

BOROUGH OF SOUTHMONT  
148 WONDER STREET  
JOHNSTOWN, PA 15905

MINUTES FOR DECEMBER 12, 2022

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The pledge of allegiance was conducted, and the scheduled December 12, 2022 Council meeting was called to order by President Eric Muncert at 4:00 p.m.

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**Present:** Council Members Eric Muncert, Doug Beri, Kevin Pile, Robert Morgan, Sheree Speicher, Richard Burkert, Solicitor Michael Carbonara; Borough Manager Amanda Layton; Street Commissioner Harry Lingenfelter; Officer Dean West; Fire Chief Joel Weslager; Mayor Anthony Keiper; Engineer Brian Shura; Asst. Sec. Debra Riek, Zoning Officer Mark Walker

**Absent:** Herb Ewald (out of town)

**Visitors:** John Klanchar (104 Dahlia St.); David & Debbie Taylor (200 Orchard St; Russ O'Reilly (Tribune Democrat)

**Public Comment:**

Mr. Klanchar stated he was having difficulty receiving information from his right-to-know requests he submitted to the West Hills Police Department. Mr. Klanchar asked Mayor Anthony Keiper to look into the situation if possible.

Mr. Taylor stated he was made aware in May 2022 that his tenant had failed to pay the garbage and sewage bill as agreed upon in their rent-to-own agreement when it was due since May 2018, and he wasn't aware that the fees were the responsibility of the property owner. Mr. Taylor stated the tenant has passed away and he believes the borough should pursue her estate for the debt or the borough should clear the debt as the gas company has agreed to do. Mr. Muncert thanked the Taylors for coming and stated that the council would review the request and get back to him.

**Minutes**

A motion was made by Mr. Morgan to approve the November 21, 2022 regular council monthly meeting minutes. Motion seconded by Mrs. Speicher. Mr. Ewald absent. All in favor, motion carried (6-0).

**Police Chief's Report**

The November 2022 Police Chief's Report was received and is on file.

**Fire Company Report**

The November 2022 Fire Chief's Report was received and is on file. Council reviewed the request previously submitted by the fire company to amend the agreement allowing an audit every three years with internal reviews during the other years to save on the high cost of the audit. A motion was made by Mr. Pile to approve amending the agreement with the Southmont Volunteer Fire Company to include the borough paying for the fire company's annual audit. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

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### **Engineer's Report**

Mr. Shura reported there were no pay estimates from Mar-Allen for this month. Mr. Pile asked if Mr. Shura had an update on the list of laterals to be inspected. Solicitor Carbonara reviewed an email update from Mr. Banks reporting only 3 or 4 residences are left to be inspected and they all are still waiting on the wet weather test.

A motion was made by Mrs. Speicher to approve the 2023 Engineering Contract with Stiffler McGraw. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

### **Zoning Officer's Report**

The November 2022 Zoning Officer's Report was received and is on file. There will be a Zoning Hearing Board Appeal at 6:00 p.m. regarding the appeal of a denied building permit application submitted by Ryan Adams to build new storage units and remodel the current structure into storage units at 942 Pine Grove Lane.

Mr. Walker reported he sent a notice to the owner of 121 Violet Street regarding a collapsed shed noting the initial notice was sent to the tenant by mistake. If there is no action taken, the next step will be to file at the District Magistrates office.

### **Street Commissioner's Report**

Mr. Lingenfelter reported the leaf machine has been serviced and stored for the winter and the crews are getting everything ready for the upcoming winter weather.

### **Solicitor's Report**

Solicitor Carbonara reported on the recent enforcement hearings noting the 5 property owners that did not show for their scheduled hearings were sent findings of fact notices via certified mail on December 9<sup>th</sup> and the owners will have 30 days to appeal. Solicitor Carbonara also noted there are three findings of fact notices that are being finalized to be sent out.

A discussion was held regarding the draft burning ordinance regarding the allowed size of a fire pit, burning on decks and prohibiting the burning of leaves. Solicitor Carbonara suggested council table the burn ordinance at this time for it to be further reviewed by the administrative committee. A motion was made by Mr. Beri to table the burn ordinance for further review. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6 -0).

Solicitor Carbonara reported that Berkheimer Tax Associates has been renewed for the collection of earned income taxes for the county for a 10-year contract. Due to the extended contract the collection percentage has been reduced to 1.5 percent.

### **Borough Manager Report**

The Borough Manager's report was received and is on file.

**Mayor's Report:** Nothing to report.

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### Committees:

**Administration:** Nothing to report.

**Audit:** Nothing to report.

**Budget/Tax Collection:** A motion was made by Mr. Burkert to approve the 2023 Final Budget, which includes the following wages for 2023: Amanda Layton \$46,100.00 annually, Harry Lingenfelter \$38,500.00 annually, Sam McAdams \$14.60 hourly, Joshua Blasko \$12.20 hourly (part-time), Josh Blasko \$13.50 hourly (full-time), Debra Riek \$11.64 hourly, Emergency Snow Plowing \$12.25 hourly, Part-Time Skilled Labor \$12.25 hourly, Part-Time Unskilled Labor \$10.00 hourly. Motion seconded by Mr. Morgan. Mr. Beri opposed. Mr. Ewald absent. Motion carried (5 – 1).

A motion was made by Mrs. Speicher to approve advertising the 2023 Final Budget. Motion seconded by Mr. Burkert. Mr. Beri opposed. Mr. Ewald absent. Motion carried (5-1).

A motion was made by Mrs. Speicher to approve the Ordinance No. 540, setting the tax rate for 2023 at a total of 19.0 mills. Motion seconded by Mr. Morgan. Mr. Beri opposed. Mr. Ewald absent. Motion carried (5 – 1).

**Community Planning & Improvements:** Mr. Burkert reported the committee will be rescheduling a meeting in the near future.

**Emergency Management:** Nothing to report.

**GJWA:** Nothing to report.

**Grants:** Mr. Beri reported he submitted the grant application for stormwater technical assistance noting it is more for lower income areas so there is a possibility the borough may not be approved.

**Insurance:** Nothing to report.

**MS4/Stormwater:** Mrs. Speicher reported the committee met with Mr. Shura prior to the meeting to review the borough's MS4/Stormwater plan and the next steps the borough needs to take. Mr. Shura reported that the five-year NPDES permits for the borough are being filed as required noting they were set to expire in 2023, but all permits were granted a 2-year extension so they will now expire in 2025. Mr. Shura also reported the borough will need to update its current stormwater management ordinance to follow the 2022 model ordinance updates, which will need to be done by March 2023.

A motion was made by Mrs. Speicher to allow Stiffler McGraw to modify the stormwater ordinance to meet the requirements for council to approve at another meeting. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor motion carried (6-0).

A motion was made by Mrs. Speicher to approve the updates to the Public Education and Outreach Program target audience list. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried (6-0).

**Personnel:** Mr. Muncert reported the 2023 personnel manual will be updated in 2023.

**Police:** Nothing to report.

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**Property Maintenance & Streets:** Mr. Ewald Absent. Mr. Muncert stated that the committee will be reviewing the parking ordinance with the Public Works Department and the Fire Company. Mr. Ewald wants all signs in place in the near future.

**Shade Trees:** Mr. Burkert met with a Brian Wolyzniak from Penn State Extension to tour the borough with a list of problem trees reported by the residents to the borough office. Many of the shade trees in the borough were planted years ago noting the majority were Norway Maples and are not built to last a long time. Mr. Burkert reported there is a Bare Root Tree Grant he would like to apply for to cover some of the many areas in the borough that need a shade tree replanted. Mrs. Layton reported she attended a webinar on the Bare Root Tree Grant noting the initial application is due January 13th with the final application due on January 23<sup>rd</sup> and awards announced in late January. Mrs. Layton noted the borough would be required to order at least 10 trees and the borough can use planting and maintenance costs as it's match towards the grant, which is the cost of the trees. Mrs. Layton also reported the borough would need to pick up the trees in one of the dump truck and plant them within a week of receiving them. Mr. Burkert noted the committee would need to come up with a maintenance plan for the new trees also and that he would like to start utilizing a shade tree advisory board in the near future. A motion was made by Mrs. Speicher to apply for the Bare Root Tree Grant Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried. (6-0).

Mr. Morgan stated he looked at trees located at 105 Milton Street that were reported to the borough office noting it appears all five need to come down. Mr. Morgan stated he has an issue that the homeowners should not be responsible for the removal of the trees that need replaced.

### **New Business**

A motion was made by Mrs. Speicher to approve advertising the Ordinance Setting 2023 Garbage Fees at \$178.00. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

A motion was made by Mrs. Speicher to approve the 2023 Meeting Schedule as follows: Monthly meeting will be the Third Monday of each month at 4:00 p.m. with the exception of December 2023, which will be held December 11, 2023, at 4:00 p.m. and Committee Meetings will be held at 3:00 p.m. on Tuesdays, as necessary and at 3:00 p.m. on the Third Monday of each month at 3:00 p.m., as necessary. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried (6-0).

### **Business Items**

A motion was made by Mr. Morgan to approve ratification of payroll from November 22, 2022 through December 12, 2022 in the amount of \$6,513.76. Motion seconded by Mr. Pile. Roll call: Mr. Muncert, Mr. Beri, Mr. Morgan, Mr. Pile, Mrs. Speicher, Mr. Burkert. Mr. Ewald absent. All in favor, motion carried (6-0).

A motion was made by Mr. Pile to approve payment of bills from November 22, 2022 through December 12, 2022 in the amount of \$217,123.98. Motion seconded by Mr. Morgan. Mr. Ewald absent. Roll call: Mr. Beri, Mr. Muncert, Mr. Morgan Mrs. Speicher, Mr. Pile, Mr. Burkert. All in favor. Motion carried (6-0).

A motion was made by Mr. Pile to approve transfers from November 22, 2022 through December 12, 2022 in the amount of \$47,854.00. Motion seconded by Mr. Morgan. Mr. Ewald absent. Roll call: Mr. Muncert, Mr. Pile, Mr. Beri, Mr. Morgan, Mrs. Speicher, Mr. Burkert. All in favor. Motion carried (6-0).

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A motion was made by Mr. Pile to approve the November 2022 treasurer's report in the amount of \$1,542,629.30. Motion seconded by Mrs. Speicher. Roll call: Mr. Muncert, Mr. Morgan, Mr. Pile, Mr. Beri, Mrs. Speicher and Mr. Burkert. Mr. Ewald absent. All in favor. Motion carried (6-0).

A motion was made by Mr. Morgan to note the receipt of the November 2022 tax collector's report. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor. Motion carried. (6-0)

**Public Comment:**

Mr. Klanchar stated his garbage was missed twice recently and he believes he shouldn't have to pay for his the weeks that his garbage is missed. Mrs. Layton stated that residents do get missed periodically, but the garbage is usually picked up the same day it is reported. Mr. Klanchar asked who was up for reelection this coming year. Mr. Pile stated that he was. Solicitor Carbonara suggested he contact the county for more information.

A motion was made by Mr. Beri to enter into an Executive Session at 4:50 p.m. to discuss legal matters in regard to borough contracts. Motion seconded by Mr. Pile. Mr. Ewald absent. All in favor, motion carried (6-0). Executive session ended at 5:27 p.m. and council resumed the regularly scheduled meeting.

A motion was made by Mr. Muncert to amend the agreement with Walker Consulting Services to eliminate the enforcement of property maintenance and to retain the services of Walker Consulting Services for zoning and building code enforcement only. Motion seconded by Mr. Morgan. Mr. Ewald absent. All in favor, motion carried (6-0).

A motion was made by Mr. Pile to forgive the past due penalties for garbage and sewer maintenance services for David Taylor at 113 Leila Street in the amount of \$828.07, leaving a balance due of \$2,307.00. 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. Beri to adjourn the December 12, 2022 meeting at 5:32 p.m. Motion seconded by Mr. Burkert. Mr. Ewald absent. Motion carried (6-0).

Respectfully submitted,

Debra Riek  
Assistant Secretary