

MINUTES
BOROUGH OF SOUTHMONT
November 15, 1999, 7:00 p.m.

The regularly scheduled November Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the November 15, 1999 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Rovansek, Mr. Krupa, Mr. Strittmatter, Mr. Leventry, Mayor Lary Koval, Street Commissioner: Jan Bosley, Secretary: Judith Czynnik, Solicitor: Daniel R. Lovette, West Hills Police: Chief Andy Havas, Engineer: Dave Duray, Zoning Officer: Fred Pullen, and Fire Department: Michael Butler and Hilltop Ambulance: Chet Borosky

ABSENT: Mr. Kory, Speaking Engagement

VISITORS: James Karafa 231 Leon Street

President Pile asked for approval of the October 18, 1999 minutes. A motion was made by Mr. Rodgers to accept the minutes as written. Seconded by Mr. Leventry. All in favor, motion carried.

At this time, President Pile called on visitor Mr. James Karafa of 231 Leon Street. Mr. Karafa is concerned about a tree in the front of his house. Mr. Krupa had the Cambria County Forester Corey Wentzell inspect the tree earlier and he felt it was not ready to cut down. It will be re-inspected during the next time the Forester is in our area. Mr. Krupa will keep Mr. Karafa's name on the list.

POLICE CHIEFS REPORT

Chief Havas's written report records the activities for the month of October. Total revenues for October will be reported in the November report. Chief Havas reported that the decorative stones have been moved back on Harshberger Street, near the Daisy Street intersection. Penn Dot Engineers have looked at the stones and feel they will no longer be a problem. Chief Havas suggested the Stop sign on Daisy at the intersection of Dell, Daisy and Edward Streets be eliminated. Mr. Bosley stated that the sign was placed because motorists were not stopping to cross over and go up Daisy Street. There is no stop sign on Dell Street approaching this intersection. The sign will remain.

Trick or Treat night was very smooth throughout the West Hills Regional Police area. Fire personnel participated and Chief Havas thanked the Fire Company for their assistance. Mr. Rodgers commended the West Hills Regional Police and the Fire Department for patrolling and keeping our Borough safe during Trick or Treat night. Seconded by Mr. Leventry. All in favor, motion carried. Kory absent.



Chief Havas and Solicitor Lovette attended the hearing for Mr. George Haidar of 1070 Luzerne Street on October 25, 1999 on a Solid Waste violation. Solicitor Lovette stated that Magistrate Galen DeCort of Portage had imposed the maximum fine of \$300.00, instructed Mr. Haidar that he had 30 days to clean up the property and for every day past November 25, 1999 he could be given additional citations and he could be fined an additional cost of \$200.00 for each day the area is not cleaned up. He has appealed to the Cambria County Court of Common Pleas. No date has been set for the appeal.

ZONING OFFICER'S REPORT

Mr. Pullen's written report records one (1) permit has been issued during the month with construction costs of \$9,000.00. The estimated year to date construction cost is \$503,858.00

Mr. Pullen reported that several new businesses have opened along Menoher Blvd. and have placed new signs. He has sent permits to the four new businesses. No progress has been made on the Condominium problem. The Condominium Act states many specific regulations that were not completely followed at the time of the original sale of the properties. The Act states that all requirements of the Municipality be followed and set backs were not established in that original sale.

Mr. Pullen submitted a note to Council on a probable BOCA Code violation. Mr. Pullen has been advised by the Peoples Natural Gas Company that service has been shut off at the Snyder house at 521 Southmont Blvd. due to gas leaks. We have also been advised that the Greater Johnstown Water service has been disconnected since March 19, 1999. After a lengthy discussion Council suggested Mr. Pullen inspect the house and determine what action needs to be taken and to then notify our Solicitor for advice on how to proceed.

FIRE COMPANY REPORT

Chief Butler's written report records 15 responses for the month of October. Chief Butler informed Council that the Department has purchased three new self breathing apparatus machines. Two of the machines will be purchased through the Borough Budgeted funds and the Fire Department will reimburse the Borough for the amount of the budgeted figure.

Chief Butler spoke on a recent letter submitted to the Borough from the Fire Company Secretary, Mabel Fox. Chief Butler stated he was not fully aware of what the letter stated. A copy was given to him at this time. The letter requests the Borough submit a letter in writing stating that if the timer is put on the fire siren the Fire Company be released of any and all liability in the event the timer device causes any missed alarms. President Pile asked Chief Butler how the pager and alarm siren worked. After explanation, President Pile asked if there was a time when all the pagers never worked. Chief Butler stated that the pagers have 4 tones, 4 signals and it can happen that sirens and pagers do not go off. President Pile stated that with 20/25 pagers it is highly unlikely that pagers and sirens would both fail at the same time.

President Pile stated that Council felt the newly installed fire siren timer would be set to shut off the sirens only during the night time hours for example, 11:00 p.m. to 7:00 a.m. Sirens would continue to work during the daytime hours. Chief Butler was asked if this would be a problem. Chief Butler stated that if anybody would "key a mike" in Cambria County it could happen. President Pile asked again if this has ever happened. Chief Butler could not answer that. Solicitor Lovette stated that there has never been a case in PA when a Volunteer Fire Company was found liable for not showing up at a fire or if they came late. He has checked his files and PSAB files through Shelley Houk. He recommends that Council do not sign a letter to be held liable in the event of some emergency that the Department did not respond to, due to the timer being set during the night hours. He also stated that both the Fire Company and the Borough have insurance for such incidents, if that would happen. The Borough's obligation is to provide fire protection to Borough residents, and we will continue to do this. He continued with the fact that our Fire Co. has a signed agreement for Mutual Aid, where three other Fire Departments are called along with Southmont. After discussion, Mr. Bosley stated that the siren timer can be overridden and the siren can be activated at that time. Scanners are also used. Mr. Strittmatter made a motion to set the fire siren timer from 11:00 p.m. to 7:00 a.m.. Motion was seconded by Mr. Rovansek. All in favor, motion carried. Kory absent. Council recommends the Police Committee talk with the Police Commission to see if they could possibly deactivate the fire timer in the event no one showed up after 5 to 8 minutes after they are notified via their radio. There is a meeting Tuesday Nov. 16, 1999 and Mayor Koval will discuss this with Chief Havas.

The Fire Company, Cambria County 9-1-1, and bordering and assisting Fire Departments will be notified as to the date and times this siren timer will be in effect.

Chet Borosky reviewed with Council on the Hilltop Ambulance Report. Since he has been appointed to represent Southmont on the board there was no meeting Jan, Feb., March due to lack of quorum. There was a meeting in April. No meeting May and June, lack of quorum. At the July meeting it was decided to meet every other month. No meeting in September or November, lack of quorum. Council will discuss this further. Chief Butler suggested that we possibly set up a meeting with the three Municipalities and the Hilltop Ambulance Association. Council was interested in how the Ambulance Service is notified and if our residents are getting complete service. Cambria County 911 makes the call for ambulance service that is closest to the emergency. A copy of the Hilltop Ambulance Association agreement will be sent to all Council members for review.

ENGINEER'S REPORT

Mr. Dave Duray of Hinks & Locher Engineers reported that he has sent out the PineBrooke breakdown of items, in the amount of \$163,994.32, which was used in developing the bond amount for the 2 year, 20 % maintenance bond. Solicitor Lovette had informed Pete Chiodo's attorney, George Gvodich of the three matters that needed to be resolved before the Borough can accept PineBrooke Subdivision. One being the calculations used in development of the project, the other to obtain the bond and the third was to resolve action taken by the Department of Environmental Protection. Solicitor Lovette requested a letter in writing that the Borough of Southmont would not be liable for any DEP permits or fines on the properties. After further discussion, once again Council decided to table any action until these items are accomplished. If these items can be resolved by the next meeting of Council, possibly the project can be accepted. A letter has been written to McCullough House informing them that we will not snow plow Cheney Oak Drive until we fully accept the project. Mr. Rodgers recommends that Council meet with McCullough House personnel to inform them of our position. A meeting will be set up to meet with them.

Mr. Duray has reviewed the stormwater management on Lot No. 3 of the PineBrooke project on the duplexes. The findings are that although the proposed project exceeds the impervious area allotted, it will not result in runoff exceeding the redevelopment conditions. Mr. Duray is asking that he review all future development in this area.

Mr. Duray met with Jan Bosley and Mike Burgo of Burgo Construction to discuss completion of the soccer/ballfield project. All papers have been submitted for signatures and Solicitor approval. Mr. Duray reported that everything was in order and Mr. Burgo will start construction ASAP. Weather permitting he will begin in January, in the event of inclement weather he will tarp the building and continue to work. A resolution was prepared to request an extension of time on DCNR Contract #KEY-SC 2-146 contracts. A motion was made by Mr. Rodgers to approve Resolution 9911 requesting the extension of Contract DCNR-KEY-SC 2-146. Seconded by Mr. Leventry. All in favor, motion carried. Kory absent.

On a question in reference to Chapin Arch, Mayor Koval reported that Mr. Kory stated that the only thing to do is place the signs and the deed can be prepared to turn the Arch over to the Southern Alleghenies Conservancy to be used as part of the Heritage Route.

COMMITTEE REPORTS

STREET COMMISSIONER

Mr. Bosley's written report records that work is continuing on the remodeling of the garage area. Continued to cut grass, as needed. Picking up leaves, cleaned catch basins after storms, took recycling bins to Boswell and chipped brush week of Oct. 25. Employees cleared the site for the pole building in Diamond Park. Had Tercek Electric install the fire siren timer control. A clean out was installed in Long Alley storm sewer behind Truhan property.

Mr. Bosley is scheduled for carpal tunnel syndrome surgery on November 23, 1999. He will only be off three days. Southmont Borough worked with Upper Yoder Township repairing a road at the Ridge facility behind the building. Mayor Koval inspected the area of Leon and Violet Street at the intersection. Mayor Koval is recommending that a "No Parking Here to Corner" be installed to prevent parking to close to the corner. Leaf collection is going fine, several days of overtime helped with the collection.

STREET COMMITTEE

Mr. Leventry reported that he and Mr. Bosley reviewed the area in PineBrooke Development in reference to a question on sidewalks at the new development area. Mr. Leventry would like to discuss this further at a Committee meeting. Also, there are a few other areas where new construction was done and a sidewalk was not installed. Mr. Leventry will review a recent new construction list. He will report at the Committee meeting. Mr. Leventry also looked at the Bird Sanctuary area where Dr. Kastelic had installed a tree house on a concrete pad. The tree house has been removed and the concrete pad is also gone. Mayor Koval suggested that we put a mark or some delineation of Borough property outlining that Bird Sanctuary. A continuation of the split rail fence to divide the two properties was suggested.

ADMINISTRATION & PERSONNEL COMMITTEE

Mr. Strittmatter noted that there is a meeting set for November 18, 1999, at 6:00 p.m. with AFSCME representative, Tim Miller and employees. (since canceled, rescheduled for Nov. 22, 1999 at 7:00 p.m.) Council members are asked to do the evaluations for Street Commissioner and Secretary.

POLICE COMMISSION

Mayor Koval reviewed the Police Commission meeting. Southmont responded to the Police Commission for an increase in the % now paid to the Commission. Mayor Koval reported to the Commission that it was Southmont Council's consensus that they are satisfied and content with the cost allocation. Southmont voted to stay with the Municipal Contract keeping the current cost allocations. Westmont would make their decision when they reconvene their regular meeting of Council. Mayor Koval and Mr. Rodgers commended Mr. Pile for his good work in handling the session. Mayor Koval announced that West Hills Regional Police Department will receive a \$20,000.00 grant from Senator Wojnaroski's office which will be used for new carpeting, updating office equipment, new bullet-proof vests and new light bars for the cruisers.

RECYCLING COMMITTEE

Mr. Rovansek reported that everyone received the monthly recycling chart. Mr. Rovansek suggested we review the total newspaper volume since the new County bins have been installed. Mr. Rovansek stated we should remind the Police to close and open the recycling center, he had some calls that the center was not opened when it should have been open. Mayor Koval reminded Council that their first priority is Police business, then they open the center. Council appreciates their help.

INSURANCE COMMITTEE

No report.

BUDGET COMMITTEE/CABLE TV

Mr. Rodgers reported that the Committee prepared the Budget for the year 2000. It is ready for Council to approve the tentative budget. Mr. Rodgers also recommends that the Council meeting of December 20, 1999 be changed to December 13, 1999 at 7:00 p.m. A motion was made by Mr. Rodgers to change the December meeting and to advertise for December 13, 1999. Seconded by Mr. Krupa. Kory absent. All in favor, motion carried.

Mr. Rodgers made a motion to approve and advertise the tentative budget for the year 2000, for final adoption at the December 13, 1999 meeting. Seconded by Mr. Strittmatter. All in favor, motion carried. Kory absent.

Mr. Rodgers made a motion to approve the tax rate at 22 mills, have the Solicitor prepare the tax rate and to advertise the same. Seconded by Mr. Leventry. All in favor, motion carried. Kory absent.

SHADE TREE

Mr. Krupa reported that the tree removal is completed for 1999. Mr. Krupa will be making application for the Tree City USA award. This will be our 10th Tree City year.

RECREATION/PLAYGROUND COMMITTEE

Mayor Koval reported that Burgo Construction was awarded the contract to renovate the Clubhouse at the Ridge. The Recreation Commission will purchase a new computer, fax machine and printer. A drain problem has arisen at the Stutzman Playground whereas there is water accumulation on the Shelburne Place side of the playground. Westmont dumped dirt in the low areas and the Recreation Commission will look at the area in the Spring.

BUILDING /GROUNDS COMMITTEE

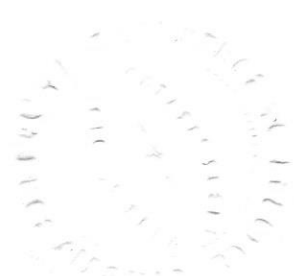
Nothing further to report, except possibly installing a marker or fence at the Bird Sacncturay.

C.O.G. COMMITTEE

Mr. Rovanseck had no report. No one from Southmont will attend the Christmas party on December 10, 1999.

CHAPIN ARCH

No other report.



MAYOR'S REPORT

Mayor Koval had a question about the Wren Street property for Solicitor Lovette. The question was if the Borough as property owners of the Wren Street property has the right to appeal or apply for a variance to change the Zoning of this property from residential to Commercial? This would make a difference in how the Borough would advertise the property for sale. Mayor Koval has talked with Doctor King about purchasing the property. Solicitor Lovette will research the question and get back to Council with an answer. A motion was made by Mr. Rodgers to install the "No Parking Here To Corner" sign at the corner of Violet and Leon Streets. Seconded by Mr. Strittmatter. Motion carried. Kory absent.

SOLICITOR

Solicitor Lovette wanted to commend Dave Duray for the outstanding job he has done with the PineBrooke Development Subdivision in these final stages. And Chief Havas did a great job at the Haidar hearing. Solicitor Lovette said it is a pleasure working with them. Solicitor Lovette has reviewed the final draft of the Dog Enforcement Ordinance and the Animal Control Agreement, both are in order and if the Borough is ready to approve he will prepare the Ordinance and advertise. A motion was made by Mr. Rodgers to approve the Animal Control Agreement and to have the Solicitor prepare and advertise for final adoption at the December 13, 1999 meeting. Seconded by Mr. Rovanseck. Motion carried. Kory absent. Solicitor Lovette will attend the deposition on the Hartnett case. Scheduled for Nov. 22, 1999

SECRETARY'S REPORT

Mrs. Czyrnik's report records the quotes for the telephone system. Blair Communications was \$3,617.00 complete and GTE was \$3,700.27. A motion was made by Mr. Rodgers to accept the low bid of \$3,617.00 for installation of a new phone system. Seconded by Mr. Leventry. All in favor, motion carried. Kory absent. On Council's recommendation, Mrs. Czyrnik will get prices on having the Internet installed. The 1999 PennDot audit was completed in October. Mr. Richard Lear of PA Municipal Service will have the Assisted Living residents names removed from the Earned Income Tax roles. It was an error on their part. The Community Map and Kindred Spirit is completed and sent to printers. Mr. Rodgers made a motion to accept the Secretary's report. Seconded by Mr. Krupa. All in favor, motion carried. Kory absent. On a question of using the Council Chambers for the West Suburban Little League, Council does not allow the use of the Council Room other than that of Borough functions. Council is recommending that with the new phone system we should get on the Internet and get prices for an answering machine.

TREASURER'S REPORT

Mr. Rodgers moved to approve the Treasurer's report for the month of October as submitted in the amount of \$356,420.75 in the General Fund balance. Seconded by Mr. Strittmatter. All in favor, motion carried. Kory absent.

TAX COLLECTOR

Mr. Rodgers made a motion to record that we received the October Tax Collector's report, in the amount of Real Estate, \$2394.11 and Per Capita, \$44.00. Seconded by Mr. Rovansek. All in favor, motion carried. Kory absent.

APPROVAL TO PAY THE BILLS

After review, a motion was made by Mr. Krupa to approve the Payment of the Bills in the amount of \$60,374.61. Seconded by Mr. Strittmatter. Roll Call: Mr. Rodgers, Mr. Rovansek, Mr. Strittmatter, Mr. Krupa, Mr. Leventry and Mr. Pile. All in favor, opposed none. Motion carried. Mr. Kory, absent.

OLD BUSINESS

President Pile asked for review of items on the "Tickler List". Items were reviewed, removed or re-listed. Most items are currently in progress. Some new items will be added.

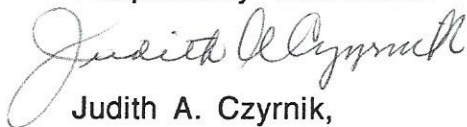
NEW BUSINESS

Council set the Committee meeting for November 30, 1999 at 7:00 p.m. at which time Employee evaluations, Assisted Living meeting, tree height ordinance and new sidewalks construction items will be addressed. At the Borough Association Dinner Meeting, Mr. Krupa reported that Municipalities will no longer be required to pay annual dues. The Association will also contribute to the PSAB Cecil B. Leberknight scholarship fund. President Pile reported to Council on the PSAB Fall Conference. The big issue is the year 2000 Census. Grant monies are derived from the census count. Funding for programs from the State and Federal levels are determined by the census count. A Census 2000 reminder was put into the Community Map. President Pile asked that the Committee Meeting Notes of November 9, 1999 be a part of the Minutes. The meeting was with Upper Yoder Township and Borough Council to determine a formula for the annual sewer rental fees to Upper Yoder Sewer Authority. Motion by Mr. Rodgers and seconded by Mr. Krupa.

A motion was made for Mr. Bosley to attend the LTAP workshop on Vehicle Maintenance in Greensburg on November 16, 1999. Motion by Mr. Rodgers, seconded by Mr. Krupa. All in favor, motion carried.

There being no further discussion, Council adjourned 9:30 p.m.

Respectfully submitted.



Judith A. Czynnik,
Borough Secretary

