

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

NOVEMBER 15, 2010

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, November 15, 2010 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 November 10, 2010, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Dennis Nero, Steven Skok, Daniel Hepner, Bob Roberts, Richard Dornisch, Manager David Greene, and Solicitor Mark Jacob. Richard Gabler, Jr. was excused.

VISITORS

Visitors included: Greg Eckl, Joe Frey, Delores Frey, John and Judy Schreiber, Frank Dinsmore, Bob Yoder, Warren Stewart, Ken Young, Jen and Roger Wonderly, Donna Blair, Mike Brock, Yvonne Gerber, Emily and Cole Bricen, Tina Gradizzi, John Copelli, Dave Brock, Ned Jacob, Charles and Judy Cole, Mary Lynn and Cougar Steis, A. Defranco, Tom Farley, Karen and Bill Granche, Rick Glover, Steve and Yvonne Michuck, Richard Sadley, and Cliff Stump. Jackie Severance, Vern Vanalstine, and Curt Brennen did not sign in.

APPROVAL OF MINUTES
November 1, 2010

Richard Dornisch made a motion to approve the minutes of November 1, 2010, seconded by Daniel Hepner, and all were in favor.

SPECIAL PRESENTATION, re,
Bob Yoder, Dynamic Energy

Bob Yoder from Dynamic Energy presented Council with sketches and renderings for the Depot Street Parking Garage proposed Solar Panel Project. He stated the funding for the project was in place and requested the pending Power Purchase Agreement be finalized as soon as possible. The transformer will need to be upgraded at a cost of approximately \$11,000.00. Upgrading of the wiring for the garage is also required. Total of both upgrades is between \$25,000 and \$30,000, which would be paid for by Dynamic Energy. He requested Council forward any questions regarding the Agreement to him as soon as possible in order to move forward with the project.

Daniel Hepner requested clarification of the number of solar panels in the proposal to be installed and Mr. Yoder responded between 2300 and 2400 which would produce 240 watts of power each.

Solicitor Jacob stated he intended to meet with Manager Greene and Councilman Hepner to discuss the details of the Agreement.

CITIZEN COMMENTS ON
AGENDA TOPICS

Mayor Geyer stated anyone who would like to speak on the Budget or Marcellus Shale would be given the opportunity during that portion of the agenda. There were no citizen comments on any of the other agenda topics.

MANAGER'S REPORT

October 21- Matt Pfeufer and I met with Bill Sprague and Skip Speiglemeyer from Lee Simpson and Associates to discuss any future projects that may be coming to St. Marys.

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October 22- Met with John Weible from North Central to discuss the Parking Garage and proposed Hotel projects.

October 27- Attended the full board meeting for the North Central Regional Planning and Development Commission.

October 28- Attended the Parking Garage construction meeting held at the job site.

November 4- Attended the Parking Authority meeting to discuss the parking garage project.

November 10- Attended the Parking Garage construction meeting held at the job site.

APPROVAL OF EXPENDITURES

Steven Skok made a motion to approve the Expenditures from October 14, 2010 to November 13, 2010, seconded by Bob Roberts, and all were in favor.

TREASURER'S REPORT

Mayor Geyer presented the following Treasurer's Report as of October 31, 2010:

The General Fund has collected 83.27 percent of its budgeted revenue and spent 74.24 percent of the budgeted amount. Last year at this time revenue collected was at 76 percent and expenditures were at 70 percent of budget. 2008 budgeted revenue collected was 91 percent and expenses were at 80 percent of budget. Benchmark figures would be at 83 percent. Reports for Pension Plans were not received before this report was due, so changes in market value for October, 2010 were not recorded.

LEGISLATIVE ACTION

Consider for adoption:

Resolution No. 10-13, re: Agreement between the City and PennDOT

Resolution No. 10-13 was presented authorizing the Mayor of St. Marys and the City Manager/Secretary to sign all Agreements between the City and PennDOT for the year 2010.

Manager Greene stated the Resolution was a "blanket" resolution that is now required annually by PennDOT.

Dennis Nero made a motion to adopt Resolution No. 10-13, seconded by Richard Dornisch, and all were in favor.

Resolution No. 10-14, re: Tobacco-free Park and Playgrounds

Resolution No. 10-14 was presented to create tobacco-free zones at local parks and playgrounds.

Bob Roberts questioned how the Resolution could be enforced because of the conflicting language in the Resolution and Solicitor Jacob responded without an Ordinance you could not enforce it.

Manager Greene stated it was a good gesture and signs would be placed at the parks and playgrounds.

Mayor Geyer requested a motion to open it up for discussion.

Resolution No. 10-14 died for lack of a motion.

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Resolution No. 10-15, re: Disposition of City Records Resolution No. 10-15 was presented authorizing the disposition of public records in accordance with the Municipal Records Manual, as previously approved by virtue of Resolution No. 05-01 and in accordance with Act 428 of 1968, each individual disposition shall be approved by resolution.

Bob Roberts made a motion to adopt Resolution No. 10-15, seconded by Daniel Hepner.

Bob Roberts questioned the method of disposition and Manager Greene responded the records will be shredded.

All were in favor to adopt Resolution No, 10-15.

Mayor addresses Council on City Budget matter Mayor Geyer stated she would hear citizen comments on budget matters after she addressed Council.

Mayor Geyer stated the following concerns and suggestions:

The Union contract has previously been negotiated by two members of City management and the City Solicitor. She proposed two members of Council, one member of City Management and City Solicitor negotiate future Union contracts.

Councilman Roberts

Councilman Roberts stated Home Rule Charter must be followed and a committee would need to be formed to negotiate the contract.

Mayor Geyer

Mayor Geyer stated her concerns of how a 2 mill increase in taxes would affect homeowners and small businesses.

Mayor Geyer proposed that Council table the budget in order to open it for revisions by opening the current Union contract to request concessions such as voluntary layoffs. If there are no voluntary layoffs then enforce mandatory layoffs.

She opposed a three percent pay raise and gave examples of monetary increases based on a percentage wage increase. She disagreed with a continuing pay increase because of the current economy.

She requested again that Council consider tabling the budget.

Curt Brennen

Curt Brennen, resident, expressed his opinion on the budget and believed that sacrifices were needed in order to avoid a tax increase.

Donna Blair

Donna Blair, resident, expressed her opinion on the proposed increase in taxes and how it would affect residents on Social Security.

Vern (Butch) VanAlstine

Vern VanAlstine, resident, expressed his concerns regarding the wage increase for Management employees. He requested Council open the budget and explore more options.

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Resolution No. 10-16, re: 2011
Budget for various funds for the City
of St. Marys

Resolution No. 10-16 was presented to publish the
adopting of the 2011 Budget for the various funds for the
City of St. Marys.

Resolution No. 10-16 died for lack of a motion.

Letter of Approval, re: Christian Food
Bank improvements

Tina Gradizzi representing the Christian Food Bank
approached Council and explained the Food Bank building
is leased through the City and before any remodeling or
structural improvements can be made to the facility, prior
written consent must be obtained from the landlord. Since
they would like to install a walk-in freezer she was
requesting a letter of approval.

Dennis Nero made a motion to send a letter of approval to
install a walk-in freezer at the Christian Food Bank,
seconded by Daniel Hepner.

Solicitor Jacob clarified the improvement did not involve
any City money.

All were in favor to send the letter of approval.

TOPICS FOR DISCUSSION

Setting first Council meeting in
January 2011

Council discussed their first meeting in January 2011. It
was agreed to keep the January 3, 2011, as scheduled.

Floodplain revisions to City
Ordinance

Matthew Pfeufer, Zoning Officer, approached Council and
explained revisions would be needed to the City's
Floodplain Ordinance as required by the Federal
Emergency Management Association. He had provided
Council with suggested draft revisions that would be
reviewed by the City Solicitor and then forwarded to the
Department of Community and Economic Development
for their review. The City's Floodplain Ordinance will then
need to be revised in order to remain eligible for the
National Flood Insurance Program. The City's Ordinance
would need to be officially revised by next Spring.

Solicitor Jacob stated he would draft the revisions to be
submitted to DCED, once approved they would be
presented to the Planning Commission.

Marcellus Shale Drilling Restrictions

Councilman Dornisch

Councilman Dornisch restated his position on Marcellus
Shale Drilling and requested the City Solicitor review
available restrictions to suggest revisions to protect the
City.

Motion

Richard Dornisch made a motion to have the Solicitor
review Marcellus Shale Drilling and suggest restrictions to
protect the City and its water supply, seconded by Dennis
Nero.

Discussion

Solicitor Jacob commented the State has possibly
preempted any local restrictions, but there may be other
options.

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Council had a lengthy discussion regarding the possible restrictions that could be implemented under the Pennsylvania Natural Gas Act and agreed the Planning Commission should review any possible restrictions.

Amended Motion

Councilman Dornisch amended his motion to have the Planning Commission review any possible restrictions to Marcellus Shale Gas drilling within the City.

Dennis Nero amended his second.

Councilman Hepner distributed maps that listed the current active oil and gas wells in the City and gave details of the location of the current gas wells and how it may affect the City's watershed.

Councilman Roberts clarified the motion was to turn this over to the Planning Commission.

Cliff Stump

Cliff Stump from Ridgway Township approached Council and stated his concerns with the possible contamination to his water supply. He gave details of resources available to the City to implement restrictions.

Greg Eckl

Greg Eckl, resident, approached Council and stated his concerns with the recent approval for CG Electrodes subdivision that proposed future gas drilling in his neighborhood.

Councilman Hepner

Councilman Hepner responded the subdivision was to reserve the land for future plans, but in order to "sink" a Marcellus Shale Gas Well a total of 640 acres would be needed.

Tom Farley

Tom Farley, resident, expressed his concerns with the amount of land that encompasses the St. Marys Area Water Authority and the possible affect drilling would have on the City's watershed. He stated the water supply area would need greater restrictions than one half mile but then the restrictions could infringe on property owners rights.

Councilman Dornisch

Councilman Dornisch responded the City's water supply is more important than a few property owners' rights.

Tom Farley

Mr. Farley then questioned if the Wastewater Treatment Plant could sell the wastewater that it processes and sell it to the "drillers" and Manager Greene responded the City had explored that option, but no one has applied to request water from the Wastewater Treatment Plant.

There was a discussion regarding the process of selling water to the "drillers" and also the possibility of private treatment of water.

There was a clarification of the amended motion to have the Planning Commission give special attention to the health and safety, especially the water supply, of the City's residents.

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Amended Motion Passed

All were in favor to have the Planning Commission review possible restrictions of Marcellus Shale Drilling within the City.

Tom Farley

Tom Farley again approached Council and asked when the next budget meeting would be held and Mayor Geyer responded it would be scheduled as soon as possible.

Bill Granche

Bill Granche, retired school teacher, approached Council and described portions of the Clean Water Act and also the Public Trust Doctrine. He explained various problems with the Marcellus Shale Drilling and the possible contamination of water sources.

Karen Granche

Karen Granche approached Council and expressed her concerns with the Marcellus Shale Drilling. She suggested numerous items that Council could address without changing any laws. She detailed numerous problems with the various aspects of possible health problems.

Ed Stump

Ed Stump approached Council and gave further details of the "fracking" process. He was concerned with the materials left by the drilling process.

Mike Brock

Mike Brock approached Council and thanked Mr. Dornisch and Council for being proactive regarding the Marcellus Shale drilling and stated that Council has the right and the responsibility to impose restrictions.

Mayor Geyer commented the Marcellus Shale discussion was very interesting.

CITIZEN COMMENTS ON NON-AGENDA TOPICS

Steve Michuck

Steve Michuck requested to be placed on the agenda again and Solicitor Jacob responded he would need something in writing to clarify why this was a City issue and not a private property issue.

Donna Blair

Donna Blair approached Council and stated a problem with leaves in the ditch along Blair Road and a problem with material on Fern Road and Manager Greene responded the Leaf Collection Program was focused on the curbed areas of the City and Fern Road was now completed and the material should be now removed.

Jackie Severance

Jackie Severance, resident and downtown business owner, approached Council and expressed her concerns with the free parking for the holidays and the limited amount of downtown parking.

COUNCIL COMMENTS

Councilman Dornisch

Councilman Dornisch extended his and Council's congratulations to Councilman Gabler for the latest addition to his family.

Councilman Skok

Councilman Skok requested the next date for the budget meeting be set.

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Mayor sets date of Budget Meeting Mayor Geyer set the date for Thursday, November 18th, 2010 at 6:30 p.m.

Councilman Roberts Councilman Roberts requested an Executive Session immediately following tonight's meeting regarding personnel matters.

Mayor congratulates Crystal Fire Department Mayor Geyer congratulated the Crystal Fire Department on their Distinguished Service Award they received from the American Legion Post 103.

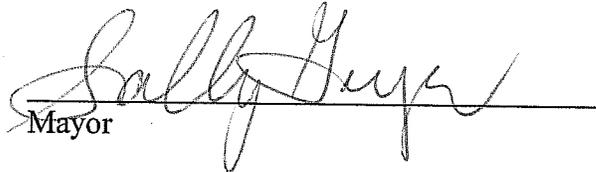
ANNOUNCEMENTS

Mayor Geyer made the following announcements:

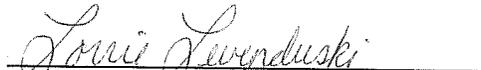
- The next Council worksession will be held Monday, December 6, 2010 at 7:00 p.m. at City Hall.
- A Council Special Budget meeting will be held Thursday, November 18, 2010 at 6:30 at City Hall

ADJOURNMENT

Bob Roberts made a motion to adjourn the meeting.



Mayor



Recording Secretary