

MINUTES  
BOROUGH OF SOUTHMONT  
May 21, 2007 7:00 p.m.

The scheduled May Council meeting was called to order by Vice President Rodgers at 7:00 p.m. After the pledge to the flag the May 21, 2007 meeting of Council convened.

**PRESENT:** Vice President Mr. Rodgers, President Pile arrived at 7:25 p.m., Mr. Ewald, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa, Mayor: Gerry Sloat, Solicitor: Dan Lovette, West Hills Police: Detective George Musulin, Engineer: Dave Duray, Fire Chief: Michael Butler, Deputy Chief: Mike Leckey, Zoning Officer: Ryan Adams, Street Commissioner: Jan Bosley and Borough Manager: Loretta Spak.

**ABSENT:** Mr. Kory out of town.

**VISITORS:** Mr. Bob Morgan, 345 Diamond Blvd., and Mr. Ron Geyer, 108 Orchard Street, dumping grass clippings; Mr. Leo Drager, 302 Leila Street, and Mr. John Lovette, 305 Leon Street, observer.

Vice President Rodgers asked for approval of April 16, 2007 Council Minutes and Committee Meeting Notes of May 8, 2007. A motion was made by Mr. Krupa to accept the Minutes and Notes as submitted. Seconded by Mr. Strittmatter, all in favor motion carried, Mr. Kory out of town.

Vice President Rodgers called upon Mr. Morgan. Mr. Morgan was wondering if his request was discussed/reviewed by council. Vice President Rodgers informed Mr. Morgan trimmings were discussed at May 8, 2007 committee meeting but no action has been taken at this time. Mr. Morgan reminded council of his suggestion for a dumping permit; trimmings are biodegradable and will be filling up our landfills. No further comments or actions taken.

Vice President Rodgers asked Mr. Morgan for an update on TV franchise. Mr. Morgan stated there is a meeting scheduled for Thursday, May 24<sup>th</sup> and COG is spearheading. Mr. Morgan will keep council updated. Mr. Ewald will question COG concerning available funds in account for the cable franchise contract.

Ms. Spak has not heard anything more from Mr. & Mrs. Sobecky or Mr. Klanchar who were scheduled on the agenda.

**POLICE CHIEF'S REPORT:**

West Hills Police report for March shows revenue in the amount of \$133.26 (ordinance violations \$12.45 and vehicle violations \$120.81). April report shows revenue in the amount of \$434.46 (ordinance violations \$304.40 and vehicle violations \$130.06). Mr. Danyluk made a motion based on Mayor Sloat and Police Chief Havas's recommendation to place "Slow, children playing" signs on both ends of Palliser Street. Seconded by Mr. Strittmatter, all in favor motion carried, Mr. Kory out of town. The speed limit sign will need to be moved because of tree limb blocking visibility.

**ZONING OFFICERS REPORT**

Mr. Adams' report shows activity as of 5/9/07 of seven (7) permits at a total construction cost of \$37,560. Mr. Adams updated council on his visit to Grimaldi's and Butler's requesting they clean up their lots, Mr. Carbonara (1046 Menoher Blvd.) they have started removing the fence and should be completed by summer, and 175 State Street trash bags left on property. Discussion followed, Mr. Adams will keep council updated on progress of these items.

**FIRE COMPANY REPORT**

Fire Chief Butler's written report records seven (7) responses during the month of April. There were two calls between the hours of 10 PM to 7 AM. Southmont had four (4) assists in April; two (2) to Upper Yoder, one (1) to Lower Yoder, and one (1) to West Hills. Fire Chief Butler reviewed the four radio price estimates for the two (2) base radios, two (2) mobile radios dual head, one (1) mobile radio single head, twenty-five (25) pagers, fifteen (15) portable radios, and siren control module. Discussion followed, total price range could be sixteen thousand dollars (\$16,000) to twenty-one thousand dollars (\$21,000). The fire company will need use of the borough truck starting on Wednesday evening to set up for the Jubilee. Mr. Bosley mentioned the water in the restrooms will be turned on tomorrow. Chief Butler invited council to come out and help with jubilee, working booths and/or cooking, meeting residents; council was a big help last year. Council to come down when available or contact Ms. Spak and she will let the fire company know schedule. Chief Butler stated they do not allow any outside solicitation at any of their fund raisers (Jubilee). Fire Chief Butler wanted to note that Deputy Chief Leckey just this month (will be on May report) has received his National Certification for Fire Instructor I and II. Council congratulated Deputy Chief Leckey for all of his hard work for achieving the certificate, going to school, doing homework, working full time, and still doing volunteer duties for the fire company. The April Hilltop Ambulance Association report was received and is on file.

**ENGINEER'S REPORT**

The written Engineer's report for May was received and reviewed. Mr. Duray discussed the DEP letter referencing emergency action plans for flood protection projects which is due by July 31, 2007. Mr. Duray is questioning if the Cheney Run is a flood protection project or a channel improvement project, there is a difference, he will investigate before replying to DEP. Quaker Sales is scheduled to start paving early June. Mr. Duray noted the flow meter monitoring for 2006 has been updated in annual binder in Southmont Borough office. Ms. Spak stated book is on council table for their review and will be on file. Discussion followed concerning DEP letter which was received today concerning sewage corrective action plan; Mr. Bosley is working on receiving a quote from Roto-Rooter to perform test on approximately ten homes.

**COMMITTEE REPORTS**

**STREET COMMISSIONERS REPORT**

Mr. Bosley's written report was received and reviewed. Mayor Sloat questioned if driveway at 270 Langhorne still sinking, Mr. Bosley informed Mayor hole has been filled. Mr. Kleinosky, 270 Langhorne Avenue, never contacted the Borough office updating what caused the sink hole. Discussion followed concerning our obligation to the garden club, we did budget three hundred dollars (\$300) for spraying and we provide mulch and cones for when they are weeding; no labor. They do weeding twice a year. Mr. Bosley mentioned 405 Olive Street has followed the sidewalk specs we provided and installed the sidewalk on the Orchard side of property and on the Olive side there is some gravel laid. President Pile asked Mr. Bosley about line painting, we are scheduled after they do Richland.

**STREET COMMITTEE REPORT**

Mr. Danyluk and Mr. Bosley will start program to clean up (debris, brush, branches, etc.) along Southmont Boulevard, Floyd Street, and other areas. Pictures will be taken and letters will be sent stating if resident hauls debris to curb, road crew will pick up. Mr. Rovanseck's inventory and suggestions for additional sidewalks in borough will be placed on the next committee meeting agenda. Ms. Spak will review the sidewalk inspection guidelines to see when next inspection is due. Mr. Danyluk updated council on PennDot Transportation Outreach meeting he attended on May 10, 2007.

**SAFETY, ADMNS. & PERSONNEL COMMITTEE**

An executive session will be held at end of meeting.

**POLICE COMMITTEE**

Mayor Sloat had nothing new to report. Mr. Krupa asked if there is a problem with enough members showing up for meeting for quorum. Discussion followed, Southmont members are present; other municipalities are short. Mr. Danyluk made a motion to appoint entire council to police committee. Mr. Ewald seconded, all in favor motion carried, Mr. Kory out of town.

**RECYCLING COMMITTEE**

The plastic recycling trailer was taken to Pandya and emptied on May 18<sup>th</sup>. Mr. Danyluk mentioned all glass recycling at the big blue bins will cease after May 31, 2007.

**INSURANCE COMMITTEE**

Mr. Rodgers met with Ms. Spak and reviewed insurance policies. Insurance renewals are due in October; we will go out for bids in August. Ms. Spak will contact P.C. Rizzo Associates and Kaminsky, Thomas, Warton & Lovette firms for proof of insurance.

**BUDGET COMMITTEE**

Mr. Strittmatter stated we are in good shape.

**SHADE TREE REPORT**

Mr. Krupa noted Arbor Day went well. All the work Mr. Bosley and road crew performed for Arbor Day was greatly appreciated, they are still continuing to water the new trees. Three (3) more trees will be going in at 210 State Street for a total of twelve (12). Lichtenfels will be in within the next two weeks doing work across from Clarks Store. Mr. Krupa mentioned the trimming of shrubbery at 200 Orchard Street is completed and two arborvitaes were removed from end of Court Alley and Pearl Street. The standing water at Southmont Boulevard and Otis was discussed; Mr. Kaplaniak is making arrangements for repair.

**RECREATION COMMITTEE**

Mr. Kory out of town, Mr. Ewald attended meeting. Items discussed was repair of wall (during basketball program someone accidentally put foot thru wall), no plate on floor wall is movable, checking on prices for thermostat to control natural gas in winter, and getting proposals for steel building for another gymnasium. Mr. Krupa asked if playgrounds are inspected, discussion followed. The snail ride that broke off at Diamond Playground was picked up and will be repaired. Mr. Ewald updated council on plan to shorten chain at swing-set, discussion followed. Mr. Bosley will dig around swing-set to see if base is cemented into ground. Mr. Bosley has received the basketball backboard for the court at the soccer field will be placing rim and installing.

**BUILDING/GROUNDS REPORT**

Mr. Kory out of town. Mr. Rodgers made a motion based upon Ms. Spaks recommendation for R.J.'s Lawn Care to take care of grass cutting due to convenience, borough resident, and accessibility. Seconded by Mr. Krupa, all in favor motion carried, Mr. Kory out of town. Solicitor Lovette checked code book and informed council of section 1404 Penalty for Personal Interest in Contract or Purchases - no elected or appointed official can enter into contract or expenditure of money made by the borough of more than one thousand dollars (\$1,000) in any calendar year. Upon further review by Solicitor Lovette, Mr. Rodgers rescinds his above motion for R.J.'s Lawn Care for grass cutting. Mr. Krupa rescinds his second, motion was removed, Mr. Kory out of town. Mr. Krupa made a motion to approve Beauty Lawn for grass cutting. Seconded by Mr. Rodgers, all in favor motion carried, Mr. Kory out of town.

**COG REPORT**

Mr. Ewald had nothing new to report.

**GRANDVIEW COMMITTEE**

Mr. Kory out of town. Mr. Krupa mentioned Penndot's cutting of trees on Menoher Boulevard and needing to finish cutting and cleaning up logs, debris, etc. Discussion followed, Mr. Danyluk mentioned this could be an item for the agility agreement for trade off of line painting; Mr. Bosley will look into.

**GREATER JOHNSTOWN WATER AUTHORITY**

The April minutes were received. Mr. Pile updated council i.e. windmills, bond issues will be discussed tomorrow night for possible refinancing, trouble with DEP who are issuing fines if approval isn't in writing, when would council like a tour of facilities, and Riverside computer panels are being replaced.

**MAYOR'S REPORT**

Mayor Sloat mentioned speed limit sign on Palliser needs moved and receiving calls to inspect properties for grass cutting letters. Mayor Sloat updated council on concern of raccoon being seen in daytime and not running from humans. Mrs. Magistro contacted game commission and they stated seeing raccoons out in daytime is normal at this time, may have babies in vicinity.

**SOLICITOR'S REPORT**

Solicitor Lovette revisited grass cutting see page 4 section Buildings/Grounds Report. Solicitor Lovette updated council on Professional Family Care Services, Inc. tax appeal, appears they may withdraw their tax exempt status. Mr. Ralph Lovette, Johnstown Brewing Company, approached Solicitor Lovette requesting renewal of outside entertainment resolution. Pennsylvania liquor control board has approved current application starting August 2, 2006 and ending at 2:00 a.m. on September 4, 2007. Discussion followed, no noise complaints were received. Solicitor Lovette will draft a two year resolution. Discussed Ray Alley (steps) beside Mr. Sobecky & Mr. Truscello. Per ordinance #240 we have accepted Ray Alley as a public highway for public use. Mr. Danyluk made a motion for Solicitor Lovette to prepare an ordinance to vacate Ray Alley and to advertise for such ordinance. Seconded by Mr. Rodgers, more discussion/questions arose. Mr. Danyluk rescinds his above motion to prepare ordinance to vacate Ray Alley, Mr. Rodgers rescinds his second, motion removed. Mr. Krupa made a motion based on Solicitor Lovette's recommendation to barricade the steps with yellow caution tape (dangerous condition) do not use, get quotes for removal of steps, and place on committee meeting agenda. Seconded by Mr. Danyluk, all in favor motion carried, Mr. Kory out of town. Solicitor Lovette will be following up with letter he sent to Cambria County Tax Claim concerning 16 Harding Street municipal lien that they missed paying during sale of property. President Pile mentioned drafting an ordinance denying windmills and cell phone towers, this issue will be placed on committee meeting agenda. Ms. Spak will contact PSAB and inquire on income (tax) on cell phone towers.

**MANAGER'S REPORT**

Ms. Spak's written report was submitted and reviewed. Mr. Danyluk, Mayor Sloat, and Mr. Bosley will look into Ms. Frambach's (115 Arlington Street) request concerning Borough taking over her private street light. Mr. Rodgers made a motion to approve Ms. Spak's recommendation for 2008 and future spring cleanups to be scheduled for the first week of June. Seconded by Mr. Danyluk, all in favor motion carried, Mr. Kory out of

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town. Ms. Spak will follow up with a second letter to Mr. Spangler, Cambria County Department of Emergency Services, concerning address assigned to new home of 405 Olive Street. Mr. Rodgers made a motion to approve Mr. Bosley and/or other employee (one person) to attend the LTAP workshop of June 6<sup>th</sup> asphalt roads and October 17<sup>th</sup> winter maintenance. Seconded by Mr. Krupa, all in favor motion carried, Mr. Kory out of town. Mr. Rodgers made a motion for Ms. Spak to attend the grant preparation workshop scheduled for May 23<sup>rd</sup> mentioned in May Borough news by PSAB. Seconded by Mr. Strittmatter, all in favor motion carried, Mr. Kory out of town. Mr. Danyluk will inform Ms. Spak the code ordinances concerning brush pile up on property. Mr. Rodgers moved to accept the Manager's report. Seconded by Mr. Krupa, all in favor motion carried, Mr. Kory out of town.

TREASURER'S REPORT

Mr. Rodgers made a motion to approve April's Treasurer Report in the amount of \$267,466.37. Seconded by Mr. Ewald, all in favor motion carried, Mr. Kory out of town.

TAX COLLECTOR'S REPORT

Mr. Rodgers noted we received the April Tax Collector's report with Real Estate revenues at \$142,689.24. Seconded by Mr. Strittmatter, all in favor motion carried, Mr. Kory out of town.

PAYMENT OF BILLS

Mr. Strittmatter made a motion to approve payment of bills in the amount of \$53,110.96. Seconded by Mr. Krupa; roll call: Mr. Rodgers, Mr. Ewald, Mr. Danyluk, Mr. Strittmatter, Mr. Krupa and Mr. Pile all in favor, opposed none. Mr. Kory out of town.

OLD BUSINESS

President Pile discussed the "Tickler List" and we will add standing water at Southmont Boulevard and Otis also Goldblatt trimming due by late June. Mr. Ewald mentioned he is not happy with grass clippings going to landfill, still wants to look at other options/suggestions.

NEW BUSINESS

Mr. Ewald mentioned at Floyd Street the utility company (gas company) is doing some work, area is not marked off very well may cause an accident. Ms. Spak will contact utility company and express our concerns. President Pile mentioned Atlantic Broadband will be raising their prices.

At 9:26 p.m. Mr. Krupa made a motion for an Executive Session to discuss personnel issues. Seconded by Mr. Rodgers, all in favor motion carried, Mr. Kory out of town. At 9:55 p.m. Council reconvened.

There being no further business, a motion was made by Mr. Rodgers for adjournment of the May 21, 2007 meeting at 9:55 P.M. Seconded by Mr. Danyluk, all in favor motion carried, Mr. Kory out of town.

Respectfully submitted,

*Loretta Spak*, Borough Manager

5/29/2007 9:24 AM