

Westmont Borough Council Meeting - April 13, 1993

**MINUTES
APRIL 13, 1993**

President Yewcic called the April 13, 1993 Westmont Borough Council meeting to order at 7:00 P.M. All present recited the Pledge of Allegiance.

COUNCIL MEMBERS PRESENT:

President Richard G. Yewcic, Vice-President Raymond G. Peterson, Frank Bononno, Elaine Heider, Edwin Kessler, Paul Godish, and Jerry Davitch.

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, Jr., Zoning Officer Mark Walker, and Borough Secretary Gail Y. Heeter.

VISITORS: Joseph A. Carpenter, 829 Carnegie Avenue, Jarvis & Gayl Post, 808 St. Clair Road, Robert & Diane Audi, 812 St. Clair Road, Jonathan Daily, Moxham, Fred Suppes, 23 Gardner Street, Jacqueline Templin, 2230 Crabtree Lane, Mike & Jackie Omahne, 905 St. Clair Road, Sue Policicchio, 434 Bucknell Avenue, Jane S. Oleksak, 422 Bucknell Avenue, David Hudak, RD #5, Box 150, Glenn Schafer, RD #5, Box 152, Terry Shook, RD #5 Box 151, Pamela Lane, Jim Greco, 2349 Woodcrest Drive, Joe Rizzo, RD #5, Box 140, Warren Custer, 1 Beacon/104 Venango, R. W. Hartnett, MD., 916 St. Clair Road.

MINUTES

Councilman Davitch made a motion, seconded by Councilperson Heider, to approve the minutes of the March 9, 1993 council meeting. Motion unanimously passed.

VISITORS (UNFINISHED BUSINESS)

Jonathan Daily, Johnstown Heritage Association, addressed council to explain the nomination of a Westmont Historic District in the National Register of Historic Places. The Bureau of Historic Preservation staff has reviewed the Pennsylvania Historic Resource survey form documenting the proposed area. An on-site visit will be conducted by staff of the Bureau of Historic Preservation and the Pennsylvania Historic Preservation Board. Mr. Daily explained this is an honorific designation and no restrictions are placed on property owners. A public hearing will be held at a future date where residents will be welcome to make comments and a majority of the home owners could vote it down.

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Councilman Davitch made a motion, seconded by Councilman Bononno, to adopt Resolution No. 5 (1993) supporting the nomination of a Westmont Historic District in the National Register of Historic Places. motion unanimously passed.

WESTMONT BOROUGH PLANNING COMMISSION

GRAYSTONE ESTATES PHASE 11 SUBDIVISION - No report.

FIRE/AMBULANCE COMMITTEE

Chairman Godish presented the financial report of the fire/ ambulance departments. Mr. Godish said a letter has been received from ISO Commercial Risk Services, Inc. who completed an evaluation of the fire insurance classification and the protection class has been improved to Class 5. Mr. Godish said he is requesting information on the report pertaining to the protection class code and any information pertinent to lowering that rate.

Councilman Kessler reported the ambulance meeting is being held tonight. The annual fire department banquet is scheduled for April 16, 1993 at Surf n' Turf.

A letter was received from Pennsylvania Emergency Management Agency notifying Westmont Borough that Governor Casey has confirmed the appointment of Ms. Margie Fusco, as Coordinator of Emergency Management for Westmont Borough.

GREATER JOHNSTOWN WATER AUTHORITY

Councilman Bononno reported the Riverside filtering plant should be completed within sixty days.

VIEWMONT TANK - ST. CLAIR ROAD

President Yewcic acknowledged receipt of a letter dated April 12, 1993, from William Gleason Barbin, Solicitor for the Greater Johnstown Water Authority. Mr. Barbin's letter stated the Curative Amendment, which they previously filed, requires a public hearing at which all affected persons have an opportunity to present evidence.

Robert Brierton, representing the St. Clair Neighborhood Association, addressed council regarding their opposition to an elevated tank. Mr. Brierton said they understand the concern for fire protection and water pressure problems and will not object to those improvements by another alternative available. Mr. Brierton presented a petition with approximately 100 signatures objecting to the placement of any water tower on the St. Clair Road location.

Mr. Youchak, of Youchak & Youchak Engineering Firm, answered various questions regarding their investigation of potential solutions to resolve the potable water system situations as prepared for the St. Clair Neighborhood Association.

Dr. James Greco, Chairman of the Greater Johnstown Water Authority, addressed council and said their plan is to proceed in the most economical, reliable option available to solve the fire problem and water pressure situation.

Dr. Robert Hartnett, 916 St. Clair Road, expressed concern whether the water authority had reviewed all possible solutions for long range planning.

Dr. George Pueblitz, RD #5, stated that besides low pressure he also has dirty water and must continuously use filters.

ZONING OFFICER REPORT

Zoning Officer Walker presented his monthly report. There were 5 permits issued during the month - total cost of construction \$11,850.00. Mr. Walker noted that one former violation of the ordinance concerning fence construction without a permit has now been corrected.

WEST HILLS REGIONAL POLICE

Chief Havas presented his monthly report. Mr. Havas reported a letter was received from Mr. Carl Swank, 936 Julia Drive, requesting "no parking" signs to alleviate a problem he has when backing out of his driveway. Chief Havas said they have checked the area and have backed a cruiser out of the driveway and feels it does not warrant posting.

President Yewcic reported a request was received from Mrs. Contakos, 208 Luzerne Street, who claims she is blind and is requesting a handicapped parking space in front of her property for people to park when they transport her. Chief Havas said handicapped parking requests have been denied in past years as once you grant one you will have requests all over the borough. Mr. Batey reported the areas would have to be painted and signed. Council requested the Secretary to find out more detail about the request.

WESTMONT HILLTOP RECREATION COMMISSION

Councilman Peterson reported that Attorney Lovette researched the municipal golf course and there are restrictions on it.

Mr. Peterson stated that Robert Davis Gleason donated basketball standards, rims and backboards for the Stutzman Playground at a cost of \$1950.00. Council agreed the public works department should help with the installation.

Councilman Bononno noted that the borough's increased donation to one mill to the recreation commission is contingent on the other municipalities and the school district doing likewise.

FINANCE COMMITTEE

Chairman Davitch presented the list of expenditures and monthly financial reports.

Chairman Davitch made a motion, seconded by Councilman Kessler, to approve the list of expenditures in the amount of \$117,645.94. Motion unanimously passed.

Chairman Davitch reported that he met with the finance committee (Mr. Kessler, Dr. Callahan), Council President (Mr. Yewcic), Gail, and David Rizzo, C.E. Wessel & Company, for an audit exit conference. Since the borough is in good financial condition with surplus monies it was recommended that a long term plan be formulated and the finance committee will meet later to work on this.

Chairman Davitch made a motion, seconded by Councilman Kessler, to exonerate Bud Moran, Tax Collector, from 1992 per capita taxes in the amount of \$940.50, and authorize the borough office to attempt to collect the delinquents. Motion unanimously passed.

PUBLIC WORKS COMMITTEE

Chairman Bononno made a motion, seconded by Councilman Godish, to adopt Ordinance No. 704, declaring the operation of an engine brake installed upon or in a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers or equipped with inoperable or modified exhaust mufflers so as to permit the creation of excessive noise through the employment of said engine brake to be a nuisance and establishing penalties for the violation of said ordinance and establishing exceptions to the enforcement of said ordinance in emergency situations.

President Yewcic questioned the need for signs. Mr. Batey reported that signs will have to be installed on various streets upon entering the borough.

Motion unanimously passed.

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Chairman Bononno opened and read the following bids for a new 1993 dump truck with tailgate spreader with trade in of Borough's 1985 GMC 6,000 series dump truck.

FALCHINI MOTORS, Ebensburg, Pa.
\$39,269.95

TRUCKS OF SOMERSET, Somerset, Pa.

\$38,769.00

Chairman Bononno made a motion, seconded by Councilman Kessler, to accept the low bidder subject to the review and approval of the Solicitor and Public Works Director. motion unanimously passed.

Council scheduled May 10 and May 12 as 1993 trash days. Public Works Director Batey advised council that refrigerators, freezers and air conditioners with freon must first have the freon removed by a certified technician and a tag attached to the appliance. Council decided these items will no longer be picked up in the trash drive.

Chairman Bononno presented the Public Works Committee Proposed Five Year Plan for Shade Trees. Sue Policicchio of 434 Bucknell Avenue suggested including the utility letter information in the plan.

Councilperson Heider made a motion, seconded by Councilman Godish, to adopt the Five Year Plan for Shade Trees as proposed and including the utility letter guidelines. Motion unanimously passed. A copy of the plan is attached hereto and made a part of the minutes.

Chairman Bononno made a motion, seconded by Councilman Godish, to adopt Resolution No. 4 (1993) requesting a Community Facilities Grant of \$41,750.00 from the Department of Commerce of the Commonwealth of Pennsylvania to be used to construct sanitary sewers to eliminate infiltration of ground water and exfiltration of sanitary flow to Elk Run situated in Stackhouse Park. The Borough of Westmont pledges the required matching share of \$41,750.00. Motion unanimously passed.

Public Works Director Batey reported that Westmont Borough has been designated Tree City USA for the third year and an Arbor Day celebration will be held on Luzerne Street at 9:00 A.M., April 30, 1993.

Public Works Director Batey reported that he would like to include the widening of Stanford Avenue in his paving program. The street is very narrow, some of the trees bordering it are boroughs and some are property owners. The street is not centered and the Borough cannot go any further into the DuPont property.

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Mr. Batey said to repave Stanford the right way - the Borough would have to consider acquisition of property from DuPont to widen the street and he then could address the water problem with underdrains and additional storm sewers and inlets, but he can't do this unless it is widened. Councilperson Heider said the property owner will not sell and the Borough is not going to condemn. Council agreed that Mr. Batey should just proceed with repaving the street as is.

Mr. Batey reported a rash of sign vandalism throughout the Borough.

Mr. Batey recommended subscribing to the Sheetz Fleet Fuel System - cost \$35.00 set up fee and \$10.00 annual fee. He reported that if the electricity goes off during a major storm they would not be able to pump their own fuel.

Chairman Bononno reported that a friend of his was approached by Laurel Wood Homes to purchase a cottage in their complex and he feels that Laurel's expansion plans have not ended. Mr. Batey said the original plan called for 26 cottages.

President Yewcic reported a letter was received from Mr. Warren Custer announcing a meeting at Westmont Municipal Building, April 21, 1993, at 7:00 P.M., to organize a joint sewer authority. Discussion followed on the current Johnstown Sewer Authority that already exists. The current problem to be addressed is the sewer situation at Woodmont.

Mayor Callahan suggested that Mr. Batey attend a workshop on April 29, 1993 at 6:30 P.M., at Greater Johnstown Area Vocational Technical School to discuss the proposed 12th Congressional District Regional Equipment Center. Mr. Batey and Mr. Bononno agreed to attend.

SOLICITOR'S REPORT

Solicitor Kalinyak reported he hasn't received a final decision from Judge Creany on the Graystone fees.

Solicitor Kalinyak reported the District Magistrate ruled in favor of the Borough and Zoning Officer in the Rogers' fence issue.

Solicitor Kalinyak said he received a letter from Attorney James Munro dated February 19, 1993, regarding Westmont Hilltop School District/Hale's Road. Mr. Munro's letter stated the sole purpose of a cooperative effort to improve Hale's Road would be as an alternative access to the high school for emergency vehicles.

Mr. Kalinyak said there is the contention made that this private road is the only emergency exit for the school district. Mr. Kalinyak said once there is an expert opinion that this is an emergency exit then there might be some duty to see the road is plowed, with the proper releases, however, Mr. Batey has also stated that in the present condition the road is unplowable. Mr. Kessler said he is of the understanding the Fire Chief is preparing a letter.

President Yewcic called an Executive Session at 8:30 P.M. to discuss the Curative Amendment and the Complaint in Equity filed by the Greater Johnstown Water Authority. President Yewcic resumed the regular meeting at 9:00 **P.M.**

Councilperson Heider made a motion, seconded by Councilman Kessler, to authorize the Solicitor to file the appropriate preliminary objections to the Complaint in Equity in the courts.

ROLL CALL: Mr. Kessler "yes", Mrs. Heider "yes" Mr. Bononno "abstain", Mr. Peterson "yes", Mr. Davitch, "yes", Mr. Godish, "yes", and President Yewcic, "yes". Motion carried.

Councilperson Heider made a motion, seconded by Councilman Kessler, to send the Curative Amendment to the Westmont Borough Planning Commission for recommendations to council and a public hearing, and then a public hearing by council and to hire Gilbert Caroff as Solicitor for the Westmont Borough Planning Commission on this matter. ROLL CALL: Mrs. Heider "yes", Mr. Bononno "abstain" Mr. Peterson, "yes", Mr. Davitch, "yes", Mr. Godish, "yes" Mr. Kessler "yes", and President Yewcic "yes" Motion carried.

Solicitor Kalinyak said he will meet with Mr. Caroff to arrange the proper procedures.

NEW BUSINESS

Councilmen Kessler made a motion, seconded by Councilman Godish, to appoint Mrs. Heider as Voting Delegate and Mr. Bononno as Alternate Delegate at the Pennsylvania State Association of Borough's Convention in June. Motion unanimously passed.

President Yewcic said Gail sent the request in today for Disaster Emergency reimbursement funds. One of the requirements of the funding is that the Borough has adopted a drug-free workplace policy. **Councilman Davitch moved to adopt Resolution No. 6 (1993) declaring any Westmont Borough work-site a drug- free workplace.**

Motion seconded by Councilperson Heider and unanimously passed.

President Yewcic will contact Community Action regarding a training session.

President Yewcic acknowledged receipt of a letter from Dave Rizzo, AYSO representative, requesting use of the Mound for the soccer teams. Council had no objection to the Hilltop AYSO using the field. The past couple years they have donated funds to help with the re-seeding, etc. of the field. Scheduling of play on the Mound is handled by the Westmont Hilltop Recreation Commission.

Councilman Bononno said he attended a meeting scheduled by Congressman Murtha with the Army Corps of Engineers regarding suggestions for the Conemaugh River Basin Comprehensive Study.

President Yewcic acknowledged receipt of a letter from Michael Gates, 2021 Sunshine Avenue, requesting a 4-way stop at Sunshine and Viewmont. The matter will be turned over to the Police Chief for review and recommendation at the May meeting.

UNFINISHED BUSINESS

President Yewcic said the City of Johnstown responded to Westmont's request to have representation on the Cable Committee however they have asked for only one representative. Mr. Yewcic said Mrs. Lovell Symons will be Westmont's representative and Mr. Kessler will serve as the Alternate.

Councilman Kessler made a motion, seconded by Councilman Bononno, to adjourn the meeting. Motion unanimously passed. Meeting adjourned at 9:25 P.M.

Respectfully submitted,

Gail Y. Heeter, Borough Secretary

PUBLIC WORKS COMMITTEE PROPOSED FIVE (5) YEAR PLAN - APRIL, 1993 COUNCIL MEETING:

1. The Committee proposes to plant 100 new trees per year for the 5 year period. The breakdown is as follows:

- a. To replant the existing approximately 350 spaces available in the original planting, 80 trees per year will be allocated.
- b. The remaining 20 trees will be available for current removals and specific tree planting requests.
- c. No removals or new tree plantings will be made without the property owner having been first notified.

2. The Committee proposes to continue the ongoing 10 year cycle of general tree trimming.

3. Elm Care: The committee proposes to employ the latest technology in the care and feeding of the American Elms throughout the Borough.

4. The Committee proposes to continue to provide money in the budget to fund storm emergencies, necessary tree and stump removals, etc.

5. Guidelines established for utility companies are as follows:

- a. Before the commencement of any trimming, **notify Robert A. Batey, Public Works Director** (Phone 814 - 255-3865).
- b. Where practical, initiate tunnel trimming program to maintain a safe and reliable service.
- c. All correct arboricultural practices shall be followed.
- d. Upon completion of the pruning, trees shall be shapely and typical of the species.