

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

69

FEBRUARY 20, 2023

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Lyle Garner on Monday, February 20, 2023, at 7:00 p.m. Notice of this meeting was sent to Council on February 16, 2023, posted at City Hall and published in the Daily Press.

PLEDGE TO THE FLAG

ROLL CALL

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

Deputy Mayor Bob Roberts was excused.

City Staff: Joe Kugler, Deputy Director of Community & Economic Development, Dani Schneider, Parks and Recreation Director, and Matt Pfeufer, Zoning Officer. Chief Tom Nicklas and Officers of the St. Marys Police Department.

VISITORS

Clythera Hornung, Seth Hall, Derek Hansen, Gwen Hoffman, Tiffany Boschert, Tami Williamson, Jonathan Hoffman, John and Stephanie Feldbauer, Steve and Veronica Chicola, Rhonda Hoffman, David Brown, Julia Tomaski, Karne Nero, George Nero, Andy Nero, L. Meyer, Stephen Bagley, Kiersten Brodie and Jennifer Johnston.

**APPROVAL OF MINUTES
January 16, 2023 – Regular
Meeting
Motion Passed**

Sally Geyer made a motion to approve the January 16, 2023 minutes, seconded by Shane Schneider and all were in favor.

**INTRODUCTION OF NEW
POLICE SERGEANT**

Chief Tom Nicklas introduced newly selected Police Sergeant Andrew Nero. He explained Sergeant Nero has been with department for over eight years. He noted Sergeant Nero is excited to serve as First Line Supervisor.

Chief Nicklas, further explained in 2022, the department piloted a 12-hour shift schedule at the request of the officers. This required breaking the officers into four teams. The previous eight-hour shifts required only three teams, with three sergeants leading each shift. When the officers overwhelmingly chose to stay with 12-hour shifts, the Civil Service Promotion process was initiated. The City of St. Marys Police Civil Service Commission managed the written exam and oral interview process. Performance on these tests were combined to establish a promotion eligibility list. Five police officers participated in the

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

FEBRUARY 20, 2023

promotion process. He stated it was important to note that all of the officers possessed individual skill sets and were capable of performing the role of Sergeant. As a result of the promotion process Officer Nero was selected to be the new Sergeant.

Council and the audience gave Sergeant Nero a round of applause.

**SPECIAL PRESENTATION:
Shade Tree Commission –
Kaulmont Park**

Gail Shturtz, Chairperson of the Shade Tree Commission, presented the following information:

The Shade Tree Commission is responsible for taking care of City trees within the City parks, including Kaulmont Park, which is what the Commission wanted to discuss tonight. Kaulmont Park serves an area that has over 150 children and their families. More than ten (10) years ago, the Shade Tree Commission dedicated major resources and commitment to Kaulmont Park. Using some significant grant monies they planted a variety of “Pennsylvania Native Trees” – with appropriate visible signage that included the English and Latin names of the trees. The trees were substantial in size and were purchased from a commercial nursery that guaranteed their survival for 24 months. During that time period, it was necessary to replace several of the trees at no expense. The majority have survived but need attention.

A map of the proposed project area was provided.

She stated, now there is a need to again devote time, resources and effort to Kaulmont Park. The Shade Tree Commission would like to collaborate with the City and Recreation’s board’s plans for fixing up the park. Listed below are some of the issues that should be addressed.

Consider the existing trees including -

- Remove some trees that are in such decline that their survival is in serious question.
- Addition of some trees within the category of “Native PA Trees”.
- Replace/add new signage with the existing goal – names of all the trees for educational/instructional purposes.
- Support the ongoing survival of existing and “new” trees by providing for the removal of unwanted growth at the base of each tree and the installation of “tree rings” that would deter future

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

71

FEBRUARY 20, 2023

grass/weed growth in this area and protect the trunks of the trees from damage as a result of mowing.

She reviewed possible obstacles, ideas and questions. She explained they sought professional advice from Travis Wingard, Master Watershed Steward Coordinator and she reviewed his ideas and suggestions.

She noted the Commission members were willing to meet with anyone interested in making improvements to Kaulmont Park since they believed it was a park worth saving.

Solicitor Wagner commented that Kaulmont Park is a potential trail head for the West Creek Rails to Trails Project and should be considered as a possible partnership in the future.

**CITIZEN COMMENTS ON
AGENDA TOPICS**

There were no citizen comments on agenda topics.

MANAGER'S REPORT

The Manager provided the following report:

- "First off, I want to congratulate Patrolman Andrew Nero for being selected as the new sergeant for the St. Marys Police Department.
- The City did receive a resignation letter from Sherri Lovett effective March 1st of this year. She was the Administrative Assistant at the Police Department and City. She wishes to be a part of her family's business. I would like to thank Sherri for her years of work at the City and wish her the very best on her future.
- HR will be looking to fill her position and also Parks and Recreation is looking for an Assistant Program Coordinator for this summer season.
- St. Marys has been selected as the site for the PML Northwest District Meeting which will take place in April.
- Downtown Camera System project is complete with all 11 cameras functioning.
- Starting April 1st, citizens will be able to obtain or renew their parking permits by using the Meter Feeder app.
- Pertaining to the grant applications which we are still waiting to see if we will be awarded (Rt. 120 Connector, Downtown Even Park, and Erie Ave/Washington St Project), I am hearing word that the decisions may be made in March. What is unfortunate is that we can't

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

FEBRUARY 20, 2023

proceed with any action towards these projects or we will be automatically disqualified from receiving any grant funding.

- Waiting on an environmental study for Benzinger Park Pedestrian Pathway so we may proceed with this project. I do expect to receive it soon.
- Looking at expanding the parking lot at Benzinger Park on the Fleming Road side, clean up the upper parking lot at Kaulmont Park and making sure lines are in place at our gravel lots for the upcoming summer season.
- We will be starting a sidewalk initiative starting this year beginning with the Central Business Zoning District of the City. Code Enforcement will be evaluating the sidewalks of this area starting in late April to see if any sidewalks need to be brought up to the ordinance.
- With the warmer weather, street department has been clearing roadways of low-lying limbs, pothole repairs, sanitary/storm sewer flushes, and going to be doing about 80,000 feet worth of camera work on the northside of city to look for issues in stormwater management. Even though the weather has been great, it is still only February and we won't be getting the sweepers ready until late March/early April.
- Comprehensive plans for Park and Recreation and Management study are almost complete and Council can expect them in the near future."

TREASURER'S REPORT

Manager Fleming provided the following Treasurer's Report for January 2023:

For 2023, revenue for the General Fund was at .36% of budget. For 2022 revenue was .22%; for 2021, revenue was .35% of budget; and for 2020 it was .29% of budget. 2023 expenditures were at 5.16% of budget; for 2022 it was 6.21%; for 2021 it was 5.1% of budget for the General Fund; and for 2020 expenditures were 5.85% of budget. Revenue will be low for the first few months of the year, real estate tax bills are not mailed out until March 1st. Earned income collected in January and February of 2023 will be the 4th quarter 2022 revenue and will show up in the 2022 statement of Revenue & Expenditures. As of the end of January, the EIT collections for 2022 are at 83.75% of budget. February will be the majority of the 4th Quarter, 2022 collections, so you will see the total Earned Income Tax earned for 2022. We will start seeing the 1st quarter of 2023 EIT collections in May. The pension plans market value increased for January of 2023. Balances as of 1/1/2023 were adjusted to actual with 2022 year end adjusting entries and will also be

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

73

FEBRUARY 20, 2023

adjusted again in February.

LEGISLATIVE ACTION

Consider for adoption:

**Resolution No. 23-02 – DCNR
C2P2 Grant Application for
Leather's Playground
Replacement**

Resolution No. 23-02 – DCNR C2P2 Grant Application for Leather's Playground Replacement was presented for adoption.

Dani Schneider, Parks and Recreation Director explained the grant application was for the replacement of "PlayLand" at Memorial Park. This replacement equipment would be ADA accessible and the first completely accessible playground equipment within the City's Park system. She described the past maintenance with the current wooden structure. The total cost to remove it was approximately \$20,000 and the replacement costs were contingent upon the surfacing chosen, mulch versus rubber surfacing and ranged from \$510,000 - \$600,000. She stated there currently was \$100,000 secured funds through private donations. The final budget has not yet been determined. As the playground is developed, public input will be obtained.

Motion Passed

Sally Geyer made a motion to adopt Resolution No. 23-02, seconded by Andrew Mohny and all were in favor.

**Resolution No. 23-03 -
Greenways, Trails and
Recreation Grant Program for
Leather's Playground
Replacement Project**

Resolution No. 23-03 - Greenways, Trails and Recreation Grant Program for Leather's Playground Replacement Project was presented for adoption.

Dani Schneider explained this was for the same project as previously explained and could be used as matching funds.

Nedward Jacob stated his concerns if the grant funding was not approved.

Motion Passed

Sally Geyer made a motion to adopt Resolution No. 23-03, seconded by Andrew Mohny and all were in favor.

**Resolution No. 23-04 –
Authorizing the Mayor and
Manager to sign agreements
with PennDOT for the year
2023**

Resolution No. 23-04 – Authorizing the Mayor and Manager to sign agreements with PennDOT for the year 2023 was presented for adoption.

Manager Fleming explained this was an annual requirement of PennDOT to sign agreements.

Motion Passed

Jerome Sorg made a motion to adopt Resolution No. 23-04, seconded by Andrew Mohny and all were in favor.

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

FEBRUARY 20, 2023

**Consider for publication:
An Ordinance amending
Chapter 13 of City Code
relating to Transient Retail
regulations**

An Ordinance amending Chapter 13 of City Code relating to Transient Retail regulations was presented for publication.

Sally Geyer expressed her concerns with what she believed to be government overreach contained in the ordinance.

Andrew Mohny disagreed with the regulations and the fees.

Jerome Sorg was concerned with verifying the State regulations.

Manager Fleming explained there currently was not any language in the City Code for "food trucks". He clarified these regulations were for when there was not a City/Community event happening. This proposed ordinance would allow the City to require proof of the State Certifications for public health and safety.

Shane Schneider stated if the purpose of this ordinance was to verify who they these vendors are, then he disagreed with the fees.

Nedward Jacob suggested to table the ordinance until some of Council's concerns could be addressed.

Motion to Table Passed

Nedward Jacob made a motion to table the ordinance, seconded by Sally Geyer and all were in favor, except Andrew Mohny who opposed.

**An Ordinance amending the
City's Zoning Ordinance to
rezone property off Bucktail
Rd. (AI Holdings, LLC
Rezoning Request)**

An Ordinance amending the City's Zoning Ordinance to rezone property off Bucktail Rd. (AI Holdings, LLC Rezoning Request) was presented for publication.

Matthew Pfeufer, Zoning Officer explained he had received questions regarding the mapping of the location of this request. He provided Council a hard copy of the map and also displayed it on the television screen. He confirmed the applicant was proposing to change the area from Rural Conservation to Residential Flexible. He confirmed the adjacent owners and proposed access to the location.

Jerome Sorg stated his concerns with the regulations in the Residential Flexible Zone that would allow, for example, a trailer park. He also provided a comparison to other regulations of lot sizes in other zoning districts. He was concerned with the future development of the property.

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

75

FEBRUARY 20, 2023

Solicitor Wagner agreed to provide a memo regarding Council concerns and questions before the next meeting.

Andrew Mohny stated he had no issue with he proposed changes, but he did have an issue with some of the comments made at the Planning Commission meeting that conflicted with the City's Fair Housing Notice. He further explained the details and guidelines for low-income housing in the City.

Mr. Pfeufer confirmed most of the current Residential Suburban zoning district was already developed.

Solicitor Wagner noted that the consensus of Council seemed to be in favor of this kind of development, but needed to find a better vehicle to make it happen.

Andrew Mohny stated the City needs this type of development and will obtain more tax revenue from it.

Nedward Jacob was concerned with the maintenance of the access roads to the development when the City takes them over.

Jerome Sorg noted there are businesses that may also be served by the access roads.

Mayor Garner noted that development creates tax revenue for road maintenance.

Motion Passed

Andrew Mohny made a motion to publish the Ordinance amending the City's Zoning Ordinance to rezone property off Bucktail Road, seconded by Sally Geyer and all were in favor, except Nedward Jacob who opposed.

Solicitor Wagner clarified a public hearing on the proposed zoning amendment change would be held at the next Council meeting prior to adoption of the ordinance.

**2020 CDBG-CV Modification
Request**

Joe Kugler, Deputy Director of Community and Economic Development explained the following:

On July 20, 2020 City Council approved the following Activities for the 2020 CDBG-CV application:

**Guardian Angel Shoe Voucher Program
\$3,120**

Guardian Angel PPE and Supplies Program

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

FEBRUARY 20, 2023

\$4,580

Utility Assistance Program

\$33,662/Revised \$21,042

**Christian Food Bank Drive Through Addition/PPE and
Supplies**

\$117,500/Revised \$130,120

Administration (18%)

\$34,870

The Christian Food Bank Drive Through Addition/PPE and Supplies Activities have been completed and required reporting documents submitted. Additional funds were needed and a Revision was requested and approved to transfer funds (\$12,620) from the Utility Assistance Program to the Christian Food Bank on January 31, 2022.

The Guardian Angel Center received a portion of their funds for both of their Activities outlined above. At the time the Cooperation Agreement was signed between the City and Guardian Angel Center the reporting requirements were still being finalized by DCED for the special round of CDBG funds. When the reporting requirements were finalized, City staff reached out to the Guardian Angel Center requesting completion of "Client Income Self-Declaration" forms for each of their St. Marys clients. The Guardian Angel Center Board determined that it was not in the best interests of their relationship with clients to request the income verification that was required by CDBG-CV guidelines and as a result agreed to return the funds that were distributed for the two Activities.

In reference to the Utility Assistance Program, several programs were provided to residents throughout our area and the program has been inactive.

City Council was asked to approve the removal of the two Guardian Angel Center projects as well as the Utility Assistance Program and the funds be reallocated towards reimbursement of food purchases for the time frame January 20, 2020 to current date for St. Marys clientele who qualify for the services offered by the Christian Food Bank. The amount of additional funds to be allocated towards this Activity is \$28,742; invoices and proof of payment for various purchases totally \$43,428 have already been provided. A copy of the following was provided: "Client Income Self-Declaration" form, the City's letter to the Guardian Angel Center and the letter of response from the Guardian Angel Center.

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

77

FEBRUARY 20, 2023

Motion

Sally Geyer made a motion to approve the 2020 CDBG-CV modification request.

Clythera Hornung, President of the Guardian Angel Center confirmed the explanation of their return of funds was accurate.

Motion Passed

The motion was seconded by Andrew Mohny and all were in favor.

**L.E.R.T.A. Application –
2023 -01 FSJM Enterprises
Inc.**

Manager Fleming explained a LERTA application was received from FSJM Enterprises (Nicklas Insurance) in regards to the Local Economic Revitalization Tax Assistance Act Program for a new commercial office building at 101 Madison Street with a projected cost of \$900,000. The request has been approved by the Elk County Board of Commissioner and the St. Marys Area School Board.

Motion Passed

Nedward Jacob made a motion to approve the LERTA application, seconded by Andrew Mohny and all were in favor.

**Revised Wage Schedule for
Management Employees**

Manager Fleming explained the revised Wage Schedule for Management Employees was being presented to increase the wage for part-time police officers in order to be locally competitive and since the wage has not been revised since 2018.

Motion Passed

Andrew Mohny made a motion to approve the Revised Wage Schedule for part-time police officers, seconded by Jerome Sorg and all were in favor.

TOPICS FOR DISCUSSION:

Jerome Sorg described recent local ATV rides and how they could add revenue to our area. He suggested the City prepare for this type of activity by looking at the designated snowmobile roads.

**CITIZEN COMMENTS ON
NON-AGENDA TOPICS**

Gene Garner commented on the agenda format and questioned the LERTA application procedure.

COUNCIL COMMENTS

Shane Schneider congratulated Sergeant Nero.

Jerome Sorg restated his desire to look at different zoning districts for housing development.

Sally Geyer noted there are three upcoming seats available on Council and encouraged those to go to a petition signing event.

**CITY OF SAINT MARYS COUNCIL
REGULAR MEETING**

FEBRUARY 20, 2023

Andrew Mohny commended prior and current the Recreation Board members for continuing to improve our parks for the betterment of the community.

Jerome Sorg suggested Council review the definition of a partial term versus a full term for Council members to be eligible to run for office again.

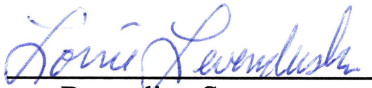
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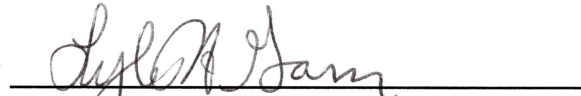
Mayor Garner made the following announcements:

- Council next regular meeting will be held on Monday, March 20, 2023 at 7:00 p.m.

ADJOURNMENT

Shane Schneider made a motion to adjourn the meeting, seconded by Andrew Mohny. Meeting adjourned at 8:28 p.m.


Recording Secretary


Mayor