

CITY OF SAINT MARYS COUNCIL RESCHEDULED WORKSESSION

SEPTEMBER 8, 2015

CALL TO ORDER

A Council rescheduled worksession of the City of Saint Marys was called to order by Deputy Mayor Gregory Gebauer on Tuesday, September 8, 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 September 3, 2015, posted at City Hall, and published in the Daily Press.

PLEDGE TO THE FLAG**ROLL CALL**

Present: Nedward Jacob, Gregory Gebauer, Gary Anderson, Lou Radkowski, Sally Geyer, Bob Mohr, Acting Managers Todd Caltagarone and Tim Brennan. Mayor Robert Howard and Solicitor Thomas Wagner were excused.

VISITORS

Visitors included: Tim Pearson, Alan Solic, Amy Cherry, Katie Weidenboerner, Colin Deppen, Richard Sadley, Tina Gradizzi, Samuel Sulkosky, Mason Catalone and Sean Radkowski.

APPROVAL OF MINUTES
August 17, 2015
Motion Passed

Sally Geyer made a motion to approve the minutes of August 17, 2015, seconded by Gary Anderson and all were in favor.

REPORT ON EXECUTIVE SESSIONS:

Deputy Mayor Gebauer stated Executive Sessions were held on the following dates and times regarding personnel matters: August 19th at 3:00 p.m., August 20th at noon, September 2nd at 3:00 p.m., September 3rd at noon and September 8th at 6:00 p.m. No decisions were made.

ADDITIONAL TOPICS FOR DISCUSSION:

Bob Mohr requested E. Grandview Road
Gary Anderson requested F. Update on Municipal Authority Refinance of Bonds

Motion Passed

Sally Geyer made a motion to add the above listed items, seconded by Lou Radkowski and all were in favor.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

LEGISLATIVE ACTION:

Consider for adoption:
Resolution No. 15-8, re: Extending the terms for areas designated as Keystone Opportunity Expansion Zones (KOEZ) and Keystone Opportunity Improvement Zones (KOIZ)

Resolution No. 15-8 was presented for adoption extending the term of exemptions, deductions, abatements and credit for real property, earned income tax, net profits mercantile and business privilege taxes within a specific geographic area in the City of St. Marys designated as a Keystone Opportunity Expansion Zone (KOEZ) or Keystone Opportunity Improvement Zone (KOIZ) in order to foster economic opportunities, stimulate industrial, commercial and residential improvements and prevent physical and infrastructure deterioration within areas of the City of St. Marys, upon certain terms and conditions.

Motion

Sally Geyer made a motion to adopt Resolution No. 15-8, seconded by Nedward Jacob.

Discussion

Sally Geyer commented it was a good idea.

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Nedward Jacob questioned if Resolution would extend for those businesses already approved and Tim Brennan responded no, the extension was only for vacant property.

Sally Geyer commented the extension was for businesses to expand by purchasing property in the designated areas.

Gary Anderson questioned how the lots were selected and Tim Brennan responded by application and asking the current owners if they wanted to "re-up".

Gregory Gebauer stated he believed the other taxing bodies need to approve also and Tim Brennan responded that was correct. The County had already approved the extension.

Motion Passed

All were in favor to adopt Resolution No. 15-8.

Award of Bid: 2015 Paving Project

Acting Manager Tim Brennan stated on Thursday May 7, 2015 bids were opened for a paving project for various streets for 2015. The City was waiting for approval of a PIB loan but since has determined a way to bridge the funding until the PIB loan is approved. Street Superintendent, Steve Samick, recommended the bid be awarded to New Enterprise Stone & Lime as overall low bidder. The bid breakdown was as follows:

New Enterprise - \$1,334,377.70

HRI - \$1,396,665.20

GO Hawbaker - \$1,432,111.70

Motion

Sally Geyer made a motion to award the bid as recommended, seconded by Nedward Jacob.

Discussion

Gary Anderson clarified the City could still receive the PIB loan for the project and Acting Manager Brennan agreed.

Bob Mohr questioned when the project would begin and Acting Manager Brennan responded the contractor would like to begin within the next few weeks with completion in October.

Motion Passed

All were in favor to award the bid as recommended.

2015 Minimum Municipal
Obligation for Pension Plans
(M.M.O.'s)

Acting Manager Tim Brennan explained a copy of the 2016 M.M. O. Report were being presented for Council's approval. The reports are done every year. Act 205 requires the reports be submitted and approved by the governing body of the City by September 30, 2015. Total requirements for the Police Pension is \$226,895 and for the Non-Uniformed Pension is \$131,972 for a total of \$358,867. A listing of a summary of the requirements along with the amount received from Act 205 and the City's contributions was also provided.

Council briefly discussed the increase in the City's contribution, the funding status of the pension plans, and the calculations to determine the requirements.

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- Motion Passed Gary Anderson made a motion to approve the 2016 M.M.O. Reports, seconded by Bob Mohr and all were in favor.
- Subdivision Application: Louis and Monica Radkowski A subdivision application was presented from Louis and Monica Radkowski for property at 167 Center Street. The subdivision proposed to subdivide a 0.042 acre lot from a 0.230 acre parcel as a side lot addition to an adjoining parcel. The residual parcel contains a single family dwelling with public utilities. The receiving parcel contains a funeral home and associated parking lot with public utilities. No new building lots will result from this subdivision. The minimum lot size for a lot in the CB district is 5,000 square feet. The lack of access to parcel 13-13-236-3985 is existing and unchanged as a result of this subdivision. The Planning Commission recommended approval of the subdivision with the following comment:
The lack of access to parcel 13-13-236-3985 is nonconforming and could be solved by consolidating the parcels.
- Motion Gary Anderson made a motion to accept the Planning Commission's recommendations, seconded by Sally Geyer.
- Request for clarification Acting Manager Brennan requested a clarification of the motion.
- Amended motion Gary Anderson amended his motion to approve the subdivision application by following the Planning Commission's recommendation to solve the issue by consolidating the parcels, seconded by Gregory Gebauer.
- Discussion Sally Geyer questioned if the motion would require a right of way and Acting Manager Brennan responded it would require the Radkowski's to consolidate the parcels.
Deputy Mayor Gebauer clarified the consolidation would only require a new deed.
- Motion Passed All were in favor to approve the subdivision with the Planning Commission's recommendation to consolidate the parcels, except Lou Radkowski who abstained.
- LERTA Application: Keystone Powdered Metal Company Keystone Powdered Metal Company has submitted an application to the City in regards to the Local Economic Revitalization Tax Assistance Act (LERTA) Program for construction of a permanent steel building as an addition to their industrial plant. The request has been approved by the school district and the county assessment office.
- Motion Passed Nedward Jacob made a motion to approve the LERTA application for Keystone Powdered Metal Company, seconded by Bob Mohr and all were in favor, except Gary Anderson who abstained.
- Request for use of parking garage for motorcycle toy run Alan Solic explained a motorcycle toy run to benefit the Project Gifts for Elk County will be held in connection with the Bavarian Fall Fest on September 19th, 2015. This same request was made last year. He requested the use of

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the upper deck of the City's parking garage as the location for the end of toy run.

Motion Passed

Sally Geyer made a motion to approve the request, seconded by Gary Anderson and all were in favor.

TOPICS FOR DISCUSSION:
Stackpole-Hall Grant for
Emergency Management

Tim Pearson, Emergency Management Agency Coordinator, explained funding details for the generator project and the Community Notification system. The total original amount of the combined grant request was \$24,200. A distribution of \$13,200 was awarded for the emergency generator portion of the grant request. In order to receive the rest of the requested grant funding for the community wide emergency notification project from the Stackpole-Hall foundation in the amount of \$11,000, a commitment from Council for ongoing support of the community notification system and the expansion of the project on a county wide basis was being requested.

Mr. Pearson explained how the costs for the notification system were determined and after one year of collected data the costs in the future would be based on actual usage.

Council, Mr. Pearson and Acting Manager Caltagarone had a lengthy discussion regarding possible disaster scenarios, different options for sending out notifications, and comparable systems in the area, including Elk County.

Council also discussed their concerns with the future funding and costs of the notification system. They requested Mr. Pearson obtain a breakdown of costs per household for the system and determine if any funds would need to be repaid before making a commitment.

Engine "Jake" Brake restrictions

Acting Manager Todd Caltagarone explained, as Council had requested, he had further researched the engine "jake" brake restrictions. He had contacted other municipalities and provided Council with copies of their ordinances and also included the applicable section of Title 67. He explained his inquiry focused on the critical nature of the braking system and the effectiveness and enforceability of a local ordinance prohibiting the use of engine brake systems. Engine brake systems/ retarders are supplemental and not a critical component of the brake system. They are for use descending steep grades and only slow a vehicle. They are not designed to bring a vehicle to a complete stop. The speed limit and relatively flat grade leading into the City from all directions would not normally require the use of an engine brake system. The issue is the ambient noise that the system generates and the hydrocarbons that are produced by the exhaust system. The level of those two issues is dependent on any after-market modifications to the system. Title 67 states that a local municipality may not prohibit the use of brake retarders for vehicles that are in excess of 80,000 pounds unless they obtain written approval from PennDOT. There is a consensus of the municipalities that have enacted ordinances that even though the ordinance is

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difficult if not impossible to enforce, it has produced a positive impact.

Nedward Jacob wanted to pursue the matter.

Gregory Gebauer opposed the matter and referenced the Commercial Driver's manual. He was also concerned with enforcement of an ordinance.

Lou Radkowski questioned if the other municipalities had a problem after enacting an ordinance and Acting Manager Todd Caltagarone responded the municipalities received phone calls from residents requesting the ordinance be enforced.

Sally Geyer commented once the ordinance was enacted the residents would expect it to be enforced.

Lou Radkowski questioned if there was any hard data that proved a reduction of the use of the engine brakes after enacting an ordinance and Acting Manager Caltagarone responded no, just a perception of a decrease.

Nedward Jacob stated four other local municipalities have enacted ordinances to restrict engine brakes. He believed St. Marys should do the same.

Sally Geyer questioned how the other municipalities were enforcing the ordinance and Acting Manager Todd Caltagarone responded they are not enforcing it.

Sally Geyer stated she believed the City should not place restrictions on how drivers use their braking systems and Nedward Jacob responded the posted speed limit should not require the use of an engine brake. Sally Geyer responded it was a speed issue then, not a brake issue.

Gregory Gebauer stated he would rather see signage reminding drivers to reduce their speed.

Acting Manager Caltagarone commented some drivers have the engine brake switch on all the time.

Gary Anderson stated he believed since there was a decibel requirement since 1989 on new vehicles, any modifications to the vehicle would be an inspection violation, which may be any easier way to enforce a violation and Acting Manager Caltagarone agreed it would be an inspection violation but a decibel level violation would need specific training and equipment.

Motion

Nedward Jacob made a motion to get with PennDOT to see if they will allow the City to have an ordinance for brake retarders in the 25 mph speed zones within the City.

Acting Manager Caltagarone asked Councilman Jacob to restate the motion.

Restated Motion

Nedward Jacob restated, to go to PennDOT to see if they will allow the City to have a brake retarder ordinance within the 25 mph speed zones.

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- Acting Manager Caltagarone stated the City can do that already, except for vehicles over 80,000 pounds gross weight.
- Amended Motion Nedward Jacob amended his motion to include vehicles over the 80,000 pounds gross weight.
- Discussion/Clarification of Motion After a brief discussion, Deputy Mayor Gebauer asked for clarification of the entire motion.
- Acting Manager Caltagarone stated Councilman Jacob made a motion to have the Acting Manager's seek PennDOT approval to prohibit the use of engine brakes systems for any vehicle over 80,000 pounds gross weight within the City's 25 mph speed zones.
- Nedward Jacob stated that was correct.
- Motion Seconded The motion was seconded by Lou Radkowski.
- Roll Call Vote – Motion Passed On a roll call vote Gary Anderson, Bob Mohr, Lou Radkowski and Nedward Jacob voted in the positive and Deputy Mayor Gebauer and Sally Geyer voted in the negative. Motion passed 4 to 2.
- Deputy Mayor Gebauer stated a vehicle over 80,000 pounds would not be a vehicle that you would want to restrict the use of an engine brake.
- Nedward Jacob stated it was not a part of the braking system and was only to keep it under control.
- A simultaneous discussion began between Deputy Mayor Gebauer, Councilman Jacob and Councilwoman Geyer when Councilman Gary Anderson noted a point of order that the discussion had already ended.
- Code Book Revisions Matthew Pfeufer, Zoning Officer and Code Enforcement Official, presented a list of changes/corrections to the City Code Book. Chapter 18 – Sewers and Sewage Disposal was being presented at tonight's meeting for Council's review and comments.
- Section 102 stating "the Authority performs inspections". Since only City staff does the inspections it was necessary to remove "the authority" from the language.
- Section 102.3 regarding allowing two principle buildings to be connected via one six (6) inch lateral. Council did not instruct any changes be made.
- Section 302.5 specifies that in the case of sewer rates determined by water consumption, only nonresidential users who use more than 30,000 gallons per quarter may request a rate reduction from the City and it is at the City's discretion. In 2014 the water and sewer billing lists were compared and several properties were identified that had a secondary water meter that were not being charged a sewer bill. This section specifies that the secondary water

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meter should be sent a sewer bill unless a rate reduction is approved by the City which has not been done to date.

Nedward Jacob stated he believed any secondary water meter should be billed and Mr. Pfeufer responded in some cases, if the user is a non-residential user, they are regulated and inspected by the Wastewater Treatment Plant to make sure the water used does not enter the sanitary system and do not receive a second bill.

Council, Acting Manager Brennan and Mr. Pfeufer discussed the matter and it was agreed any residential secondary water meter should receive a sewer bill and the City Code will be enforced as currently written.

Part 6 Property Inspection – Consider requiring compliance with City Code, ex. Property maintenance issues, before issuing a certificate of compliance. Mr. Pfeufer was requested to draft the proposal and forward to the Solicitor. Once a response from the Solicitor is received, Council will review it and provide direction to Mr. Pfeufer.

Council Committee Updates
Early Intervention Committee

Gary Anderson stated the committee had forwarded their list of recommendations to the Acting Managers for their review.

Emergency Management
Committee

Already discussed under Stackpole–Hall Grant for Emergency Management

Oil & Gas Activity Committee

Gary Anderson stated after several meetings a final draft will be prepared and presented to Council.

2015 City Goals Committee

Pending a new Manager.

Capital Improvement Planning
Committee

Will meet before the 2016 budget discussions.

Economic Development
Committee

Lou Radkowski stated no new applications have been submitted but the two previously approved projects will be receiving their checks soon.

Nedward Jacob questioned the status of the two approved projects and Tina Gradizzi, Community and Economic Development Coordinator, responded both businesses are scheduled to open by the end of September.

Lou Radkowski thanked the Redevelopment Authority for helping facilitate some of the funding.

Liaison Committee between
Council and Acting City Managers

Nedward Jacob stated the committee will be meeting with the Managers soon.

Search for new Manager
Committee

There was no update on the Search for a new Manager Committee.

Grandview Road (added to agenda)

Bob Mohr stated he had received numerous complaints on the road conditions from residents on Grandview and Wendel Road area. He questioned if there was anything that could be done and Acting Manager Brennan

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responded the paving program is scheduled to be working it that area next year for base repair.

Update on Municipal Authority Refinance of Bonds (added to agenda)

Gary Anderson stated himself and Councilman Jacob had attended several of the Municipal Authority's meetings and at their last meeting the Authority approved a refinance that would be approximately a \$152,000 savings over the next five (5) years. He wanted to thank the Municipal Authority for all of their hard work.

Deputy Mayor Gebauer agreed.

CITIZEN COMMENTS ON NON-AGENDA TOPICS

There were no citizen comments on non-agenda topics.

COUNCIL COMMENTS
Deputy Mayor Gebauer

Deputy Mayor Gebauer reminded Council and Acting Managers of the photo needed for the Elk County War Memorial time capsule ceremony to be held on Saturday, September 12th, 2015.

Deputy Mayor Gebauer requested minutes be taken during the upcoming budget workshops and the Recording Secretary agreed.

Councilwoman Geyer
175th celebration meeting

Councilwoman Geyer stated the next meeting for the 175th anniversary of the founding of St. Marys celebration will be held on September 17th at 6:30 at the St. Marys Legion for all those interested.

Councilwoman Geyer commented on what a good boy Councilman Radkowski's son was during this long Council meeting.

Councilman Radkowski
Bavarian Fall Fest

Councilman Radkowski wanted to encourage everyone to attend and support the upcoming Bavarian Fall Fest.

Councilman Anderson
South St. Marys Street Update

Councilman Anderson stated an update will be given at the next Council meeting on the South St. Marys Street Beautification Project by the Elk County Catholic Future Business Leaders Of America.

ANNOUNCEMENTS

Deputy Mayor Gebauer made the following announcement:

- The next Council meeting will be Monday, September 21, 2015 at 7:00 p.m. at City Hall.

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 8:41 p.m.



Recording Secretary



Deputy Mayor