

Westmont Borough Council Meeting - January 8, 1991

MINUTES

Vice-President Kessler called the Westmont Borough Council meeting of January 8, 1991 to order at 7:30 P.M. All present recited the Pledge of Allegiance.

COUNCIL MEMBERS PRESENT: Vice-President Joseph J. Kessler, Gary Irwin, Richard Yewcic, Elaine Heider and Frank Bononno.

COUNCIL MEMBERS ABSENT: Raymond G. Peterson (illness)

OTHER BOROUGH REPRESENTATIVES: Mayor Robert J. Callahan, Solicitor Thomas M. Kalinyak, Public Works Director Robert A. Batey, West Hills Regional Police Chief Andrew T. Havas, and Borough Secretary Gail Y. Heeter.

VISITORS: A. Cribbs, 1023 Pomona Drive, M. Sefcheck, 1044 Omar Drive, Ken Riek, 133 Wyoming Street, Eugene Riek, 785 Carnegie Avenue, Gary Gelormino, 1421 Paulton Street, Bessie Kerr, 85 Colgate Avenue, and Marge Albert, 97 Colgate Avenue.

MEMORIAM

Vice-President Kessler called for a moment of silence for our past President and friend, James G. Widmann, who passed away on December 13, 1990.

NOMINATIONS

Vice-President Kessler called for nominations for President of Council.

Councilman Yewcic nominated Joseph J. Kessler for President. Councilman Bononno seconded the motion. Councilwoman Heider moved the nominations for President be closed and Councilman Yewcic seconded the motion. Motion unanimously passed.

President Kessler called for nominations for Vice-President of Council.

Councilwoman Heider nominated Raymond G. Peterson for Vice-President. Councilman Irwin seconded the motion. Motion unanimously passed.

MINUTES

Councilman Yewcic made a motion, seconded by Councilman Bononno to approve the minutes of the December 11, 1990 council meeting. Motion unanimously passed.

WBC - January 8, 1991

WESTMONT BOROUGH PLANNING COMMISSION

President Kessler acknowledged receipt of Pete Chiodo's report on Graystone Estates Phase II Subdivision, which described work completed on the project in December, and stated the project is 75% completed as of December 31, 1990.

FIRE/AMBULANCE ASSOCIATION

Chairman Bononno said the monthly report has not been received. Mr. Bononno said the ambulance association did not have a meeting, and the fire company changed their meetings from Thursday to Wednesday during the ski season and he wasn't advised of this until after the meeting.

ZONING REPORT

President Kessler acknowledged receipt of Mark Walker's zoning report. There were 2 permits issued during the month - total cost of construction \$60,230.00 and total fees collected \$200.08. A permit was issued for a new single family dwelling - Elias Ghantous, at the corner of Menoher Blvd. and Viewmont Avenue.

WEST HILLS REGIONAL POLICE COMMISSION

Chief Havas presented his monthly report. Chief Havas said they made an arrest on the burglary that was made on a home on Menoher Blvd., but last Saturday there was another attempted burglary so there is another group working the area.

Chief Havas reported he was appointed on the "911 Committee" and attended a meeting yesterday in Ebensburg. Mr. Havas said there are 15 or more people on the Advisory Board. The plan has been drawn up by Mr. Penatzer of EMS. At this time everyone is waiting to see what the City of Johnstown and Richland are going to do, and which service is going to remain and which is going to go out of business. Mr. Havas said it's supposed to go into service October 1991 but he doesn't think that date is feasible.

FINANCE COMMITTEE

President Kessler presented the list of expenditures. Mr. Kessler asked about the monthly JC Ehrlich invoice for \$200.00. Public Works Director Batey said the Borough has a contract with Ehrlich and they provide monthly service to the Borough - they bait manholes and sewer systems, and also respond to any resident's complaints about rats.

Councilman Yewcic made a motion, seconded by Councilwoman Heider, to approve the list of expenditures in the total amount of \$98,606.88. Motion unanimously passed.

President Kessler said Gail acquired three interest quotes on purchasing a tax anticipation note in the amount of \$615,000.00 and they are as follows: Summit Bank - 8.75%, United States National Bank - 6.29%, Cenwest National Bank - 6.25% , and Johnstown Bank & Trust - no quote.

Councilman Yewcic made a motion, seconded by Councilman Irwin, to adopt Resolution No. 1 (1991), authorizing the borrowing in anticipation of current taxes and revenues and the issuance of a tax anticipation note, in the amount of \$615,000.00 from Cenwest National Bank, at the interest rate of 6.25%. Motion unanimously passed.

Councilman Yewcic made a motion, seconded by Councilman Irwin, to authorize the Borough Secretary to shop the three banks that quotes, and re-invest at the highest rate. Motion unanimously passed.

President Kessler reported last year a quote was obtained from Richland Electric & Alarms, for installation of a fire alarm system - Borough offices \$1500.00 and Police Offices \$1200.00. The prices include smoke and heat detectors and hook-up (to Richland Central).

Councilman Irwin made a motion, seconded by Councilman Yewcic to bid the fire alarm system. Discussion followed, and Council agreed they needed more information on whether or not this entire system was necessary. Councilman Irwin rescinded his motion. Councilman Yewcic withdrew his second. Council decided to table the subject until the next meeting, and in the meantime, Councilman Bononno will talk with the Fire Chief and get his recommendation.

President Kessler reported the finance committee met last year with representatives from General Codes Publishing Company and Penns Valley Publishing Company regarding their proposals on the codification of Borough ordinances. General Code bid \$12,000.00. Penns Valley bid \$12,000.00, however when the additional copies of code book, zoning and subdivision ordinances was calculated, their bid came to \$15,900.00. President Kessler and Mayor Callahan both agreed they feel the General Codes Book is much easier to go through and find what you are looking for. The codification will include an update to comply with the Pennsylvania Municipal Planning code. Mr. Kessler said once they do their research they will have a meeting with a committee and the Solicitor.

Councilman Yewcic made a motion, seconded by Councilwoman Heider, to accept the proposal, in the amount of \$12,000.00, of General Codes Publishing Company to codify the Borough ordinances. Motion unanimously passed.

President Kessler reported the Borough is doing well financially, did not raise taxes again, and at the end of December 1990 had a surplus of \$265,000.00. Mr. Kessler said he will have a finance committee workshop later in the month.

PERSONNEL COMMITTEE

No report

PUBLIC WORKS COMMITTEE

President Kessler said bids were opened at the December meeting for petroleum products.

A bid was received from Gilbert Bros., and the bid from Luther P. Miller was not read as it did not include a bid bond. The bids were rejected because there was only one bid to consider, and bids were again advertised for the January meeting.

President Kessler opened the only bid received, for petroleum products, from Luther P. Miller, Inc. The bid did not include the required bid bond. The bid was not read.

Mr. Kessler said you can now purchase up to \$10,000.00 without bidding. Mr. Batey noted that to do that you have to get 3 phone quotes. Discussion followed. Mr. Batey said he doubts he could go another month without ordering fuel.

Councilwoman Heider made a motion, seconded by Councilman Irwin, to

authorize the Public Works Director to purchase, whenever needed, with three telephone quotes each time.

Mr. Batey noted that one of the provisions of the specs is that the distributor provide the dispensing pump and maintenance on same for the year, and this is now Gilbert Brothers. Councilwoman Heider suggested checking into leasing the pump.

Public Works Director Batey reported that, due to a large hole in McCaffrey Lane, (a private lane), the borough is unable to provide snowplowing services this year. Mr. Batey said he had inspected it, and talked to the Chairman of Public Works Committee, and sent a letter to all the residents on the street advising the Borough could not plow the road. Mr. Batey said, the Borough did plow it during the last storm, because we provide garbage service to that area, and the garbage truck could not have come down that hill without it being plowed. Mr. Batey reported several years ago the garbage truck got out there before the Borough plow truck, and it slid down the hill right out and across Menoher Highway. Councilwoman Heider said from what she understands it isn't just a hole...the problem is what is causing the hole constantly. Mr. Kessler said there is a spring there and that is what's

causing the hole. Mr. Kessler said he will see that it is taken care of. Mr. Batey said another problem is that the resident (Mrs. Kinol) on the corner at Menoher has hemlock trees growing on the highway side, and when the truck comes down the hill he can't see up the highway until the snowplow is clear out at the yellow line. Mr. Batey said some years ago they tried to get her to cut them, and she only allowed a few selective limbs to be cut personally by a PennDot representative. Council directed the Solicitor to write a letter to her regarding the trees which are creating a hazard.

President Kessler acknowledged receipt of a letter from Mr. & Mrs. Frank Kriss, 49 Venango Street. The Kriss's received a letter from the Borough's insurance carrier, Hartford Ins., refusing to pay a claim, in the amount of \$86.00, for repair of damage to their rainspouts when a tree fell down. The insurance company said the wind did the damage, and the tree was inspected a year ago and was healthy. The Kriss's questioned if the tree was healthy, why was the rest of the tree removed now. Mr. Batey said during a very heavy windstorm, half the tree fell and damaged the Kriss's rainspouting.

Mr. Batey said the insurance adjuster checked with him on the claim, and he said the tree appeared healthy at the time, however, after half the tree fell down, the rest was removed. Council agreed if the Borough's insurance company denied the claim, the Borough cannot assume the responsibility. A letter will be sent to Mr. & Mrs. Kriss.

President Kessler said a bid was opened for a Calcium Chloride Spraying System at the December meeting and tabled, as there were some questions and Mr. Batey was absent from the meeting. Mr. Batey reported that whenever rock salt is applied, depending upon the temperature, it takes anywhere from 3 - 21 minutes to activate. A lot of gravel is mixed with the salt, in order for cars to get traction, until the salt begins to work. During this time is when it gets whipped off into the yards, and the truck has to go back to reapply and reapply. The idea of calcium chloride is that it starts to activate immediately and it's safer. It attracts moisture, creates heat, and embeds the salt immediately, and consequently the trucks don't have to go back. The advantage is the 25% savings in the reduction of use of rock salt. President Kessler said we purchase approximately 900 - 1000 tons of rock salt per year @ \$33.61 per ton or approximately \$33,000.00 - which would be a savings of approximately \$7000.00. Councilwoman Heider asked the cost of the calcium chloride.

Mr. Kessler said the bid received for the purchase and installation of the system was \$12,499.87 - this includes the 4,000 gallon minimum load which was priced at \$2236.00. Mr. Batey said that load should last two years. Councilman Yewcic said there should also be a reduction on wear and tear on trucks, the trips back and forth. Mr. Batey said for years, every cent we had had to be put back into the streets for repairs and repaving - our paving program put us in the position, when Mr. Whitaker wasn't able to complete the seal coat project, there was money available where we are able to buy this system.

Councilwoman Heider made a motion, seconded by Councilman Bononno, to accept the bid from Calcium Chloride Sales, Inc., for a liquid calcium chloride spraying system, in the amount of \$12,449.87. Motion unanimously passed.

Councilman Yewcic noted the reason the bid was tabled at the last meeting, was the manner in which it was handled, as Council hadn't approved it be advertised for purchase.

RECYCLING COMMITTEE

Chairwoman Heider reported she has been working with Solicitor Kalinyak on putting together the recycling ordinance. Mrs. Heider said she's made calls to DER to get more information on the types of containers, and what is happening across the state as far as co-mingling the recyclables as opposed to source separated. Mrs. Heider said the consensus is that it is much easier for the resident to comingle everything and send it to the plant wherever it is being treated. Mrs. Heider said she's talked with 8 residents in Richland Township, and they have to remember to put out recyclables every other week, which is difficult. Mrs. Heider suggested that Westmont put in their ordinance that recyclables will be picked up on their regular garbage day the first full week of each month. Councilman Yewcic noted this should be a part of the regulations, not the ordinance. Councilman Yewcic asked if the other municipalities don't go along with co-mingling, do we all have to agree. Councilwoman Heider said the plant is going to be co-mingled. Councilwoman Heider said there is only a 30 day waiting period for containers but she felt the order should be placed soon. President Kessler asked if we aren't going to wait to order until the plant is being built, as what if the plant isn't in operation. Mayor Callahan said we'll need the containers anyway as we're due to start in September. Councilwoman Heider said if the plant isn't ready, we'll have to hire someone else to pick it up.

Councilman Bononno made a motion, seconded by Councilman Irwin, to purchase containers necessary for recyclables. Motion unanimously passed.

SOLICITOR'S REPORT

Solicitor Kalinyak said he wrote a letter to Mr. Payak, regarding his refusal to obtain a moving permit and since then Mr. Payak has paid the \$2.00 fee.

Solicitor Kalinyak said he looked at the draft of our recycling ordinance and Richland Township's ordinance, and he has no difficulty putting one together suitable for our needs, which will leave the enforcement provisions under council control, with council having the right to promulgate rules and regulations.

Solicitor Kalinyak said he thinks it is important that council agree to the codification of ordinances, so that we are up-to-date on all the ordinances, including the Pennsylvania Municipal Planning Code which compels the local municipalities to update their zoning ordinance.

WESTMONT HILLTOP RECREATION COMMISSION

Chairman Peterson absent.

Councilman Bononno said the Recreation Commission had Open House to show the new renovations at the Grove and they had a nice turnout. Various businesses donated cheese platters, etc. and Pepsi donated Pepsi Cola. Mr. Bononno said the whole project cost \$68,000.00. Councilwoman Heider said she attended the Open House and they had a very nice program.

GREATER JOHNSTOWN WATER AUTHORITY

Councilman Bononno presented the minutes of the last Greater Johnstown Water Authority meeting. He noted the rates will be going up 30%. They had requested 50% now, which over 6-8 years would have amounted to a savings of \$6-7 million dollars. Mr. Bononno said in the first vote he, Dr. Greco and Mr. Saula voted for 50%, and later Mr. Saula changed his vote to 30%. The final vote was 7-3 in favor of 30%.

UNFINISHED BUSINESS

Councilman Yewcic said he checked with Mr. Chiodo and Mr. Pawlowski regarding Building Codes. He was advised the BOCA (Building Official's Code Administrators) is for commercial and public buildings only. He said there is a council of American Builder's Association which deals with newly constructed private homes. Mr. Yewcic said he will have the Secretary write for booklets and information on CABO.

NEW BUSINESS

President Kessler suggested ordering a plaque for Jim Widmann to present to his wife.

Councilwoman Heider made a motion, seconded by Councilman Bononno, to order a plaque for Jim Widmann. Motion unanimously passed.

BOARDS/COMMISSIONS

President Kessler said Gail approached everyone whose appointment expires on Boards/Commissions to make sure they are interested in serving again.

BOARD OF HEALTH - President Kessler said Dr. Schenfeld's term expires on the Board of Health, and as Health Officer. Dr. Schenfeld indicated he would prefer someone else fill the position, however, if there is no one, he would do it again.

WBC - January 8, 1991
page 9

Councilwoman Heider suggested contacting Dr. Robert Hartnett to see if he is interested. Council agreed to leave the position open for another month.

ZONING BOARD

Councilman Heider made a motion, seconded by Councilman Yewcic, to re-appoint Joseph McAneny, Kim Kunkle and John Klingensmith for three year terms, expiring 1/1/94 on the Zoning Hearing Board. Motion unanimously passed.

SHADE TREE COMMISSION

President Kessler said Kim Kunkle would prefer that someone be appointed to fill his term on the Shade Tree Commission.

Councilwoman Heider made a motion, seconded by Councilman Yewcic, to re-appoint Cheryl Rhoades for a five year term, expiring 1/1/96, to appoint George Griffith to fill the unexpired term of Kim Kunkle, expiring 1/1/95, and to appoint Robert Gardill as Chairman, of the Shade Tree commission. Motion carried with Councilman Irwin voting "no".

WEST HILLS REGIONAL POLICE COMMISSION

Councilman Yewcic made a motion, seconded by Councilman Bononno to appoint the following to the West Hills Regional Police commission: Elaine Heider - 2 year term expiring 1/1/93, Dr. Robert J. Callahan - 2 year term expiring 1/1/93, Richard Yewcic - 1 year term expiring 1/1/92, Joseph Kessler - 1 year term expiring 1/1/92, and Gary Irwin - Alternate - 1 year term expiring 1/1/92. Motion unanimously passed.

WESTMONT HILLTOP RECREATION AUTHORITY

Councilman Bononno made a motion, seconded by Councilman Yewcic, to re-appoint David G. Rhoades to a one year term, expiring 2/1/92 on the Westmont Hilltop Recreation Authority. Motion unanimously passed.

COUNCIL APPOINTMENT

President Kessler said there is a vacancy on the Council due to the death of James G. Widmann.

Councilwoman Heider said we have before us a resume of Jerry Davitch. Mrs. Heider said her first thoughts were that council should declare the vacancy and then have 30 days to advertise for resumes. Mrs. Heider said after calling the State Borough office

and talking with the Solicitor, the Solicitor said this has never been tried, and if no one objects to it you could go past the 30 days, but the Code does say 30 days from the time of a vacancy, death, etc. Mrs. Heider said if they waited until next month's meeting to make an appointment, council would be past the 30 days and to the mercy of the Vacancy Board (Council plus the Chairman of the Vacancy Board).

Councilwoman Heider nominated Jerry Davitch for the vacancy on Westmont Borough Council due to the death of James Widmann.

President Kessler said the Vacancy Board would have to meet 15 days after the 30 days, so Council would have to have a special meeting, if they want to advertise for resumes.

Councilman Yewcic suggested waiting until more resumes come in. Councilman Irwin said he's satisfied with the nomination of Jerry Davitch - he is non-political, Asst. Superintendent of the City Schools and would be an asset on council. Councilman Irwin seconded the motion. President Kessler asked for any other nominations. Councilwoman Heider moved to close the nominations. Councilman Irwin seconded.

Councilman Yewcic said he did not have time to review the resume which was just presented this evening, and asked what his function is with the school district and his duties. Mr. Irwin said he is Assistant Superintendent of Greater Johnstown School District and Head Coach of Johnstown High School. Mr. Irwin read Mr. Davitch's numerous duties and responsibilities (the resume is on file in the Borough office). Councilwoman Heider said Mr. Davitch stated in his cover letter that he believes citizens have a duty to serve their communities by lending whatever expertise they possess to the betterment of those communities, and, second, his family enjoys the quality of life in Westmont Borough and he will work cooperatively with Council to preserve the same for all residents.

Councilman Yewcic asked Mrs. Heider if her company has any business with Mr. Davitch. Mrs. Heider said she has business with the Greater Johnstown School District. Councilman Irwin said the School Board does the bidding for the School District, and Mr. Davitch does not sit on the Board, and would have no vote. Mrs. Heider said she did not actively seek this applicant.

President Kessler asked Mrs. Heider if she'd have to abstain since Mr. Yewcic brought this up. Mrs. Heider said she doesn't think so. Solicitor Kalinyak said she should probably abstain to avoid the appearance of any conflict.

Councilwoman Heider withdrew her motion. Councilman Irwin withdrew his second. **Councilman Irwin made a motion, seconded by Councilman Bononno, to nominate Jerry Davitch, to fill the vacancy on Westmont Borough Council due to the death of James Widmann, for the balance of the year. Roll call vote: Councilman Irwin "yes", Councilman Yewcic, "no", Councilwoman Heider, "abstain", Councilman Bononno, "yes", President Kessler, "yes". Motion carried in favor of Jerry Davitch.**

UNFINISHED BUSINESS

Councilman Bononno reported an application was sent in for a RIRA (recreation) grant, and letters were sent to Lt. Gov. Singel, Rep. Wozniak, and Senator Stewart for their assistance. Mr. Bononno stated he received a letter from Lt. Gov. Singel stating he has forwarded Westmont's request to the Secretary of Community Affairs.

Councilman Bononno asked permission for the Greater Johnstown Water Authority to meet in Council Chambers the second Thursday of every month. Council agreed to the meeting place.

NEW BUSINESS

President Kessler reported the office received a request from Donna Gambol, Greater Johnstown Chamber of Commerce, Business and Professional Alliance Division, to use Council Chambers on July 10th - 9:00 A.M. - 10:30 A.M. if it rains, as Stackhouse Park is scheduled as the meeting place for that month. Councilman Bononno said the fire company has rooms downstairs and he will ask them if one can be used, instead of Council Chambers, if it does rain that day.

President Kessler called an Executive Session at 9:05 P.M., to discuss the roof on the municipal/fire hall building. President Kessler resumed the meeting at 9:30 P.M. Councilwoman Heider made a motion, seconded by Councilman Bononno, to adjourn the meeting. Motion unanimously passed. Meeting adjourned 9:31 P.M.

Respectfully submitted,

Gail Y. Heeter, Borough Secretary