

BOROUGH OF SOUTHMONT
148 WONDER STREET
JOHNSTOWN, PA 15905

MINUTES FOR August 16, 2021

The pledge of allegiance was conducted, and the scheduled August 16, 2021, meeting was called to order by President Speicher at 4:00 p.m.

Present: Council President Sheree Speicher; Council Members Richard Rodgers, Kevin Pile, William Trevorrow, Eric Muncert, Robert Morgan; Solicitor Michael Carbonara; Exec. Sec. Amanda Layton; Engineer Todd Banks; Police Sgt. Ed Fisher; Zoning Officer Mark Walker; Harry Lingenfelter; Asst. Sec. Debra Riek.

Absent: Council Member Herb Ewald; Mayor Mark Yonko; Fire Chief Mike Butler

Visitors: Rudd Johnson (207 Mabel Street), Robert Walker (312 State St.), Robert & Jennifer Forcey (174 Floyd St.), Roxanne & Michael Chalich (2 Cheney St.)

Public Comment

Mr. Forcey addressed the council on the improvements he has made to his property to address the excess flow issue and requesting he be exempt from penalties until a re-inspection can be done to see if the issue has been fixed. Mr. Banks stated that they are planning to do inspections this week if the weather cooperates.

Mr. Johnson shared his concerns about not having yellow lines painted on Southmont Blvd. for safety. Mr. Lingenfelter stated that the borough is planning on having a company paint the safety lines in the near future.

Mrs. Roxanne Chalich addressed the sewage problems with their property and being confused on what action needs taken. Mrs. Layton stated that Ordinance 531 will help explain what needs addressed on the property by the owners. It was mentioned that there is a clogged stormwater drain that is causing a gully to form on their property. Mr. Lingenfelter said he would investigate the problem.

Mr. Robert Walker suggested the borough hire a grant writer to research grants that are available to the area and apply. Mrs. Speicher stated council would take his suggestion into consideration.

Correspondence

Atlantic Broadband sent a copy of their new rate increase for the area. Mrs. Speicher asked Attorney Carbonara if he would look into renegotiating the contract to include the internet and television service together in future contracts.

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Minutes

A motion was made by Mr. Morgan to approve the July 19, 2021, council meeting minutes. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried (6-0)

Police Chief's Report

Chief Fisher reported a vehicle was stolen from the borough and due to the actions of Officer Olasky in responding to a home invasion call in Lorain Borough, numerous stolen vehicles and theft of firearms in multiple jurisdictions were solved.

Fire Company Report

Chief Butler was absent.

Mrs. Speicher asked Attorney Carbonara if he was able to resolve the problem with financing the new radios needed for the Fire Company. Attorney Carbonara stated the problem is resolved.

Engineer's Report

Mr. Banks reported they are planning to do the remainder of excess flow inspections and re-inspections this week if the weather cooperates. Mr. Banks suggested that the Cheney Run Headwall Project is ready to go to bid. A motion was made by Mr. Rodgers to advertise the project for Cheney Run Headwall and Olive Street concrete box. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried (6-0).

Mr. Banks stated the MS4 permit is due by September 30, 2021, noting there are 6 control measures the borough needs to comply with.

Zoning Officer's Report

The July 2021 zoning report was received and is on file. Mr. Walker stated that the high grass violation letters that are being sent out are working well and bringing good results. Mr. Walker reported on Grimaldi's stating he received a copy of a 1985 agreement from Attorney Shahade for the Grimaldi's Auto Repair and Excavation Companies. It appears that there never was a request filed for a hearing for the excavation company to be located and working from the Southmont Blvd. location. Mr. Walker also stated there are property maintenance issues that need to be addressed including junk cars, used tires, and uninspected trucks. It was suggested that a picture of the property be sent along with the letter.

Mr. Walker reported on issues at 104 Dahlia Street and along Langhorne Avenue regarding uninspected vehicles and vehicles with no license plates.

Street Commissioner's Report

The Street Commissioner's report was received and is on file. Mr. Lingenfelter stated the street sweeper is being repaired in Pittsburgh and the front of the mower shed is being repaired.

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Solicitor's Report

Solicitor Carbonara reported he received a response from Upper Yoder Township Authority stating after reviewing the flow data at Wonder Street in Southmont Borough from the properties in Upper Yoder Township and Westmont Borough, the EDU calculations appear to be reasonably consistent with the 625 gallons per day/per EDU allowance, while rehabilitation efforts continue.

Mr. Pile made a motion to advertise Ordinance No. 533, amending Ordinance 531 to include a section for penalties and remedies. Motion was seconded by Mr. Muncert. Mr. Ewald absent. All in favor, motion carried (6-0).

Solicitor Carbonara reported the resolution and other documentation regarding the Menoher Blvd. traffic light was submitted.

Solicitor Carbonara stated the Stefanick appeal hearing has been rescheduled for October 5, 2021.

Attorney Carbonara called for an executive session at 5:15 p.m. to discuss legal matters. The executive session ended at 5:30 and council resumed its scheduled meeting.

A motion was made by Mr. Morgan to approve Resolution No. 2021-09, approving settlement of possible litigation with the Cambria County Prothonotary. Motion seconded by Mr. Rodgers. Mr. Ewald absent. All in favor, motion carried (6-0).

Executive Secretary Report

The Executive Secretary's report was received and is on file. Mrs. Layton reported a request was received from Mr. Samuel Decker at 129 Dahlia Street asking council to forgive \$360.00 in past due garbage and sewer maintenance that was left from the previous owner. Mrs. Layton explained that Attorney Michael Kuhn's office handled the closing and claimed they did not receive the lien letter before the closing date so the amount due was not paid at the time of closing. Attorney Carbonara stated Attorney Kuhn's office was responsible for making sure there were no outstanding balances before closing.

Solicitor Carbonara left the meeting at 5:30 p.m.

Mrs. Layton requested that council approve removing \$1,677.28 in garbage and sewer maintenance fees for 509 State Street noting the property is a vacant lot with no services and should not have been incurring fees through the new billing system. A motion was made by Mr. Muncert to approve removing \$1,677.28 in garbage and sewer maintenance fees for 509 State Street. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried (6-0).

Mrs. Speicher suggested a policy be created to give the borough office guidance on approving or declining requests for garbage and sewer maintenance forgiveness without having to bring them in front of council each time. The Budget Committee will work on drafting a policy.

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A motion was made by Mr. Morgan to approve the request from Bishop McCort to tie ribbons to trees and display signage in the borough to promote ovarian cancer awareness as part of their "Turn Southmont Teal" program. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried (6-0).

Mrs. Layton reported on a request from Robert Zellers that was previously discussed noting Mr. Zellers was requesting a 10 m.p.h. sign and Watch Children sign be installed near 313 Gardner Street because he felt vehicles were travelling at a high rate of speed while using the area as a short cut to avoid traffic congestion at Menoher Blvd. and Diamond Blvd. Mrs. Layton stated Chief Fisher was unable to set up the speed trailer due to the lack of sunlight to keep the speed trailer charged, but had monitored the area himself noting he did not feel there was an issue with speeding. Council decided not to move forward with the request.

Mrs. Layton reported a quote was received from the Geek Squad estimating it will take 10 hours for networking the office computers, checking security, and installing some office equipment in the amount of \$1,190.00. A motion was made by Mr. Pile to accept the quote from Geek Squad for \$1,190.00. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

A motion was made by Mr. Pile to approve adding Eric Muncert as an additional check signer on all accounts. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

Mrs. Layton provided council with a summary report showing past due garbage and sewer maintenance fees in the amount of \$202,548.12.

Mayor's Report

Mr. Yonko was absent. Nothing to report.

New Business

A motion was made by Mr. Muncert to approve advertising Ordinance No. 534, establishing the office of Borough Manager. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

A motion was made by Mr. Pile to encumber the 2021 County Aid in the amount of \$15,000.00. Motion seconded by Mr. Muncert. Mr. Ewald absent. All in favor, motion carried (6-0).

A motion was made by Mr. Trevorrow to approve extending the deadline for excess flow repairs to February 28, 2022 for those that provide the borough office with a copy of a signed contract. Motion seconded by Mr. Muncert. Mr. Ewald absent. All in favor, motion carried (6-0).

Council discussed the list of residents that have applied for funding assistance through Johnstown Redevelopment Authority and are waiting on JRA for a signed contract. Mrs.

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Speicher stated residents are responsible to meet all deadline dates regardless of JRA funding and may want to consult a plumber or contractor on their own to meet the deadline noting local banks are offering low-rate loans. A motion was made by Mr. Pile to send a letter to the residents on the Johnstown Redevelopment Authority funding list letting them know they need to meet the deadlines and may want to find a bank offering a low-rate loan instead. Motion seconded by Mr. Rodgers. Mr. Ewald absent. All in favor, motion carried (6-0).

Committees:

Streets: A motion was made by Mr. Morgan to approve tarring and chipping Stillray Street and Logan Street. Motion seconded by Mr. Rodgers. Mr. Ewald absent. All in favor, motion carried (6-0).

Administration: Nothing to report.

Personnel: A motion was made by Mr. Trevorrow to hire Michael Johnson as of August 23, 2021, at \$11.00 per hour on a 60-day probation period pending an approved drug test with full-time status and benefits to begin after a positive 60-day review. Motion seconded by Mr. Muncert. Mr. Ewald absent. All in favor, motion carried (6-0).

Police: Nothing to report.

Budget/Tax Collection: Mr. Pile reported the budget is looking good and the budget committee will start gathering information for the 2022 budget shortly.

Shade Trees: Nothing to report.

Bldg. & Grounds: A motion was made by Mr. Muncert to approve removing the water fountain from the Diamond Blvd. Playground. Motion seconded by Mr. Rodgers. Mr. Ewald absent. All in favor, motion carried (6-0).

GJWA: Mr. Pile reported the water line running through the Westmont Hilltop football field will be moved.

Open Records: Mrs. Layton reported an open records request was received from Lane Epting for fire investigation reports regarding an incident on Wren Street noting the request was denied due to the records not being located in the municipal office and directed her to submit the request to the Southmont Volunteer Fire Company.

Borough Services: Nothing to report.

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Audit: A motion was made by Mr. Morgan to approve having Kevin Pile keep a list of borough passwords for safekeeping in case of emergency. Motion seconded by Mr. Rodgers. Mr. Ewald absent. All in favor, motion carried (6-0).

Insurance: Mr. Muncert will review the borough insurances.

Blighted Properties: Nothing to report.

Ballfield Improvement: Nothing to report.

Business Items

A motion was made by Mr. Rodgers to approve ratification of payroll from July 20, 2021 through August 16, 2021 in the amount of \$10,187.40. Motion seconded by Mr. Pile. Roll call: Mr. Rodgers, Mr. Trevorow, Mr. Morgan, Mr. Muncert, Mr. Pile, and Mrs. Speicher in favor. Mr. Ewald absent. Motion carried (6-0).

A motion was made by Mr. Rodgers to approve payment of bills from July 20, 2021 through August 16, 2021 in the amount of \$117,347.95. Motion seconded by Mr. Pile. Roll call: Mr. Rodgers, Mr. Trevorow, Mr. Morgan, Mr. Muncert, Mr. Pile, and Mrs. Speicher in favor. Mr. Ewald absent. Motion carried (6-0).

A motion was made by Mr. Pile to approve transfers from July 20, 2021 through August 16, 2021 in the amount of \$120,480.79. Motion seconded by Mr. Morgan. Roll call: Mr. Rodgers, Mr. Trevorow, Mr. Morgan, Mr. Muncert, Mr. Pile, and Mrs. Speicher in favor. Mr. Ewald absent. Motion carried (6-0).

A motion was made by Mr. Pile to approve the July 2021 treasurer's report in the amount of \$1,769,964.54. Motion seconded by Mr. Morgan. Roll call: Mr. Rodgers, Mr. Trevorow, Mr. Morgan, Mr. Muncert, Mr. Pile, and Mrs. Speicher in favor. Mr. Ewald absent. Motion carried (6-0).

A motion was made by Mr. Pile to note the receipt of the July 2021 tax collector's report in the amount of \$804.28. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

There being no further business, a motion was made by Mr. Morgan for adjournment of the August 16, 2021 meeting at 6:30 p.m. Motion seconded by Mr. Rodgers. Mr. Ewald absent. All in favor, motion carried (6-0).

Respectfully submitted,
Debra Riek
Assistant Secretary