

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

AUGUST 17, 2015

- CALL TO ORDER** The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, August 17, 2015 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 August 13, 2015, posted at City Hall and published in the Daily Press.
- PLEDGE TO THE FLAG**
- ROLL CALL** Present: Mayor Robert Howard, Gary Anderson, Sally Geyer, Nedward Jacob, Gregory Gebauer, Lou Radkowski, Bob Mohr, Solicitor Thomas Wagner, Acting Managers, Todd Caltagarone and Tim Brennan.
- VISITORS** Visitors included: Katie Weidenboerner, Paula Weyant, Carrie Carroll, Deb Young, Paul Fleming, Amy Cherry, Cherie Pichler, Mike Brock, Mason Catalone, Warren Stewart and Samuel Sulkosky.
- APPROVAL OF MINUTES**
August 3, 2015
Motion Passed Sally Geyer made a motion to approve the minutes of August 3, 2015, seconded by Gary Anderson and all were in favor.
- REPORT ON EXECUTIVE SESSION** Mayor Howard stated an Executive Session was held on Monday, August 3, 2015 following the Council meeting regarding personnel matters. No decisions were made.
- SPECIAL PRESENTATION:**
Councilwoman Sally Geyer, re: Planning of the 175th celebration of the founding of St. Marys Councilwoman Sally Geyer provided information on the planning of the 175th celebration of the founding of St. Marys in the year 2017. She explained after a discussion with former Councilman Richard Dornisch they agreed to hold two meetings to determine the level of interest in planning the celebration. The meetings will be held at the St. Marys Legion at 6:30 p.m. on August 20th and August 27th. All those interested were encouraged to attend either or both meetings. Councilwoman Geyer further explained the meetings will help determine how to proceed with the structure of committees, the need for a single or multiple chairpersons and fundraising ideas for the event.
- Mayor Howard thanked her for the presentation.
- CITIZEN COMMENTS ON AGENDA TOPICS** There were no citizen comments on agenda topics.
- MAYOR'S REPORT** Mayor Howard provided the following report:
- Attended the opening ceremony for the Elk County Fair
 - Attended a meeting regarding Penn Highlands Elk Hospital
- SOLICITOR'S REPORT** Solicitor Wagner stated he and the Acting City Managers have been working on a response to the Bureau of Aviation regarding issues with the Airport Industrial Park. Once the information has been compiled it will be submitted to the Bureau.
- Solicitor Wagner also stated the Oil & Gas regulations were on tonight's agenda for discussion.

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**APPROVAL OF
EXPENDITURES**
Motion Passed

Gary Anderson made a motion to approve the Expenditures from July 19, 2015 until August 15, 2015, seconded by Bob Mohr and all were in favor.

TREASURER'S REPORT

Mayor Howard gave the following Treasurer's Report for July 31, 2015:

Total Revenue collected for the General Fund was at \$4.35 million and last year was 4.4 million and in 2013 was \$4.5 million. Total Expenditures for the General Fund as of July 31, 2015 was at \$3.9 million and for last year was \$3.1 million and in 2013 was \$2.6 million. Revenues collected for the General Fund was at 58 percent of budget and Expenditures were at 51 percent of budget. Last year at this time Revenue was at 73 percent and Expenditures were at 51 percent of budget. Cash on hand for the Sewage Treatment Fund as of July 31, 2015 was \$1,149,624 and for July 31, 2014 it was \$855,377, a difference of \$294,247.

LEGISLATIVE ACTION:
Request from the Bavarian Fall Fest
Committee

Paula Weyant, committee member of the Bavarian Fall Fest, requested the following for the Bavarian Fall Fest to be held on Friday, September 18, Saturday September 19 and Sunday September 20, 2015 :

- Festival to be held in same location as last year (food booths set up in municipal parking lot off of market street, vendors set up along grassy area of the boulevard and diamond. We will need the first few parking spots on Tommy Jon's side of boulevard for vendors with trailers.).
- We are requesting a few parking spots on Center St. all weekend long. (We lost 3 spots with the placement of the Rotary clock.) We continue to grow each year.
- Festival hours to be 9 am to 10 pm on Friday Sept 18th and Saturday Sept 19th, and 9 am to 3 pm on Sunday Sept 20th
- Closure of Market Street from city parking lot entrance on Gunners side to back parking lot of Corner Restaurant (Thursday evening after 2am until Sunday after clean-up of parking lot. We will need the saw horses and orange cones.)
- The Kidz Zone will be at the South St. Marys Street Elementary school.
- Waiving of the open container law for Friday Sept 18th from 6 pm till 10 pm & Saturday Sept 19th from 2:30 pm till 10 pm. No glass containers outside. Bars will use plastic.
 - Volunteers will monitor this throughout the event.
 - Signage will be in place.
- Use the city power outlets. (where applicable)
- Permission to add more power where needed. Fall Fest will assume all costs to add electric.
- Free parking Friday and Saturday and Sunday.
- NO PARKING for meters around vendor locations (along Gunners side of the boulevard)
- Permission to decorate the parking meters and throughout the city.
- City trash emptied and street sweeper ran in municipal lot off of Market Street week before event.
- Need to speak with someone with knowledge of timers on lights around the Diamond.

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Motion Sally Geyer made a motion to approve the above listed requests and also that Ms. Weyant meet with City Engineer, Tim Brennan, regarding the power on the Diamond, seconded by Nedward Jacob.

Discussion Lou Radkowski questioned if clarification was needed for waiving of the open container law for a designated area and Acting Manager Todd Caltagarone responded the designated areas are the Market Street municipal parking lot and the closed portion of Market Street.

Paula Weyant stated signage will be placed to inform those attending the festival of the designated area.

Gary Anderson clarified plastic containers and cans only.

Sally Geyer commented most festivals have converted to a no glass policy.

Bob Mohr requested recycling containers be utilized and Ms. Weyant responded she would add them in with the garbage containers.

Ms. Weyant clarified only the parking spaces along the gravel lot on Center Street were needed.

Motion Passed All were in favor to approve the requests from the Bavarian Fall Fest committee.

Lou Radkowski questioned if the motion should clarify the waiver of the open container and Acting Manager Caltagarone responded the open container waiver only applies to beer, not alcohol. He further clarified the designated area with Ms. Weyant will be the Market Street parking lot and the barricaded portion of Market Street.

Added to agenda "Jake Brakes"
Motion Passed Nedward Jacob made a motion to add "Jake Brakes" as item B. to topics for discussion, seconded Gregory Gebauer and all were in favor.

TOPICS FOR DISCUSSION:
Oil & Gas ordinance proposed revisions

Solicitor Wagner explained he had sent Council members a "marked-up" draft of the proposed revisions to the Oil and Gas ordinance along with comments that responded to the questions the Planning Commission had regarding the previous draft. He explained he took the Planning Commission comments, Oil & Gas committee meetings, and comments received from Seneca Resources and modified the draft accordingly.

The first significant change noted was in Section One subsection D which repeals the current section 459 in its entirety. The current section 459 deals with the version of the ordinance that was enacted under Act 13 which portions of the Act have been overturned.

The next change was Section 112 in which the definition of an occupied structure was changed from occupation to occupancy and he also noted that dogs are not farm animals.

The definition of well pad was also changed to enable the

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permitting of the well pad instead of each individual well and expanded the definition to include any area used for drilling activities.

Section 3 subsection B added natural gas compression stations as a conditional use and removed them from industrial districts in Section 4 to allow the processing at the drilling site.

Section 5 expanded the regulations of conditional use to include disposal wells and compression stations. Section 5 subsection 1. D. added language to adjust setback requirements if the applicant can demonstrate that the topography surrounding the well pad is such that it provides a natural barrier to noise, dust and other adverse impacts to neighboring property, Ex. hillside as a barrier subsection 1. E. changed the decibel level to 65 dbA or the applicable standard imposed by federal law, whichever is less, measured at the boundary of neighboring properties. Subsection 3. was changed from the applicant shall submit a traffic impact report to the applicant shall submit a traffic plan. Subsection 5. Added an application for natural gas compression stations shall include: a plan showing the location of the station site with GPS coordinates; a plan for noise abatement and a proposed schedule for installation and removal of the station. Subsection 6. added language that the City may require the applicant to post a surety bond in an amount not exceeding \$_____ for the purpose of protecting potable water supplies downstream from the well pad or disposal well site. The not to exceed amount still needed to be determined.

Council and the Solicitor discussed the requirements of water testing.

Section 5 subsection 8 provides Council the authority to impose additional conditions on the grant of a permit for a well pad or disposal site where City Council finds the proposed development operations at the well site may conflict with best practices as listed in subsection 7.

Also in Section 5 subsection 3. E. added language for installation of signs to discourage or control the use of "jake brakes".

Solicitor Wagner explained the Planning Commission questioned if the applicant cannot meet a provision of the ordinance does it go to the Zoning Hearing Board or to City Council?

Solicitor Wagner explained all conditional use applications will go to City Council. If there is an issue regarding something at the well site, the applicant could request relief from City Council during the conditional use process or could apply to the Zoning Hearing Board for a variance.

Solicitor Wagner stated he also incorporated the Planning Commission's request to include the well location on the application.

The Solicitor and Council discussed the proposed

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revisions and it was determined the proposed revisions will be discussed at the next Planning Commission meeting on September 1st and will be brought back to Council at their September 8th worksession.

Jake Brakes (added to agenda)

Nedward Jacob explained he had received complaints regarding the use of "Jake Brakes" due to increased traffic. He requested more information on what authority the City has regarding the use of "Jake Brakes".

Council discussed the matter and had concerns with liability and enforcement. They questioned if it was a "jake brake" issue or a noise issue and discussed Council's numerous previous reviews and discussions on the issue.

Acting Manager Caltagarone will compile information on the subject and bring it back to Council for their review.

**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

Paul Fleming

Paul Fleming expressed his agreement with Jake Brake restrictions. He also requested a copy of the proposed revisions to the Oil & Gas ordinance and stated his concerns with the Oil & Gas proposed revisions.

Art Colaprete

Art Colaprete stated his concerns with the Oil & Gas proposed revisions.

Mike Brock

Mike Brock stated his concerns with the Oil & Gas proposed revisions.

COUNCIL COMMENTS

Councilman Anderson
Paving Loan

Councilman Anderson questioned the status of the paving (PIB) loan and Acting Manager Tim Brennan responded he was still awaiting notification of its approval.

Councilman Jacob
Basketball courts and downtown
flowers

Councilman Jacob commented on the newly resurfaced basketball courts at Memorial Park and suggested the residents see how well it turned out. He also commented how nice the flowers looked downtown.

Councilman Radkowski
Downtown flowers

Councilman Radkowski commented the group responsible for the flowers were looking for contributions for next year and were still in need of help watering.

Mayor Howard
Thank you to Acting Managers

Mayor Howard stated his thanks to Acting Managers Tim Brennan and Todd Caltagarone for a continuing great job.

ANNOUNCEMENTS

Mayor Howard made the following announcements:

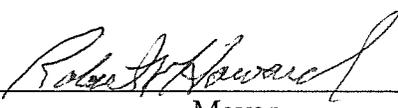
- The next Council rescheduled worksession will be held Tuesday, September 8, 2015 at 7:00 p.m. at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 8:23 p.m.



Recording Secretary



Mayor