

MINUTES  
BOROUGH OF SOUTHMONT  
April 20, 1998 7:00 p.m.

The regularly scheduled April Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the April 20, 1998 meeting of Council convened.

**PRESENT:** President Pile, Mr. Leventry, Mr. Rodgers, Mr. Krupa, Mr. Kory, Mr. Davis, Mayor Lary Koval, Solicitor: Daniel R. Lovette, Engineer: Ron Walker, Street Commissioner: Jan Bosley, Zoning Officer-Fred Pullen, West Hills Police: George Muslin, Fire Department: Fire Chief Butler and Clerk: Cynthia Bednarz

**ABSENT:** Mr. Rovanseck, Secretary: Judith Czyrnik, West Hills Police: Chief Andy Havas

**VISITORS:** Pete Chiodo 943-B PineGrove Ln.                      Jean Safko 500 Cheney Oak Dr.  
Harold Platt 780 Goucher Street                      Nick Keklak 89 Thoburn St  
Connie Platt 780 Goucher Street                      Kerry Keklak 89 Thoburn Street

President Pile asked for approval of the March 16, 1998 minutes. A motion was made by Mr. Krupa to approve the March 16, 1998 minutes. Seconded by Mr. Rodgers. All in favor, motion carried.

At this time, President Pile called on Nick Keklak who is requesting a copy of our 1998 budget for a Boy Scout project he is doing in order to earn a badge. President Pile presented him a copy of the budget.

Mr. Platt asked Council to consider doing something more permanent to Tomato Alley which runs parallel to Goucher Street. The alley is in need of some repair. Mr. Platt suggested that the Borough put down some stone and roll it over. President Pile reviewed with Mr. Platt the procedure to having this alley paved. The PA Borough Code provides that if 51% of the residents abutting either side of the alley sign a petition to have the alley paved. After this is completed Borough Engineers will then do a cost estimate and survey the alley. When this is completed each property owner will be responsible to pay an assessed cost based on their property frontage on the alley. Property owners on the one side of the alley pay one third the cost, owners of the other side pay one third and the Borough pays one third. Mr. Platt felt that he could not get residents to sign a petition, as all the residents do not use the alley. President Pile recommended that the Street Committee review the problem. Milled material has been used in the past. Mr. Platt asked about any ordinance in reference to pigeons or the feeding of the pigeons. No ordinance exists.

At this time Mr. Chiodo informed Council of the approval of the Zoning Hearing Board for the 30' set back on PineBrooke Lot No. 3, requested by John Hill Real Estate. Mr. Chiodo was in attendance to request approval of the sub-division of Lot No.3 for the proposed plans Brian Chirillo of John Hill Real Estate to develop 4 , 2 family units on this lot. Mr. Rodgers asked if the Commercial Zone would have to be re-zoned for these residential proposed properties. Mr. Pullen explained that it is not necessary to re-zone a commercial zone to include a resident. Another question was about the storm water management. This has been included with the original plan for the PineBrooke Development. Solicitor Lovette stated that the Zoning Hearing Board would not have approved the plan if it were not included in the considered proposal. Mayor Koval was concerned that after the properties are sold, could someone open a business in that home. Mr. Chiodo will recommend that Mr. Chirillo insert a "no business restriction to the deed. After discussion and review of the proposed plans submitted, a motion was made by Mr. Rodgers to approve the Sub-division for Lot No. 3, as submitted by C & D Associates, providing that we receive a letter for Hinks & Locher Engineers stating storm water management is approved. Seconded by Mr. Davis. All in favor, motion carried. The mylar will be signed when the Secretary returns.

At this time Mr. Pullen introduced Jean Safko, Director of the Assisted Living McCullough House, located at 500 Cheney Oak Drive. Ms. Safko explained the concept of the assisted living development. They are for seniors or any adult who needs assisted living and no longer can live alone, but does not need a nursing home. Full nursing will be available, on an on-call basis. There are 39 units, 8 are one bedroom units and the others are studio units. Each unit has a kitchenette, full bath and all are installed with emergency pull cords to alert the full time staff of any emergency. Rentals are determined by the need of services that each resident would require. There will be a "Sneak Preview" on Tuesday, April 28th from 3 to 7 p.m. All of Council has been invited.

Mayor Koval, at this time introduced Cliff Kitner as the new Executive Director of the Westmont Hilltop Recreation Commission. Mr. Kitner had previously been the Physical Director at the Johnstown YMCA and is looking forward to working with the communities of the Westmont Hilltop Recreation Commission.

#### POLICE CHIEF'S REPORT

In the absence of Chief Havas, Mr. George Musulin submitted the report to Council. The report records revenues for the month of March were \$458.39. The March report records activities in the Borough for the month. Officer West has been enrolled in a course for Fundamentals of On-Scene Vehicle Collisions. Officer Mulkey presented a program on Drug & Alcohol Abuse to Grade 7 students at the Westmont Middle School.

### ZONING OFFICER'S REPORT

Mr. Pullen's written report records 4 new permits were issued since the last report, with an estimated construction cost of \$645,900.00. The year to date estimated construction total is \$692,821.00. Mr. Pullen reported on the approval of the Zoning Hearing Board for the 30 foot set back on Lot No 3. in the PineBrooke Development. A non-traffic citation was filed with the District Magistrate on BOCA code violations at 1070 Luzerne Street against Mr. George Haidar. The hearing is set for May 6, 1998 at 1:00 p.m.. Mr. Glass will represent Southmont.

The unlicensed, uninspected vehicle has been removed from the Adams property on Arlington Street. A second letter has been sent to the Bowser property on Mabel Street in reference to an "attractive nuisance" that exists on the property. Mr. Rodgers questioned another area along Southmont Blvd., which is also a water ponding area near the curve. Mr. Leventry and Mr. Pullen will look at this situation and report back to Council. The Department of Labor and Industry has approved the occupancy permit for the McCullough House, Assisted Living Facility at 500 Cheney Oak Drive.

A meeting was held with a representative of 911, Pete Chiodo, Judy Czynnik and Mr. Pullen to clarify and name the street (driveway) for the new office complex areas and the restaurant area at PineBrooke Development. The County Emergency Service requires a name be given to this driveway that is serving 941-943 and 942 Menoher Blvd. addresses. The name PineGrove Lane has been approved by 911 and letters will be written to the businesses at the addresses. The numbers will remain the same, just the street will be named. A motion was made by Mr. Rodgers to approve the new name PineGrove Lane, seconded by Mr. Krupa. All in favor, motion carried.

### FIRE COMPANY REPORT

Chief Butler's written monthly report records total emergency responses in the Borough and assists at 3 for the month. Three members of the Fire Department attended 3 sessions of fire school for a total of six hours of training. The course was on Rapid Intervention concept. The Chief reported that the Jubilee will be May 25th thru the 30th. The Chief is requesting permission to use the Borough trucks to help set up and tear down the Jubilee, permission to put up signs and additional police protection during the Jubilee. Mr. Rodgers made a motion to approve the requests, as we have done in past years. Motion seconded by Mr. Leventry. All in favor, motion carried.

The hydrant for the Assisted Living Facility was received, however, it was the wrong fire hydrant. It will be six to eight weeks before the new one will be received. The water service is into the sprinkler system, but no hydrant service. Chief Butler reported that they do have a good fire alarm system in the facility. Hilltop Ambulance Report has been received and is on file.

Mr. Davis asked if the access road along Menoher Blvd. would be a feasible emergency road from Menoher Blvd. Would Penn Dot need to be contacted. Mr. Leventry will check with Penn Dot.

The Fire Department is continuing to review contracts with their Solicitor Gary Horner. Chief Butler asked for the exact numbers of the businesses on the new PineGrove Lane. The numbers do not change 941-942-943, and they will be suite's A, B, C & D at each address. The Secretary will give him that information.

#### ENGINEER'S REPORT

Ron Walker reported to Council that a Street Inspection was held and they have 6 streets that need estimates for possible paving. Mr. Leventry made a motion to approve the Engineers to prepare the specifications and advertising for the 1998 Street Paving bids. Motion was seconded by Mr. Kory. Mr. Walker will prepare a cost estimate prior to the bidding. They will advertise for street paving bids for the May 17th meeting. Mr. Walker reported that they still haven't heard from the State about the Retaining wall grant. On a question of the progress of the Cheney Oak Drive construction, Solicitor Lovette reported that Berti and Mr. Chiodo had a dispute over payment and the Contractor left the job as of a week or so ago. No more payments were to be made from the escrow account, until a line of credit for \$30,000.00 is received from Summit Bank. Solicitor Lovette is still waiting for this line of credit, and he has instructed the Engineers not to approve any payments until the line of credit is received. Further discussion was held on the completion of the Cheney Oak Drive. On the recommendation of the Solicitor, Mr. Leventry made a motion to approve a substitution of a \$30,000.00 line of credit for cash in the Escrow account, subject to the Solicitor's approval of the letter of credit. Seconded by Mr. Kory. All in favor, motion carried. This would bring the escrow account up to \$92,000.00.

#### COMMITTEE REPORTS

##### STREET COMMISSIONER

Mr. Bosley's report records that employees have continued to check water flows in designated sanitary sewer manholes. Continued work on the ballfield drainage, as weather permits. Employees salted a few times this month, cleaned inlets after storms, and performed maintenance on the vehicles and equipment. Swept gravel at a few intersections and picked up gravel piles swept up by residents. Completed a drawing that was submitted to the State Fire Marshall for the above ground diesel tank. Still waiting for DEP approval. Collected over 2 tons of newspapers in the first scheduled program. Scraped and painted old sign posts to re-use, and installed a few more new street signs. Mr. Bosley received word that Mr. Dickson from Johnstown High is bringing in a Buildings Trade Class of students this week to begin laying concrete block, at the storage shed in the ballfield.

Mr. Bosley reminded Council that Highland Finance has completed the excavating of the second entrance of the Storage Sheds and the Borough agreed to furnish the milled material for the entrance. A motion was made by Mr. Leventry to purchase milled material, as the Borough's supply is depleted. Seconded by Mr. Davis. All in favor, motion carried. Mr. Bosley has received quotes from several contractors. Street sweeping was to begin today, however, the Lower Yoder Township street sweeper was broken down. Sweeping will begin as soon as repairs are made.

Mr. Bosley reported on Department of Environmental Protection maintenance inspection for the Cheney Run stream. Based on the inspection the condition of the project is acceptable. DEP listed one priority item that must be accomplished. Rocks and debris are blocking the flapgate and must be removed. They suggested several other routine maintenance items that will be done. There are three trees undermining the fence. Property owners will be made aware that the trees must be removed.

#### STREET COMMITTEE

No further report.

#### ADMINISTRATION & PERSONNEL COMMITTEE

No report.

#### POLICE COMMISSION

President Pile reported that Mr. Leventry will have to attend the meeting on Tuesday, April 21, 1998.

#### RECYCLING COMMITTEE

No report.

#### INSURANCE COMMITTEE

Mayor Koval reported on the recent Loss Control Inspection done by Tim Lutz of PIRMA. Several recommendations were made, such as providing additional exit signs in the Council room and emergency lighting, non-smoking signs, additional signs in the garage and outside buildings, recommendations for the Wren Street playground, and suggestions on implementing Personnel Policies including sexual harassment policy. After Council discussion, a motion was made by Mr. Kory, for purposes of safety at the Wren Street playground, that the swings sets and see-saws be removed along with two concrete slabs. Seconded by Mr. Davis. All in favor, motion carried.

BUDGET COMMITTEE

No report, other than a Liquid Fuels Audit was done and the payment received from Upper Yoder Township for the 1/2 payment of Leon Street, in the amount of \$6,584.12 was deposited in General Fund and must be paid back to Liquid Fuels fund account. This item is on the bill sheet for payment.

SHADE TREE

Mr. Krupa discussed the Shade Tree Commission meetings reference to Arbor Day, Shade Tree Inventory and planting of Shade Trees. Five trees will be planted on Thoburn and Mabel Streets for Arbor Day celebration. Mr. Krupa submitted an invoice for Tom and Bob's Tree Service for a tree removed on Southmont Blvd., to be added to the Bill Sheet for payment.

RECREATION/PLAYGROUND COMMITTEE

President Pile reported on the new Director, Cliff Kitner and his progress on the summer programs. The Mound Playground is moving along. Mayor Koval reported on the PIRMA inspection and the playground inspections that must be documented for file on the equipment. This will be done by the Recreation employees. There will be a car show on June 28, 1998 at the Hiram G. Andrews Center for the benefit of handicapped accessibility improvements at the Ridge. Mayor Koval is in charge of the program.

BUILDING /GROUNDS COMMITTEE No report.

C.O.G. Report No report.

CHAPIN ARCH Mr. Kory is in contact with the Southwest Conservancy representatives, and kept updated on the Chapin Arch project. The construction of the Chapin Arch pull off area is on the PennDot schedule for 1999. No other report.

MAYOR'S REPORT

Mayor Koval's only report is the proclamation for month of June as Stroke Prevention Month. Council approved at the March meeting. Mayor Koval set up the stroke screening schedule for June 18th beginning at 9:00 a.m. A news release will be given to the Tribune. Council commended Mayor Koval for his involvement.

SOLICITOR

Solicitor Lovette had no report.

### SECRETARY'S REPORT

Mrs. Czyrnik's report records that the 1998 audit was mailed March 25, 1998 and the Liquid Fuels check has been received in the amount of \$44,642.99. Council met with Ken Rotz of Penn Valley on the codification. A draft was submitted to all Council for review and changes.

A motion was made by Mr. Rodgers, to approve advertisement on the Shade Tree Meetings. Seconded by Mr. Davis. Approval was made by Mr. Rodgers and seconded by Mr. Davis for use of the Council room for the Stroke Awareness Screening. Mr. Rodgers made a motion to approve the re-appointment of Mr. Lary Koval to the Westmont Hilltop Recreation Commission. Seconded By Mr. Davis. The term will expire March 31, 2001. Approval was given for Mr. Pullen to attend the Basis Course for Zoning Officers, seconded by Mr. Davis. The meeting is to be in Johnstown. A motion was made by Mr. Rodgers to approve Dr. George Hanzel as Health Inspector during the illness of Dr. John Cwik. Seconded by Mr. Davis. All motions were approved by Council. All in favor, motion carried.

Mr. Rodgers noted that 911 has changed the name of the driveway to the Restaurant and businesses along Menoher Blvd. The new name is PineGrove Lane.

It was noted and approved that Mr. Rodgers and Mrs. Czyrnik met with Mary Pat Sheridan to make a payment schedule for the reimbursement for paving Hannah Alley. Council approved the payment schedule, all in favor. Mrs. Huda Martin's past due payment for Hannah Alley has been turned over to the Magistrate for payment.

### TREASURER'S REPORT

Council approved the Treasurer's report for the month of March in the amount of \$323,769.29 in the General Fund balance. All in favor, motion carried.

### TAX COLLECTOR

Mr. Quinn's written report for the February Final Report records \$5,068.76 in Real Estate collections has been returned to the County. No report or Collections for March. A motion was made by Mr. Kory that we received the Tax Collector's report, seconded by Mr. Rodgers. All in favor, motion carried.

### APPROVAL TO PAY THE BILLS

After questions, and the addition of the tree removal invoice from Tom and Bob's Tree Service in the amount of \$100.00, a motion was made by Mr. Rodgers to approve the Payment of the Bills in the amount of \$58,022.53. Seconded by Mr. Davis. Roll Call: Rodgers, Davis, Krupa, Kory, Leventry, and Pile all in favor, opposed none. Motion carried. Rovanseck, absent. (Question on account number 454.10 was corrected to 454.00)

OLD BUSINESS

Items on the "Tickler List" were discussed. Items were reviewed, removed and re-listed. The Storage Shed new entrance was removed, as it is being worked on presently.

NEW BUSINESS

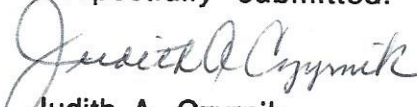
The annual conference will be held in Hershey on June 21 thru June 24, 1998. A motion was made by Mr. Leventry to approve Council members or staff to attend the PSAB Annual Conference Meeting. Seconded by Mr. Rodgers. All in favor, motion carried. Mrs. Czyrnik and Mr. & Mrs. Pile might attend.

At this time President Pile read a letter of resignation from Mr. Curt Davis. Mr. Davis is moving from the Borough and will no longer be eligible to serve the Borough. Mr. Rodgers made a motion to accept the letter with regret. Seconded by Mr. Leventry. Mr. Rodgers expressed Council's regret and thanked Mr. Davis for his service to the Borough.

Council has 30 days to appoint a Council member to fill the vacancy. After discussion, it was the consensus of Council that a notice be advertised in the local newspaper and Council meet on April 28, 1998 at 7:00 p.m to review the applicants. The notice shall ask for resumes, intent and any pertinent background, as per Mr. Kory's recommendations.

Adjourned 9:20 p.m.

Respectfully submitted.

  
Judith A. Czyrnik,  
Borough Secretary