

CITY OF SAINT MARYS COUNCIL WORKSESSION

February 5, 2007

CALL TO ORDER

A Council worksession of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, February 5, 2007 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 January 25, 2007, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Dennis Nero, Steven Skok, Mark Kopp, Richard Dornisch, Sean Gabler, and City Manager David Greene

Absent: Thomas Farley (excused)

VISITORS

Visitors included: Warren Stewart, Janice Pfeufer, Gary Thorp, Kell Ogletree, Norbert Frey, Howard Lepovetsky, Vern Kreckel III, Neal Lepovetsky, Bill Kraus, Michael G. Engel, and Attorney Thomas Wagner

**APPROVAL OF MINUTES
January 15, 2007**

Dennis Nero made a motion to approve the minutes of January 15, 2007, seconded by Richard Dornisch, and all were in favor.

**SPECIAL PRESENTATION
Fire Chief Bill Kraus
re: Fire Department's
Annual Report for 2006**

Fire Chief Bill Kraus, of the Crystal Fire Department, presented the department's 2006 Annual Fire Report for the City of St. Marys, as follows:

- responded to 365 incidents
- 41 mutual aid responses
- received mutual aid 12 times
- provided fire prevention programs to students and scout troops
- incidents listed by the days of the week
- alarm time analysis
- buildings & contents values & losses, and buildings & contents saved
- 84 members with an average of 30.2 hours of training per member
- Relief spent \$8,806.55 for training

Chief Kraus also explained the advantages of having the 100' Aerial Truck. The new truck should be in service in about two weeks.

Dennis Nero commended the Fire Department for doing a great job and keeping insurance rates down for residents.

**CITIZEN COMMENTS
ON AGENDA TOPICS
Thomas Wagner
re: Crestview Road**

Attorney Thomas Wagner stated he was contacted by John Grotzinger regarding the issue of taking over Crestview Road by the City. Since Crestview Road was not on the agenda, Mr. Wagner did not present any comments at this time.

February 5, 2007

Thomas Wagner re:
Municipal Authority

Attorney Wagner stated he has three issues regarding the creation of an Operating Municipal Authority, as follows: (1) The "Articles of Incorporation" for the Sewer Authority should be read; review the Municipal Authorities Law; expand the role of the Authority; and that a resolution would need to be adopted by the Municipal Authority. (2) The Trust Indenture would need the Trustee's approval. (3) The 1992 Home Rule Charter states the City has qualified personnel to manager the Sewage Treatment Plant. Mr. Wagner also stated City Council should not be involved with the day-by-day operations of the plant.

Dennis Nero noted Council is not involved in the day-by-day operations and that there are other problems on how things are being done at the plant. He stated if there was an operational authority, this authority would have more control. Mr. Nero stated that the City still has major I & I problems at the plant.

Richard Dornisch commented there is no agreement, charter, or regulation that cannot be overturned by the governing body.

Thomas Wagner felt the City Solicitor should review all these documents before the City spends money to obtain the services of an outside legal counsel.

LEGISLATIVE ACTION
Subdivision Applications:
Horbert Frey, North
St. Marys Road
(resubmitted)

The Subdivision Application for Norbert Frey was resubmitted with the corrections noted at the January 15, 2007 Council meeting.

1st motion

Dennis Nero made a motion to accept the Frey Subdivision. The motion was seconded by Sean Gabler.

It was noted that parcel 1 should not be included in Parcel 2 per Thomas Farley's recommendation at the January 15th meeting.

Amended motion

Dennis Nero amended his motion to include that Parcel 1 be removed from the description and the layout. Sean Gabler amended his second to the motion.

Gary Thorp,
Surveyor

Gary Thorp, Surveyor for the Frey Subdivision, agreed to remove Parcel 1 and submit the corrected deed description to the City tomorrow.

Motion passed

All were in favor of the motion to accept the Frey Subdivision.

CITY OF SAINT MARYS COUNCIL WORKSESSION

February 5, 2007

Consider for Adoption
Resolution No. 07-4
re: Application for
County Aid

Resolution No. 07-4 was presented submitting an application to the County for an allocation of County Liquid Fuels Tax Funds. The proposed project will be for 645 tons of anti-skid material at \$15.50 per ton. Total estimated project cost is \$10,000. Steven Skok made a motion to adopt Resolution No. 07-4, seconded by Mark Kopp, and all were favor.

Resolution No. 07-5
re: Pennsylvania
Capital City
Automotive and
Equipment Contract
for year 2007

Resolution No. 07-5 was presented authorizing the City of St. Marys to participate in the Pennsylvania Capital City Automotive and Equipment Contract for the year 2007 by purchasing supplies and/or services from the contract based upon the terms and conditions of the contract and at the same prices. The City will be responsible for the payment of the price directly to the contractor.

Mark Kopp made a motion to adopt Resolution No. 07-5, seconded by Richard Dornisch, and all were in favor.

LERTA Application
Sheetz, Inc.,
117 S. Michael St.

A LERTA Application was received from Sheetz, Inc. for a convenience store/gas at 117 South Michael Street. The projected cost of the improvement is \$1,000,000. Manager Greene explained that Sheetz has agreed to pay for several extra items that were not in the original plan. Richard Dornisch made a motion to approve the LERTA Application, seconded by Dennis Nero, and all were in favor.

**Study re: Creating
and Operating Authority**
(removed from
Legislative Action)

The study requested by the Municipal Authority regarding an Operating Authority was removed from "Legislative Action" on the agenda.

A brief discussion was then held regarding the study requested by the Municipal Authority.

Steven Skok felt before the study is performed, Council should speak with the outside attorney and should also consider presenting the information compiled by City Staff to the Municipal Authority.

Motion to hire
Outside Attorney

Dennis Nero made a motion to hire the outside counsel for the Operating Municipal Authority. The motion was seconded by Mark Kopp.

Manager Greene stated Council is proposing to hire Attorney Michael Miller of Wolf Block, Harrisburg. Mr. Miller would advise the City in connection with matters relating to the City's Municipal Sewer Authority. The City may limit

CITY OF SAINT MARYS COUNCIL WORKSESSION

153

February 5, 2007

or expand the scope of their representation from time to time, providing that any substantial expansion must be agreed upon. A fee schedule was also listed. Either party may terminate the engagement at any time for any reason by written notice, subject to applicable rules of professional conduct.

Manager Greene stated Attorney Miller will review the Trust Indenture & Lease Agreement, the Articles of Incorporation, the Charter, and the Municipal Authorities Law to make sure Council is doing things properly.

City Solicitor Stephen French recommended a professional attorney, who deals primarily with Municipal Authorities, look into these matters.

Motion passed

All were in favor to obtain the services of Michael Miller.

TOPICS FOR DISCUSSION

Vern Kreckel re:
Hometown Festival

President of the Hometown Festival Committee Vern Kreckel asked, due to the construction in the Depot Street Parking Lot, would the remaining portion of the lot be available for the festival? The festival will be held on September 8, 9, and 10th. He stated the Committee needs to know if the remaining portion will remain under the City's ownership and could construction be held off until after the festival.

Mayor Geyer asked if the Committee looked at alternate locations. Mr. Kreckel listed some of the locations that were explored, such as: the diamond area; all the schools' parking lots; all the City's parks; Center Street area; the Church Street area; airport; and the Market Street area.

Mr. Kreckel stated that if the festival was held at the airport, it would no longer be a downtown event and that the Market Street area did not have the atmosphere for a family oriented festival.

Richard Dornisch felt the festival should be held in the Depot Street Parking Lot and see if the developer could stop construction for a couple of days.

Mr. Kreckel stated as long as the remaining parking lot is under the City's ownership, the festival can be held, if not, there will be no festival. The main reason the festival should be on City property is because of insurance costs.

CITY OF SAINT MARYS COUNCIL WORKSESSION

February 5, 2006

Dennis Nero explained the City does not own the parking lot, it is owned by the Parking Authority. So, it is the authority's decision if they are going to sell it to the developer, not the City's decision.

Neal Lepovetsky

Neal Lepovetsky questioned if the new park would be available in the near future for the festival. The Manager stated it would not be ready in 2008.

Mr. Nero wanted the record to show if the Hometown Festival does not happen, it wasn't because of the decision of City Council, it was the decision of the Hometown Festival Committee not moving to a different area. Council supports the festival and will help in anyway they can, but cannot guarantee the parking lot will be available, because the City does not own the lot.

Manager Greene stated he did talk to Bob Yoder, the Developer, this afternoon. Mr. Yoder cannot delay construction because of funding. This same thing happened last year. Because they waited until after the festival for the construction of the Senior Housing building, the project is now on hold due to the weather.

Howard Lepovetsky

Howard Lepovetsky asked the status of the plans for the development of his property? City Manager stated an Environmental Study Phase II is being performed.

Dennis Nero suggested that Mr. Lepovetsky contact Bob Yoder regarding any concerns he may have.

**Article of Agreement
with Elk Co. Solid
Waste Authority re:
Recycling Truck**

Manager Greene noted St. Marys was offered money several years ago for a new truck with no restrictions. We now have a written document which states St. Marys could receive Act 101 grant monies to be used for the purchase of a recycling truck but in turn, the City would have to agree to expand its recycling efforts by offering more curbside recycling. Mr. Greene stated the City is unable to offer more curbside recycling because it is not in this year's budget.

DEP will be meeting with the Recycling Task Force Committee on Friday, February 9th at 12:00 noon at City Hall.

Dennis Nero would like DEP to answer the following question. If the County pulls the roll-off recycling containers and not the City, is the City's Recycling Program legal as it now stands?

CITY OF SAINT MARYS COUNCIL WORKSESSION

155

February 5, 2007

Nestor Resources, Inc.

Manager Greene stated he received a letter from Michele Nestor, of Nestor Resources, Inc. She is requesting a written notice from Council to go ahead with the study for the City. She is also requesting an outline of the specific areas Council would like her to review.

COUNCIL COMMENTS

Sean Gabler asked if the ice skating rink is open? Manager responded it has been flooded and was open last Friday.

Dennis Nero reminded Council the Halloween issue is still up in the air and that it should not be put off. This issue will be placed on Council's next agenda.

ANNOUNCEMENT

Mayor Geyer made the following announcement:

- Next regular Council meeting will be held on Monday, February 19, 2007 at 7:00 p.m.

ADJOURNMENT

Richard Dornisch made a motion to adjourn the meeting.

Mayor

Shirley Dicklas
Recording Secretary