

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

July 21, 2008

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, July 21, 2008 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 July 17, 2008, posted at City Hall, and published in the Daily Press.

ROLL CALL

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

VISITORS

Visitors included: Scott Dahl, Todd Caltagarone, Richard Sadley, Deb Schneider, Glenn Sorg, Charles Bloam, Warren Stewart, and Pam Samick

APPROVAL OF MINUTES
July 7, 2008

Richard Gabler made a motion to approve the minutes of July 7, 2008, seconded by Richard Dornisch, and all were in favor.

CITIZEN COMMENTS ON
AGENDA TOPICS

There were no citizen comments on agenda topics.

MANAGER'S REPORT

Manager Greene presented the following report:

- June 17th, attended the Regional Transportation meeting at North Central. The meeting was to review and approve transportation projects for the North Central region.
- Met with members of the West Creek Rails to Trails Committee on June 18th. They signed the agreement to agree to purchase the corridor between Emporium and St. Marys.
- June 19th representatives from PennDOT, the railroad, and City staff met to discuss the railroad crossing on S. St. Marys St.
- On June 19th, City staff and PennDOT officials met to discuss the various storm drain catch boxes in the City.
- City staff & PennDOT officials met on June 20th to check the condition of the box culvert on Washington St.
- June 24th-27th, Steven Skok and I attended the PLCM Conference in Gettysburg. We attended various seminars and luncheon meetings. The conference is a good tool for networking with other municipalities.
- On July 8th, attended the Parking Authority meeting to discuss the parking garage project.
- Met with Bob Yoder on July 9th to discuss various downtown projects in the Impact St. Marys area.
- July 16th, met with Dave Fife, Quad 3 Group, to discuss the Industrial Steel site.

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APPROVAL OF EXPENDITURES

Thomas Farley made a motion to approve the Expenditures Report for the period June 14 thru July 17, 2008. The motion was seconded by Steven Skok.

Mayor Geyer questioned the \$3,480.00 expenditure for training. The Manager will check with the Finance Director. She also questioned the W.C. Weil Company expenditure for \$10,582.48 for a pump. Manager Greene responded the pump is for the WWTP.

Motion Passed

All were in favor to approve the Expenditures Report.

TREASURER'S REPORT

Mayor Geyer presented the Treasurer's Report as of June 30, 2008. June is the half-way mark for the City. Total revenue collected for the General Fund is \$3.7 million or 66.24% of the budget. Last year, at this time, the City collected \$4 million or 73% of the budget. Total expenditures for the General Fund is at \$2.6 million or 47.12% of the budget. Last year, expenditures were at \$2 million or 40% of the budget. Total real estate taxes collected is 92.59% of the budget with 95.92% of the budget last year. Earned income collected is 51.62% of the budget and for last year, the City collected 56.73% of the budget. The City collected 39% of the budget for the EMS Tax or the Local Service Tax and in 2007, 91% of the budget. The market value of the Pension Plans has dropped below the balance from last year at this time.

LEGISLATIVE ACTION**Award Bid**

2008 Resurfacing Program

The following three bids for the City's 2008 Resurfacing Program were opened during a public meeting held on July 7, 2008 at 2:00 p.m. at City Hall:

New Enterprise	\$619,336.15
Hawbaker	\$696,695.05
HRI	\$598,659.00

A memo was received from Mike Mullaney, Public Works Director. He noted the City has \$350,000. budgeted for resurfacing in 2008 and it is the opinion of staff that all the streets except Fern and Hickory should be resurfaced this year with the cost of necessary base repair and preparation added onto the base bid. This will amount to an estimated cost of \$685,956. The City could take the additional \$335,956. from the 2008 Capital Reserve Fund to fund this year's project and reimburse that fund in 2009 with the \$350,000. No resurfacing would be done in 2009.

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Mr. Mullaney recommended that the bid be awarded to HRI, Inc. in the amount of \$522,156.00. He noted this is the correct bid amount with Fern and Hickory Road being deducted. The additional cost for binder and crack sealing are estimated costs only and can be legally negotiated with the successful bidder only after the bid is awarded.

The Manager stated the roads to be resurfaced this year are Robin Road, Lemans Road, Teaberry Road, Villa Road, Hemlock Road, Sara Road, Ford Road, and Hall Ave.

Sean Gabler made a motion to award the bid in the amount of \$522,156.00 to HRI for our 2008 resurfacing. The motion was seconded by Dennis Nero.

Thomas Farley stated he questioned the Public Works Director as to why Fern and Hickory Roads were removed from the resurfacing program. Mr. Mullaney noted two roads needed to be eliminated and staff decided on Fern Road and Hickory Road. Mr. Farley felt Sara Road should be eliminated and Fern and Hickory be placed back on the list. It was noted the reason Sara Road was included is that this road is highly travelled. Mr. Farley felt the residents of Fern and Hickory Roads may be upset because their roads were removed from the list.

Motion Passed

After further discussions, all were in favor to approve the bid for resurfacing.

Consider for Publication
Ord. No. 244 re: Local
Limits for Industrial
Discharge into sewer
System required by EPA

Ordinance No. 244 was presented regarding local limits for industrial discharge into the sewer system required by EPA. The City has submitted information to EPA relating to the headworks loading allowance at the WWTP. EPA has approved the headworks loading allowance developed under the City's Pretreatment Program.

Thomas Farley made a motion to publish Ordinance No. 244, seconded by Steven Skok, and all were in favor.

Settlement Agreement

Manager Greene explained this settlement agreement was presented to us by our Solicitor. The agreement has not been approved by the other side. He would like permission that if the other side does approve the agreement, we can go ahead and sign it and move forward with it as long as nothing is changed in the agreement.

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Solicitor Jacob noted the terms cannot be discussed at this time. An executive session would need to be held.

Thomas Farley made a motion to approve the agreement. The motion was seconded by Dennis Nero.

Roll Call Vote
Motion denied

On a roll call vote, Richard Gabler voted in the affirmative. Thomas Farley, Steven Skok, Sean Gabler, Dennis Nero, Richard Dornisch, and Mayor Sally Geyer voted in the negative. By a majority vote, the motion was denied.

TOPICS FOR DISCUSSION

There were no "Topics for Discussion".

CITIZEN COMMENTS ON
NON-AGENDA TOPICS
Deb Schneider

Deb Schneider, resident of Airport Road, presented a petition from the residents of Airport Road requesting the City and National Fuel Gas continue the natural gas line now being installed for the Airport Industrial Park, which is a few hundred feet more, to the residents of Airport Road.

Charles Bloam

Charles Bloam, Tax Collector, expressed his displeasure with Council's response regarding his letter dated December 3, 2007, which he sent to City Council, Commissioners, and the School Board regarding his request to be paid for the cost of collecting interim tax bills. Mr. Bloam noted he has contacted several Council Members and the City Manager. He was told the issue is in the hands of the City Solicitor.

Solicitor Jacob stated he wanted to discuss the issue with Council before giving his written response.

Thomas Farley, member of the Tax Board, explained that the board approves the budget of the Tax Collector each year. He reminded Mr. Bloam when he was elected, his salary was set for four years. Mr. Farley also noted the Tax Collector's budget has to be approved by the County Commissioners, the School Board, and the City every year. He stated the Tax Collectors throughout the County are paid by a commission but Mr. Bloam receives a salary plus office supplies.

Dennis Nero explained the issue was not placed on the agenda but was brought before Council with the Solicitor present because we needed his opinion. As of yet, he has not given us his opinion because he wants to talk to the other two solicitors from the County and the School Board.

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Richard Dornisch stated he agrees with Mr. Farley that the Tax Collector knew what his salary was going to be before he ran for office.

Mr. Bloam stated when he ran for office, there was no interim billing. He noted both the County and the School Board approved his request to receive compensation for interim billing.

Solicitor Jacob told Mr. Bloam there are two issues: can a public official's salary or payment be increased during their term in office; and does the law apply to your particular situation because you are a salaried Tax Collector and not a commissioned Tax Collector? The Solicitor further noted if Council approves your request and later it is found to be in violation of the law, that a public official's salary cannot be increased during their term in office, Council would be liable.

Mr. Bloam stated he does understand the concerns and arguments but just felt nothing was being done regarding his request.

Sean Gabler told Mr. Bloam if this board's decision is "no", do not interpret it as dissatisfaction with the job you are doing. You are doing a good job.

Scott Dahl

Scott Dahl expressed his concerns regarding Airport Road. He stated in the winter time if a vehicle misses the curve, they will be stuck in his yard. The Manager stated the entrance will be improved and that the City will be applying for an IDP Grant from the Commonwealth to improve Airport Road.

Deb Schneider

Deb Schneider stated it is not just Airport Road, it is also South Michael Road and that the roads are too narrow especially during the winter. She also expressed her disappointment with the elected officials in not letting the Tax Collector know if anything was being done regarding his request.

Warren Stewart

Warren Stewart stated trucks, going to the Industrial Park, are not using Carbon Road. They are still using S. Michael Road. The Manager replied after construction is completed, trucks will be using Carbon Road instead of S. Michael Road to the Industrial Park.

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COUNCIL COMMENTS

Sean Gabler asked, since the 911 tower was hit, has a tour been scheduled? The Manager will check with McAllister.

Mayor Geyer questioned the status of the burned-out buildings. The Manager stated the 60 days for the owner of the building at the corner of N. Michael Street and Center Street to comply is over and that the next step is being discussed. The City did receive information from Scranton.

ANNOUNCEMENT

Mayor Geyer made the following announcement:
- Next Council meeting will be held on August 4, 2008 at 7:00 p.m.

Mayor Geyer asked to be excused from the August 4th worksession and asked Deputy Mayor Nero to run the meeting.

ADJOURNMENT

Dennis Nero made a motion to adjourn the meeting.

Mayor

Shirley Dicklas
Recording Secretary