

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

NOVEMBER 19, 2012

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 19, 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 November 15, 2012, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

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

VISITORS

Visitors included: Matthew Pfeufer, Warren Stewart, Bob Ritter, Ed Klock, Beth Klock, Lance Mohney, Richard Sadley, JoAnn Mohney, Cliff Mohney, Ashley O'Dell and Jacqueline Severance.

APPROVAL OF MINUTES

November 5, 2012

Richard Dornisch made a motion to approve the minutes of November 5, 2012, seconded by Gary Anderson and all were in favor.

REPORT ON EXECUTIVE SESSION

Mayor Geyer stated an Executive Session was held immediately prior to tonight's meeting regarding personnel matters. No decisions were made.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

MANAGER'S REPORT

October 11- The Manager met with Shawn Patel about a project he was interested in doing in St. Marys.

October 17- The Manager met with John Hoback about a project he was interested in doing in St. Marys.

October 24- The Manager attended the North Central Pennsylvania Regional Planning and Development board of directors meeting held in Ridgway.

October 25- The Manager met with representatives from ATA to discuss any future plans for the bus terminal building.

October 25- Tim Brennan, Matt Pfuefer, Dan Hepner and the Manager met with Representative Matt Gabler to discuss various issues including Act 167.

November 7- Tim Brennan, Dan Hepner, Ned Jacob and the Manager attended a seminar on using compressed natural gas for our City vehicles.

SOLICITOR'S REPORT

Solicitor Wagner explained he wanted to remind Council of two pending Ordinances. One was regarding Traffic/Parking and the other was regarding Zoning. Due to the numerous changes to both of the Ordinances, he suggested Council email him any further requests or comments before he presents them for publication.

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Gary Anderson requested an update on Centax (former local wage tax collector) and Solicitor Wagner responded the Court was going to appoint a "Receiver", but he stated he was concerned with the possible compensation costs.

Nedward Jacob questioned if the City would receive the total amount of funds due and Solicitor Wagner responded his only concern was a possible default by Centax, but believed the bonding company should cover any shortfall in tax revenues collected.

APPROVAL OF EXPENDITURES

Motion

Daniel Hepner made a motion to approve the Expenditures from October 14, 2012 to November 13, 2012, seconded by Bob Roberts.

Discussion

Gregory Gebauer questioned a line item regarding dues to the Pennsylvania League of Cities.

Nedward Jacob questioned if a line item regarding equipment upgrade was for the Street Department and Manager Greene responded yes.

Nedward Jacob questioned a line item regarding new tires for the police cars and Manager Greene responded it was for winter tires.

Nedward Jacob questioned a line item regarding Elk County Council on the Arts and Manager Greene responded the amount was for the year 2012.

Nedward Jacob questioned a line item regarding the Commonwealth of PA Clean Water Penalty and Manager Greene responded it was for the Wastewater Treatment Plant however, the amount was reduced from the original penalty amount.

Nedward Jacob questioned line items regarding transfer of liquid fuel funds and Manager Greene responded the liquid fuel funds received from the Commonwealth were distributed for two different approved loans and the balance was for Street department approved expenses.

Motion Passed

All were in favor to approve the Expenditures.

TREASURER'S REPORT

Mayor Geyer gave the following Treasurer's Report as of October 31, 2012:

The General Fund had collected 83.94 percent of its budgeted Revenue and spent 75.33 percent of the budgeted amount. Last year at this time Revenue collected was at 86.91 percent and Expenditures were at 74.75 percent of budget. In 2010 budgeted Revenue collected was 83.27 percent and expenses were at 74.24 percent of budget. Benchmark figures would be at 83 percent. Pension funds decreased for the month of October but were greater than last year at the same time. Earned Income was at 74.63 percent of budget and in October 2011 was at 84.4 percent of budget.

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LEGISLATIVE ACTION:**Consider for publication;**

Ordinance No. 278, re: Levy and Assessment of 2013 taxes
Motion

An Ordinance providing for the levy and assessment of taxes for the City of St. Marys for the fiscal year 2013 was presented for publication.

Richard Dornisch made a motion to publish Ordinance No. 278, seconded by Daniel Hepner.

Discussion

Nedward Jacob questioned if there was a time limit to publish the Ordinance and adopt the budget and Manager Greene responded before the end of the year

Motion Passed

All were in favor to publish Ordinance No. 278.

Subdivision Application:

Donna M. Carino, etal, Ford Road

A subdivision application was presented from Donna M. Carino etal, for property located on Ford Road. The subdivision proposes to divide three lots from an 8.647 acre parcel. Lot 1 is a 1.041 acre new building lot for a single family dwelling and will be served by public water and a private sewage system. Lot 2 is a 1.488 acre new building lot for a single family dwelling and will be served by public water and must be connected to the public sewage system before a building permit will be issued. Lot 3 is 0.749 acres and will be a lot addition to an adjoining parcel with an existing single family dwelling. The residual parcel has an existing single family dwelling with public water and a private sewage disposal system. The subdivision is in compliance with the zoning ordinance. The Planning Commission had no substantial comments on the subdivision.

Motion Passed

Gary Anderson made a motion to approve the Donna M. Carino, etal, subdivision, seconded by Bob Roberts and all were in favor.

TOPICS FOR DISCUSSION:

DeLullo Real Estate Land Development, Delaum Road

A land development from DeLullo Real Estate for property located on Delaum Road was presented for information purposes only. The development proposes to construct a 50' x 80' (4,000 sq. ft.) storage building on a currently vacant lot. The building may be used as a spec-building to be finished by others. The Zoning ordinance requires at least four parking spaces and one off-street loading space. No stormwater management is required. The Planning Commission had no substantial comments on the land development.

Bob Roberts questioned if there was sanitary sewer available for connection, since it was a requirement and Matthew Pfeufer responded the sanitary sewer line would need to be extended before the building could be occupied.

Bob Roberts requested the status of the sanitary sewer for other industries within the development.

Lance Mohny, owner of business property, within the development, commented in 2006 they were told the sanitary sewer did not extend beyond the business Innovative Sintered and they would have to pay to extend the service to their business or utilize a tank system. They were assured by the Sewer Authority

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any subsequent development in the area would address the issue properly.

Bob Roberts commented the issue needs attention.

Resolution No. 12-14, re: 2013
Preliminary Budget

Mayor Geyer stated Resolution No. 12-14, the 2013 Preliminary Budget, was placed on the agenda to address any further questions from Council.

Discussion

Councilman Jacob stated he had questions regarding the Debt fund. He stated the Parking Garage fund showed a deficit of \$410,573. A 20 year loan in the amount of \$400,000 at a rate of 4 percent was being considered with the payment for the loan to come out of the Debt fund. Because of numerous comments by Council that no tax money would be used for the Parking Garage, he suggested the debt be covered by parking revenue and be applied to the Capital Reserve fund over a 20 year period.

Council briefly discussed the issue and agreed with Councilman Jacob's suggestions.

Councilman Gebauer wanted to confirm the money would be transferred from the Parking Fund to the Capital Reserve fund annually for the next 20 years and Manager Greene responded yes.

Councilman Jacob questioned professional services of \$10,000 and Manager Greene responded it was budgeted for Attorney Scott Blissman on an as needed basis regarding labor law, grievances for the Police Department and other personnel issues.

Motion Passed

Daniel Hepner made a motion to publish Resolution No. 12-14 (2013 Preliminary Budget), seconded by Richard Dornisch and all were in favor.

Act 167 Stormwater Management

Matthew Pfeufer, Zoning Officer, explained he recently forwarded case studies regarding stormwater management which outlined the impact it would have on development in the City. The impact was based on the County's current stormwater management plan/ordinance. He requested direction from Council on how they would like to proceed with the requirements of Act 167 stormwater management.

Councilman Hepner explained Council had been reviewing the information regarding Act 167 since 2010 and had agreed not to act on it for numerous reasons, which included the negative impact on development within the City, additional costs that would be incurred by the City and the taxpayers and the issues that other municipalities were having because they already have adopted Act 167. He was concerned of the possibility of funds being withheld from the City by the Commonwealth if the requirements of Act 167 were not adopted. He believed there was a pending House Bill that may rectify some of the issues with Act 167.

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Solicitor Wagner explained the penalty of withholding state funds from the City could only come into effect after the municipality received 180 day notification of the violation, which would give the City time to react or appeal. He recommended the issue be tabled.

Council, the Solicitor and Mr. Pfeufer had a lengthy discussion regarding the above mentioned issues of Act 167, the current City stormwater management plan, exemptions and a possible proposed modified ordinance. No action was taken.

Chamber of Commerce request for free parking

Ashley O'Dell, from the Chamber of Commerce, explained originally a request for free parking was submitted for the entire holiday season, but after discussing it with the City Manager and the local business owners, the request was changed to all day Saturday through the holiday season.

Council discussed the request and agreed to expand the time to include Friday evenings.

Motion Passed

Nedward Jacob made a motion to approve free parking on Friday's after 5:00 p.m. and all day on Saturday's beginning November 23rd until and including December 29th, 2012, seconded by Bob Roberts and all were in favor.

**CITIZEN COMMENTS
ON NON-AGENDA TOPICS**

There were no citizen comments on non-agenda topics.

COUNCIL COMMENTS
Councilman Gebauer
City Vehicles

Councilman Gebauer commented on City vehicles that did not have a current inspection sticker and Manager Greene responded he would look into it.

Councilman Jacob
LED light project

Councilman Jacob requested an update regarding the LED light project and Manager Greene responded he was waiting for proposals.

CNG proposal

Councilman Jacob also inquired if there was a study regarding the conversion to CNG for City vehicles and Manager Greene responded the price increase since the initial discussion no longer made it as cost effective, but he was still exploring options.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

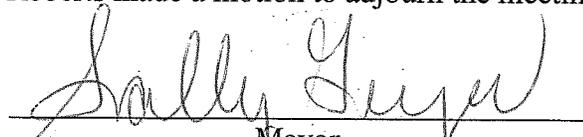
- The next Council worksession will be held Monday, December 3, 2012 at 7:00 p.m. at City Hall.
- An Executive Session will be held following adjournment regarding personnel matters.

ADJOURNMENT

Bob Roberts made a motion to adjourn the meeting.



Recording Secretary



Mayor