

MAY 15, 2017

**CALL TO ORDER**

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Robert Howard on Monday, May 15, 2017 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 on May 11, 2017, posted at City Hall and published in the Daily Press.

**PLEDGE TO THE FLAG  
AND MOMENT OF  
SILENCE FOR OFFICER  
ROBERT LEWIS**

**ROLL CALL**

Present: Mayor Robert Howard, Gregory Gebauer, Gary Anderson, Andrew Mohny, Bob Mohr, Lou Radkowski, Nedward Jacob, Manager Timothy Pearson and Solicitor Tom Wagner.

**VISITORS**

Visitors included: David Kahley, Vince Assetta, Gina Vrobel, Amy Cherry, John Schatz, Jane Schatz, Warren Stewart, Richard Sadley, Denny Bauer, Tom Nicklas, Chris Pletcher, Amy Anderson, Rod Anderson, Marc Nero and Christie Greenawalt.

**APPROVAL OF MINUTES  
April 17, 2017**

Gary Anderson made a motion to approve the minutes of April 17, 2017, seconded by Nedward Jacob and all were in favor.

**REPORT ON EXECUTIVE  
SESSION:**

Mayor Howard stated an Executive Session was held immediately prior to tonight's meeting regarding personnel matters. No decisions were made.

**SWEARING IN  
CEREMONY: New Police  
Officer – Shawn M.  
Kronenwetter**

Chief of Police Tom Nicklas first expressed his thanks to Council for taking a moment to honor Officer Lewis and for the presence of Council and City Hall at Officer Lewis's funeral.

He then thanked the Civil Service Commission for all their hard work creating the police applicant eligibility list. Chief Nicklas then presented Shawn M. Kronenwetter to be sworn in as a new Police Officer for the City of St. Marys.

Mayor Howard swore in Shawn M. Kronenwetter as a new Police Officer.

**SPECIAL PRESENTATION:  
Straub Brewery, Inc.**

Vince Assetta, General Manager, Vice-President and Brewmaster of Straub Brewery explained details of the "Straub Brewery Visitor Center and Tap Room" project which included upgrades and modifications to its current facility as enhancements for a more attractive visitor destination point. They also are working with the PA Wilds as a tourism destination. Funds for the project include a grant and brewery resources which will exceed one million dollars. The project contains three components, the Tap Room, enhancing and building upon what already works and developing it into a visitor's center and expand and integrate the gift shop into one space. The purpose of the project is to leverage tourism within the PA Wilds. The three goals of the project are to increase visitors to the Brewery and increase the amount of time visiting the Brewery, which could increase overnight stays in St. Marys and the area. All of this could increase the amount of tourism dollars and spending in the entire region. The design will have a historical, industrial motif in order to be true to the history of the brewery of being the 3<sup>rd</sup> oldest family owned brewery in the country at 145 years old. The project also

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proposes indoor and outdoor seating and possibly food service capability. An exterior beautification and new signage is also planned. The Progress Fund is the non-profit Redevelopment Assistance Capital Program project grantee/applicant, Straub Brewery is the sub-grantee/sub-applicant and the State will require a host municipality. They would be asking the City of St. Marys to be the host municipality. The architects for the project will be KTH out of DuBois. The application deadline is November 22 but they anticipate an earlier submission. The expected opening date is the spring of 2018.

David Kahley, President and CEO of The Progress Fund, explained his company's role in the project by being recipient of the grant and the pass through for the grant funds by providing a bridge loan to Straub Brewery. He provided information on loans that the company has assisted with totaling sixty million dollars and twenty million is State Grants related to the development of the PA tourism industry.

Lou Radkowski questioned the amount of State Grants they have assisted with and Mr. Kahley confirmed the amounts.

Nedward Jacob questioned if the company prepares and receives the grant and distributes to the businesses and Mr. Kahley responded regarding the Straub Brewery project, his company will serve as the pass through to ensure the process is done appropriately and adequately.

Nedward Jacob questioned if the City would guarantee the loan and Mr. Kahley responded the City's fiscal responsibility would have a small amount of risk. Once the project is completed his company would ask the State for reimbursement of qualified expenditures. In his experience in the past twelve years the State had never asked for money back but the City would have to agree to pay back the State if anything erroneously happened.

Nedward Jacob questioned if this was the same process North Central had done with the Cobblestone hotel project and Manager Pearson responded yes that was correct.

Gary Anderson questioned why the project was different, since the case studies referenced mostly loans and Mr. Kahley responded originally the company used the primary tool of loans, but since then they have handled grant funds as a pass through.

Gary Anderson asked if the City was guaranteeing the proper expenditure of the funds would his company be willing to have the bank offer a letter of credit for the two year audit period with an indemnification clause and Mr. Kahley responded he was unsure if the company could do that due to State requirements.

Mr. Assetta clarified the agreement that would be presented to Council will have an indemnification from Straub Brewery to the City in the event it was determined there was a need for a disbursement back to the State.

Council thanked them for the presentation.

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CITIZEN COMMENTS ON  
AGENDA TOPICS

There were no comments on agenda topics.

## MAYOR'S REPORT

Mayor Howard reported the following:

- Attended the Arbor Day tree planting event at Benzinger Park with Representative Gabler
- Issued a Proclamation for Nurses Recognition Week
- Attended ribbon cuttings for the following businesses: Phoenix Rehabilitation, Cricket Wireless and Miracle Ear
- Attended the National Day of Prayer event held in Ridgway
- Attended the Bootjack hill by-pass anniversary committee meeting

## MANAGER'S REPORT

Manager Pearson welcomed Officer Shawn Kronenwetter to the Police force and provided the following report:

- Reminded residents to take advantage of Clean-Up Day on Saturday, May 20<sup>th</sup> from 8:00 a.m. until 2:00 p.m.
- Announced the Chamber of Commerce was coordinating a Clean-Up Downtown beginning at 10:00 a.m. the same day
- Reminder of the Memorial Day parade on Monday, May 29<sup>th</sup>

## SOLICITOR'S REPORT

There was no Solicitor's Report.

## TREASURER'S REPORT

Manager Pearson provided the following Treasurer's Report for April 30, 2017.

As of the end of April the City had collected 22.6 percent of the current Real Estate Tax Revenue, up from last year of 20 percent and in 2015, 16 percent was collected. Earned Income tax collected as of April 30, 2017 was \$484,443, up from last year of \$476,935 and in 2015 the City collected \$454,505. As of May 8<sup>th</sup> of this year the City collected \$3,389,974 in current Real Estate taxes and last year the City collected \$3,298,487. Total outstanding as of May 8, 2017 was \$605,993 and as of May 8, 2016 total outstanding was \$677,897. Sewage Treatment Fund cash on hand as of April 30, 2017 was \$1,384,492, and as of April 30, 2016 was \$1,103,069 and for April 30, 2015 was \$1,111,252. Sewage Treatment Fund balance as of April, 2017 was \$3,566,009 and for April, 2016 was \$3,182,583 and for 2015 was \$2,928,893. The sewer utility accounts receivable balance had dropped by \$58,000 since the issuance of delinquent letters to customers who had outstanding balances.

Manager Pearson clarified an aggressive effort was being made on delinquent sewer accounts.

The Manager will obtain an explanation of the Sewage Treatment Fund and Real Estate tax amounts for Councilman Jacob.

Discussion on the City budget will be on the June 5<sup>th</sup> agenda.

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**LEGISLATIVE ACTION:**

**PUBLIC HEARING:** Nero Enterprise Conditional Use application for a non-coal surface mine at 208 Clay Road

Mayor Howard stated a public hearing was being held for Nero Enterprise Conditional Use Application.

Opened Hearing at 7:31 p.m.

Mayor Howard opened the public hearing at 7:31p.m.

Matthew Pfeufer, Zoning Officer, stated the applicant was requesting a Conditional Use approval for a surface non-coal mining/quarrying use of 4.6 acres at 208 Clay Road. The specific requirements are found in Section 441 of the City Zoning Ordinance. The public hearing was duly advertised and the property was properly posted.

Marc Nero, applicant approached to answer any questions from Council.

Nedward Jacob questioned the location of the mining and Mr. Nero responded it was behind the building and he had already set it up for D.E.P. to look at.

Nedward Jacob asked if he was just excavating and Mr. Nero responded he intended to use most of the stone for his own use.

Nedward Jacob questioned if it was shale and Mr. Nero responded yes, basically. Mr. Nero stated he wanted to expand his parking lot at that location.

Nedward Jacob questioned if there would be a lot of truck traffic and Mr. Nero responded he could sell 2000 tons a year which equaled 200 loads. Mr. Nero stated it would be no more than his trucks pulling out of there right now.

Solicitor Wagner questioned the letter received from PDJ Leasing Company expressing their concerns with surface water drainage and Mr. Nero responded the water from the mine has to be diverted to a hole and would be away from his "PDJ" property.

Solicitor Wagner asked if he had a plan for disposal of surface water and approved by D.E.P. and Mr. Nero responded yes and D.E.P. was there and they were happy with it.

Nedward Jacob questioned if the surface water would end up in the pond on the right alongside the road when you come in there and Mr. Nero responded eventually it would.

Unknown female from the audience stated they have not had any buildup of water there over the past rainy season.

Mr. Nero he estimated about a 12 foot deep hole that broke down through that would gradually go down to the lower area.

Gregory Gebauer stated just for the record he spoke with Mr. Cunningham of PDJ Leasing about his letter. Mr. Cunningham indicated to Councilman Gebauer that he had been to the Zoning Hearing meetings and he was good with everything after he had heard the explanation.

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Solicitor Wagner stated in the Planning Commission meeting minutes it noted a recommendation to approve the conditional use with the condition of the approval of the required variances by the Zoning Hearing Board. He then asked if there were any variances needed with this application and Mr. Pfeufer responded the applicant requested two variances. Section 441.7 which deals with paving of the access road. The ordinance requires a 100 foot long paved portion of the access road and Section 441.9 which deals with screening and landscaping. The ordinance requires a 10 foot wide landscaping screen with trees along the entire boarder.

Solicitor Wagner asked if the variances been applied for and Mr. Nero responded no.

Solicitor Wagner stated if Council approves the Conditional Use it would be subject to receiving those variances.

Mayor Howard opened the hearing for public comments.

Rod Anderson owner of Kevro Precision Components expressed his concerns with dust from the road due to an additional 200 trucks per year. He believed the road was already very dusty from trucks.

Mr. Nero stated Erich Trucking also had trucks going in and out.

Bob Mohr asked if Mr. Nero had stated at a Planning Commission meeting that the right-of-way was on his property and Mr. Nero responded yes, it was his property.

Bob Mohr asked "wouldn't you be responsible, more or less, for that since it a right-of way" and Mr. Nero responded "it is not my right-of-way it is my property", but he didn't know what he could do about it, possibly he could spread limestone.

Nedward Jacob questioned if Clay Road was a right-of-way and Mr. Nero responded no, it was his property with a right-of way to everyone else's property. He owns right down to the highway.

Nedward Jacob stated the people were concerned with dust since now it was only gravel there and Mr. Nero responded that was all that we ever had there.

Amy Anderson stated when they moved in to their business they didn't have any dust for years, but now the dust is constant. She further stated Allegheny Motor sports is in front and they are in the back and you can't even open the windows because everything in the office gets dirty from the dust that is created.

Nedward Jacob stated they would have to go to the Zoning Hearing Board and state their concerns. He didn't think Council could add any stipulations about the dust.

Solicitor Wagner stated Council could certainly impose conditions under granting the approval. He questioned the project was to mine stone for use on the property and Mr. Nero responded yes but if someone wanted to buy some he would sell it to them, but it was not his real intention. He just wanted to make his parking lot bigger.

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Solicitor Wagner stated the 2000 tons was a D.E.P. limitation and Mr. Nero responded yes.

Lou Radkowski clarified the 200 additional trucks would only be if he was selling all of the stone.

Solicitor Wagner asked if in the past Mr. Nero sold stone off of the property and Mr. Nero responded he took it for his own jobs.

Manager Pearson asked Mr. Pfeufer to clarify the area that would be considered for the paving variance and Mr. Pfeufer responded the ordinance states paving of 100 feet from the intersection of the public road.

Mr. Nero stated the location is 1100 feet to the top of the hill.

Bob Mohr commented concerns with road maintenance was brought up at the Planning Commission meeting.

Bob Mohr questioned if he intended to blacktop the entire road and Mr. Nero responded eventually he would like to.

Bob Mohr questioned if he could put some kind of dust control on the road and Mr. Nero responded possibly tar and chip the bottom of the hill.

Bob Mohr commented tar and chip would be one-third the cost of blacktop.

Mr. Nero commented he could get "dust-down" which the Oil & Gas Industry uses all the time.

Mayor Howard requested confirmation of name and address for the public comments.

Rod and Amy Anderson of Kevro Precision Components at 1273 Bruxelles Street was confirmed.

Mayor Howard closed the public hearing at 7:43 p.m.

Conditional Use Application:  
2017-05 Nero Enterprises, non-coal surface mine at 208 Clay Road

2017-05 Conditional Use Application was presented from Nero Enterprises for a non-coal surface mine at 208 Clay Road.

Council, the Manager and the Solicitor discussed the application and the approval process.

Lou Radkowski made a motion to table the 2017-05 Nero Enterprises Conditional Use Application until the next meeting, seconded by Bob Mohr.

Motion to table passed

On a roll call vote all were in favor except Andrew Mohny and Nedward Jacob, who opposed. Motion passed.

Consider for adoption:  
Resolution No. 17-08, re:  
Approval of a certificate of the  
Benzinger Township Hospital  
Authority to terminate its

Resolution No. 17-08, re: Approval of a certificate of the Benzing Township Hospital Authority to terminate its existence was presented for adoption.

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- existence  
Solicitor Wagner explained the Authority's sole purpose was to provide a financing vehicle for construction projects at the hospital and was no longer a useful way to fund projects. The hospital had recommended the termination of the Authority and the Authority had passed a resolution requesting approval of Council to file a certificate with the State of Pennsylvania to terminate its existence.
- Motion Passed  
Nedward Jacob made a motion to adopt Resolution No. 17-08, seconded by Gary Anderson and all were in favor.
- Resolution No. 17-09, re: Elk County Liquid Fuels allocation  
Resolution No. 17-09, re: Elk County Liquid Fuels allocation was presented for adoption to receive \$7,000 for the purchase of 1B limestone.
- Motion Passed  
Nedward Jacob made a motion to adopt Resolution No. 17-09, seconded by Andrew Mohney and all were in favor.
- Consider for publication: An Ordinance establishing maximum allowable industrial loadings under the City's pretreatment program  
An Ordinance establishing maximum allowable industrial loadings under the City's pretreatment program was presented for publication.  
Manager Pearson explained the EPA requires the City to develop local limits for industrial discharges to the sanitary sewer system. The City submitted limits and the EPA had approved those limits. He further clarified these incoming limits do not affect the outgoing limits that are set by DEP.
- Motion Passed  
Lou Radkowski made a motion to publish the ordinance, seconded by Gary Anderson and all were in favor.
- Acceptance of deeded property to City  
Solicitor Wagner explained Arlita Feldbauer owns property by the Airport and was having her property surveyed. During the survey it was determined the City had a private right-of-way over a strip of land on the north side of her property. Ms. Feldbauer has offered to deed the property to the City. The deed was being presented for Council acceptance. Solicitor Wagner further clarified the deed was not a deed of dedication of the roadway, so the roadway will remain a private right-of-way. The City assumes no responsibility for the maintenance or improvement of the roadway.  
Manager Pearson clarified due to an extension of the runway the Airport already had a private agreement for maintenance of the roadway with the residents.
- Motion Passed  
Nedward Jacob made a motion to accept the deeded property, seconded by Andrew Mohney and all were in favor.
- LERTA Applications:  
Muccio School Transportation  
Muccio School Transportation, LLC has submitted an application to the City of St. Marys in regards to the Local Economic Revitalization Tax Assistance Act (LERTA) Program to construct a 3,960 square foot bus garage and office with parking lot at 74 Ceramic Street. The request has been approved by the school district and the county assessment office.
- Motion Passed  
Nedward Jacob made a motion to approve the Muccio School Transportation, LLC LERTA application, seconded by Gary Anderson and all were in favor.

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Keystone Powdered Metal  
Company

Keystone Powdered Metal has submitted an application to the City of St. Marys in regards to the Local Economic Revitalization Tax Assistance Act (LERTA) Program for an industrial addition at 251 State Street. The request has been approved by the county assessment office, but the school district will not make a decision on the application until May 15, 2017, so an approval by City Council should be conditioned upon approval by the school district.

Motion Passed

Nedward Jacob made a motion to approve the Keystone Powdered Metal LERTA application conditional that the St. Marys Area School District approves it at its meeting being held tonight, seconded by Lou Radkowski and all were in favor, except Gary Anderson who abstained.

Subdivision Applications:  
2017-11 Lawrence R. Brown  
and Carole A. Brown, Wendel  
Road

2017-11 subdivision application was presented from Lawrence R. Brown and Carole A. Brown for property located on Wendel Road. The subdivision proposed to subdivide a 12,750 square foot lot into two lots, Lot Addition 1 is 25' x 170.02' and will be combined with an adjacent, developed parcel owned by the Brown's. Lot Addition 2 is 50' x 170.02 and will be combined with an adjacent, vacant parcel owned by the Regulski's. No new building lots will be created as a result of this subdivision, but an existing building lot will be expanded. The Planning Commission had no comments on the subdivision.

Motion Passed

Lou Radkowski made a motion to approve the 2017-11 subdivision application, seconded by Bob Mohr and all were in favor.

2017-12 Partition of land for  
Tammy E. Gorman and Eric M.  
Lang, Catalina Road

2017-12 subdivision application was presented from Tammy E. Gorman and Eric M. Lang for property located on Catalina Road. The subdivision proposed to subdivide a 12,500sqft lot from a 31,250sqft parcel as a new building lot. The residual parcel will be 18,750sqft and contains an existing single family dwelling. The new lot has access to public water and sewage. The Planning Commission commented that the dates for the certifications are incorrect (2012). They are corrected on the recordation maps.

Motion Passed

Lou Radkowski made a motion to approve the 2017-12 subdivision application, seconded by Nedward Jacob and all were in favor.

Land Development Application:  
2017-10 LD St. Marys Lumber  
Company, 153 Aviation Way

2017-10 LD - land development application was presented from St. Marys Lumber Company for property located at 153 Aviation Way. The applicant was proposing to construct a 38,920sqft sawmill building, parking lot and associated lumberyard. The City of St. Marys Hearing Board approved a use variance and a variance from the parking space requirements on April 26, 2017. Stormwater management has been approved and constructed. The Planning Commission commented that FAA approval is still pending for the development.

Motion

Gary Anderson made a motion to approve the 2017-10 (LD) land development application subject to FAA approval, seconded by Lou Radkowski.

Discussion

Lou Radkowski expressed his concerns with an increase in truck traffic, due to the close proximity of the youth soccer fields and requested the Manager to discuss the matter with the



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applicant.

Motion Passed

All were in favor to approve 2017-10 LD application.

TOPICS FOR DISCUSSION:

There were no topics for discussion.

CITIZEN COMMENTS ON NON-AGENDA TOPICS

John Schatz explained he and his wife, Booka Hanes and Mike Faulk from the Cobblestone Hotel had recently explored different stream stabilization projects done by the Corps of Engineers. The group then met with Congressman GT Thompson regarding those projects and he noted the Corps of Engineers would be in the area working on projects in Ridgway and at the East Branch Dam. He stated the Congressman was looking for Council's input/approval of a project, a copy of the flood control plan and the group to be included with future meetings scheduled with the City and the office of GT Thompson.

Manager Pearson commented the next meeting scheduled with the City and GT Thompson's office was just a "meet and greet" meeting. He clarified the City had a flood control study for a specific area not a flood control plan for the City. The study contained suggestions to help mitigate flooding in a specific area. He noted dredging any creek was only a temporary solution and pushed the water downstream. He further noted the type stream stabilization projects the group had looked at were no longer done by the Corps of Engineers but would ask GT Thompson's Office if anything has changed. The City did receive approval to remove the old bridge behind the Cobblestone hotel which may alleviate some of the flooding issues in that area.

Solicitor Wagner commented the flood study that the City had deals with the Elk Creek watershed upstream from the hotel. If the study was implemented in some form it would impact flooding near the hotel.

Gary Anderson asked if they have had flooding issues at the hotel and Mr. Schatz responded they would not have flooding issues at the hotel, since it was 24 inches above the 100 year floodplain, but the parking lot will have issues.

Solicitor Wagner stated the federal government has superseding authority over the waters of the United States.

Booka Hanes commented the group had been in contact with numerous other businesses and this project was not just for them it was for the entire community.

Council, the Solicitor, the Manager and Mr. Schatz continued to discuss the matter and the Manager would report back to Council with the results of tomorrow's scheduled meeting with Congressman Thompson's Office.

COUNCIL COMMENTS

Councilman Mohr commented on the EMS notifications that were sent out recently for weather emergency warnings and encouraged residents to register.

Councilman Mohny commented 776-4600 was the number to register for the EMS notifications for those who did not have a computer.

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Councilman Gebauer clarified residents can register a land line or cell phone. The City was also working on expanding on the County's system for its residents.

Councilman Anderson commented the May 1st worksession was cancelled due to weather. He also commented the Wage tax was up four percent and again showed significant and growing economy in the St. Marys area.

Councilman Radkowski commented the pool will be opening soon and encouraged residents to utilize the City's great programs. He also recognized Leslie Swope the Director of the St. Marys Public Library and all her hard work.

Councilman Jacob requested a list of companies currently in the LERTA program.

Councilman Jacob requested more information be put on the new City Channel.

Councilman Jacob had a complaint about the sidewalks in town and suggested the Sidewalk Program be implemented.

Manager Pearson responded the program would need Council's support to be effective.

Council and the Manager discussed enforcement of the City Code Book.

**ANNOUNCEMENTS**

Mayor Howard made the following announcements:

- Election Day is tomorrow Tuesday, May 16th, please exercise your right to vote.
- Clean-Up Day is on Saturday, May 20th, at the City Garage from 8:00 a.m. until 2:00 p.m.
- The next Council worksession will be held Monday, June 5, 2017, at 7:00 p.m. at City Hall.
- Council will adjourn to an Executive Session regarding personnel matters.

**ADJOURNMENT**

Gary Anderson made a motion to adjourn the meeting. Meeting adjourned at 9:15 p.m.

  
Recording Secretary

  
Mayor