

BOROUGH OF SOUTHMONT
148 WONDER STREET
JOHNSTOWN, PA 15905

SPECIAL MEETING MINUTES FOR FEBRUARY 28, 2022

The pledge of allegiance was conducted, and the February 28, 2022 special meeting was called to order by President Bill Trevorrow at 4:00 p.m.

Present: Council President Bill Trevorrow, Council members Eric Muncert, Doug Beri, Richard Burkert; Borough Manager Amanda Layton; Solicitor Michael Carbonara; Mayor Anthony Keiper

Absent: Council Members Sheree Speicher, Kevin Pile and Herb Ewald; Asst. Sec. Debra Riek

Visitors: Eddie Corona (521 Edward Street) and Dan McNulty (519 Edward Street)

Public Comment

Mr. Corona addressed council looking for clarification regarding the penalty to be imposed on properties with inflow and infiltration issues that have not been resolved, who identified the violations and how they determined there was an issue, and whether the property could be re-inspected. Solicitor Carbonara stated there would be penalties imposed on those property owners that had received a notice to resolve inflow and infiltration issues that have not resolved the issue, the borough engineers or their agent performed the initial inspection during qualifying rain events and had certain criteria of allowable amounts of water for each viewport to determine which properties had an issue. Mrs. Layton confirmed Mr. Corona is on a list of residents that had requested a re-inspection of their viewport, but the inspection has not been done yet due a lack of qualifying rain events. Mr. Corona stated Southmont Borough is located on a hill and questioned why only certain owners received a notice of inflow and infiltration. Solicitor Carbonara explained that the earth and under-slab pipes are unique to each property so there could be home located on a spring and two doors down another home is on impervious clay. Solicitor Carbonara also explained that most homes had old terra cotta pipes, and most are leaking unless they were either replaced or are geographically located where ground water flows a different direction than toward their sanitary sewer line and because of timing the borough can't wait much longer. Mr. Corona asked if a pressure test was required by the borough. Mr. Trevorrow informed Mr. Corona that Southmont Borough does not require a pressure test, but if a resident would like their monthly rate through Johnstown Redevelopment Authority and Greater Johnstown Water Authority reduced from \$27.00 to \$17.00. JRA does require a pressure test be submitted. Solicitor Carbonara explained the borough has to pass on a peak hourly rate so if the homes identified as having inflow and infiltration issues don't remedy the issue than the entire borough will end up having to repair their system. Solicitor Carbonara clarified that there are 16 properties listed to be re-inspections, but there are also a limited number of contractors in the area that can do the repairs. Mr. Beri stated the borough has to meet the goals set by DEP by December 31, 2022, so whether a property is waiting for a re-inspection or not if the borough doesn't meet those goals DEP could potentially require every single resident to tear up their basement and replace their under-slab lines.

Mr. McNulty stated JRA is no longer doing low-interest loans, so he is unable to get a loan to complete the repairs and Solicitor Carbonara stated there are a few local banks that are getting funding through Penn Vest to provide low-interest loans noting 1st Summit Bank is one that is participating. Mr. McNulty

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stated the estimates he's getting are around \$6,00 to \$10,00. Mr. Trevorrow stated one option could be to route the lines overhead and then connect to the drain or cut down on the number of pipes connected to cut down on costs. Mr. Beri stated the borough did as much as they could to lessen the burden on residents and minimize overall costs as much as possible and unfortunately that means some people will bear most costs than others.

Mr. Trevorrow stated he and Solicitor Carbonara had a conference call with the Department of Environment Protection last week noting the mandates are not up for discussion and the borough has to comply. Mr. Trevorrow stated Southmont Borough has gone above and beyond the other municipalities in the county and were the only ones to pay for new mains and new laterals to the foundation of each home. The borough initially identified 237 homes that were still contributing excess ground water after sanitary sewer replacement project and are now down to approximately 130 left to comply.

President Trevorrow prepared a statement which read "For the record, it is with a heavy heart that Southmont Borough Council has to now notify non-compliant and or defiant property owners of monthly penalties and possible termination of water service for owners that are refusing to comply with Southmont Borough Ordinances 531 and 533 regarding the DEP Consent Order and water infiltration into their sewage systems on the interior of their homes. Southmont Borough has made every effort to act in a responsible and conscientious manner to its property owners in regard to being compliant with the consent order from Pennsylvania DEP and has gone above and beyond any other area municipality by picking up the expense of replacement of all existing exterior lateral lines from the Boroughs new sewer mains to each property's exterior foundation line. Notice after notice has been previous sent to property owners on the excess flow list and at this time we are now out of time and out of options. Non-compliance with the Pennsylvania DEP Consent Order in violated after December 31, 2022, results in huge monthly fines levied on the Borough".

Meeting Agenda

A motion was made by Mr. Trevorrow to authorize surcharges pursuant to Ordinance No. 533, setting penalties for failing to resolve inflow and infiltration on a property, except for 16 properties that have requested re-inspection of there viewports for inflow and infiltration violations as of February 28, 2022. Motion seconded by Mr. Beri, Roll call: Mr. Trevorrow, Mr. Beri, Mr. Muncert and Mr. Burkert in favor. Mr. Pile, Mr. Ewald, and Mrs. Speicher absent. Motion carried (4-0).

A motion was made by Mr. Beri to authorize notice of surcharges to be sent to property owners that have not taken action to remove excess flows except for 16 properties that have requested re-inspection of their viewports for inflow and infiltration violations as of February 28, 2022. Motion seconded by Mr. Muncert. Roll call: Mr. Trevorrow, Mr. Beri, Mr. Muncert and Mr. Burkert in favor. Mr. Pile, Mr. Ewald, and Mrs. Speicher absent. Motion carried (4-0).

A motion was made by Mr. Muncert to approve Resolution 2022-02, authorizing officials of Southmont to execute all documents and agreements for a Statewide Local Share Assessment. Motion seconded by Mr. Beri. Mr. Pile, Mr. Ewald, and Mrs. Speicher absent. All in favor, motion carried (4-0).

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A motion was made by Mr. Muncert to approve expenditure of \$100 per grant for submission fees. Motion seconded by Mr. Beri. Mr. Pile, Mr. Ewald, and Mrs. Speicher absent. All in favor, motion carried (4-0).

Public Comment

Mr. McNulty inquired whether the borough could legally shut water off for non-compliance of inflow and infiltration regulations if there are children in the home. Solicitor Carbonara stated the borough is within its rights and has implemented the surcharges and water shut-off to encourage compliance so that the entire borough doesn't get penalized, and he expects the surcharge amount to increase over the year. Mr. Trevorror reiterated that the decisions are not up to the borough and council can only do so much.

There being no further business, a motion was made by Mr. Beri to approve adjournment of the February 28, 2022 meeting at 4:42 p.m. Motion seconded by Mr. Muncert. Mr. Pile, Mr. Ewald, and Mrs. Speicher absent.

Respectfully Submitted,

Amanda Layton
Borough Manager