

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

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DECEMBER 19, 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, December 19, 2022, at 7:00 p.m. Notice of this meeting was sent to Council on December 15, 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: Joe Kugler, Deputy Director of Community & Economic Development, Dani Schneider, Parks and Recreation Director, and Matt Young, Code Official.

VISITORS

Amy Cherry, Bob Carnes, Stephen Bagley, Nicole Young, Conner Bullers and Marshall Wolfe.

**APPROVAL OF MINUTES
November 21, 2022 – Regular
Meeting
Motion Passed**

Sally Geyer made a motion to approve the November 21, 2022 minutes, seconded by Jerome Sorg and all were in favor.

**PRESENTATION OF
EMPLOYEE 25 YEARS OF
SERVICE AWARD**

Mayor Lyle Garner presented City Employee Matt Young with a 25 years of service award.

**CITIZEN COMMENTS ON
AGENDA TOPICS**

There were no citizen comments on agenda topics.

MANAGER'S REPORT

Manager Fleming provided the following report:

“I want to start off by congratulating and thanking everyone who made light up night such a big success. It was great seeing people flood our downtown area.

To all the kids who submitted their letters to Santa's mailbox here in City Hall, I got word from the North Pole that they will be receiving their response from Mr. Santa Claus, himself, in the mail sometime this week.

As you know the Gingerbread 5K Dash was held yesterday, we had a total of 190 participants sign up for the event. It's an incredible number for its first year. As a general note, it is amazing the participation rate of the community. It's the people

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who make this City so great!

There will be ice skating this year depending on weather, usually in the latter part of January at Benzinger Park.

Parks and Recreation is developing an activity guide for events from May to December.

The traffic cameras are starting to come online with 2 of them in place and hopeful the other 9 will be online soon.

Elk County EMA has started the Emergency Migration and Hazard Identification planning, which we as a City, will be a part of. The first meeting was earlier today, and the plan will be placed before Council sometime next year for approval. This plan allows us to apply for federal funding for any emergency declaration placed on the city from the state and federal governments.

I want to thank the City staff and Tom Wagner for their hard work getting the ordinances in order for Council's actions this evening. A lot of work went into the language of these matters."

TREASURER'S REPORT

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

The revenue collected for the General fund was at 95.6% of budget. For 2021 revenue was at 94%; for 2020 it was 86% and for 2019 revenue was at 88% of budget. The expenditures for the General Fund were at 94% of budget and in 2021 expenditures were 87%; for 2020 they were 81% and for 2019 expenditures compared to budget was 82%. Benchmark would be at 91.6%. The Sewage Treatment Fund billed 89% of the budgeted revenue and has expenditures of 79% of budget. For 2021 - Revenue was 91% - Expenditures 82% Earned Income tax collected as of the end of November was 90.5% of budget; for 2021 - 98% and for 2020 - 93%; for 2019 - 90%. Amount Earned in 2022 is at 73.3% Total Real Estate taxes collected as of the end of November is 99% of budget; for 2021 - it was at 100% of budget and for 2020 - 98%; for 2019 - 96% of budget. The market value of the pension plans has increased for November.

**PUBLIC HEARING: 2023
City Budget
Opened Hearing**

Mayor Garner opened the public hearing on the 2023 City Budget at 7:07 p.m.

There were no comments from the public.

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Public Comment

Councilwoman Sally Geyer commented the budget was well put together and only required one budget workshop to discuss and it did not include a tax increase.

Closed Hearing

Mayor Garner closed the public hearing at 7:08 p.m.

LEGISLATIVE ACTION

Consider for adoption:

**Ordinance No. 333- Providing for the levy and assessment of taxes for the fiscal year 2023
Motion Passed**

Ordinance No. 333 providing for the levy and assessment of taxes for the fiscal year 2023 was presented for adoption.

Sally Geyer made a motion to adopt Ordinance No. 333, seconded by Nedward Jacob and all were in favor.

**Resolution No. 22-19- 2023
City Budget for various funds
Motion Passed**

Resolution No. 22-19- 2023 City Budget for various funds was presented for adoption.

Deputy Mayor Bob Roberts made a motion to adopt Resolution No. 22-19, seconded by Shane Schneider and all were in favor.

**Approval of the 2023 Wage
Schedule for Management
Employees
Motion Passed**

Deputy Mayor Bob Roberts made a motion to approve the 2023 Wage Schedule for Management Employees, seconded by Sally Geyer and all were in favor.

Consider for Publication:

**An Ordinance amending the
City Zoning Ordinance by
establishing regulations for
digital mining facilities and
solar energy systems**

An Ordinance amending the City Zoning Ordinance by establishing regulations for digital mining facilities and solar energy systems was presented for publication.

Solicitor Wagner explained there has been a lot of publicity regarding digital mining facilities in the adjacent municipalities in which these facilities have created nuisances to nearby neighbors. The Planning Commission has reviewed the proposed revisions to the zoning ordinance regarding this topic and the revisions are being presented tonight to Council. This ordinance also includes revisions to solar energy systems that are currently being researched in our area. The intent of this ordinance is to control the locations for these types of facilities and determine where they fit in to certain zoning districts. The ordinance will allow this activity to be done by special exception. These special exceptions will be presented to the zoning hearing board for determination.

Jerome Sorg questioned the language in Section 2. regarding the omission of side wall mounting for solar panels being permitted as a Special Exception and Solicitor Wagner responded he would revise the language to include a wall mount in Section 2

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to match the definitions section of the ordinance.

Motion Passed

Jerome Sorg made a motion to publish the Ordinance as amended, seconded by Shane Schneider and all were in favor.

An Ordinance declaring an extension of South Michael Road to be a public road and opening the same for public travel

An Ordinance declaring an extension of South Michael Road to be a public road and opening the same for public travel was presented for publication.

Motion Passed

Sally Geyer made a motion to publish the ordinance declaring an extension of South Michael Rd. to be a public road and opening the same for public travel, seconded by Andrew Mohny and all were in favor, except Nedward Jacob who opposed.

An Ordinance increasing the compensation of Council members and the Mayor
Motion

An Ordinance increasing the compensation of Council members and the Mayor was presented for publication.

Deputy Mayor Bob Roberts made a motion to publish the ordinance increasing the compensation of Council members and the Mayor, seconded by Andrew Mohny.

Discussion

Deputy Mayor Bob Roberts reviewed the details of the proposed ordinance. He clarified that the ordinance would be effective in 2023 for newly elected members only. The increase would be 10% every two years, with a maximum of 10,000 for Council members, which would be reached in 2048. The Mayor position would have a \$12,000 maximum increase. This would occur over a 24-year span.

Shane Schneider stated the purpose was to encourage people to become involved.

Deputy Mayor Roberts noted in recent elections there were not enough candidates to fill the open seats or just enough which did not create an ideal situation.

Motion Passed

All were in favor of the motion.

Ratify Uniformed Contract

Manager Fleming explained the following major changes to the contract:

Increase of 5% for Sergeant position

Increase of 3% for Officer

12 hour shifts

Post-retirement pay clarification for court appearances

Add longevity pay for 20-25 years of service

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Motion Sally Geyer made a motion to approve the changes to the contract, seconded by Andrew Mohney.

Clarification Nedward Jacob questioned why the additional years for longevity pay was needed and Manager Fleming responded the previous contract had the pay at a maximum of 20 years of service and this would increase it to 25 years.

Motion Passed All were in favor of the motion.

2022-01 – LERTA Application – Gasbarre 2022-01 – LERTA Application from Gasbarre Products for their improvement project at 835 Washington Street location (former Sylvania) was submitted for consideration. The St. Marys Area School Board and the County of Elk had already approved the request.

Motion Passed Nedward Jacob made a motion to approve the 2011-01 LERTA Application, seconded by Andrew Mohney and all were in favor.

Appointments to City Authorities, Boards and Commissions

BOARD	NUMBER OF VACANCIES	TERMS EXPIRING	LETTERS RECEIVED FROM	RECOMMENDED
Benzinger Township Golf Authority (5 year term)	1	Tom Lesser	Tom Lesser	Tom Lesser

Motion Passed Sally Geyer made a motion to reappoint Tom Lesser for a 5-year term, seconded by Deputy Mayor Bob Roberts and all were in favor.

St. Marys Area Airport Authority (5 year term)	2	Nedward Jacob St. Marys Position	Nedward Jacob	Nedward Jacob
		To fill the unexpired term of Dr. Robert Baker – St. Marys Position – term to expire 01/01/2027	Timothy Ruffner	Timothy Ruffner

Motion Passed Andrew Mohney made a motion to reappoint Nedward Jacob for a 5-year term, seconded by Sally Geyer and all were in favor, except Jerome Sorg who opposed.

Motion Passed Andrew Mohney made a motion to appoint Timothy Ruffner to fill the unexpired term of Dr. Robert Baker – term to expired 01/01/2027, seconded by Deputy Mayor Bob Roberts and all were in favor.

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Appointments to City Authorities, Boards and Commissions	(Continued)			
BOARD	NUMBER OF VACANCIES	TERMS EXPIRING	LETTERS RECEIVED FROM	RECOMMENDED
<p>St. Marys Area Water Authority (5 year term) Motion Passed</p>	1	Gary Anderson	Gary Anderson	Gary Anderson
<p>Sally Geyer made a motion to reappoint Gary Anderson for a 5-year term, seconded by Nedward Jacob and all were in favor.</p>				
<p>St. Marys Municipal Authority (5 year term) Motion Passed</p>	1	Kenneth Gabler	Kenneth Gabler	Kenneth Gabler
<p>Deputy Mayor Bob Roberts made a motion to reappoint Kenneth Gabler for a 5-year term, seconded by Andrew Mohny and all were in favor.</p>				
<p>Board of Health (5 year term) Motion Passed</p>	2	<p>Arlene Anderson</p> <p>To fill the unexpired term of Danielle Gabler term to expire on 01/01/2024</p>	<p>Arlene Anderson</p> <p>Justin Bauer</p>	<p>Arlene Anderson</p> <p>Justin Bauer</p>
<p>Andrew Mohny made a motion to reappoint Arlene Anderson for a 5-year term, seconded by Shane Schneider and all were in favor.</p>				
<p>Motion Passed</p>				
<p>Andrew Mohny made a motion to appoint Justin Bauer to fill the unexpired term of Danielle Gabler - term to expire on 01/01/2024, seconded by Deputy Mayor Bob Roberts and all were in favor.</p>				
<p>Recreation Board (5 year term)</p>	3	<p>Devin Brock</p> <p>Angela Regulski</p> <p>William Makufka</p>	<p>Devin Brock</p> <p>Angela Regulski</p> <p>William Makufka</p>	<p>Devin Brock</p> <p>Angela Regulski</p> <p>William Makufka</p>
<p>Cassandra Reuscher- Gardner</p>				
<p>Travis Reed</p>				
<p>Motion Passed</p>				
<p>Andrew Mohny made a motion to appoint Angela Regulski, William Makufka and Travis Reed for 5-year terms, seconded by Jerome Sorg and all were in favor.</p>				

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**Appointments to City Authorities,
Boards and Commissions** (Continued)

BOARD	NUMBER OF VACANCIES	TERMS EXPIRING	LETTERS RECEIVED FROM	RECOMMENDED
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Zoning Hearing Board (5 year term) (Alternate – 3 year term) Motion Passed	2	Clythera Hornung Alternate Posiiton	Clythera Hornung None Received	Clythera Hornung
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Sally Geyer made a motion to reappoint Clythera Hornung for a 5-year term, seconded by Andrew Mohney and all were in favor.

Mayor Garner noted the Alternate position was still available.

Police Civil Service Commission (3 year term) Motion Passed	1	D. Seth Hall	D. Seth Hall	D. Seth Hall
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Deputy Mayor Bob Roberts made a motion to reappoint D. Seth Hall for a 3-year term, seconded by Andrew Mohney and all were in favor.

Shade Tree Commission of the City of St. Marys (3 year term) Motion Passed	1	Lisa Sorg	Lisa Sorg Mary Ann Valentine	Lisa Sorg
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Andrew Mohney made a motion to reappoint Lisa Sorg for a 3-year term, seconded by Deputy Mayor Bob Roberts and all were in favor.

TOPICS FOR DISCUSSION:

Service Road Solicitor Wagner explained in the 1970's PennDOT improved the east side of SR 255. A portion of the adjacent roadway was condemned and has been maintained by the Borough and the City since that time. There was no documentation of the roadway being ordained as a "City" road and a proposed ordinance change to include the road known as "Service Road" as a City Road was presented for Council's review. He noted if Council accepts the road it could be added to the liquid fuel listing of City roadways that the City receives funding for from the State.

Motion Passed Deputy Mayor Bob Roberts made a motion to publish the ordinance declaring Service Road to be a public road and opening the same for public travel, seconded by Sally Geyer and all were in favor.

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**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

Bob Carnes asked when the maintenance of South Michael Road extension would begin due to the recent weather conditions.

Motion

Deputy Mayor Bob Roberts made a motion to plow snow as stated in the Airport Authority agreement with the residents until the pending legislation is approved, seconded by Andrew Mohny.

Discussion

Nedward Jacob disagreed with the inclusion of the Airport Authority agreement in the motion.

Deputy Mayor Bob Roberts stated he believed it was correct.

Solicitor Wagner commented there is a doctrine of pending ordinances, and it is within Council's power to provide temporary relief for the residents for a variety of reasons. He noted it was not within the Manager's jurisdiction to make this decision.

Motion Passed

All were in favor of the motion, except Nedward Jacob who opposed.

COUNCIL COMMENTS

All of Council wished everyone a Merry Christmas and Happy New Year.

Sally Geyer commented on the beautiful downtown decorations; stated her approval of the new community calendar and how grateful she was for the successful light up night; she thanked the Manager and staff for development in the City and explained how she was excited about the City making national news with a televised camera view of the downtown on a Fox News Program.

Nedward Jacob thanked the Public Works department for the Christmas lights and the Downtown Heritage Group for the flowers in the downtown. He also thanked the Knights of Columbus for the nativity scene on the Diamond.

Jerome Sorg thanked everyone at City Hall who helped him with his first year on Council.

Mayor Garner also thanked the Manager and City staff.

ANNOUNCEMENTS

Mayor Garner made the following announcements:


- Council next regular meeting will be held on Monday, January 16, 2023 at 7:00 p.m.

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ADJOURNMENT

Andrew Mohny made a motion to adjourn the meeting,
seconded by Shane Schneider. Meeting adjourned at 8:05 p.m.



Recording Secretary



Mayor