

CITY OF SAINT MARYS COUNCIL WORKSESSION

JUNE 4, 2012

CALL TO ORDER

A Council worksession of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, June 4, 2012 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 May 31, 2012, posted at City Hall, and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

Present: Mayor Sally Geyer, Gregory Gebauer, Daniel Hepner, Richard Dornisch, Nedward Jacob, Gary Anderson, Bob Roberts and Manager David Greene. Solicitor Thomas Wagner arrived at 7:02 p.m.

VISITORS

Visitors included: Steve Michuck and Yvonne Michuck.

APPROVAL OF MINUTES
May 21, 2012

Bob Roberts made a motion to approve the minutes of May 21, 2012, seconded by Gary Anderson and all were in favor.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

LEGISLATIVE ACTION
Consider for Publication: "Jake Brake" Ordinance

An Ordinance was presented amending Chapter 15 of the St. Marys City Code to prohibit the use of Engine Brakes and establishing penalties.

Motion

Nedward Jacob made a motion to publish the Ordinance, seconded by Bob Roberts.

Discussion

Nedward Jacob had a concern with the Ordinance covering the entire City.

Bob Roberts commented the Ordinance stated the restriction shall not apply to emergency driving situations, which should be the only time the "jake brake" is used.

Mayor Geyer stated she had a problem with the fine and she believed it was excessive.

Richard Dornisch agreed with Mayor Geyer.

Mayor Geyer stated Council could vote to publish the Ordinance and see if there were any comments from the public.

Nedward Jacob stated his concerns with the restriction along sections of Johnsonburg Road and again stated his concerns with the restriction for the entire City.

Richard Dornisch stated it should be defined as for residential areas.

Nedward Jacob suggested the restriction should be when entering the City along Route 255 and 120.

Mayor Geyer commented it would be difficult to define specific areas.

Richard Dornisch commented there was excess in the covered area.

CITY OF SAINT MARYS COUNCIL WORKSESSION

JUNE 4, 2012

Nedward Jacob stated along S. St. Marys St. the noise from the "jake brakes" is very loud.

Bob Roberts believed the "jake brake" noise was worst in the downtown area.

Nedward Jacob suggested placing the restriction beginning at a certain point along Route 255 south to a certain point north along Route 255 and also the same for Route 120.

Manager Greene commented the City Engineer had suggested defining enforcement of the restriction to those areas where the speed limit is was 35 miles per hour or less.

Richard Dornisch agreed with the City Engineer's suggestion, but still believed it was unenforceable.

Mayor Geyer restated her concern with the fine of a maximum of \$500.00 and a possible 90 day imprisonment.

Gregory Gebauer commented he believed the fine maximum was the standard for any summary offense.

Mayor Geyer didn't believe the District Justice would imprison anyone for using their "jake brake".

Richard Dornisch believed there were too many laws already "on the books" that did not make sense or were unenforceable. He believed this should fall under the nuisance or excessive noise laws that were already in place. He also disagreed with how the original idea for restrictions was presented.

Mayor Geyer commented on the difficulty of determining if the "jake brake" falls under excessive noise or the nuisance law.

Daniel Hepner commented the Chief of Police had stated at a previous meeting of the enforcement difficulty for a "jake brake" violation under the City's current ordinances. The proposed Ordinance would help with the enforcement. He agreed with and suggested adding the speed zone clarification.

Motion Died

All were opposed to publish the Ordinance. Motion Died.

Motion

Richard Dornisch made a motion to have the Solicitor revise the proposed "Jake Brake" Ordinance by specifying the 35 miles per hour or less be added to Section 1.1, seconded by Nedward Jacob.

Motion Passed

All were in favor except Richard Dornisch, who opposed

Request for the St. Marys Legion Baseball Tournament at Berwind Park

Manager Greene stated a request to relax the City's 11:00 p.m. curfew from July 21st thru July 25th, 2012 for the St. Marys Legion Baseball Tournament at Berwind Park was being presented for Council's approval.

Bob Roberts requested clarification of the extension of actual time for the curfew.

CITY OF SAINT MARYS COUNCIL WORKSESSION

JUNE 4, 2012

Motion

Bob Roberts made a motion to approve the request to relax the City curfew for one half hour after the end of the last game held for the tournament at Berwind Park, seconded by Nedward Jacob.

Discussion

Richard Dornisch stated his concerns of only one half hour after the end of the last game being approved.

Mayor Geyer commented the curfew would allow the people to leave the park.

Richard Dornisch didn't believe a boundary should be placed on the relaxed curfew.

Manager Greene stated the curfew was not for the entire town just Berwind Park.

Nedward Jacob commented he understood the request was for the entire City and Manager Greene responded the request was only for Berwind Park.

Solicitor Wagner stated he believed the curfew did not apply to children who were accompanied by an adult.

Richard Dornisch commented the wording was difficult to interpret.

Manager Greene clarified the request was to relax the curfew only at Berwind Park.

Gregory Gebauer commented the request should also include any spectators at the baseball games because he was concerned with someone under the age of 18 who might be walking home.

Bob Roberts clarified his motion was to relax the curfew from 11:00 p.m. until one half hour after the last baseball game for Berwind Park from July 21st, thru July 25th, 2012.

Motion Passed

All were in favor to approve the request as the motion stated.

Termination of Easement for Mersen, USA

Solicitor Wagner explained Mersen, USA was requesting the City sign a Termination of Easement for a 16 foot easement that runs through Mersen's property. The City does not own property on either side, but he was concerned why the easement was retained. As long as there was no water or sewage facilities currently located within the easement or there was no need for the utilities, then he recommended the City terminate the easement.

Nedward Jacob wanted to clarify the 10 foot sewage easement was not included and Solicitor Wagner responded it was not.

Steve Michuck, resident, commented everyone in the subdivision would need to sign off and Gary Anderson responded all parties within the subdivision would be signing.

CITY OF SAINT MARYS COUNCIL WORKSESSION

JUNE 4, 2012

Motion Passed

Richard Dornisch made a motion to accept the Termination of Easement for Mersen, seconded by Daniel Hepner and all were in favor.

TOPICS FOR DISCUSSION

There were no topics for discussion.

CITIZEN COMMENTS ON NON-AGENDA TOPICS

There were no citizen comments on non-agenda topics.

COUNCIL COMMENTS

Councilman Dornisch explained a surface water issue along the Boulevard by Gunners Restaurant at the end of the Municipal parking lot. He was concerned it was a serious problem due to the fact that Elk Creek runs underneath the Boulevard at that same location.

Manager Greene responded he had a meeting scheduled with PennDOT next Monday regarding the matter and he believed it would be a joint effort to correct the problem. It had been determined the galvanized pipe along the road had rusted and collapsed and would need replaced.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

- Trinkets and Treasures will hold an Open House on Monday, June 11th at 8:30 a.m. at their location on Railroad Street.
- The next Council meeting will be Monday, June 18, 2012 at 7:00 p.m. at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting.


Recording Secretary


Mayor