

CITY OF SAINT MARYS COUNCIL RESCHEDULED WORKSESSION

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October 9, 2006

CALL TO ORDER

The rescheduled Council worksession of the City of St. Marys was called to order by Mayor Sally Geyer on Monday, October 9, 2006 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 Members on October 5, 2006, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Sean Gabler, Thomas Farley, Dennis Nero, Richard Dornisch, Mark Kopp, and City Manager David Greene

Absent: Steven Skok (excused)

VISITORS

Visitors included: Katie Weidenboerner, Richard Sadley, Diane Krise, Lance Mohney, and Bob DeLullo

**APPROVAL OF MINUTES
September 25, 2006**

Richard Dornisch made a motion to approve the minutes of September 25, 2006, seconded by Sean Gabler, and all were in favor, except Dennis Nero and Mark Kopp both abstaining.

**CITIZEN COMMENTS
ON AGENDA TOPICS**

There were no citizen comments on agenda topics.

**LEGISLATIVE ACTION
Award of Bid
Leaf Waste Program**

Manager Greene stated one bid was received for the Leaf Waste Program which was opened during a public meeting held on October 3, 2006 at City Hall, as follows:

- Woodbed Co. 1022 DeLaum Road
- 2007 - \$1800./month from Jan. to Dec. for a total of \$21,600.
- 2008 - \$1900./month from Jan. to Dec. for a total of \$22,800.
- 2009 - \$2000./month from Jan. to Dec. for a total of \$24,000.

The bidder has a collection site available which is approved by DEP to properly collect and recycle grass, leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings. The site has liability insurance for \$1,000,000. and is easily accessible to residents.

The bidder will also be willing to open the site, if awarded the contract, for the rest of 2006 at a pro-rated amount of \$1,112.90 for October and \$1500. per month for November and December. The bidder will take care of providing a dumpster for

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non-recyclable materials left by residents and the City will do all the advertising pertaining to the compost site. This fee does not include contractors. This bid is for residential collection only.

Thomas Farley made a motion to accept the bid from Woodbed Co. and seconded by Dennis Nero.

Dennis Nero questioned if DeLullo will be taken care of the present grass problem at the site. The Manager stated this is part of the agreement.

All were in favor of the motion to award the bid to Woodbed Co.

Award of Bid
Elk Haven Interceptor
Alteration Project

Manager Greene stated two bids were received for the Elk Haven Interceptor Alteration Project. Bids were opened during a public meeting held on October 3, 2006 at City Hall, as follows:

Bucktail Excavators, Inc.

Base Bid \$92,735.

Base Bid - Deduct Alternate \$87,735.

Greenland Construction, Inc.

Base Bid - \$77,177.

Base Bid - Deduct Alternate \$74,777.

This project is to be funded through an IDP grant, from the State, in the amount of approximately \$71,000. for the benefit of Advanced Recycling Equipment which anticipates plant expansion of their facility on Washington Road. The remaining amount is to be covered from the City's Sewer Fund which maintains the sewer lines. The City Engineer recommended that the bid be awarded to Greenland Construction, Inc. in the amount of \$74,777. base bid minus deduct alternate.

Richard Dornisch made a motion to award the bid for the Elk Haven Interceptor Alteration Project to Greenland Construction, Inc., seconded by Mark Kopp, and all were in favor.

TOPICS FOR DISCUSSION
Non-Use Aquifer
Ordinance

Manager Greene stated additional information was received from Burkett Environmental Services, Inc. regarding the Non-Use Aquifer Ordinance stating they have reviewed the list of properties referred to them under Schedule A/Stackpole Center/441 Hall Avenue/Old Dump/and Benzinger as to whether each of the properties included are connected to City water.

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Based on previous door-to-door surveys, Burkett Environmental Services undertook in these areas of the City, review of Water Authority's records and their own personal knowledge of the properties or through interviews with other knowledgeable persons, it is their professional opinion that all developed properties listed in the foregoing schedules are connected to City water. Schedule A/441 Hall Avenue property list, as well as, the Schedule A/Stackpole Center property list have been revised to delete certain properties that should not have been included.

Manager Greene stated the City is also waiting for information from other locations, such as Keystone and the old dump on Robin Road, and possibly properties near Carbone of America and C/G.

Manager Greene felt that should property in the future be discovered, not being on City water, the company in question, should bear the costs for connecting these properties and also the tapping fee to the City's water supply.

Thomas Farley stated he received correspondence from Mark Ansell of DEP regarding questions he had after the previous Council meeting. Mr. Ansell noted that the remediator bears all legal and financial responsibility for ensuring that the site meets the chosen cleanup standard of Act 2.

The remediator is also required to verify that the owners of all potentially effected properties are contacted to determine if a well exists on that property. If a well does exist within the defined contaminant plume, it remains the remediator's responsibility to assess if the use of the well poses a threat to the individual. If so, it is the remediator's responsibility to mitigate that threat. If a threat is identified, it remains the remediator's responsibility to eliminate the threat posed by the water. How the threat is eliminated is up to the remediator and may be accomplished through a variety of methods, such as; water treatment, voluntary water use modification or an alternate water source like City water.

Two explanations may help clarify why some property owners listed in Schedule A have not been contacted.

1. It is likely that the boundaries presented in Schedule A are delineated in a highly conservative manner, implying that a few properties shown on the map may in fact not be directly within the contaminant plume boundary.

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2. Some of the sites are not yet to the stage in the regulatory process where the door-to-door survey is required.

Thomas Farley stated a resident on S. Michael Street informed him that, for a fact, two individuals near Carbon Road are still on well water. He also felt that if a well needs capped-off or if a property needs connected to the City's water supply, the property owner should not be responsible for any costs regarding this issue. The residents did not create the problem.

Manager Greene stated he spoke to Solicitor French today and that it was decided that a letter of credit or a bond should be established.

The Manager will find out the dates the door-to-door surveys took place.

Letter from St. Marys
Municipal Authority re:
Consent Agreement
Violation

The City received a letter from the St. Marys Municipal Authority requesting that the City reimburse the Authority half of a violation fine that the St. Marys Wastewater Treatment Plant received from DEP. The fine was negotiated from \$25,000. to \$20,000. if paid by August 31, 2006. The Authority paid the \$20,000. fine and is requesting that the City reimburse them half of the \$20,000.

The Authority was fined \$20,000. by DEP for effluent discharge violations that occurred at the Wastewater Treatment Plant from September 2004 through November 2005. The violations exceeded the NPDES permit limitations.

Thomas Farley made a motion to honor the Authority's request for 50% of the DEP fine, seconded by Richard Dornisch, and all were in favor.

St. Marys Municipal
Authority re:
Operating Authority

Dennis Nero stated in December, 2005, he made a motion to start discussions with the St. Marys Municipal Authority to become an Operating Authority. The motion was properly seconded and passed unanimously in favor of starting discussions with the two solicitors. Mr. Nero stated the City should send a letter stating the City would like to start discussions on this matter to see if it is feasible.

Mayor Geyer noted that the City's Solicitor and the Municipal Authority's Solicitor did correspond with each other on the issue.

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Dennis Nero made a motion that we send a letter to the authority, signed by the Mayor, that we would like to have a discussion on the pros and cons of them becoming an Operating Authority, seconded by Mark Kopp and all were in favor.

City's proposed
new Zoning Ordinance

Thomas Farley had a couple of comments regarding the new proposed Zoning Ordinance. He stated he did attend the Planning Commission meeting with about eight to ten concerns which, after reviewing the ordinance, have been addressed. He has since discovered two minor corrections. On page 89 Section 301.8 Garage/Yard Sales, the last sentence is not completed, it ends with "and". On Page 172 under Mini-Warehouses, Section 441.2 should be 442.2. It was also noted that the "Municipal Directory" should be updated.

COUNCIL COMMENTS

Sean Gabler commented on a letter the City received from the Elk County Solid Waste Authority revising the fee schedule for demolition of property. Under the old fee schedule, Sheetz's permit would have cost \$50.00/bldg. With the new schedule, Sheetz will have to pay \$7,400.00 for their permit.

Manager Greene noted that Solicitor French informed him that the County is not permitted to make revenue on permits and can only charge a reasonable fee to cover their expenses.

After a lengthy discussion, Dennis Nero made a motion to write a letter to the Elk County Solid Waste Authority opposing the new fee structure, seconded by Richard Dornisch and all were in favor.

Sean Gabler stated he would like to see some outdoor winter activities made available. He suggested that the City apply for some funding to repair and open-up the ice-skating rink at Benzinger Park and also create an area for cross-country skiing.

Thomas Farley read a statement he prepared concerning land application of residential septage. At a recent Council meeting regarding land application of residential septage, Mr. Farley suggested that this was, in his opinion, a step backwards and had a deep concern for land contamination. Mr. Farley stated he has since learned that the applicant has met all the requirements mandated by DEP and that this practice is acceptable.

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Dennis Nero questioned when the budget meetings will start. Mr. Nero also asked to be excused from the next Council meeting to be held on October 23rd.

Mayor Geyer read a portion of a Proclamation declaring October 14, 2006 as National Martial Arts Day. Deputy Mayor Dennis Nero will present the Proclamation to the Kriegisch Martial Arts Studio on Saturday.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

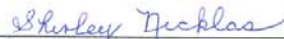
- Next Council's rescheduled regular meeting will be held on Monday, October 23, 2006 at 7:00 p.m.
- Trick or Treat - Saturday, October 28, 2006 6:00 p.m. to 9:00 p.m. porch light invitation only

ADJOURNMENT

Dennis Nero made a motion to adjourn the meeting.



Mayor



Recording Secretary