

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

NOVEMBER 21, 2022

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Lyle Garner on Monday, November 21, 2022, at 7:00 p.m. Notice of this meeting was sent to Council on November 17, 2022, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG

ROLL CALL

Mayor Lyle Garner, Deputy Mayor Bob Roberts, Andrew Mohny, Shane Schneider, Jerome Sorg, Nedward Jacob, Sally Geyer, Manager Joseph Fleming, Solicitor Tom Wagner and Recording Secretary Lorrie Levenduski.

City Staff: Tina Gradizzi, Director of Community & Economic Development, Joe Kugler, Deputy Director of Community & Economic Development, Dani Schneider, Parks and Recreation Director, and Carol Muhitch, Finance Director.

VISITORS

Patty and Bob Carnes, Kassie Brem, Daniel Lupole, Heather Cuyler, Amy Cherry, Devin Brock, Stephen Bagley, Jude Fritz, Kimberly Fritz, Kurt Nesbitt, Richard Sadley, Kelly Breindel, Marshall Wolfe and Bill Makufka.

**APPROVAL OF MINUTES
October 17, 2022 – Regular
Meeting
Motion Passed**

Deputy Mayor Bob Roberts made a motion to approve the October 17, 2022 minutes, seconded by Andrew Mohny and all were in favor.

**November 10, 2022 – Budget
Workshop**

Sally Geyer made a motion to approve the November 10, 2022 minutes, seconded by Andrew Mohny and all were in favor.

**REPORT ON EXECUTIVE
SESSION**

An Executive Session was held prior to tonight's meeting regarding personnel matters. No decisions were made.

**SPECIAL PRESENTATION:
Comprehensive Recreation,
Parks & Open Space Plan
Update**

Dani Schneider, Parks and Recreation Director introduced Heather Cuyler from Pashek MTR who provided the following update on the Comprehensive Recreation, Parks & Open Space Plan Update:

Reviewed the process for the plan which included three phases: Understanding the community's needs, drilling down for solutions and review and adoption.

Community Engagement was sought through the formation of a Steering Committee, creation of a website, a community questionnaire, stakeholder interviews and focus groups, a key issues survey and holding an open house.

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The Community questionnaire responses provided the most important issues to the community which included, improving amenities in existing parks, updating the community pool, increasing safe connections within and beyond neighborhoods for walking and biking, and the protection of natural resources.

A map of priority areas for new parks was presented, noting only 10 percent of St. Marys residents live within a 10-minute walk of a park. This was due to our City being so vast.

Key issues listed were: Provide a parks system that is safe, usable, attractive, sustainable and fun; establish and secure funding; enhance the Recreations Board's capacity as an advisory board; develop connections (PA Wilds); provide a wide variety of recreation programming (include seniors, disabled etc.); and develop an identity for St. Marys Parks and Recreation.

A 12 month start up list was presented that contained 16 items which listed action steps, strategies, goals, responsible party, priority, and status/notes.

Some of the items were already in process. (Sponsorship program and DCNR grant application)

Devin Brock, Recreation Board member, thanked all those involved and for all of the support so far.

Council thanked them for the presentation.

**CITIZEN COMMENTS ON
AGENDA TOPICS**

There were no citizen comments on agenda topics.

MANAGER'S REPORT

Manager Fleming provided the following Manager's Report:

Thanks to the emergency services for a successful Halloween outing.

The Haunted Forest at Benzinger Park had another great year. Thank you to everyone who made it happen.

The Community Calendar as you know has been installed and we are consistently receiving requests for its use.

Parks and Recreation sponsorship initiative for 2023 has started and will run until January 31st.

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The Uniformed Union and I have come to a temporary agreement. Once the paperwork is finalized, it will be placed before Council for vote, I expect the measure to be voted on next month.

The agreement between the City and the Social Security Administration is now complete. We should receive our formal notification in about 12 to 18 months.

The ordinances pertaining to Digital Mining Facilities and Solar Energy Systems has been routed back to the Planning Commission for final revision and recommendations for Council.

Road construction is basically wrapped up for the season as the street department transitions to winter mode.

Leaf collection will wrap up next week.

Something worth noting that St. Marys had close to a 70% turn out for election day, which is great!

I want to thank City staff and Council for successful budget workshop last Thursday.

The City offices will be closed on Thursday Nov. 24th and Friday Nov. 25th in observance of Thanksgiving.

I want to wish everyone a happy and safe Thanksgiving.

TREASURER'S REPORT

Manager Fleming provided the following October, 2022 Treasurer's Report:

The General Fund has collected 86.75% of its budgeted revenue and spent 75.25% of the budgeted amount. Last year at this time revenue collected was at 85% and expenditures were at 79% of budget and in 2020 budgeted revenue collected was 76% and expenses were at 73% of budget. Benchmark figures would be at 83%. Market value in pension funds increased this month. Earned Income was at 55% of budget; for 2021 it was 58% of budget and 52% of budget for 2020.

LEGISLATIVE ACTION
Consider for publication:

An Ordinance providing for the levy and assessment of taxes for the fiscal year 2023 was presented for publication.

An Ordinance providing for

Manager Fleming noted the 2023 budget did not contain a tax

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**the levy and assessment of
taxes for the fiscal year 2023**

Motion Passed

increase and was a balanced budget.

Andrew Mohny made a motion to publish the Ordinance, seconded by Nedward Jacob and all were in favor.

**A Resolution for the 2023 City
Preliminary Budget for various
funds**

Motion Passed

A Resolution for the 2023 City Preliminary Budget for various funds was presented for publication.

Andrew Mohny made a motion to publish the Resolution, seconded by Sally Geyer and all were in favor.

Unrestricted Fund Balance

Carol Muhitch, Finance Director, explained a 2015 policy allows Council to allocate the unrestricted fund balance in the general fund by three options:

- Commit Fund Balance
- Assign Fund Balance
- Unassigned Fund Balance

Committing fund balance is transferring the unrestricted fund balance to the capital reserve fund. After we have set aside 20% of the fund balance for the next year's expenditures and assigned fund balance to areas that we know or feel to have a major increase in cost, the remaining can be transferred to the capital reserve fund.

Listed below shows the amount that can be committed to the capital reserve fund for year 2020.

Committing unrestricted fund balance for Year 2020

- Fund Balance – Ending 12/31/2020 – Audit
- Unassigned Unrestricted Fund Balance \$2,567,510

Fund Balance Reserve - 20%

*This is the amount that stays in the General Fund and is used to pay for the expenditures before tax dollars are received. Amount allocated is 20% of the next year's budget.
(7,514,404 x 20%) (\$1,502,881)*

- Remaining Fund Balance to be committed or assigned \$1,064,629
- Assigned:
 - OPEB Cost None
 - Increase in Medical cost None
 - Increase in Pension cost None
- Committed:
 - Capital Reserve Fund for capital projects \$ 750,000
 - Unassigned remaining for future years \$ 314,629

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Motion Passed

Shane Schneider made a motion to approve the Unrestricted Fund Balance, seconded by Deputy Mayor Bob Roberts, and all were in favor.

**Accept offer for Sale of
property – 123 Fourth St.**

Tina Gradizzi, Director of Community & Economic Development, explained the City received an offer of \$1,200 for property located at 123 Fourth Street. This property was a vacant lot. In December of 2021, the property was transferred to the City and the building was demolished with the use of 2020 CDBG funds. The proceeds from the sale would be used as CDBG program income. Future use of the property was a vacant lot since it was unbuildable due to being in the flood plain. A market analysis was done on the property.

Manager Fleming noted the cost to the City to maintain the grass and clear the sidewalk of snow/ice.

Motion

Andrew Mohny made a motion to accept the offer for the sale of 123 Fourth Street, seconded by Deputy Mayor Bob Roberts.

Discussion

Sally Geyer questioned the amount of the offer and Ms. Gradizzi responded it was unknown how the amount was determined.

Nedward Jacob questioned the cost to demolish the building and Ms. Gradizzi responded she believed the cost was \$12,000.

Nedward Jacob disagreed with the amount of the offer due to the costs incurred for demolition.

Jerome Sorg stated costs were paid for from CDBG funds, not taxes.

Deputy Mayor Bob Roberts stated since the lot is unbuildable, it would only be valuable to an adjacent property owner.

Andrew Mohny stated the building had to be torn down due to its condition. He further noted his frustration with years of property maintenance violations on numerous properties in the City.

Deputy Mayor Bob Roberts also noted the cost to the City to maintain the property. He also stated if the property is sold it will be placed back on the tax rolls.

Motion Passed

All were in favor to accept the offer, except Nedward Jacob who opposed.

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Request for 2021 City tax relief Manager Fleming explained a request for 2021 City tax relief was received for property located at 865 and 878 Weidow Crest Drive. The request was to waive penalties and interest on the City portion of 2021 Real Estate tax bills due to special circumstances. The St. Marys Area School Board had already approved the payment of the face value of their 2021 School Real Estate taxes at their recent board meeting. He recommended if Council should agree to approve the request to include a deadline for the payment.

Solicitor Wagner explained there was ongoing litigation regarding the sale of the property and believed the request was reasonable.

Shane Schneider clarified the amount of the face amount on the tax bills.

Motion Passed

Andrew Mohny made a motion to accept the face amount for the City portion of the 2021 Real Estate tax bills until December 31, 2022, seconded by Sally Geyer and all were in favor.

**Consider for adoption:
Resolution No. 22-16 –
COVID19 ARPA H2O PA
Water Supply Sanitary Sewer
and Stormwater Grant**

Resolution No. 22-16 – COVID19 ARPA H2O PA Water Supply Sanitary Sewer and Stormwater Grant was presented for adoption.

Tina Gradizzi, Director of Community & Economic Development, explained the Resolution was an additional/back up application of funds in the amount of one million dollars for the Erie Avenue/Washington Street Sanitary Sewer Replacement Project.

Motion Passed

Andrew Mohny made a motion to adopt Resolution No. 22-16, seconded by Jerome Sorg and all were in favor.

**Resolution No. 22-17 -
Authorizing the City Manager
to enter into an agreement with
Central Credit Audit, LLC.,
for the collection of delinquent
sewer rentals and imposing the
costs of collection on
delinquent customers.**

Resolution No. 22-17 - Authorizing the City Manager to enter into an agreement with Central Credit Audit, LLC., for the collection of delinquent sewer rentals and imposing the costs of collection on delinquent customers was presented for adoption.

Manager Fleming explained this was the follow-up to the previous presentations by Mr. Stover from Central Credit Audit, LLC.

Motion Passed

Sally Geyer made a motion to adopt Resolution No. 22-17, seconded by Andrew Mohny and all were in favor.

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**Resolution No. 22-18 -
Authorizing the City Tax
Collector to grant waivers of
penalties and interest pursuant
to Act 57 of 2022 and
exonerating the tax collector
from the collection of such
interest and penalties where
waivers are granted.**

Resolution No. 22-18 - Authorizing the City Tax Collector to grant waivers of penalties and interest pursuant to act 57 of 2022 and exonerating the tax collector from the collection of such interest and penalties where waivers are granted was presented for adoption.

Manager Fleming explained this Resolution will allow the tax collector to waive interest and penalties for qualified requests for those who may not have received their tax bills for various reasons.

Motion Passed

Andrew Mohny made a motion to adopt resolution No. 22-18, seconded by Sally Geyer and all were in favor.

TOPICS FOR DISCUSSION:
Airport Road (South Michael
Extension) Committee report to
City Council

Jerome Sorg provided the Airport Road (South Michael Extension) Committee report update and read the following statement:

"It has been determined through research that the road was built at the time of and with runway expansions to provide access to existing residences and to provide access to the airport property. The latest was when the road was built to standards in 1977. Presently the road has deteriorated and is need of substantial repair. The committee has agreed that the airport Authority has in the past made repairs to the road with the aid of the Borough, Benzinger Township and the City in the past, and that the Airport has plowed the snow for a long time. The Airport Authority no longer has any equipment that they can provide any services for the road. The FAA and the State Bureau of Aviation cannot supply any assistance to accomplish anything with the road as it is not considered part of the Airport. There is a section of City property which needs to have access for future development at the end of the road."

Motion

Jerome Sorg made a motion to have the City dedicate the portion of what has become known as part of South Michael Road (Airport Access Road) as a City road and bring it up to what was considered road standards in 1977 when the road was built. This road will start at the cattle guard at the entrance to Mary Kay Frey's and Marshall Wolfe's property and continue to the intersection of South Michael Road and Lecker Road. They may need to put a turnaround at the end of the road. One section of the road is presently only a right-of-way, and this will have to be turned over to the City which the property owner has agreed to. Another section of the road on City property will have to be divided into a roadway and the other section made into a property that the City can then use for other purposes, sell or develop. This

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will not only provide access for the residents but also for emergency vehicles should there be another aviation accident in the area outside the fenced area of the Airport, seconded by Deputy Mayor Bob Roberts.

Discussion

Nedward Jacob asked if it could be looked into that it is proper to take over the road like a private driveway and right-of-way. The Township had restrictions on taking over roads and now the City has a policy and restrictions for accepting a road.

Solicitor Wagner asked is the road is on City property?

Jerome Sorg stated most of it, except the Chuck Fritz property.

Solicitor Wagner explained assuming the City could get a conveyance and make it all City property, legally the City has the power to declare this to be a public road. Whether or not it is the right thing to do, is up to Council to decide.

Nedward Jacob stated in order to get the residents to their property they had to get a right-of-way from the City. If you get a right-of-way over someone's property you don't expect the property owner to build the road and maintain it? The end of the road was built by the residents not the Township and those residents requested a right-of-way to their property.

Solicitor Wagner responded this is a separate issue and it asks the question to what extent should the City commit public funds to improve that portion of the road? This is a policy decision for Council to decide. There is not a legal right or wrong answer.

Deputy Mayor Bob Roberts stated after extensive research the only reason the road was created was so that the people who reside there could access their property and who had to give up their private driveways across the airport so that the airport could be expanded. A deal was made at that time for the Airport with the help from the Township and City to maintain the road and continued until a few years ago. The City has funded the Airport for years to do these kind of things and the last Council stopped it. He believed the only reason the road was there was because the Airport needed it to be there so they could expand.

Nedward Jacob disagreed with Deputy Mayor Roberts comments and stated the City and the County gave money to the Airport for the operation of the Airport and not to maintain the road.

Deputy Mayor Bob Roberts stated the Airport Authority signed

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agreements to maintain the road with the residents.

Nedward Jacob again disagreed and stated it was not fiscally responsible to the City by spending money on a private road.

Andrew Mohny stated it is a City owned road.

Jerome Sorg stated the residents had to be given access to their homes.

Mayor Garner gaveled the discussion and stated there was a motion on the floor and the discussion was not progressing.

Sally Geyer questioned another private road that was brought up to City specifications then it was taken over by the City as a public road.

Deputy Mayor Bob Roberts clarified the motion states the road as of 1977 standards when Benzinger Township wanted to take the road over, but the Borough said no for unknown reasons.

Solicitor Wagner explained Sally Geyer's question was not in the same category as this situation. The proposal that is being made tonight is to address an outstanding historical problem. This request has not been made to build a road so they can make money selling lots. This proposal is to settle a dispute. It is within the discretion of City Council to declare this a public road. If the motion passes he would need the information to prepare an ordinance that would ordain the road as a public road.

Shane Schneider questioned what the 1977 standard were and Deputy Mayor Bob Roberts responded he believed it was the road would need to be oil and chipped.

Solicitor Wagner stated his recollection of the 1977 standard was mud free and permanently passable.

Shane Schneider asked if more work would need to be done to the road Jerome Sorg responded it would take more work but the work could be done over multiple years.

Shane Schneider stated he was concerned since the budget was already published; he was unsure how would this affect the budget.

Nedward Jacob asked what other road would the City neglect to take care of this road and Deputy Mayor Bob Roberts suggested

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taking it out of the Airport subsidy.

Roll Call Vote – Motion Passed

On a roll call vote all were in favor of the motion, except Nedward Jacob who opposed.

Jerome Sorg noted the road work should be coordinated with the drainage at the Airport.

Council Wages for 2024

Deputy Mayor Bob Roberts explained this is a follow-up to the previous discussion on increasing the wages for future Council members. This was reviewed by the Solicitor and was sent to all of Council.

Motion

Deputy Mayor Bob Roberts made a motion to draw an ordinance to allow for 10 percent increases for Council members every two years up to \$10,000.

He noted it would take between 18-21 years to reach the maximum.

Second

Jerome Sorg seconded the motion.

Discussion

Deputy Mayor Bob Roberts noted the importance of doing this now was to have it approved for the next election cycle which Council will have three open seats for election.

Nedward Jacob asked how it affects the Mayor and Deputy Mayor Bob Roberts responded the Mayor position is a percentage amount higher than Council members.

Jerome Sorg noted the amount has not been changed in many years.

It was noted the Home Rule Charter does not contain language regarding amounts.

Solicitor Wagner stated he would prepare an Ordinance that would be consistent with the Charter and reflects the standards contained in the motion and will submit it to Council for their review. He recommended the changes be made before the petitions are circulated in February.

Sally Geyer believed the increase was too high.

Andrew Mohny stated Council currently makes \$3,000 a year not \$40,000 as some people believe.

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Deputy Mayor Bob Roberts stated he believed it would attract more to run for office.

Motion Passed

All were in favor of the motion, except Sally Geyer who opposed.

**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

Residents from South Michael Road thanked Council and the committee for their efforts.

COUNCIL COMMENTS

Deputy Mayor Bob Roberts, Andrew Mohny and Jerome Sorg encouraged everyone to attend Light Up Night.

Sally Geyer thanked the Manager and the Finance Director for their efforts on the budget and wished everyone a Happy Thanksgiving.

Shane Schneider wished everyone a Happy Thanksgiving and a safe and successful first day of rifle deer season.

Nedward Jacob wished everyone a Happy Thanksgiving.

Mayor Garner thanked the South Michael Road residents and the committee.

Deputy Mayor Bob Roberts noted the committee should now be dissolved.

**Motion to Dissolve Committee
Passed**

Deputy Mayor Bob Roberts made a motion to dissolve the Airport Road committee, seconded by Jerome Sorg and all were in favor.

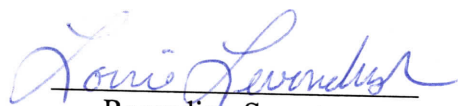
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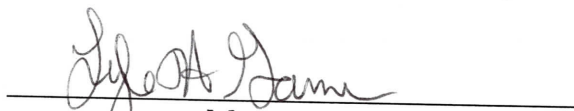
Mayor Garner made the following announcements:

- Council next regular meeting will be held on Monday, December 19, 2022 at 7:00 p.m.

ADJOURNMENT

Nedward Jacob made a motion to adjourn the meeting, seconded by Andrew Mohny. Meeting adjourned at 8:17 p.m.


Recording Secretary


Mayor