar on Legal Aspects of Volunteer Fire Companies. A motion was made by Mr. Rodgers to allow someone to attend the seminar April 22, 1997, if their schedule allows. Seconded by Mr. Danyluk.

### ENGINEER'S REPORT

Mr. Walker submitted the final plan drawings for the Chapin Arch roadside project. Solicitor Lovette spoke with Barry Clancy of Penn Dot who has submitted drawings for the Engineer to use in preparing 3 legal descriptions and maps to make a quick claim deed for the transfer of Grandview property to Southmont Borough and then to transfer the property to Southwestern Conservancy. PennDot will sell the right of way to Southmont Borough for \$100.00. Mr. Danyluk recommended the Committee ask Southwestern Conservancy to pay the \$100.00 to PennDot. Mr. Pile will write a letter to Southwestern Conservancy requesting that cost. Mr. Davis made a motion authorizing the Engineers to prepare the legal descriptions and maps for the Solicitor to prepare the quick deeds for the Chapin Arch property. Seconded by Mr. Krupa. All in favor, opposed none. Mr. Leventry absent.

Mr. Walker asked for approval to file the 1997 County Aid application. Mr. Danyluk made a motion to make application for \$15,000 allocation for the County Aid Liquid Fuels with a construction cost of \$75,000 for the 1997 paving. Motion seconded by Mr. Davis.

Mr. Walker reported that PennDot will need an inspector for the Chapin Arch project. He asked if Council wanted Mr. Bosley or Hinks & Locher to do the inspection. After discussion it was decided that Mr. Walker will find out what qualifications and to what degree of an inspection is needed for an inspector during the project. Mr. Walker submitted the progress prints for the Soccer/Ballfield storage shed. Mr. Pile will refer them to the Committee for review.

### COMMITTEE REPORTS

Street Committee was moved on agenda.

### STREET COMMITTEE

Mr. Davis reported on a meeting with the Engineers and Committee to review and discuss the proposed Subdivision and Land Development Agreement. Mr. Davis spoke with Attorney Kiniry in reference to some minor corrections on the proposal. After the meeting a copy was sent to Mr. Chiodo's office for his review. The Committee has not heard from Mr. Chiodo to date.

There was a request by Mr. Chiodo to make Cheney Oak Drive narrower than is acceptable for Liquid Fuels Tax reimbursement. Council agreed that the street width will remain unchanged.

Mr. Stockwell was concerned because of the development in the Cheney Oak area and all the trees being cut. He was assured that a buffer zone of some degree would remain after development.

### STREET COMMISSIONERS REPORT

In Mr. Bosley's absence the written report was reviewed by Mr. Pile. The report records necessary maintenance was performed on vehicles and equipment. Took recycling trailer to Boswell each week. Cut, scraped and painted numerous old street signs to be used again. Ran the cable line to the TV/VCR. Plowed or salted streets as needed. House cleaned all the paneling in the Council Room and Borough Offices. Installed "No Parking" signs on Thoburn, "One Way" signs on Stillray Street opposite the Storage Shed entrance, and "Handicap Parking" signs at 20 Shady Lane. Painted the double yellow line on Southmont Blvd. and Olive Street.

Mr. Pile reported that Mr. Bosley found a lock for the Council Room door, it will be installed. The State Street by-pass storm sewer line had collapsed, it was televised and new pipe was installed and back filling is being done. Mr. Carbaugh will be off work for 10 days due to an injury and treatment of Intercostal Myositis. He is using vacation time. An accident report needs to be written and placed in his file.

### ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Rodgers reported on an informal meeting where C.E. Wessel & Co. representative informed the committee of items to consider when accepting quotes from independent auditors such as who is doing the audit, qualifications and how many hours will they spend on the audit. Mr. Rodgers is recommending to advertise and use the sample Request for Proposal to seek quotes for a 3 year audit of Borough records. Seconded by Mr. Danyluk. All in favor, motion carried. Mr. Leventry absent. Mr. Rodgers asked Solicitor Lovette for a ruling on the local elected auditors standing if Council should go with a independent firm. After review of the Borough Code and a lengthy discussion Solicitor Lovette recommended according to Borough Code the elected auditors shall audit Borough records and file State required forms. (sect. 1041) Mr. Rodgers asked if we could set the elected auditors hours and wage.

Another issue, the Police Pension Fund and Auditor General's findings, Mr. Rodgers reported on three quotes received from MMC & P, Segal & Company, and The Valley National Indemnity Corp. Mr. Rodgers is recommending that the Committee meet with Mr. Tom Zurilla of Valley National on March 25, 1997 at 7:00 p.m., to further discuss their finding and the plans to terminate the Police Pension Fund. Mr. Rodgers felt there are many other questions the Committee has and wants to meet with Mr. Zurilla. The Principal Group has not filed the disclosure reports necessary to Pennsylvania's Auditor General's Office. They are to be the Administrator's of the fund. The Principal Group never sent a copy of the Borough's Contract, when the application was signed and approved by Council at the September 19, 1994 meeting of Council. After our request, Principal sent a contract for signature. Solicitor Lovette will review the contract and documents.

Mr. Rodgers continued with the progress of the sale of the Borough owned properties. Solicitor Lovette prepared the deeds in the amount of the individual bids received for the parcels to be sold. Council has directed the Secretary to have the property owners sign the deed and issue payment for bid amount plus transfer fee and recording costs. Four properties were available. Three of the properties will be sold at this time. The bid received for the Leon Street property bid was \$1,000.00, the Dahlia Street and Wren Alley property was \$500.00, and the property at the corner of Langhorne Street and Southmont Blvd. was \$250.00. Council has agreed to pay the cost of preparing the deeds. Council will continue to pursue the other two properties available.

Solicitor Lovette added to a prior discussion reference to the elected auditors and independent auditors. Elected auditors would remain on roles until their term expired. He suggested that Council decide if they are planning to hire independent auditors permanently or for a three year period. That will determine if elected auditors are to remain a part of the Borough. Mr. Rodgers will add this to the agenda of the March 25, 1997 Administration & Personnel meeting.

#### RECYCLING COMMITTEE

No report. Mr. Polantz was in touch with Mr. Davis in reference to skunks at the recycling shed. At this time of the year skunks are on the move throughout our area.

#### INSURANCE COMMITTEE

Mr. Kory reviewed with Council the renewal of the Liability insurance with PIRMA. The premium will be \$7,166.00 for 1997/98 coverage. There will be an increase after we receive the recommendation of the value of the building and contents from Industrial Appraisals. A motion was made by Mr. Danyluk to approve the renewal with PIRMA for the liability insurance. Seconded by Mr. Davis. Roll Call; Mr. Rodgers, Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory and Mr. Pile. All in favor., opposed none. Mr. Leventry was absent.

#### BUDGET COMMITTEE

No report.

#### SHADE TREE

Mr. Krupa reported the Shade Tree Commission met and discussed the Arbor Day celebration on April 26 at 10:00 a.m.. Arbor Day will be held at the corner of Leila and Helen Streets. Five to seven Hedge Maple trees will be planted. Mr. Krupa is asking for one Borough employee to help on that day. A motion by Mr. Danyluk, was seconded by Mr. Rodgers approving one employee to help April 26, for the Arbor Day celebration. Mayor Morgan will read a proclamation.

Mr. Krupa will mark the area for Mr. Bosley to dig the holes for the trees. The Committee will update the tree inventory of the shade trees in Southmont Borough. The Committee will be divided into four sections and will be doing this thru September. Southmont has been named Tree City USA once again. This is the seventh year. On inspection Mr. Krupa advised Council of a hazardous tree near the intersection of Susan Drive and Menoher Blvd. Mr. Krupa feels the tree might be in the PennDot right-a-way. A letter will be written to PennDot asking them to trim the tree. Mr. Bosley will take a picture of the tree for the file. There is a vacancy on the Shade Tree Advisory Board, if anyone is interested. Mrs. Verhosek can not file the appointed term.

#### RECREATION/PLAYGROUND COMMITTEE

Mr. Pile reported that Ron Walker has submitted the revised drawings for the Soccer/Ballfield shed and restrooms. The drawings will be reviewed at the next Committee meeting. Ms. Sythe is working with municipalities to proclaim July as Park and Recreation month in the Westmont Hilltop Recreation Commission. The Commission is working on long term capital improvements. Solicitor Lovette recommended that municipalities renew the prior approved 1/4 mill increase for the new proposed 5 year long range planning.

#### BUILDING /GROUNDS COMMITTEE

Prior discussion on the lease of property to the Fire Company. No other report.

#### C.O.G. Report

Mr. Krupa reported on the meeting and an equipment demonstration to be held in Ligonier on Friday, March 21st, on the leaf loader equipment. Also representatives of the DEP will be there to discuss the Grant procedure for ordering the equipment. A motion was made by Mr. Rodgers for Mr. Bosley and Mrs. Czynnik to attend the demonstration. Seconded by Mr. Danyluk. COG members discussed the enrollment of 4 more municipalities and some discussion was held on Contractor's Registrations either in each municipality or at the County level. Registration fees and possible requirements were discussed.

Cambria County's Borough Association will hold their annual dinner Tuesday, April 15, 1997. Mr. Rodgers made a motion to approve Mr. Davis attending the dinner meeting. Seconded by Mr. Danyluk. All in favor, motion carried.

#### CHAPIN ARCH

Mr. Kory reported on a phone conversation with Stan Caldwell of the Southwestern Conservancy. The Conservancy received a \$4,000.00 grant that can be used for a historical sign after the completion of the project. No other report.

### MAYOR'S REPORT

Mayor Morgan reported on information received on the addressable converters. He is not sure if it is a two way converter. There was a grievance filed with the WHRPC by Mr. David Himlin, in reference to interpretation of certain money as settlement with the termination of his employment. WHRP Commission's Solicitor Ayers came up with a settlement agreement that would make payment for the difference of one month compensation and disability to match the month salary of Mr. Himlin. This agreement settlement relieved the Commission of any and all other claims by Mr. Himlin. Other monies requested in the grievance were denied. Mr. Himlin signed the agreement. The issue is resolved.

Mayor Morgan is recommending that when we send a letter requesting PennDot to look at the Menoher/Susan Drive situation we also ask them to look at the Dell, Daisy, Edward Street intersection and the Harshberger/Daisy Street area at the same time and make a recommendation. Mayor Morgan will attend the March 25th meeting.

### SOLICITOR

Solicitor Lovette reported that he is waiting on the anti-pornography ordinance with revisions from Zoning Solicitor Kiniry. Solicitor Lovette has reviewed the proposed BOCA code Ordinance and finds it to be in order. Mr. Pullen requested that members of Council review the 1996 BOCA Property Maintenance Code book before accepting the Ordinance. There are changes and reference to this code. A meeting has been scheduled for April 15, 1997 at 7:00 p.m. Mr. Pullen is also requesting that a small news items be put in the Newsletter, in reference to the new proposed BOCA code Ordinance.

### SECRETARY'S REPORT

Mrs. Czyrnik's report records that we are waiting to hear from Industrial Appraisals on their appraised recommendations on the building, equipment and contents. Spring Clean-up has been set for May 6 for Tuesday residents and May 8 for Thursday residents. A Newspaper Recycling schedule has been set up April 5, June 7, August 23 and October 18 from 8:00 a.m. till Noon only. Approval was given for the Multiple Sclerosis Foundation to sponsor the 5 mile walk through areas of Southmont on April 20, 1997, by Mr. Rodgers and Mr. Kory. All in favor, motion carried. Mr. Rodgers made a motion to approve Resolution #9701, for the disposition of Borough records. Seconded by Mr. Davis. All in favor, motion carried.

Council appointed Mr. Leventry and Mr. Krupa to attend the Greater Johnstown United Way annual meeting May 27, 1997 at 11:00 a.m. All in favor, motion carried.

TREASURER'S REPORT

Mr. Davis made a motion to accept the Treasurer's report for the month of January in the amount of \$236,114.04 and February's Treasurers report of the General Fund balance at \$239,710.30. Seconded by Mr. Kory . All in favor, motion carried.

TAX COLLECTOR

Mr. Quinn's written report records \$4,422.79 collected in Real Estate taxes and \$242.00 in Per Capita collections for the month of February. Total amount of \$4,664.79. A motion by Mr. Rodgers to accept the Tax Collector's report, seconded by Mr. Krupa. All in favor, motion carried.

APPROVAL TO PAY THE BILLS

After discussion and review, a motion was made by Mr. Danyluk to approve the bills for a total of \$31,507.58. Seconded by Mr. Kory. Roll Call: Mr. Rodgers, Mr. Danyluk, Mr. Davis, Mr. Krupa, Mr. Kory, and Mr. Pile all in favor, opposed none. Mr. Leventry was absent. Motion carried.

OLD BUSINESS

A motion was made by Mr. Davis to submit a listing for the Who's Who in PSAB's Annual book. Seconded by Mr. Kory. All in favor, motion carried. The cost is \$35.00. The School District is still trying to have all the Municipalities meet to continue talks on the PAMS computations and findings from the embezzlement. PLIGIT is checking on interest and compounded figures on the figures embezzled from Southmont.

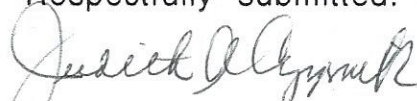
NEW BUSINESS

If any member of Council is interested in attending the Annual Conference in Philadelphia June 22-25, 1997 , please contact the Borough Secretary as soon as possible. Tickler items were reviewed, removed and relisted.

A letter will be sent to Mr. Gordon Smith of Highland Realty for clarity on the word asphalt in his response letter.

Council adjourned at 9:45 p.m,  
All in favor, meeting adjourned.

Respectfully submitted.

  
Judith A. Czynnik,  
Borough Secretary

