

SEPTEMBER 19, 2016

**CALL TO ORDER**

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, September 19, 2016 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 September 15, 2016, posted at City Hall and published in the Daily Press.

**PLEDGE TO THE FLAG****ROLL CALL**

Present: Mayor Robert Howard, Gregory Gebauer, Gary Anderson, Nedward Jacob, Andrew Mohney, Bob Mohr, Lou Radkowski, Manager Timothy Pearson and Solicitor Tom Wagner.

**VISITORS**

Visitors included: Matt Young, Amy Cherry, Richard Sadley, Tina Gradizzi, Jim Wolfe, Chuck Abraham and Warren Stewart.

Ron Haberberger did not sign in.

**APPROVAL OF MINUTES**  
September 6, 2016  
Motion Passed

Nedward Jacob made a motion to approve the minutes of September 6, 2016, seconded by Gary Anderson and all were in favor, except Bob Mohr who abstained.

**CITIZEN COMMENTS ON**  
**AGENDA TOPICS**

Ron Haberberger stated his concerns with the City's current outdoor burning ordinance. He provided Council with a copy of an ordinance from another municipality in the State of New York, which he believed was very clear and concise.

Council, the Manager and the Solicitor discussed his concerns. Manager Pearson clarified the item will be discussed further under topics for discussion.

**MAYOR'S REPORT**

Mayor reported the following:

- Attending the Opening Ceremony of the Elk County Fair
- Attending the dedication of the Kinzua Bridge Visitor's Center
- Attended the Elk County Mayor's Association meeting

**MANAGER'S REPORT**

Manager Pearson provided the following report:

- Congratulations to the Bavarian Fall Fest committee members. The Manager attended and spoke at the opening ceremony and also participated in the "dunking booth".
- PennDOT had painted lines for crosswalks etc. for the recently completed downtown paving project and the City crew will be painting the parking spots.
- The City's tar and chip program will be finishing up soon and next week the City crew will be sweeping the loose chip along those roadways.
- The City is still working with PennDOT regarding the catch basins that are below the grade of the road within the completed paving project.
- The City is currently accepting applications for a part-time receptionist.

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Nedward Jacob questioned when the base repair work would begin in the Grandview Road area and Manager Pearson responded he was not sure but he would find out and let Council know.

Bob Mohr described a rubber type of riser that covers below grade manhole covers and suggested the City look into them.

Manager Pearson responded he would forward the suggestion to the Public Works Department.

**SOLICITOR'S REPORT**

Solicitor Wagner noted the continuation hearing of Seneca Resources Zoning appeal is scheduled for Thursday, September 22, 2016 at 6:00 p.m. The Board will most likely set a schedule for final submissions from both parties and sometime after that occurs a decision will be made by the Board.

**TREASURER'S REPORT**

Manager Pearson provided the following Treasurer's Report as of August 31, 2016:

Total Revenue for the General Fund was at 92.6 percent of Budget, if the PIB loan is subtracted it would be 76.7 percent, compared to last year of 62 percent of Budget. Total Expenditures were 50 percent of Budget for the General Fund and for 2015 was at 56 percent of Budget. Cash flow for the General Fund as of August 31, 2016 was \$4,077,139 compared to 2015 of \$3,400,507. Cash flow for the Sewage Treatment Fund as of August 31, 2016 was \$1,048,423 compared to 2015 of \$1,080,789. Market value for the Pension Plans increased this month and was above market value as of the end of August, 2015.

**LEGISLATIVE ACTION:**  
504 Self Evaluation Plan and Notice

Tina Gradizzi, Community & Economic Development Coordinator, explained because the City is a C.D.B.G. Entitlement applicant with over fifteen employees, a 504 Self Evaluation Plan for Handicap Accessibility for all of the City's buildings and facilities is required. The City also must designate a Section 504 Officer annually within their municipality.

## Motion Passed

Gary Anderson made a motion to approve the 504 Self Evaluation Plan and appoint Ted Polinski as the 504 Officer, seconded by Bob Mohr and all were in favor.

## Updated Section 3 Plan

Tina Gradizzi, Community & Economic Development Coordinator, explained the Section 3 Plan was also a requirement due to the City receiving federal funding. The Plan needed updated to reflect the current Council members and new City Manager.

## Motion Passed

Nedward Jacob made a motion to approve the updated 2016 Section 3 Plan, seconded by Gary Anderson and all were in favor.

Subdivision Application:  
Richard and Lynn Schatz, E.  
Eschbach Road

A subdivision application was presented from Richard and Lynn Schatz for property located on E. Eschbach Road. The subdivision proposed to subdivide a 0.170 acre lot from a 95.092 acre parcel as a side lot addition to an existing parcel owned by Gwen M. Catalone and Joseph J. Scancellia with an existing single family dwelling and public water and public sewage disposal. The residual parcel contains an existing single family dwelling and is 94.922 acres in size. No new building lots will be created as a result of this subdivision. The

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Planning Commission had no comments on the subdivision.

Motion Passed

Gary Anderson made a motion to approve the Richard and Lynn Schatz subdivision application, seconded by Nedward Jacob and all were in favor.

Appointment of voting delegate for PML

Manager Pearson explained, since he was attending the 2016 Pennsylvania Municipal League (PML) annual summit conference this year, he requested to be appointed as the City's voting delegate.

Motion Passed

Nedward Jacob made a motion to appoint the City Manager Tim Pearson as the PML voting delegate, seconded by Bob Mohr and all were in favor.

**TOPICS FOR DISCUSSION:**  
Outdoor Burning Ordinance

Manager Pearson explained as discussed earlier the Outdoor Burning Ordinance was on the agenda for discussion. Code Enforcement Officer Matt Young was present to explain the current ordinance and the enforcement issues and answer any questions. A draft of proposed changes to the current ordinance was presented at a previous Council meeting but was never acted upon.

Matt Young explained Chapter 7 – Fire Prevention and Fire Protection and Chapter 20 – Solid Waste were both being presented to Council tonight since both Chapters address outdoor burning restrictions. Chapter 7, Part 1 deals with Outdoor Fires, the purpose, definitions, restrictions, contained and uncontained fires and penalties. Chapter 20, Solid Waste deals with the definition of leaf and yard waste that must be recycled and not burned. The restriction and/or the definition of recyclable material made enforcement very difficult.

The following are the highlights from the discussion:

Nuisance complaints need to be determined at the discretion of the Code Enforcement Officer. They should be permitted to investigate using their best judgement. If the resident disagrees then the Manager could review the matter.

The ability to exercise judgement and not have residents be automatically cited for a received complaint.

Definitions need to be clarified for all outdoor burning.

The last draft that was presented would be reviewed and further recommendations would be presented.

Time constraints and times of enforcement and clarification of who enforces the ordinance after normal business hours.

Did Council prefer a fully restrictive ordinance regarding the type of wood permitted to be burned or not?

Recognize two zoning district areas, urban area with small lots and more densely populated compared to the agriculture areas. It was suggested to have different restrictions.

The frequency of resident's use of ordinances for neighbor disputes.

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After the lengthy discussion by Council, the Manager, the Solicitor, Matt Young and resident Ron Haberberger, it was determined to have the Code Enforcement Officers present their recommendations to Council to address the contradictions and the necessary clarification needed within Chapter 7 & 20 of the City Code.

CITIZEN COMMENTS ON  
NON-AGENDA TOPICS

Jim Wolfe, representative of the Recreation Board, provided the following update on the use of the donated funds given to the Recreation Board for capital projects:

Resurfaced the tennis courts at Benzinger Park – \$20,475.00  
Purchase property on Fleming Rd. – \$12,475.98

Also working on the handicap accessibility within all the City Parks.

## COUNCIL COMMENTS

Gary Anderson questioned if the City would reclaim the sweepings from the tar and chip program clean-up and Manager Pearson confirmed this.

Nedward Jacob congratulated the Bavarian Fall Fest committee members for their quick clean-up of the downtown.

Mayor Howard wanted to echo all the positive comments on the Bavarian Fall Fest.

Bob Mohr commented the Fire Department also had an excellent pancake breakfast in conjunction with the festival.

## ANNOUNCEMENTS

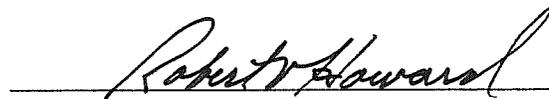
Mayor Howard made the following announcements:

- The next Council worksession will be held Monday, October 3, 2016 at 7:00 p.m. at City Hall.
- Trick or Treat will be held Monday, October 31, 2016 from 6 – 8 p.m.
- The rededication ceremony for Decker's Chapel will be held this Friday.

## ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 8:14 p.m.

  
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Recording Secretary

  
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Mayor