

CITY OF SAINT MARYS RESCHEDULED REGULAR COUNCIL MEETING

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September 25, 2006

- CALL TO ORDER** The rescheduled regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, September 25, 2006 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 Members on September 21, 2006, posted at City Hall, and published in the Daily Press.
- ROLL CALL** Present: Mayor Sally Geyer, Steven Skok, Sean Gabler, Richard Dornisch, Thomas Farley, City Manager David Greene, and Solicitor Stephen French  
Absent: Dennis Nero and Mark Kopp (both excused)
- VISITORS** Visitors included: Fred Haas, Janice Pfeufer, Tony Pfeufer, Katie Weidenborner, and Warren Stewart
- APPROVAL OF MINUTES**  
September 11, 2006 Richard Dornisch made a motion to approve the minutes of September 11, 2006, seconded by Steven Skok, and all were in favor.
- CITIZEN COMMENTS**  
**AGENDA TOPICS** There were no comments from citizens on agenda topics.
- MANAGER'S REPORT** Manager Greene presented the following report:
- August 21st, attended a check presentation at the airport. Rep. Surra presented the City with a check for \$1.1 million dollars for the Airport Industrial Park.
  - Held a conference call with Guy McUmbert, DEP, to discuss the guidelines for Act 101 and recycling in the City.
  - Tim Brennan and I met with a representative from Allegheny Power to discuss the Airport Industrial Road Project.
  - Greg Patryna, Tom Harley, and I met with a representative from the PA Housing and Finance Authority on August 28th to discuss plans for the Marienstadt Haus Project for the Depot Street Parking Lot.
  - August 29th, Matt Young and I attended a meeting at the Pure Lodge to hear plans from Buerk's Septic Service to apply residential septage on lands.
  - Met with Vern Kreckel on August 30th to review plans for the Hometown Festival.
  - Attended a Rails-to-Trails meeting here at City Hall on August 30th. Plans are moving forward for the Rails-to-Trails Group to take over ownership of the right-of-way.

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- On August 31st attended a meeting with a representative from ATA to discuss plans for the new Inter-Modal Transportation Center to be located in St. Marys.
- Tom Harley and I met with Carbon Center Realty on September 7th to discuss plans for the new Industrial Steel building. Plans are moving forward with the design of the new building.
- On September 12th, Mike Mullaney and I attended a North Central Transportation meeting in Ridgway. The City continues to work to receive funding for the Eberl Street Bridge and the improvements for the traffic pattern for our downtown.
- Tina Gnan, Bob Bauer, and I met with representatives from Sweet Soils to discuss the recycling of grass and leaves.
- September 20th, I attended the OEDP meeting at North Central in Ridgway. The City's application with EDA for \$1 million dollars was discussed. Our project should be funded in the fiscal year 2008.

Disbursement  
Agreement  
(Marienstadt Place)

Manager Greene presented a Disbursement Agreement to Council for their approval. The agreement is between the PHFA, Marienstadt Associates, City of St. Marys, and County National Bank which outlines the disbursement for the Marienstadt Place (Senior Housing/Senior Center). The agreement states the City will put forth \$500,000. for the project.

Sally Geyer made a motion to approve the Disbursement Agreement between PHFA, Marienstadt Associates, the City of St. Marys, and County National Bank. The motion was seconded by Thomas Farley and all were in favor.

Nova Development Corp.  
re: request to reduce  
letter of credit

Manager Greene stated Evo Facchine from the Nova Development Corporation built the housing project on Villa Road. Mr. Facchine has a letter of credit from the Farmers National Bank which bonded Villa Road and the stormwater detention pond. The City has since taken back the road. Mr. Facchine is asking that the \$60,000. letter of credit that he has with the City from the bank be reduced from \$60,000. to \$10,000. \$50,000. was allocated for the road and \$10,000. for the detention pond, which is temporary with the anticipation of a larger pond being built to incorporate more development. City staff felt \$10,000 would be enough to cover work on the pond, if needed.

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Steven Skok made a motion to reduce the letter of credit from \$60,000. to \$10,000., seconded by Sean Gabler, and all were in favor.

**Approval of Expenditures**

Richard Dornisch made a motion to approve the Expenditures for the period August 17 thru September 15, 2006, seconded by Sean Gabler, and all were in favor.

**TREASURER'S REPORT**

Mayor Geyer presented the Treasurer's Report as of August 31, 2006. Real Estate Tax revenue collected so far is at 95.25% of the budget. The Emergency Municipal Tax revenue is \$393,495. compared to last year at this time which was \$400,339. Total revenue collected for the General Fund is at \$3,666,042. or 78% of the budget and for the expenditures, the City spent 54.44% or \$2,687,702. of the budget.

**LEGISLATIVE ACTION**  
**Consider for Adoption**  
Ordinance No. 222  
Amending the  
Administrative Code

Ordinance No. 222 was presented amending the Administrative Code Section 174 "Small Contracts", Section 1. is hereby being eliminated only to the extent that it requires the City to obtain quotes on all contracts between \$4,000. and \$10,000. Section 2. The City will continue to bid all contracts exceeding \$10,000.

Richard Dornisch made a motion to adopt Ordinance No. 222, seconded by Thomas Farley, and all were in favor.

Resolution No. 06-17  
re: Hazard Mitigation  
Plan of Elk County

Resolution No. 06-17 was presented which adopts and places into effect the Hazard Mitigation Plan of Elk County. Twelve municipalities of Elk County assisted in preparing the Hazard Mitigation Plan to identify any cost-effective action taken to eliminate or reduce the long-term risk to life and property from natural and man-made hazards, and are committed to the mitigation goals and measures as presented in the plan.

Thomas Farley made a motion to adopt Resolution No. 06-17, seconded by Sean Gabler, and all were in favor.

Resolution No. 06-18  
re: Traffic signals  
on S.R. 255 & Ford  
Road/Random Road.  
(Rite Aid Project)

Resolution No. 06-18 was presented whereby the City desires to erect, operate and maintain traffic signals on S.R. 255 & Ford Road/Random Road. The traffic signals shall be installed and maintained in accordance with the Vehicle Code and the regulations for traffic signs, signals and markings of the Department of Transportation. (Rite Aid Project)

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**2005 & 2006 CDBG  
Modifications**

Sean Gabler made a motion to adopt Resolution No. 06-18, seconded by Steven Skok, and all were in favor.

As a follow-up to the Public Hearing that was held on September 11, 2006, for the modifications to the 2005 and 2006 CDBG applications, no motion was made to approve or decline the plan.

Sally Geyer made a motion to approve the plan that was discussed on September 11th, seconded by Richard Dornisch, and all were in favor.

**2007 Minimum Municipal  
Obligation for the  
City's Pension Plans**

The City's 2007 Minimum Municipal Obligation for the Pension Plans was submitted for approval. This plan must be prepared every year. Act 205 requires that the plan be submitted and approved by the governing body of the City by September 30, 2006. Total requirements for the Police Pension is \$86,660.78 and for the non-uniform employees is \$109,429.09 totalling \$196,089.87.

Thomas Farley made a motion to approve the 2007 Minimum Municipal Obligation for the Pension Plans, seconded by Steven Skok, and all were in favor.

**Consider for Publication  
Ordinance No. 223  
"Non Use Aquifer"**

Ordinance No. 223 was presented known as the "Non Use Aquifer" Ordinance prohibiting, regulating and restricting the use of groundwater within specific geographical areas within the City. The purpose of this ordinance is as follows:

- To establish the prohibition of the use of groundwater within specified area(s).
- To require all properties in the specified area(s) to connect to a community water supply for drinking water and agricultural purposes, and prohibit the use of groundwater of any purpose.
- To promote, protect, and facilitate public health, safety, and welfare of the general public within the specified areas(s) through implementation of appropriate procedures to implement and regulate the above purposes.

Manager Greene stated City staff will be preparing a map showing the parcels listed in the ordinance.

Richard Dornisch made a motion to publish Ordinance No. 223 and seconded by Sally Geyer.

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Thomas Farley questioned if, for a fact, all of the tax parcels listed in the ordinance are currently on City water? He was concerned that some outline areas may still be on well water.

Solicitor French stated he received the list of parcels, while in consultation with DEP, so he was unable to make any representation. Mr. French stated one of the responsibilities of the remediator was to perform a door-to-door survey or contact by letter the property owners in the defined areas to be able to state their position.

Manager Greene was concerned that possibly some of the property owners on the list on E. Eschbach, Lecker, South Michael, and Carbon Roads may still have well water.

Council agreed that the Water Authority should be contacted to verify the list to see if someone is still on well water.

Motion did not pass  
by majority vote

Two Council members were in favor of the motion to have Ordinance No. 223 published. Three members were against the motion. The motion did not pass by majority vote.

**TOPIC FOR DISCUSSION**  
Vacating a portion  
of Jones Street

Manager Greene stated the City has been approached by C/G Electrodes to vacate a portion of Jones Street, a City street, near the C/G gatehouse along Lincoln Avenue. The portion of Jones Street in question serves no useful purpose to the City and would in fact best serve the interests of the City to convey the property to C/G Electrodes.

C/G will use the property to better serve ingress and egress of company traffic around the gatehouse area. There would be a required right-of-way for a private homeowner to gain access to his garage. C/G indicated that they will have their attorney process all paperwork on this project.

C/G's Attorney Thomas Wagner will contact the City's Solicitor with all the information. City Council will have to hold a Public Hearing and an Ordinance will have to be prepared for publication before being finally adopted.

The City also received a letter from Attorney Thomas G. Wagner enclosing a copy of a proposed deed for the conveyance of this property.

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CITIZEN COMMENTS ON  
NON-AGENDA TOPICS

Thomas Farley made a motion to proceed with the abandonment of a portion of Jones Street, seconded by Sean Gabler, and all were in favor.

There were no comments from citizens on non-agenda topics.

COUNCIL COMMENTS  
Richard Dornisch

Richard Dornisch expressed his opposition on holding trick or treat on the weekend and felt it should be held on October 31st.

Sean Gabler

Sean Gabler was in favor of keeping trick or treating on the weekend.

Steven Skok

Steven Skok stated the fall clean-up day was a success. He commended the City staff for the great job they did. Around 20 roll-off containers were filled.

Mr. Skok also stated he was approached regarding a section of Teaberry Road, before the bridge, where the road is dipping.

Thomas Farley

Thomas Farley read a statement regarding septic waste that appeared in the Daily Press on September 20, 2006. The headline of the article was "Waste Authority Discusses Grants, Programs" which stated a discussion was held concerning sewage that has been taken from a homeowners septic tank and applied on private property located within the City of St. Marys. The concern that heavy metals such as copper and nickel could be in the waste stream from individuals who work in the powder metal industries. When they bathe and wash their clothes at home, these heavy metal particles then go into the septic tank.

The article also stated that DEP has no requirements concerning heavy metal deposits of this kind in the residential sphere, and that Elk County would be one of the few areas that would have to deal with the problem.

Mr. Farley commented it would not be an Elk County problem, it would be the City of St. Marys' problem. If the septic waste is dumped outside the City limits, then it would be a County problem.

Mr. Farley then proceeded to list items he would like noted:

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- The Manager is to find out from the Solid Waste Authority if a letter has every been written. Obtain a copy and provide Council with copies.
- Advise the Solid Waste Authority that the City needs all correspondence regarding this issue.
- The City currently has several sites that require remediation from previous dumping of sewage waste that occurred prior to consolidation.
- When did the hauler of septic waste acquire a permit for the application of sewage waste within City limits?
- Why is this waste being dumped on private property and not taken to the Sewage Treatment Plant?
- There are additional industries where people are employed that could also be a source of contamination of heavy metals not mentioned in the news article.
- It was Mr. Farley's opinion that this activity needs to cease immediately. The City does not need additional properties contaminated.

Manager Greene replied that Buerks' has a permit for a 6,000 gallon holding tank on his property on Brusselles Street and a 500 gallon tank for lime slurry, which he will mix with the sludge before land applying. The Manager was unsure if DEP permitted the application of sludge to private properties.

Richard Dornisch questioned about whether land application of sewage was a contemporary industry happening in many different areas or if this was a unique situation.

Sean Gabler felt it was a commercial venture to dispose of the material with little expense as possible.

Thomas Farley wanted to go on record that he is definitely opposed to the application of septic waste on private property.

Solicitor French felt the City would not be responsible for the remediation of the land in the future if there are complications because the City is not the permitting agency, it is DEP.

## CITY OF SAINT MARYS RESCHEDULE REGULAR COUNCIL MEETING

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Zoning Ordinance to  
be sent to the Elk  
Co. Planning Com.

A motion was made by Steven Skok to start the process of putting the new proposed zoning ordinance through by sending the ordinance to the Elk County Planning Commission for their review. The motion was seconded by Thomas Farley, and all were in favor.

**ANNOUNCEMENTS**

Mayor Geyer made the following announcements:

- Next Council rescheduled worksession will be held on Monday, October 9, 2006 at 7:00 p.m.
- Trick or Treat will be held on Saturday, October 28, 2006 from 6:00 p.m. to 9:00 p.m. porch light invitation only.

**ADJOURNMENT**

Steven Skok made a motion to adjourn the meeting.

  
Mayor

  
Recording Secretary