

MINUTES
BOROUGH OF SOUTHMONT
November 20, 2000 7:00 p.m.

The scheduled November Council meeting was called to order by President Pile at 7:00 p.m. After the pledge to the flag, the November 20, 2000 meeting of Council convened.

PRESENT: President Pile, Mr. Rodgers, Mr. Rovanseck, Mr. Krupa, Mr. Danyluk, Mr. Strittmatter, Mr. Kory, Mayor Lary Koval, Street Commissioner: Jan Bosley
Secretary/Treasurer: Judith Czrynik, Solicitor: Daniel R. Lovette, Engineer: David Duray, West Hills Police: Chief Andy Havas, WHRP Detective: George Musulin, Zoning Officer: Fred Pullen

ABSENT: Fire Dept.: Michael Butler:

VISITORS: Lindy Evans 110 Mabel Street Scott Pyshnik 1027 Luzerne St.
Doug Oakley WHRC Tammie Pyshnik 1027 Luzerne St.
Stephanie Milavec WHRC

President Pile asked for approval of the October 16, 2000 minutes and Committee Notes of November 14, 2000. A motion was made by Mr. Rovanseck to accept the minutes as presented. Seconded by Mr. Krupa. All in favor, motion carried.

President Pile noted that we had several guests. President Pile began with Mr. Doug Oakley of the Westmont Hilltop Recreation Commission. Mr. Oakley addressed Council on behalf of the Commission in respect to the proposed Capital Reserve for the long range planning goals for capital improvements. Mr. Oakley thanked Council for their participation in the Commission. The Recreation Commission is proposing an increase of a quarter mill of the real estate assessment. These funds will be deposited into a separate account with the Commission and Southmont will be advised when and if any of these funds are used for the proposed improvements and programs. Solicitor Lovette was in agreement with the request. All other entities in the Commission had the same proposal made to them. Their response has been favorable. Mr. Rodgers made a motion to approve the proposal as submitted. Seconded by Mr. Kory. All in favor, motion carried.

Mrs. Lindy Evans addressed Council on a complaint of trees overhanging the street. She wants to remove two trees that line Mabel Street, on the Borough Right of Way section. Mr. Krupa spoke with Mrs. Evans previously and at that time she wanted to top these trees or remove them. Neither request was approved by Mr. Krupa. After discussion, it was agreed that Mr. Krupa will meet with Mrs. Evan's Tree Trimming Contractor and discuss trimming these trees for safety reasons. Mrs. Evans feels these trees are causing a hazardous conditions at a neighbor's driveway.

Mr. and Mrs. Scott Pyshnik want to inform Council that after a recent survey of their property, it was found that a fence being replaced on the property of Charles Sprague will be at least 4 to 5 feet into their property. Southmont Borough had filed a Declaration of Taking at Charles Sprague's property, to replace a sanitary sewer line.

The Borough's agreement is to replace everything as it was before construction. Solicitor Lovette recommends that Southmont continue work as the Agreement states. Solicitor Lovette suggested that Mr. & Mrs. Pyshnik be in touch with their Attorney, as soon as possible, as this may become a civil case between property owners.

Solicitor Lovette will send a letter to Mr. Sprague informing him that the trees and shrubs will be replaced as per the agreement and informing him of the dispute of the property line. Solicitor Lovette suggests that we do not replace the fence until this matter is settled, but urge the Pyshnik's to move promptly if they intend to do so.

POLICE CHIEF'S REPORT

Chief Havas's written report records the revenue for the month of November at \$814.27. Chief Havas reported on a gun lock safety program held in Westmont Borough by Officer Daniel Mulkey and Officer Thomas Dowdell.

Chief Havas submitted a proposal to make application for a Grant on behalf of the member municipalities of the West Hills Regional Police Commission. The application is with the Department of Economic and Community Development. West Hills Regional Police is applying for new equipment purchases, vehicles and office equipment, as part of the "Start Up" costs for the new contract agreement. This is for a matching grant under the Shared Municipal Services Program. A motion was made by Mr. Rodgers to approve the Grant Application as outlined in Resolution 2000-14. Seconded by Mr. Danyluk. All in favor, motion carried. The Police Commission has been allocated the matching funds in the 2001 Budget. Chief Havas reported that there will be a Police Commission meeting at 7:00 p.m. at Brownstown Borough.

President Pile changed the Meeting Agenda and moved to the Street Commissioners Report, as Mr. Bosley asked to leave early.

STREET COMMISSIONER'S REPORT

Mr. Bosley's written report records that the center line was repainted on the curve at Olive St. and Southmont Blvd., since Southmont Blvd has been re-milled. Routine maintenance was done on vehicles and equipment. Picked up leaves. The leaf machines worked well this year. Council commended the Street Dept. for the good job on leaf collection. Mr. Bosley reported that he corrected a problem with the soda machines at the new restrooms. A circuit was overloaded and needed to be re-distributed. The Cheney Run project was inspected and we received an excellent rating. The Fall brush clean-up was done the week of October 15th. A section of Court Alley was dug out at Pearl Street and a new base was put in and blacktopped. Mr. Krupa asked if Jan knew what is causing the sink holes in Court Alley. The sewer and water lines have been checked. Also a blacktop curb was installed in Celery Alley at Gardner Street. This section was filled in with milled material. The ballfield pipe was televised and found no problems. The line is intact and draining properly. Mr. Rodgers asked Mr. Bosley to check on Lettuce Alley for improper fill in the holes placed there by the residents.

Mr. Bosley and Mr. Pullen inspected the pond at Otis St. and Southmont Blvd., per Council's request. Mr. Bosley explained that this was the original stream-bed for the Cheney Run. It is a continuous flowing stream. The level of water is not more than a foot in depth and does not get significantly higher during the heavier rains. It was the consensus that the pond is not a danger and should be allowed to flow. It is not a Borough responsibility. Mr. Bosley will continue to look into the Commercial Surge Protectors for the building. He has requested quotes from several Electric Contractors.

A meeting was set for December 7th at 4:00 p.m. to review the Street Paving 2001 project.

Also, a meeting will be scheduled for December 5 or December 12 with Upper Yoder Township at 7:00 p.m. to review the sewer rental fees. Mr. Danyluk has found that there are approximately 12 -15 homes in the Allegheny Luther Home. This will have to be reviewed. Mr. Bosley and Mr. Duray will attend both meetings. Mr. Duray will check with Mrs. Czzyrnik for an update on the sewer rental fees proposed to Upper Yoder Township.

ZONING OFFICERS REPORT

Mr. Pullen's report records 6 new permits were issued for this month with a construction cost of \$11,200.00. Mr. Pullen reported that the Haidar permit will expire if the project is not started before December 31, 2000. A new permit will be required. Part of the agreement with the Zoning Hearing Board's decision is that the Borough Engineer must review the revised drawings of the Haidar project, to determine the cost of the proposed parking lot. Mr. Pullen was concerned over the cost of the Engineer's services. Solicitor Lovette reviewed the decision and feels that the cost will be added to the security bond as per the specific agreement passed by the Zoning Hearing Board. Mr. Pullen reported on another continued Zoning Hearing Board meeting. It has been set for November 29, 2000 to continue the appeal of Attorney Mike Stibich for a Special Exception on Use for Home Occupation, at his residence on Palliser Street. Mr. Pullen has cleaned up several projects and sorted many files that have accumulated over the 20 years that he has been the Zoning Administrator. He will be filing a BOCA Code violations on a home at 114 Peden Lane for not installing a fence at a pond. Permit was approved, but no fence was installed.

Mr. Pullen will check on the signs in the triangle at Barnett Street. Mr. Pullen thought these were temporary signs. He will check on the signs. We are not sure if these are PennDot approved, however the Borough did not approve any signs on Menoher Highway.

FIRE COMPANY REPORT

In the absence of the Fire Chief, the written report submitted was reviewed. The report records 5 responses for the month of November. The emergency alerting system has been repaired from the electrical storm on Aug. 7, 2000. Two base radios, a new encoder unit, an alert paging system and the fire siren were put back into service on October 26th. The Fire Company held their annual banquet at Lino's on November 11, 2000. Members of Council were invited.

A second letter was sent to Hilltop Ambulance explaining the consensus of Council that no action was necessary on the proposed agreement for Emergency Medical Service. They have received our letter and understand our position. They will continue to send minutes to Southmont, for informational purposes.

ENGINEER'S REPORT

Mr. David Duray of Hinks and Locher Engineers reported that he would like to replant shrubbery and trees at Sprague's property since the construction work on the Luzerne Street Sanitary Sewer project is completed. Mr. Duray is concerned that the plants will not survive if not replanted. Solicitor Lovette recommended we replant as agreed and if there is a property line problem between Sprague and the Pyshnik's it will have to be resolved by them.

Mr. Duray was asked to submit a proposal for Zoning Enforcement. In order to perform this work they would have to charge according to the Building Permit on an hourly rate. That rate would be \$40.00 per hour. Council will review the proposal in Committee and be in touch with Mr. Duray. The Council of Governments sent a proposal to several Municipalities in reference to the COG purchasing a sewer line inspection camera. The camera is a Pan and Tilt 360 degree rotating camera. The ability of the camera is to inspect lines for cracks, breaks, and to find laterals. The equipment would be housed on a tag-a-long trailer and each municipality would be trained to operate the unit. This would be useful for preventative screening. The shared cost for each municipality would be approximately \$1,232.00 per year for three years. A motion was made by Mr. Rodgers to approve the idea pending a workable agreement being in place before a final decision is made. Monies will be budgeted for this camera. This motion was seconded by Mr. Danyluk. All in favor, motion carried.

STREET COMMISSIONERS REPORT

Previously reported (Agenda moved)

STREETS

Mr. Danyluk reported that the Committee will review the cost estimates for the 2001 Street Paving at the December 7, 2000 meeting, at 4:00 p.m. All Street Committee members are asked to attend. Mr. Bosley and Mr. Danyluk are preparing a map of the lighting for the proposed installation of new alley lights. Monies have been put into the budget. Also, a map is being prepared with the inventory of the curb cuts that have been done. Mr. Danyluk and Mr. Bosley will continue to inspect for the curb cuts that still need to be done.

ADMINISTRATION/PERSONNEL COMMITTEE

Mr. Strittmatter made a motion to approve the Fee Resolution No. 2000-13 (setting fees (i.e., burning permits, moving permit and etc.,) as adopted in the codification and revisions of Ordinances. Seconded by Mr. Danyluk. All in favor, motion carried.

It was noted that Bradley Kimmel was hired as a part time employee for seasonal work. His rate is \$5.15 per hour.

POLICE COMMISSION

Mayor Koval reported that 2 part time officers were hired as full time officers by the West Hill Regional Police Commission. Officer Tom Dowdell and Officer James Stutzman. The WHRPC will be interviewing for part time officers, since Lower Yoder Township will now be a part of the West Hills Regional Police Commission.

RECYCLING COMMITTEE

Report submitted. Mr. Rovansek noted that there has been a large amount of plate glass placed in the recycling bins. These materials contaminate the load. We have noted this in the Newsletter. No further report.

INSURANCE COMMITTEE

Mr. Kory noted that we have been reimbursed for the storm damaged equipment. (modems, fax, internet modem, logic board, etc.) Mr. Kory reported that we received a dividend from PIRMA Workers Compensation in the amount of \$2,099.34 for this year. We have received dividends from PIRMA every year since we are members.

BUDGET COMMITTEE

Mr. Rodgers noted that some changes in the tentative budget have been made to include the alley lighting under account number 434.39 and an adjustment will be made to include the proposed sewer line camera in the amount of \$1300.00 under account number 429.25/Sewer Maintenance and Repair. The tentative Budget for 2001 is ready to be advertised. Mrs. Czyrnik will make the adjustments.

A motion was made by Mr. Rodgers to have the Solicitor prepare and advertise an Ordinance to lower the sewer maintenance fee from \$32.00 per year to \$24.00 per year and to discontinue the Borough Per Capita Tax. The motion was seconded by Mr. Danyluk. All in favor, motion carried.

A motion was made for the Solicitor to prepare and advertise an Ordinance to increase the Garbage Fee for 2001, 2002, and 2003, from \$68.00 to \$70.00. Seconded by Mr. Danyluk. All in favor, motion carried. Mr. Rodgers made a motion to have the Solicitor prepare the Real Estate Tax Rate Ordinance at 22 mills, pending final adoption at the December 11, 2000 meeting.

A motion was made by Mr. Rodgers to advertise the Tentative Budget for Public Inspection and final adoption at the December 11, 2000 meeting. Motion seconded by Mr. Danyluk. All in favor, motion carried.

Mr. Rodgers discussed the appointment to the Greater Johnstown Water Authority. Mr. Carstensen, whose term expires 1-2-01, would accept the position but he had asked not to be appointed to the 5 year term. Solicitor Lovette stated that Mr. Carstensen term would continue until an appointments made. This will allow Council some time to review other applicants for the appointment. Mr. Carstensen has served on the Water Authority since 1964.



Mr. Rodgers reported that he is submitting the name of Dyke Orms to the position of Zoning Officer. Council will meet with Mr. Orms to discuss the appointment. Mr. Rovansek moved that we approve the appointment of a Zoning Officer and to set the same fees and wages as we have in the past and added to the payroll with a \$100.00 monthly salary with the Zoning Officer doing a monthly inspection of the Borough for BOCA Code and Zoning questions. Seconded by Mr. Rodgers. All in favor motion carried.

SHADE TREE

Mr. Krupa reported the Newsletter is in final proof and will be mailed early December. Mr. Krupa is preparing the application for the Tree City USA award.

RECREATION/PLAYGROUND COMMITTEE

Mayor Koval reported on the Recreation Commission's capital planning and the additional quarter mills real estate tax to be deposited into a separate account. Any time monies are removed each Municipality will be notified of the withdrawal.

BUILDINGS and GROUNDS

Mr. Kory received the list of all the Borough owned properties. Mr. Kory is looking at the areas for any repairs or adjustments that might be necessary.

COG REPORT

Mr. Rovansek reported that there was no meeting last month. Southmont will proceed with the sewer line inspection camera.

CHAPIN ARCH

Solicitor Lovette reported that there is a problem with the transfer of deeds. The triangle behind the Cemetery is what PennDot deeded and is incorrect. The small triangle is the one to be deeded. Solicitor Lovette will correct redo the deed correctly for PennDot.

MAYOR'S REPORT

No further report.

SOLICITOR

Solicitor Lovette prepared proposed Ordinance No 423., naming the alleys as required by Cambria County 911, for emergency services. A motion was made by Mr. Krupa to approve Ordinance 423. Seconded by Mr. Strittmatter. All in favor, motion carried. Solicitor Lovette discussed the outstanding invoices of PineBrooke Development to pay for the Zoning Hearing Board meeting, the Developers Agreement and for foot frontage at 300/302 Cheney Oak Drive. Solicitor Lovette is preparing to file a lien against his properties for the outstanding invoices. This information has been passed on to Mr. Chiodo's attorney. The only Borough fees will be to the County.

SECRETARY'S REPORT

Mr. Rodgers inquired about the request for a Mutual Aid agreement Borough of East Conemaugh for emergency services. This will be referred to Committee and the Fire Chief. A motion was made by Mr. Rodgers to accept the Secretary's report. Seconded by Mr. Kory. All in favor, motion carried.

TREASURER'S REPORT

A motion was made by Mr. Rodgers to approve the November's Treasurer's report as presented in the amount of \$361,713.28. Seconded by Mr. Kory. All in favor, motion carried.

TAX COLLECTOR'S REPORT

A motion was made by Mr. Rodgers noting that the Borough has received the November Tax Collector's report with RE collections of \$1,553.27 and PC collections of \$30.00. Seconded by Mr. Strittmatter. All in favor, motion carried.

PAYMENT OF BILLS

After discussion, a motion was made by Mr. Kory to approve payment of the bills, in the amount of \$59,846.12. Seconded by Mr. Krupa. Roll Call: Mr. Rodgers, Mr. Rovansek, Mr. Danyluk, Mr. Strittmatter, Mr. Kory, Mr. Krupa, Mr. Pile. All in favor, opposed none.

OLD BUSINESS

President Pile asked for review of items on the "Tickler List". Items were reviewed, removed or relisted. Some new items will be added. Completed items were removed.

NEW BUSINESS

A Committee meeting will be held on December 5th or December 12th to discuss Upper Yoder sewer rental fees and the new Zoning Officer.

A motion was made by Mr. Danyluk to support the Greater Johnstown Water Authority in opposition of the mining, timbering, and other questionable projects that are being considered by the owners, Cambria Somerset Authority (CSA) for the Quemahoning Dam. Seconded by Mr. Kory. All in favor, motion carried. It was the consensus of Council to invite Water Authority Member to our January meeting.

Meeting adjourned at 9:00 p.m.
Respectfully submitted.

Judith A. Czzyrnk

Judith A. Czzyrnk,
Borough Secretary

