

AUGUST 17, 2020

**CALL TO ORDER**

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Louis Radkowski on Monday, August 17, 2020 at 7:00 p.m. The meeting was held in-person with an option for teleconference. Notice of this meeting was sent to Council on August 13, 2020, posted at City Hall and published in the Daily Press.

**PLEDGE TO THE FLAG**

**ROLL CALL**

Mayor Louis Radkowski, Deputy Mayor Chris Pletcher, Andrew Mohney, Bob Roberts, Margie Brown, Joe Fleming, Gina Vrobel, Manager Timothy Pearson, Solicitor Tom Wagner, and Recording Secretary Lorrie Levenduski.

City Staff: Hannah Brock, HR Specialist and PR Officer, Matthew Pfeufer, Zoning Officer, Tom Nicklas, Chief of Police

Tina Gradizzi, Community and Economic Development Coordinator dialed in.

**VISITORS**

Clythera Hornung, William Rung, Ned Jacob, Richard Sadley, Amy Cherry, John Zelt and Joe James.

**APPROVAL OF MINUTES**  
July 20, 2020 – In-person and teleconference meeting  
Motion Passed

Bob Roberts made a motion to approve the July 20, 2020 minutes, seconded by Andrew Mohney and all were in favor.

**PRESENTATION OF CERTIFICATES OF APPRECIATION FOR OUTGOING BOARD MEMBERS**

Mayor Radkowski presented a certificate to:

- William Rung – 10 years – as a member of the Zoning Hearing Board

The following were unable to attend and were mentioned:

- Tom Kerchinski – 1-year as Secretary/Treasurer - Airport Authority
- Jim Higgins – 1- year as Treasurer - Recreation Board
- Anthony Celin – 28 years as Vice President - Police Civil Service Commission

**CITIZEN COMMENTS ON AGENDA TOPICS**

John Zelt commented Johnsonburg had no engine brakes signs installed and only one police officer, so he believed the enforcement for engine brakes should not be a problem for the City Police Department. He noted cars and trucks are being pulled over for speeding on the highway. He requested Council's support for enforcement of this kind of noise pollution.

**MANAGERS REPORT**

Manager Pearson provided the following report:

- The award for the demolition bid was on tonight's agenda for the Depot Street properties as part of the downtown park project.
- Landscaping was continuing at the downtown park and the process to name the park was still being developed.
- A huge thank you to the park and pool workers and especially the Parks and Recreation Director and the new park program coordinators and aquatic supervisors. Also, he thanked the Little League baseball program. Another update from the Parks and Recreation Director will be scheduled soon.
- The Citywide paving project encompassed a total of 38 roadways at an approximate cost of \$1.2M. He thanked the City Street Crew for their efforts in working with the

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contractor.

- He wished the best of luck to the local schools as they reopen on August 31st and requested the community to be patience with the constantly changing information coming from the State.

**TREASURER'S REPORT**

Manager Pearson provided the following Treasurer's Report for July 31, 2020:

Total revenue collected for the General Fund was at \$4.78 million, last year was \$4.7 million and in 2018 the City collected \$4.6 million. Total Expenditures for the General Fund as of July 31, was at \$3.28 million, last year it was \$3.4 million and in 2018 expenditures were \$3.1 million. Revenues collected for the General Fund was at 65% of budget and expenditures were at 45% of budget. Last year at this time revenues were at 64.6% and expenditures were at 46% of budget. Earned Income collected was at 55.87% of budget - for 2019 it was 49%; for 2018 it was 56% and in 2017 the City collected 58.5% of budget; 2016 it was 56.3% of budget. Pension plans continue to increase in value compared to last year at this time but lower in value as of 12/31/2019.

Manager Pearson noted the Finance Committee was projecting just over \$100,000.00 in projected shortfalls in the City budget due to the impact from the COVID-19 pandemic. The next Treasurer's Report should show a better picture of the situation.

**LEGISLATIVE ACTION:**  
Award of Bid: Depot Street  
Demolition Project

Tina Gradizzi explained the City advertised for bids for the demolition of buildings on Depot Street. The project is being funded with CDBG (Community Development Block Grant) funds. The budget for the project was \$148,780. The following bids were received and read aloud at a public meeting:

Bucktail Excavators, Inc.	\$191,577.00
Earthmovers Unlimited, Inc.	\$179,218.00

Both bids were over budget but as stated on the bid documents "Actual contract award amount shall be based on the funding available for the project. The owner may be required to delete portions of work in order to meet funding limitations". Line items in the bid were removed and the adjusted bids are as follows:

Bucktail Excavators, Inc.	\$157,794
Earthmovers Unlimited, Inc.	\$147,945

The recommendation was to award the Depot Street Demolition Project (204-214); Contract #2020-03 to Earthmovers Unlimited, Inc. in the amount of \$147,945.

**Motion Passed**

Bob Roberts made a motion to award the bid as recommended, seconded by Chris Pletcher and all were in favor, except Andrew Mohney who opposed.

**Memorandum of Agreement  
between the City of St. Marys  
and PA State Historic  
Preservation Officer**

Tina Gradizzi presented a Memorandum of Agreement between the City of St. Marys and PA State Historic Preservation Officer. The agreement was a requirement as part of the demolition of the Depot Street properties as two of the three of those properties were included in the National Register listed as St. Marys City Historic District number 1. The agreement contained stipulations to notify the Officer of the plans for redevelopment of the

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property, install an exhibit panel highlighting the history of the historic district and provide information regarding the benefits of the National Register on the City's website.

Deputy Mayor Pletcher confirmed the Solicitor had reviewed the agreement.

Motion Passed

Deputy Mayor Pletcher made a motion to approve the memorandum of agreement, seconded by Joe Fleming and all were in favor.

Appointments to Authorities,  
Boards and Commissions

NAME OF AUTHORITY, BOARD OR COMMISSION AND LENGTH OF TERM	TERM EXPIRING	NUMBER OF VACANCIES	LETTERS RECEIVED FROM	RECOMMENDATION:
Airport Authority	To fill the unexpired term of Tom Kerchinski – 01/01/2024	1 Vacancy	Lance Mohney Thomas Laird Raymond Ehrensberger	<b>RAYMOND EHRENSBERGER</b>

Motions

Andrew Mohney nominated Lance Mohney, seconded by Gina Vrobel.

Deputy Mayor Chris Pletcher nominated Raymond Ehrensberger, seconded by Bob Roberts.

Deputy Mayor Pletcher stated his nomination was based on the recommendation from the Airport Authority.

Andrew Mohney stated his nomination was based on obtaining more than just pilots for the board to provide them with a more diverse skill set.

Margie Brown was impressed by all the applicant's qualifications.

Deputy Mayor Pletcher noted that Council appointed Councilman Ned Jacob to serve on the Authority to act as a liaison for Council.

Ned Jacob, Secretary of the Airport Authority, stated the motion to recommend Mr. Ehrensberger was a 5 to 1 majority vote by the board.

Mayor Radkowski noted Council needed to supply the correct amount of oversight so the board is staffed accordingly and not deficient.

Roll Call Vote

Mayor Radkowski requested a verbal vote for one of the nominated candidates. On a roll call vote Margie Brown, Joe Fleming, Gina Vrobel, Andrew Mohney and Deputy Mayor Pletcher voted for Lance Mohney. Bob Roberts and Mayor Radkowski voted for Raymond Ehrensberger.

Lance Mohney was appointed to the Airport Authority to fill the unexpired term of Tom Kerchinski (St. Marys position) with a 5 to 2 majority vote.

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Subdivision application: 2020-06  
– Paul and Debra Babb,  
Johnsonburg Rd. and S. Paul Rd.

Subdivision application: 2020-06 was presented from Paul and Debra Babb, for property located at the intersection of Johnsonburg Rd. and S. Paul Rd. The subdivision proposed to divide a 5.22ac lot from a 34.91ac parcel as a stand-alone building lot. Lot 1 is served with public water and private sewage disposal. The residual lot is proposed to be served with public water and private sewage disposal. The residual lot is 26.69ac. The Planning Commission expressed serious concerns as to the location of the ingress and egress road to the residual parcel in the interest of public safety. The Commission concedes that access to the public street is controlled by PennDOT, through its Highway Occupancy Permitting process, and a valid permit was obtained. The City's jurisdiction is limited in this respect; however, the Commission wanted to make it clear that it does not condone the location of the access road. The Planning Commission minutes were provided to Council for the discussion on the issue. Despite this issue, the Commission recommended approval of the subdivision; as the location of the access road is the responsibility of PennDOT, and the subdivision is in compliance with the subdivision ordinance.

Motion Passed

Joe Fleming made a motion to approve the 2020-06 subdivision application, seconded by Andrew Mohney and all were in favor.

**TOPICS FOR DISCUSSION:**  
Zoning Ordinance Revision  
Request – Swimming Pool  
fences

The following memo was received from the Planning Commission regarding a Zoning Ordinance Revision request. A resident submitted a request to alter the current zoning ordinance regulations to allow for the installation of an automatic safety pool cover in lieu of erecting a fence around the pool perimeter. The safety covers have been accepted by the 2015 ISPC as an alternative barrier to secure a pool from accidental / unwanted entry. The Planning Commission inquired whether the cover was operable manually such as in the case of a power failure. The resident responded that there is a manual option. After several discussions on the issue referenced above, the Planning Commission decided to recommend to City Council that the zoning ordinance remain un-changed. The Commission believes that leaving the regulation as written promotes the most safety to the general public. The requestor was notified of the Commission's decision, and that the request was on tonight's Council agenda for discussion.

Manager Pearson requested Council discuss the request and advise if they would approve a change to the Zoning Ordinance. City staff had also reviewed the request and were in agreement with the recommendation to leave the fencing requirement for safety reasons.

Joe Fleming stated he personally observed the pool cover and he believed the cover was secure. The cover would hold approximately 800 lbs. The modifications to allow the covers without a fencing requirement was approved at the State level and he believed the City should modify the City's ordinance.

Solicitor Wagner confirmed there would be no liability to the City if the request was approved to not require a fence for these types of pool covers.

Council discussed the matter with the following highlights:

It was clarified it was the homeowner's responsibility and

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liability to have a secure system to access a pool.

It would be between the homeowner and their private insurance company to determine coverage requirements or approval.

Concerns with neighboring properties and small children were noted if the pool was open and unattended.

Matt Pfeufer confirmed a permit for a pool is required and a final inspection is done after installation. There is no City requirement for proof of insurance. Compliance of the fencing requirement is handled by the City's Code Enforcement Officers.

Motion Passed

Deputy Mayor Pletcher made a motion to leave the zoning ordinance as-is with no changes as recommended, seconded by Gina Vrobel and all were in favor, except Joe Fleming, Andrew Mohny and Mayor Radkowski, Motion Passed 4 to 3.

COVID-19 Virus  
Updates/Actions

Mayor Radkowski noted the North Central COVID task force meetings were continuing. Positive cases were continuing to rise slowly as we begin to learn how to live with the virus. The Penn Highlands Elk Hospital and the Penn Highlands health system has stated they are not currently overwhelmed. The discussions continue regarding how to move into the post COVID operation of life. He requested patience with the schools as they adapt to the constantly changing guidance. It was just announced today the students will be required to wear masks all day in school. He requested everyone try to be kind to one another.

Solicitor Wagner commented on a recent test as reported in a Time magazine article. He noted current testing takes 5-7 days for results and this new test provides an instant result. He believed not everyone was self-quarantining while waiting for test results. He further noted the article stated if the new tests were used it could provide a better outcome on determining the location of an outbreak and make contact tracing much easier. He questioned if the County COVID funds could be used for testing supplies.

Mayor Radkowski responded that the question of funding for testing supplies was presented at the task force meeting to the PA Dept. of Health and the Governor's office representatives for their review.

Engine brake signage

Mayor Radkowski explained Council has had many discussions on the topic of engine brake noise. There are many different types of noise in the City. If Council decides to focus on just engine brakes, then the signs that were already approved by PennDOT could only be placed in the limited locations that were approved by them. Previous discussions on the topic by Council resulted in a consensus that the unmuffled or modified engine brakes on trucks was only part of the noise issue.

It was clarified to only refer to the brakes and "engine brakes" so not to infringe on a copyright for a named engine brake product.

Bob Roberts stated he believed the City does have a noise problem and that installing signs to restrict engine brakes would not solve the problem. Over the past 20 years of his involvement with Council, the issue has been discussed with the conclusion that the police cannot enforce it. He believed creating an ordinance that cannot be enforced did not make any sense.

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However, enforcement of noise violations did make sense. He strongly suggested Council move in that direction. He also requested the PA State Police be contacted to perform more inspections on the trucks in the community. He noted the noise violations would not be found as much on fleet trucks but more so on the local ones. The noise violation would also apply to pick-up trucks, cars and motorcycles.

Manager Pearson noted the PA State Police were previously requested to perform inspections and the random checks on trucks has been successful.

Chief Nicklas stated he certainly has empathy for Mr. Zelt and the neighbors who listen to the noise, but when asked the question to place no engine brake signage and create an engine brake ordinance, he has to look at the legality and the limitations of prosecution. He believed trying to enforce an ordinance based on a sound or decibel level was not feasible. It places the department in the position of training requirements for the officers and currently he has only located one facility that performs the training on the east coast. Equipment costs, calibration costs and recertification costs also must be considered. Placing a restriction on the noise level of an engine brake was not feasible. The vehicle code does have an equipment violation for modified, bypassed or defective exhaust systems. It would be the judgement of the officer to determine if there is a violation of the exhaust system for any vehicle. He did note that only approximately 6 to 7 % of the vehicles on S. St. Marys Street were considered commercial vehicles, which narrows the chance of being in the right place at the right time for enforcement.

Mayor Radkowski requested that when the PA State Police perform inspections; it be coordinated with neighboring municipalities to deter the opportunity to bypass the inspection.

John Zelt commented the Johnsonburg paper mill has approximately 125 truckloads of material delivered daily to their facility. He noted the truck noise is so loud inside his house that he must pause his conversation and wait until the truck goes by his house. He stated he has been complaining about this issue for 5 years with no relief.

Deputy Mayor Pletcher requested it be determined what, if any, alternative signage could be placed in the State road right-of way to deter noise in the City.

Manager Pearson explained any signage within the state right-of-way is approved by PennDOT.

Chief Nicklas confirmed even if the engine brake signs were installed the vehicle code could still be enforced.

Andrew Mohny stated the noise on his street was mostly modified vehicles and motorcycles. He questioned if the sign installation was removed from this discussion and the officers were given permission to park in driveways in affected areas to enforce the vehicle code, would that be the best way to handle this issue and Chief Nicklas responded yes.

Chief Nicklas confirmed if an officer observed any vehicle creating excessive noise, they could initiate a traffic stop on the

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suspicion of a violation of the vehicle code which would allow further investigation of the issue.

Chief Nicklas offered to ask other municipalities to see if they have noticed a reduction in noise after the installation of engine brake signage.

Deputy Mayor Pletcher stated he believed signage that was not enforceable was better than doing nothing at all to help with this noise.

John Zelt commented after coming to previous meetings and complaining about the truck noise he believed it increased near his house.

Mayor Radkowski suggested a letter be sent to the local trucking companies and businesses reminding them and their drivers of the inspection requirements and asking them to be good examples in our community.

Joe James commented he agreed with an ordinance and signage for engine brake restrictions.

Bob Roberts suggested Chief Nicklas increase the enforcement of the noise violation of the altered vehicles in the vehicle code.

Chief Nicklas stated he could review the suggestion with his officers.

Deputy Mayor Pletcher questioned the installation of engine brake restriction signage and Bob Roberts responded it would place the officers in a difficult situation and without the proper tools to enforce the engine brake restriction.

John Zelt suggested an officer obtain the training for enforcement of the engine brake restrictions and then train other officers or even other municipality's officers.

Mayor Radkowski suggested increasing the enforcement of the noise violations according to the vehicle code for a few months and then have Chief Nicklas provide a report to Council. After that occurs Council could revisit the signage, if necessary.

Joe Fleming agreed with the suggestion. He stated he did not agree with removing a safety component of the large truck braking system due to the size of the loads the trucks carry through town.

Gina Vrobel questioned other options for signage and Manager Pearson confirmed PennDOT restricts the signage within their right-of-way, but not on private property outside of the right-of-way.

Deputy Mayor Pletcher was in favor of a vehicle noise enforcement sign.

Andrew Mohny explained the approved limited areas for signage from PennDOT coming into town were flat portions of the roadway.

Manager Pearson confirmed the approval of the placement of signs by PennDOT would not be along any graded (hill) portion

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of a roadway.

Mayor Radkowski confirmed the increase of enforcement of the vehicle code would occur and that Manager Pearson would obtain the approved sign options from PennDOT and explore private property placement of other signs.

Gina Vrobel stated speeding is an issue in her neighborhood and hears the noise from vehicles. She offered her property to place a sign.

**CITIZEN COMMENTS ON  
NON-AGENDA TOPICS**

Joe James commented on the paving of Center Street and his issue with drainage and a curb near his house.

**COUNCIL COMMENTS**

Bob Roberts recognized the great job of the volunteers that tend to the flowers in the downtown.

Joe Fleming congratulated the students for returning to school and commended the street crew for their work with the paving project.

Margie Brown was grateful to be able to go out to public spaces, parks and the pool in our community.

Gina Vrobel thanked the local Fire Departments during her unfortunate but wonderful experience, due to a recent fire and how wonderful the fire department handled the situation.

Deputy Mayor Pletcher noted the Finance Committee was meeting monthly and thanked the members. He also was pleased to see the downtown park progressing.

Mayor Radkowski thanked everyone for all of the support during this pandemic.

**ANNOUNCEMENTS**

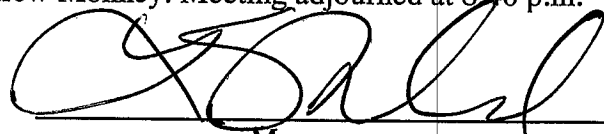
Mayor Radkowski made the following announcements:

- Council's next regular meeting will be held on Monday, September 21, 2020, at 7:00 p.m.

**ADJOURNMENT**

Chris Pletcher made a motion to adjourn the meeting, seconded by Andrew Mohny. Meeting adjourned at 8:40 p.m.

  
Recording Secretary

  
Mayor