

MINUTES
BOROUGH OF SOUTHMONT
June 19, 2000 7:00 p.m.

The scheduled June Council meeting was called to order by Vice-President Rodgers at 7:00 p.m. After the pledge to the flag, the June 19, 2000 meeting of Council convened.

PRESENT: Vice-President Rodgers, Mr. Rovansek, Mr. Danyluk, Mr. Krupa, Mr. Strittmatter, Mayor Lary Koval, Jan Bosley, Street Commissioner, 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: President Pile, Mr. Kory

VISITORS:	Tammie & Scott Pyschnik	Sewer	Mary Beth Horner	House Auction.
	Ernie Richards	" "	Greg King	Truck Bid
	Charles Sprague	" "	Jim Bortz	Truck Bid
	Matthew Sprague	" "	Amos Terek	Truck Bid

Vice-President Rodgers asked for approval of the May 15, 2000 minutes and the May 30 Committee Notes. A motion was made by Mr. Krupa to accept the minutes and Committee notes, as written. Seconded by Mr. Rovansek. All in favor, motion carried.

At this time Vice-President Rodgers called on the visitor Charles Sprague who wanted to address Council on the proposed sanitary sewer improvements construction on Luzerne Street. The proposed construction calls for an easement through Mr. Sprague's property to eliminate the on going problems of the sanitary sewer backing up in that line. The Engineers and Council have been working on this project for several months to determine how to correct the problems that have caused sewage back ups in Mr. Pyschnik's basement. Engineers have stated that this is the most cost effective and efficient solution to the problem. The current line does not have enough fall to keep the flow moving. The proposed new line will eliminate the blockage. Mr. Sprague stated that he will not sign the easement to allow contractors to work on the line because he has a fence and vegetation in the area of construction. Engineers and Council have agreed to have the fence removed and replaced in kind, and to have a Nursery come in to remove and attempt to preserve the vegetation. The Borough will replace the vegetation after construction at the Borough's cost. Mr. Sprague stated that the Borough could replace the line in the existing line, as it is now. He does not want a portion of his property torn up. The Engineers do not agree. Mr. Sprague refused to sign the easement. Solicitor Lovette reviewed the Borough Code and informed Council and Mr. Sprague that the Borough could file a Declaration of Taking for the purpose of correcting the sanitary sewer problem. Mr. Duray feels that this plan of construction is the only feasible solution to the problem within reasonable cost.

Mr. Duray feels that by replacing the fence and replacement of the vegetation Council is doing everything possible to place the property back into the original condition. Council is not required to do either.

Solicitor Lovette asked if any alternatives have been looked into. Mr. Duray stated that several other directions for construction were reviewed. There are buildings in the area and the Engineer reviewed alternatives. In order to get the slope (fall) needed it would require digging 8' to 9' deep between the two garages. The distance between the two garages is only 6 feet. This could cause damage to the garages and the ditch could not be properly shored. Solicitor Lovette asked if the line could be put into Menoher Blvd. Mr. Duray stated that this direction is too high.

After further discussion Solicitor Lovette suggested to Council that it has several options; #1. Proceed with the project as recommended by the Engineer.

#2 Redesign the construction (i.e., remove buildings, etc.

#3 Do nothing.

Based on the Engineers opinion the Borough has the right to file a Declaration of Taking to obtain easements, to proceed with the current proposal and argue the damages before a Board of View, and to make arrangements to video the site and have a Nursery remove and preserve the vegetation and have it replaced after construction. Solicitor Lovette stated that Council has the right to regulate sewers, we also have the right to prohibit construction of any building above our sewer lines.

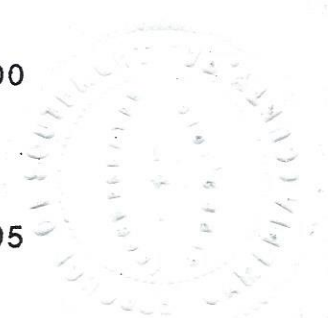
A motion was made by Mr. Strittmatter to move forward with the proposed Luzerne St. sanitary sewer construction. Seconded by Mr. Danyluk. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

A motion was made by Mr. Krupa to prepare and file a Declaration of Taking, for the easement if necessary. Seconded by Mr. Strittmatter. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

A motion was made by Mr. Danyluk to authorize the Engineer to send a letter to Mr. Sprague requesting an Easement for construction and to outline a plan for the restoration of vegetation and after construction. Seconded by Mr. Rovansek. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

At this time Mr. Danyluk made a motion to open the Luzerne Street Sanitary Sewer construction bids, seconded by Mr. Strittmatter. All in favor, motion carried.

- #1. Ligonier Construction
Rt. 30, P.O. Box 277
Laughlintown, PA 15666 \$22,025.00
- #2. Ray's Excavating
903 Campbell Rd.
Ebensburg, PA 15931 \$17,309.00
- #3. L & M Excavating
1094 Mt. Airy Drive
Johnstown, PA 15904 \$16,446.95



After discussion, a motion was made by Mr. Danyluk to accept the low bid of L & M Excavating in the amount of \$16,446.95, pending Engineer and Solicitor's review. Seconded by Mr. Strittmatter. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

A motion was made by Mr. Danyluk to have the Engineer get 3 verbal quotes for restoring the property after construction and to video the site before the project begins. Seconded by Mr. Strittmatter. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory. The Borough is not required to do this, however, Council would like for the property to be restored.

At this time, Vice-President Rodgers asked for a motion to open the bids for the Truck. Mr. Krupa made a motion to open the Truck Bids, Seconded by Mr. Strittmatter. All in favor, motion carried.

#1. Manheim Chrysler-Plymouth

700 Lancaster R.	<u>2001</u>	<u>Trade</u>	<u>NET</u>
Manheim, PA 17545	\$48,966.	\$ 9,000	\$39,996.00
(\$48,966.)			

#2 Tri Star

2134 Route 22 West			
Blairsville, PA 15717	\$57,450.	\$18,850.00	\$38,600.00

#3. Bedford Ford

Rt 30 West			
Bedford, PA 15522	\$54,664.	\$15,586.00	\$39,078.00

After discussion, a motion was made by Mr. Krupa to accept the low bid of \$38,600.00 from Tri-Star Motors, pending Solicitor and Street Commissioner review. Seconded by Mr. Danyluk. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory. Vice-President Rodgers continued with visitor Mary Beth Horner who was asking for some information on the property at 521 Southmont Blvd. that is to be auctioned off on June 24, 2000. Solicitor Lovette and Council suggested that Ms. Horner call the Tax Collector or the County for the information she needs, such as tax assessment, liens on the property or any other information she might need. She is interested in bidding on the property at the auction. Solicitor Lovette suggested that Mrs. Horner have a title search be done before bidding.

POLICE CHIEF'S REPORT

Chief Havas's written report records revenues for the month at \$316.22. Chief Havas reported to Council that the Department has been notified that they will receive a grant in the amount of \$20,000.00. With the grant the Department will purchase some photography equipment, protective gear, up date computers and etc. The Officer Phil program is being set up for next year for the elementary school children.

Chief Havas reported that the proposals with the Municipalities and Lower Yoder have been sent to Council members for review. Further discussion will be at the June meeting of the Police Commission.

ZONING OFFICERS REPORT

Mr. Pullen's report records 3 new permits were issued for this month with a construction cost of \$4,400.00. Mr. Pullen continued to check on the Day Care Center. We received a letter from Mrs. Morse's Attorney, requesting an extension of time to respond to the 15 days given to Mrs. Morse to comply with the violations of the Day Care Center. Council agreed to the June 30, 2000 date requested.

Mr. Pullen reported on the progress at the Haidar property at 1070 Luzerne Street. Topsoil has been dumped but has not been spread or seeded. Solicitor Lovette informed Council that Mr. Haidar is going to apply for a Building Permit to put a parking lot on this property. This is not a permissible use according to our residential building code and that would have to come before the Zoning Hearing Board. To date this has not happened. Solicitor Lovette will call Mr. Haidar's attorney and tell him he must spread the topsoil and seed the property, then apply for the Building Permit if that is what he wants to do.

Chief Havas sent letters to two residents who were in violation with the BOCA Codes. The property at 14 Shady Lane is being cleaned up and the vehicle at 104 Dahlia Street has been removed. The garage at 331 Southmont Blvd. that collapsed has been removed and the area has been refilled. A property at the corner of Olive and Orchard Street was sent a letter to clean-up the empty lot. The 10 days given has expired and Solicitor Lovette told Mr. Pullen to file a citation with the Magistrate. Mr. Pullen will do so.

FIRE COMPANY REPORT

Chief Butler's written report records 20 responses for the month of May. Six members of the Fire Department attended 6 sessions of CPT training. Chief Butler reported that there were two alarms during the night in the month of May. The Thermal imager was used four times this month. Chief Butler has sent Mr. Bertioti (Lino's Restaurant) a copy of the fire safety inspection done on April 5, 2000. Chief Butler will re-inspect the business again in about 2 or 3 weeks. Jubilee profits are expected to be approximately the same as last year. Chief Butler had a question as to why the field drainage that we installed last year is not working. The field was wet during the Jubilee. The Fire Company will contract a lawn care service and with Fire Co. personnel they will correct the field damage done during the Jubilee. Chief Butler is asking if we could televise the line to see why it is not draining. Council agreed to do so. Also, Chief Butler reported that limbs on Floyd, State and Diamond Blvd., are scraping the Fire Equipment. Chief Butler reported on a missing person at the McCullough House at 500 Cheney Oak Drive. The resident was found, however, there appears to be some problems with their alarm system. A BOCA letter will be written to the McCullough House management with reference to the alarm system. A resident, Mr. Forquer has called asking if the pager system is working well enough to eliminate the fire siren. Mr. Strittmatter will work with the Fire Department to lengthen the pager use hours from 9 p.m. to 8 a. m. rather than 11p.m. to 7 a.m.

ENGINEER'S REPORT

Mr. David Duray, Borough Engineer reported that the 2000 Street Paving project has been completed and inspected. Mr. Duray has received the contractor's invoice and some discrepancies were found. This will be reviewed and corrected. The invoice will be on the July agenda for payment. Some driveways were in question during the inspection. The Street Committee, Contractor and Engineer agreed that the driveway offset is not the Borough's responsibility and the offsets fall within PennDot's regulations. Smoke testing for the Corrective Action Plan is continuing and is about three quarters of the way done. Mr. Duray is preparing to work on the Department of Environmental Protection, Corrective Action Plan for the existing by-pass. DEP notified us that this project must be completed by 2002.

Mr. Duray stated that the contractor has completed at the Wonder Street Ball/Soccer Field. The electric work still remains incomplete. Tercek has been contacted and is to finish the connection this week. A motion was made by Mr. Krupa to make final payment to Burgo Construction, pending the final inspection. Motion seconded by Mr. Rovansek. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

COMMITTEES

STREETS

Mr. Danyluk reported that the complaints received on driveways along the 2000 Street Paving project were individually looked at, and it was the consensus of the group that the driveways were properly done and there is no further responsibility of the Borough. The slope of some resident's driveways may need adjustment, by the residents. Mr. Danyluk reviewed with Council several residents who have not responded after the given time and have done nothing to repair their deteriorating sidewalk. As per our letter stated this was their final notice and that the Borough would contract to have the repairs done and bill the resident. Solicitor Lovette stated that we should proceed and pay the contractor and file a lien against the property owner for the cost of the repairs, if necessary.

STREET COMMISSIONERS REPORT

Mr. Bosley's written report records that the streets to be paved were all posted. Trimmed brush and branches along a few streets that were to be paved. Stockpiled the milled material as milling progressed. Cleaned catch basins and picked up branches after the storms. Cut grass at Borough properties. Repaired unpaved alleys with milled material. Recycled every Thursday. Began installing alley name signs. Mr. Bosley submitted a "TO DO LIST" for Council, for the next three months. This is inline with Council's request for long range planning. (as least one year.)

BUDGET AND PERSONNEL COMMITTEE

Mr. Strittmatter made a motion to hire David Weir at the rate of \$8.81 per hour (85%) of Union scale as reviewed by AFSCME Representative, Tim Miller, subject to David Weir passing physical and drug/alcohol testing. Seconded by Mr. Rovansek. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

Upon hiring Mr. Weir will become a member of the Bargain Unit and must work 6 months before he may become a Union member. Hospitalization and Life Insurance will begin after physical and drug testing reports are received.

Mr. Strittmatter reported that we have advertised for part time workers. Only three resumes were received. Mr. Strittmatter suggested that we review the full time applications and see if any of them would be interested in the part time work. A motion was made by Mr. Danyluk for Mr. Bosley to hire seasonal part time workers at the rate of \$5.15 per hour. Seconded by Mr. Strittmatter. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory. Any new employee must pass a physical and drug testing before employment.

POLICE COMMISSION

Mayor Koval reported that the next meeting will be on Tuesday, June 20, 2000, at Southmont. The Council has been provided with the projection budget for 2001 with a proposal for Lower Yoder Township becoming a member of the West Hills Regional Police Commission. Council feels they would like to have a Committee Meeting to discuss this proposal. A date will be set up. Mr. Krupa will replace Mr. Pile for the June Commission meeting.

RECYCLING COMMITTEE

No report.

INSURANCE COMMITTEE

No report.

BUDGET COMMITTEE

Mr. Rodgers reported that the Budget is in good order. The Wren Street property would have to be advertised again if Council should decide to continue with the sale. The last advertisement only attracted one quote. (one day late)

SHADE TREE

Mr. Krupa reviewed with Council the tree trimming and removal program that is in progress now. Due to weather conditions they are a bit behind in the trimming. Mr. Krupa is still trying to have the forester in to look at several trees in the Borough.

RECREATION/PLAYGROUND COMMITTEE

Mr. Koval reported that a final inspection was done on the Ridge project. The Recreation Commission will submit the final invoice to the State for payment. They will receive a Grant for the replacement of some playground seats and replace the bolts.

BUILDING /GROUNDS COMMITTEE

A letter was received from the Fire Company with reference to the painting of the Fireman's shed on Diamond Blvd. The shed is galvanized and requires no painting. Council agreed with this decision. It will be removed from the "Tickler List"

C.O.G. COMMITTEE

Mr. Rovansek had nothing further to report than a training class for COG members and PennDot officials to meet for an evaluation of their services.

CHAPIN ARCH

No report. Solicitor Lovette stated that he is still waiting for PennDot to prepare the final paperwork to complete the deed transfer of the right of way at Chapin Arch.

MAYOR'S REPORT

Mayor Koval reported that he will replant a tree at the Diamond Playground that was removed last year. Mayor Koval was requesting that we do some spraying to kill the vegetation at the ball fields on Wonder Street. The Recreation Commission would use the fields if the vegetation was removed. Council authorized Mayor Koval and the Street Commissioner to do what is necessary to utilize the field.

SOLICITOR

Solicitor Lovette reviewed with Council Ordinance 420 establishing the tree and shrub clearance of sidewalks, roadways and alleys. A motion was made by Mr. Krupa to approve Ordinance No 420. Seconded by Mr. Strittmatter. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory. Solicitor Lovette reviewed with Council the need for Resolution 2000-08 to accept the Cheney Oak Drive roadway. Originally it was approved on December 13, 1999 but the Resolution is necessary for the deed transfer from Chiodo to the Borough. A motion was made by Mr. Krupa to approve Resolution 2000-08 accepting Cheney Oak Drive. Seconded by Mr. Danyluk. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory. At this time Mr. Rovansek made a motion to approved Resolution 2000-07 to make application for the traffic light signalization at the intersection of Harshberger, Goucher and Sunray Drive. Seconded by Mr. Krupa. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

At this time the Secretary asked for approval to honor Mrs. Inez Utts of Edward Street who turned 100 years old on February 11, 2000. A motion to approve Resolution 2000-09 was made by Mr. Strittmatter and seconded by Mr. Danyluk. All in favor, motion carried.

SECRETARY'S REPORT

A motion was made to accept the Secretary's report. A motor home has been parked in the Conemaugh Parking area. This parking area is leased from Grandview Cemetery. According to Borough Ordinance, motor vehicles are not allowed to be used to live in, as the Borough has no provision for sanitary hook-up or garbage collection. A letter will be sent to Conemaugh Hospital to remind them of this Ordinance. A motion was made to approve the application for renewal of the Secretary's Notary Public appointment, by Mr. Danyluk, seconded by Mr. Strittmatter. All in favor, motion carried. Mrs. Czynnik would like to begin preparing for the Garbage Contract.

TREASURER'S REPORT

A motion was made by Mr. Krupa to accept the May Treasurer's report as presented in the amount of \$426,819.30. Seconded by Mr. Strittmatter. All in favor, motion carried.

TAX COLLECTOR'S REPORT

A motion was made by Mr. Krupa noting that we have received the May Tax Collector's report with RE collections of \$136,260.50 and PC collections of \$3,185.00. Seconded by Mr. Strittmatter. All in favor, motion carried.

PAYMENT OF BILLS

A motion was made by Mr. Krupa to approve payment of the bills, in the total amount of \$32,814.56. Seconded by Mr. Rovansek. Roll Call: Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mr. Rodgers. All in favor, opposed none. Absent Mr. Pile, Mr. Kory.

OLD BUSINESS

Vice-President Rodgers asked for review of items on the "Tickler List". Items were reviewed, removed or re-listed. Some new items will be added. Completed items were removed.

NEW BUSINESS

Mr. Bosley asked for permission to attend the LTAP workshop on Pothole Patching on July 18, 2000 in Greensburg, PA. A motion was made by Mr. Danyluk and seconded by Mr. Krupa. All in favor, motion carried.

Mr. Bosley showed Council the display chart used by the DEP at the Stream Improvement conference. Southmont Borough was given an Outstanding Project award.

Meeting adjourned at 8:55 p.m.

Respectfully submitted.



Judith A. Czynnik,
Borough Secretary

