

AUGUST 19, 2013

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, August 19, 2013 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 15, 2013, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG and Moment of Silence for former Mayor Ulmer Fritz

ROLL CALL

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

VISITORS

Visitors included: Bob Howard, Amy Cherry, Tina Gradizzi, Warren Stewart, Lou Radkowski, Richard Sadley, Mason Catalone, Karen Cappiello and Joe Boylan.

Matt Meyer and Matt Pfeufer did not sign in.

APPROVAL OF MINUTES
August 5, 2013

Daniel Hepner made a motion to approve the minutes, as revised, of August 5, 2013, seconded by Nedward Jacob and all were in favor.

PUBLIC HEARING: 2nd public hearing, re: 2013 CDBG

Mayor Geyer opened the public hearing at 7:01 p.m.

Tina Gradizzi, Community and Economic Development Coordinator explained this is the second and final public hearing to be held for the solicitation of public comments concerning 2013 CDBG projects. The first public hearing was held on Thursday, August 15, 2013 and both hearings were duly advertised.

Notes from the first public hearing are on record at the Community and Economic Development office located on the second floor of City Hall-Room 7.

The City was notified on August 6, 2013 that its 2013 CDBG Entitlement award is \$300,000. The proposed projects are:

The City will allot 18% to cover administration costs as in the past. \$54,000

Sewer Line Replacement and Road Improvements (Charles Street) Multi-Year Project: \$246,000

The City solicits Minority Business Enterprises (MBE's) and Women Business Enterprises (WBE's) for all projects that are bid. The City has set goals of 5% MBE and 3% WBE for all bids. The two plans were approved by Council in December 2010.

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Section 3 and Affirmative Action Plans have been given to Council for their review and approval after this public hearing. Ms. Gradizzi confirmed that the City has in place a "Drug-Free Work Place Policy" as well as an "Excessive Force Policy", a.k.a. "Non-Deadly Force Policy". All of these Plans are required to be in place before submitting the 2013 application; this is a HUD requirement for all Federal Funding.

A draft of the application will be on display from August 20, 2013 to September 4, 2013.

Public Comment

There were no public comments.

Hearing closed

Mayor Geyer closed the hearing at 7:05 p.m.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

MANAGER'S REPORT

July 12- Manager met with Representative Matt Gabler and visited homes on Windfall and Taft Road that had experienced flooding from heavy rains.

July 24- Manager attended the North Central Regional Planning and Development Commission Board of Directors meeting held in Ridgway.

July 24- Manager attended the North Central Enterprise Board of Directors meeting held in Ridgway.

July 25- Manager attended the Northern Tier Community Action Corporations Board of Directors meeting held in Emporium.

July 29- Manager attended the St. Marys Airport long range planning meeting held at the Airport office building.

August 1- Manager met with Andrew Hogue from Farmers National Bank to discuss the opening of the new bank office here at City Hall.

August 9- Manager attended the Grand Re-opening of Secco Designs new location on the Million Dollar Highway.

August 14- Manager attended the Community Economic Development Strategy Meeting held in Ridgway.

Manager Greene stated he had been informed by former Mayor Gerry Marshall that St. Marys Ontario, Canada would be hosting the "Town of St. Marys" from September 18th thru September 21st.

Manager Greene stated he had a complaint from an individual who was giving blood at the Red Cross

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blood drive at the Moose Club and received a parking ticket. The item would be placed on the next Council agenda for discussion.

Richard Dornisch requested an update on the Windfall/Taft Road flooding issue and Manager Greene responded he was waiting for Representative Gabler to return from the National Guard.

SOLICITOR'S REPORT

Solicitor Wagner commented he would address the Stormwater Management notice later on in the agenda.

APPROVAL OF EXPENDITURES

Motion

Richard Dornisch made a motion to approve the Expenditures from July 14, 2013 until August 17, 2013, seconded by Gary Anderson.

Questions

Mayor Geyer questioned a line item regarding a car allowance and Manger Greene responded it was for Fire Department members.

Richard Dornisch questioned a line item regarding an invoice for Otis elevator and Manager Greene responded it was for the six month service contract for the City Hall elevator. He would provide Council with a copy of the contract.

Mayor Geyer questioned a line item regarding Neopost and Manager Greene responded it was for the postage machine at City Hall.

Motion Passed

All were in favor to approve the Expenditures.

TREASURER'S REPORT

Mayor Geyer gave the following Treasurer's Report as of July 31, 2013:

Total Revenue collected for the General Fund was at \$4.5 million. Total Revenue for last year and in 2011 was at \$4 million. Total Expenditures for the General Fund as of July 31, 2013 was at \$2.6 million. Last year and in 2011 Expenditures were at \$2.8 million. Revenues collected for the General Fund were at 75 percent of budget and Expenditures were at 43 percent of budget. Last year at this time Revenues were at 67 percent and Expenditures were at 46 percent of budget. Cash on hand for the Sewage Treatment Fund as of July 31, 2013 was \$814,888.78 and for July 31, 2012 was \$1,116,370.61 for a difference of \$301,481.83.

Nedward Jacob questioned why the Airport Industrial Park Project showed a negative balance and Manger Greene responded he would look that information up.

LEGISLATIVE ACTION: Consider for publication, re: An ordinance making revisions and additions to Chapter 15 of the City Code, relating to parking

An ordinance was presented for publication making revisions and additions to Chapter 15 of the St. Marys City Code, relating to parking.

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- Solicitor Wagner explained the changes were recommended by the Police Department for minor revisions to provide consistency.
- Motion Passed Richard Dornisch made a motion to publish the Ordinance, seconded by Nedward Jacob and all were in favor.
- Consider for adoption: Resolution No. 13-14, re: 2013 CDBG Application Resolution No. 13-14 was presented for adoption authorizing the submittal of the 2013 Community Development Block Grant Application.
- Motion Passed Nedward Jacob made a motion to approve Resolution No, 13-14, seconded by Daniel Hepner and all were in favor.
- Acceptance of 2013 CDBG Projects The acceptance of 2013 CDBG Projects as mentioned at the public hearing was presented.
- Motion Passed Gary Anderson made a motion to accept the 2013 CDBG Projects, seconded by Daniel Hepner and all were in favor.
- Approval of Section 3 Plan The Section 3 Plan was presented for approval as required by the Housing and Urban Development Act of 1968 and is intended to ensure that when federal funds are being utilized and when employment or other economic opportunities generated by certain HUD financial assistance shall to the greater extent be feasible and consistent with Federal, State and local laws and regulations. The federal funds should also be directed to low and very low income persons particularly those who are recipients of government assistance for housing and to businesses that provide economic opportunity to those low income persons.
- Motion Nedward Jacob made a motion to approve the Section 3 Plan subject to the Solicitor's review, seconded by Gary Anderson.
- Discussion Daniel Hepner questioned if the Plan was from HUD and Ms. Gradizzi responded the Plan was jointly drafted by herself and the County and had to be submitted by September 6th.
- Motion Passed All were in favor to approve the Section 3 Plan subject to the Solicitor's review.
- Approval Affirmative Action Plan An Affirmative Action Plan was presented for approval undertaking to fully comply with all applicable Federal, State and Local laws relating to Equal Employment Opportunity, Affirmative Action and Non-Discrimination in public services. This was an update to the City's current Plan.
- Motion Richard Dornisch made a motion to approve the Plan subject to the Solicitor's review, seconded by Gary Anderson.

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Comment Solicitor Wagner commented he would review the Plan and recommended approval.

Motion Passed All were in favor to approve the Affirmative Action Plan subject to the Solicitor’s review.

Award of Bid, re: Blacktop Patching Services On Wednesday, August 14, 2013 the following bids were opened at a public meeting for the 2013 blacktop patching services.

Bidder	#1 1,874 tons 19mm Binder	#2 - Option 1 453 tons 19mm Binder	#2 - Option 2 296 & 148 tons 19mm Binder	#3 5,247 s.y. Blacktop Removal	#4 1,271 s.y (Lawrence) Blacktop Removal	#5 100 tons 2a Select Backfill
HRI, Inc.	\$95.00/ton	\$84.00/ton	19mm - \$84.00/ton \$24,864.00	\$9.25/s.y.	\$7.75/s.y.	\$60.00/ton
State College, PA	\$178,030.00	\$38,052.00	12 1/2mm - \$96.00/ton \$14,208.00	\$48,534.75	\$9,850.25	\$6,000.00
St. Marys Paving	\$126.00/ton	\$100.00/ton	19mm - \$100.00/ton \$29,600.00	\$10.00/s.y.	\$10.00/s.y.	\$30.00/ton
St. Marys, PA	\$236,124.00	\$45,300.00	12 1/2mm - \$110.00/ton \$16,280.00	\$52,470.00	\$12,710.00	\$3,000.00
G.O. Hawbaker	\$135.00/ton	\$135.00/ton	19mm - \$135.00/ton \$39,960.00	\$11.00/s.y.	\$11.00/s.y.	\$50.00/ton
Dubois, PA	\$252,990.00	\$61,155.00	12 1/2mm - \$150.00/ton \$22,200.00	\$57,717.00	\$13,981.00	\$5,000.00

HRI, Inc. of State College was the overall low bidder for a total bid of \$281,487. This included \$6,000 for select backfill, but only if it is needed. All bid requirements were met and Steven Samick, Street Superintendent, recommended the bid for the 2013 blacktop patching services be awarded to HRI, Inc.

Motion Nedward Jacob made a motion to award the bid to HRI, Inc. for the 2013 blacktop patching services, seconded by Gary Anderson.

Discussion Gary Anderson questioned which asphalt material would be used and Manager Greene responded the 19mm binder which was not the “super pave”.

Nedward Jacob commented according to the City Engineer the blacktop would be removed on Lawrence Street and binder and a top coat would be used which was included in the bid. The rest of the work would only use binder.

Motion Passed All were in favor to approve the award of the blacktop patching services 2013 bid to HRI, Inc.

Subdivision Applications: Patricia L. Sherry, Hummingbird Lane A subdivision application was presented for Patricia L. Sherry for property located on Hummingbird Lane. The subdivision proposed to divide a 3.02 acre lot from a 21.87 acre parcel as a new building lot for a single family dwelling. The lot is accessed via a 50ft wide private street. The

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proposed lot has public water and a private sewage disposal system. The subdivision complies with the zoning ordinance and a Component 1 Planning Module was included. The Planning Commission recommended approval of the subdivision and planning module with no comments.

Motion Passed

Daniel Hepner made a motion to approve the Patricia L. Sherry subdivision application, seconded by Richard Dornisch and all were in favor.

Allen M. Nicklas, etal, Wilson Road

A subdivision application was presented for Allen M. Nicklas, etal for property located on Wilson Road. The subdivision proposed to increase the size of two existing lots with existing single family dwellings on each. The new sizes of Lots 2 and 3 are 19.52 acre each. A non-building waiver was requested for the residual parcel of 42.26 acres. The subdivision complies with the zoning ordinance. The applicant requested the return of maps not kept by the Council members. The Planning Commission recommended approval of the subdivision with the following comments:

1. The driveway leading to the properties should be named as a private street because there are two dwellings using it.

Motion

Daniel Hepner made a motion to approve the Allen M. Nicklas, etal subdivision application, seconded by Nedward Jacob.

Discussion

Mayor Geyer questioned if the motion should include the naming of the street and Manager Greene responded it was something that could be handled later.

Mayor Geyer stated that the applicant needed to have a name for their road.

Motion Passed

All were in favor to approve the Allen M. Nicklas, etal subdivision application.

TOPICS FOR DISCUSSION:
Managers Evaluation

Mayor Geyer stated the Managers Evaluation needed to be performed in September of each year.

Gary Anderson and Daniel Hepner would perform the Managers Evaluation.

2014 Budget

Mayor Geyer asked how Council wanted to handle the 2014 budget schedule.

After some discussion, it was determined to schedule three nights for the 2014 budget.

Stormwater Management Act 167

Solicitor Wagner explained the City received notification from DEP of the City's failure to adopt a stormwater management ordinance. DEP was inviting the City to a meeting to discuss the issue, but also was threatening enforcement action if the City did not attend the meeting. There has

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been significant discussion by Council on the need and advisability to adopt an ordinance. He believed the remedies DEP had was to withhold City grant funds from the Commonwealth, but if that happened 180 day notice to the City would be required. DEP could also pursue (a mandamus action) a lawsuit to compel City Council to adopt an ordinance. When the County adopted the Stormwater Management Plan it had a model ordinance attached to that Plan. The Solicitor had some concerns with how much administrative effort would be required to enforce the ordinance properly and also the costs to the City residents. He requested Council discuss how they would like to proceed with this issue.

Matthew Pfeufer, Zoning Officer, provided details of the stormwater management plan and the model ordinance.

Mayor Geyer stated she believed the City should wait until the 180 day notice is received from DEP and Gregory Gebauer stated "for the record he was 100 percent opposed to that".

There was a lengthy discussion on how to react to this recent notification from DEP and it was determined the Solicitor and the City Manager meet and discuss the issue further with DEP.

CITIZEN COMMENTS ON NON-AGENDA TOPICS

Elk County Humane Society

Karen Capiello and Joe Boylan from the Elk County Humane Society described numerous problems with the cat population.

Matt Meyer

Matt Meyer resident of Vermont Road questioned a right-of-way thru his property and it was determined it was a sanitary sewer right-of-way. He was also concerned with a catch basin and Manager Greene responded he would look into it.

COUNCIL COMMENTS

Councilman Hepner
Aviation Festival

Councilman Hepner commented the Aviation Festival was to be held at the Airport on Saturday, August 24th from 8:00 a.m. until 4:00 p.m.

Councilman Gebauer
Stormwater Meeting

Councilman Gebauer wanted to confirm who would be attending the Stormwater Management meeting and Solicitor Wagner responded the City Manager and himself.

I & I Project

Councilman Gebauer requested the I & I project that was previously discussed at a Council meeting be placed on Council's next agenda for discussion and requested the Manager provide an option for funding the project.

Councilman Anderson
Flow Meters

Councilman Anderson requested an update on the recently installed flow meters.

Councilman Dornisch
Public Speaking

Councilman Dornisch commented that when Council members are speaking to remember that this was a public meeting with an audience.

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ANNOUNCEMENTS

Mayor Geyer made the following announcements:

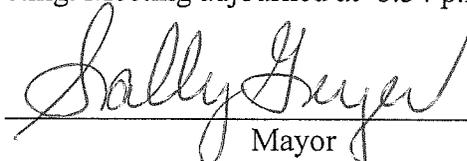
- The next Council meeting will be held Monday, September 16, 2013 at 7:00 p.m. at City Hall.
- Trick or Treat will be held on Thursday, October 31, 2013 from 5:30 p.m. until 8:00 p.m. (**changed from 6:00 p.m.**)

ADJOURNMENT

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 8:34 p.m.



Recording Secretary



Mayor