

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

August 17, 2009

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, August 17, 2009 at 7:00 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of this meeting was sent to Council on August 13, 2009, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Dennis Nero, Thomas Farley, Steven Skok, Richard Gabler, Jr., Sean Gabler, Richard Dornisch, Manager David Greene and Solicitor Mark Jacob

VISITORS

Visitors included: State Representative Matt Gabler, Rick Michuck, Joe Penfield, Fred Haas, Bob Dippold, Warren Stewart, Steve Michuck, Yvonne Michuck, Ken Young, Todd Caltagarone and Mike Shaffer

APPROVAL OF MINUTES

Sean Gabler made a motion to approve the minutes of August 3, 2009, seconded by Steven Skok, and all were in favor.

SPECIAL GUEST

Victor Straub was not able to attend and Manager Greene stated that Mr. Straub would like to be re-scheduled for the September meeting.

CITIZENS COMMENTS

There were no citizens comments on agenda topics.

MANAGER'S REPORT

Manager Greene presented the following report:
-July 29, Mark Jacob, Steve Michuck and myself met to discuss a property subdivision.
-July 29, Matt Pfeufer and myself met with representatives from Lee-Simpson and Associates.
-August 5, met with Mark Adams about PennDot issues on Brusselles Street.
-August 11, attended the Parking Authority meeting to discuss the parking garage project.

APPROVAL OF EXPENDITURES

Dennis Nero made a motion to approve the Expenditures for the period July 19, 2009 thru August 15, 2009, seconded by Steven Skok, and all were in favor.

TREASURER'S REPORT

Mayor presented the Treasurer's Report as of July 31, 2009. Total revenue collected for the general fund is at \$3.7 million, same as last year of \$3.7 million, and in 2007 we collected \$4 million. Total expenditures for the general fund as of July 31, is at \$2.8 million down from last year of \$2.9 million and in 2007 expenditures at this time was \$2.6 million. Revenues collected for the general fund is at 61 % of budget and expenditures are at 45.55% of budget. Last year at this time revenues were at 67.18% and expenditures were at 52.44% of budget.

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LEGISLATIVE ACTION

Resolution No. 09-20
re: Vehicle purchasing
program

Resolution No. 09-20 was presented authorizing participation in the Central Westmorland Council of Government's vehicle purchasing program.

Sean Gabler made a motion to adopt Resolution 09-20, seconded by Steven Skok, and all were in favor.

Subdivision Applications

Trout Run Development/
Lodge, Trout Run Road

A subdivision was presented for the Trout Run Development/ Lodge. Manager Greene read a memo from Matthew Pfeufer as follows:

Simple subdivision proposing to divide a 14.426 acres lot from a 698 acre parcel for the purpose of dividing a developed lot from undeveloped forestland. Lot 1 has an existing on-lot sewage disposal system and private water source, and a non-building waiver is requested for the residual lot which is 684 acres. The Elk County Planning Department has already reviewed the subdivision plan and their comments have been addressed. Manager Greene stated the City Planning Commission also approved the subdivision on August 4, 2009.

Motion

A motion was made by Richard Dornisch to approve the subdivision application for Trout Run Development, seconded by Richard Gabler, and all were in favor.

Robert Dippold,
between Wilson and
Windfall Roads

Manager Greene read a memo from Matthew Pfeufer proposing to divide a 15.000 acre lot from a 19.53 parcel as a new building lot. Lot 1 and the residual have been perk tested and passed for sand mounds. The residual parcel is accessed via a 50 foot right-of-way through the Carl Dippold parcel to the north. Reconstructive planning needed to be performed for the entire lot and the Carl Dippold lot; so a Component 1 was submitted. The zoning ordinance requires a minimum lot width of 125 feet in this zoning district, so the right-of-way for the residual parcel was extended for 120 feet on the final plats along the northern boundary of the residual parcel.

First Motion

Dennis Nero made the motion to approve the subdivision. The motion was seconded by Sean Gabler.

Dennis Nero asked the solicitor if the right-of-way agreement letter was legal. Solicitor Jacob stated it was not in the normal format and it would need to be notarized and recorded at some point in time.

Thomas Farley noted that the deed description did not match the map. After some discussion, it was determined that the map was not the most current map.

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Mr. Dippold was then asked to approach and verify the map was incorrect and that a correct map was given to the City. Mr. Dippold stated that he did give a correct copy to the City.

Amended Motion

Dennis Nero amended his first motion to approve the subdivision on the contingency that the City is in possession of the correct map, Sean Gabler amended his second motion, and all were in favor.

Preliminary LERTA
Application for
St. Marys Hospitality
Associates

Manager Greene read his memo regarding the St. Marys Hospitality Associates contacting the City of St. Marys in regards to submitting an application for the Local Economic Revitalization Tax Assistance Act (LERTA) Program for a 74 room hotel located on Depot Street; however, the economic feasibility of the development depends largely on the approval of the LERTA application. The developer has requested a preliminary review of its LERTA application before proceeding with engineering the plans for the site and building. The ESTIMATED total square footage is 42,500 square feet and the PROJECTED cost of the improvement is \$5 million. Copies of the request will be forwarded to the other taxing bodies and the County Assessment Office.

Sean Gabler questioned why the application approval was legislative action. Richard Dornisch questioned if the requirements were met why was it necessary for Council to still approve it. After some discussion, Solicitor Jacob explained that Council still had to take legislative action and have a formal approval on an individual basis.

Thomas Farley made a motion to approve the Preliminary LERTA application, seconded by Dennis Nero, and all were in favor, except Richard Dornisch who opposed. The motion passed by majority vote.

Reschedule of meeting

The September 7, 2009 meeting was rescheduled to Tuesday, September 8, 2009, due to the 7th being the Labor Day Holiday.

TOPICS FOR DISCUSSION

Mayor Geyer requested that Citizen Comments on Agenda Topics be changed to Citizen Comments on the worksession agendas.

After some discussion, Solicitor Jacob informed Council they would need to have Citizen Comments on Agenda Topics before any action is taken by Council at a meeting. Citizen Comments on Non-Agenda Topics could be separately added to the end of the worksession agenda, the same way that the regular meeting agenda is formatted.

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Motion

Mayor Geyer made a motion to add Citizens Comments on Non-Agenda Topics at the end of the worksession agenda, seconded by Sean Gabler, and all were in favor, except Richard Gabler who opposed. The motion passed by majority vote.

CITIZENS COMMENTS ON
NON-AGENDA TOPICS

Richard Michuck, a resident of St. Marys, stated that he was having a right-of-way issue with a private driveway and was requesting that the City determine if there were any violations of any City Ordinances.

Dennis Nero inquired who maintained the right-of-way. Mr. Michuck stated that he was maintaining the driveway for the last 30 years by plowing snow and putting down gravel.

After some discussion, Solicitor Jacob and Mr. Greene agreed to meet with Matthew Pfeufer and would have a response for Mr. Michuck within a couple of weeks.

Joe Penfield, a resident of St. Marys for 33 years, again spoke to council with accusations of misconduct of the St. Marys Police Officers. He stated he was in contact with the Inspector General's Office and other people in Harrisburg about this matter. He stated the Inspector General's Office was interested in how the City government handled this situation. He also stated he hoped this matter was being looked into and Dennis Nero stated it was. Mr. Penfield stated that he would like to hear those results and Mr. Nero stated he would.

After further discussion, Mayor Geyer informed Mr. Penfield that he needed to take his accusations to the next level.

Warren Stewart, a resident of St. Marys, requested that if Council only wants people to comment on agenda topics, they should have a proper agenda. He stated that he had been to numerous meetings where the agenda had been changed or things added. Mr. Stewart also asked if there was an up-date on Bruxelles Street. Solicitor Jacob responded that the City just received more information as of today from PennDot and he met with City officials and reviewed the problem. He will be making recommendations to Council regarding some of the legal aspects so Council can make a decision. Mayor Geyer stated that the City has been ready to go for a long time.

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Todd Caltagarone, Chief of Police, explained two different programs the Police Department were participating in that were in collaboration with PennDot. The Aggressive Driving Program, that began in January of 2009 and the Seat Belt Mobilization Program being conducted from November 5, 2008 through September 10, 2009.

The Chief stated that the PennDot representative was not available for tonight's meeting, but was willing to meet with Council if they requested.

Chief then gave details of the directions the Police Officer's were given for the Seat Belt Program and how it was implemented. Officer Shaffer, then displayed the signage used in the Seat Belt Mobilization Program.

Chief then discussed the evening that Mr. Penfield had commented on, gave statistics of the evening, and stated that no one was cited or stopped during the detail that evening.

Fred Haas spoke briefly about a personal seat belt issue he has. He also commented that the parking spaces for the Senior Center are too far away.

Manager Greene explained that Council was working on additional parking that would be closer to the Senior Center.

Mayor Geyer recognized Matt Gabler, State Representative was present and Mr. Gabler briefly spoke about local government.

COUNCIL COMMENTS

Thomas Farley commented that a driver of an ATA bus informed him of the difficulty of dropping off individuals at the Senior Center with the larger ATA buses.

Manager Greene stated the turn would be improved once the Career Link building was removed.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

- Next Council meeting will will be held on September 8, 2009 at 7:00 p.m.
- City's Fall Clean-Day will be held on Saturday September 19, 2009
- Mayor Geyer signed a Proclamation for Saint Marys Senior Little League All Star Day

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EXECUTIVE SESSION

Council decided to hold an executive session following adjournment regarding legal issues.

ADJOURNMENT

Thomas Farley made a motion to adjourn the meeting.

Mayor

Recording Secretary