

BOROUGH OF SOUTHMONT
148 WONDER STREET
JOHNSTOWN, PA 15905

MINUTES FOR September 20, 2021

The pledge of allegiance was conducted, and the scheduled September 20, 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; Herb Ewald; Solicitor Michael Carbonara; Exec. Sec. Amanda Layton; Engineer Todd Banks; Police Chief Ed Fisher; Fire Chief Mike Butler; Street Commissioner Harry Lingenfelter; Asst. Sec. Debra Riek.

Absent: Mayor Mark Yonko.

Visitors: Rudd Johnson (207 Mabel Street), Robert Walker (312 State St.), Noah Burda (404 State Street), William & Judy Widrig (410 State Street).

Public Comment

Mr. William Widrig addressed the council on the recent no parking section added on their street. Mr. Widrig stated that he did not feel it was necessary for the parking changes noting he has not seen a fire truck come down Dell Street since he bought the house in 1977. His concern is his wife is unable to walk long distances and needs to park in front of their home. Mrs. Layton noted a handicapped parking space permit application has been mailed to Mr. and Mrs. Widrig and that will resolve the no parking issue.

Mr. Noah Burda addressed the council regarding his disappointment with parking spaces being taken away on their street. It was his belief that the plowing staff and fire company drivers should be able to make the turn from Dell Street onto State Street without taking away the parking spaces. Mr. Burda stated he has experience with driving fire apparatus and has spoken to an unnamed fire company member that agreed it was unnecessary.

Mrs. Speicher stated that the council will review the parking policy and take all the comments into consideration. Mrs. Speicher addressed the comments by explaining ordinance 531 regulating no parking areas was passed in March noting it was advertised and is available in the borough office and on the borough website.

Fire Chief Butler addressed the issue of the parking problem close to the intersections and narrow streets. He stated that he comes down Dell Street and up Thoburn quite often to park the fire truck after responding to calls, because it is the easiest way to park the truck and safest for the personnel. Fire Chief Butler said there are less than eight drivers at the moment that

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have been EVOC certified. He noted Westmont Borough has a larger ladder truck that would have issues getting through certain areas if they respond to any calls in Southmont Borough.

Police Chief Fisher stated that he told all his officers to not give any parking tickets at this time until the problem is resolved and informed Mr. Widrig and Mr. Burda to contact his office if a ticket is received.

Correspondence

There was no correspondence to be addressed at this time.

Minutes

A motion was made by Mr. Pile to approve the August 16, 2021, council meeting minutes. Motion seconded by Mr. Morgan. All in favor, motion carried (7-0).

Police Chief's Report

Chief Fisher reported individuals are stealing from unlocked vehicles in Southmont and surrounding areas. He asked if Southmont would make the residence aware of the problem and please lock their vehicles. Mrs. Speicher suggested that we will post the information on the borough web site and published in the fall/winter newsletter.

Mr. Rodgers stated that there was a drug bust on his street and that the police did a great job in apprehending the individuals.

Mrs. Speicher stated how the council appreciated the work of Police Department and the great job that they do for the area.

Fire Company Report

Chief Butler reported that all fire hydrants in the borough had the water pressure tested and passed inspection. The fire hydrants were painted by color coding for the pounds of pressure in each hydrant, noting the painting was completed by a local boy scout that needed community service hours for a scout badge.

The recent fundraiser that was held at the Tremont Hunting and Fishing Club was a success and they were pleased with the number of people participating.

Mrs. Speicher thanked the fire company for their service to the community and stated they were doing a great job. Chief Butler reported he has two members waiting for confirmation of certification for fire inspector and fire fighter. He noted they currently have twenty active members and are always looking for new members.

Engineer's Report

A motion was made by Mr. Pile to approve Phase II Pay Estimate 18 in the amount of \$42,590.49. Motion seconded by Mr. Trevorrow. All in favor, motion carried (7-0).

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Mr. Banks reported the MS4 annual report is due by September 30th noting the outfalls need to be inspected.

Mr. Banks stated the Cheney Run Headwall project would be bid in October and reported the Overbrook Stream Stabilization Project could cost up to \$800,000.00 and suggested the borough check with the County regarding available funding.

Mr. Banks stated there are seven meters in place for measuring storm water flow and suggested to remove five of the meters because of the cost and only 3% of flow is accounted by them.

Mr. Banks explained there is a percentage of the meter readings coming from Upper Yoder Township and Westmont Borough into the Southmont sewage lines. These percentages of flow are being subtracted from the Southmont readings. Mr. Banks believes that once the 260 homes in Southmont Borough have made the proper corrections to eliminate excess groundwater, the borough should be in compliance.

Zoning Officer's Report

No report was available.

Council asked Amanda Layton to contact the zoning officer, Mr. Mark Walker, about the problems with cars being parked on a paper alley at 104 Dahlia Street and inform him to move forward with the District Magistrate noting the situation has been going on for years and needs to be resolved. Mr. Muncert stated there are also logs on the hillside that are making the property look deplorable.

Mr. Muncert asked Mrs. Layton to express concern to Mr. Walker about the vehicles located at the 1046 Menoher property that have been there for many months. Mrs. Layton stated she has sent Mr. Walker an updated list of properties that need addressed noting 1046 Menoher Blvd. was included.

Mr. Muncert stated there is a tree on Harding Street that needs to be taken down before there is a catastrophe. Mrs. Layton said she has sent letters to the property owner and will have Mr. Walker move forward with the issue.

Mr. Pile asked to have Solicitor Carbonara and Mrs. Layton see what action has been taken in the past regarding the Grimaldi's Garage and Excavation Company, if any variances were ever issued, and if taxes are being collected on both businesses.

Street Commissioner's Report

The Street Commissioner's report was received and accepted. Mrs. Speicher and Mr. Trevorrow stated Mr. Lingenfelter and his staff is doing a good job. Mr. Lingenfelter said the truck has

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been taken to have the bed installed and hopefully be ready by November for the plowing season. Mr. Pile asked about the two trucks that are unable to be driven and need to be sold if possible. Solicitor Carbonara was asked by Mr. Pile to see if legally the trucks could be scraped and sold to a salvage company without going out for bids and be auctioned since they are undrivable.

Mr. Lingenfelter reported he damaged the front storage barn at the playground while back dragging dirt next to it with the backhoe. The building and grounds committee will be looking into the building to survey the condition and determine the cost of repairs that will be needed to bring the building up to regulations and will report on it at the October council meeting.

Solicitor's Report

Solicitor Carbonara discussed the new laws and ordinances for Small Wireless Facilities Act 50 of 2021 and the zoning issues. The Act will regulate new poles being erected in communities and road right-of-ways. Mr. Pile asked Mr. Carbonara to draft an ordinance by the October meeting that will work for the borough. A motion was made by Mr. Pile to have Solicitor Carbonara draft an ordinance for Small Wireless Facility Act 50. Motion seconded by Mr. Rodgers. All in favor, motion carried (7-0).

Solicitor Carbonara reported some Upper Yoder Township and Westmont Borough sewer lines are flowing into the Southmont facilities and some of the larger properties in the Westmont area are being charged a surcharge for the infiltration flow into the sewer system. It was brought to the council's attention by Mr. Banks that the percentage for flow coming from the adjoining communities is taken out of the Southmont Borough reading chart.

Solicitor Carbonara stated the Department of Environment Protection is planning to extend the deadline by one year on the water infiltration flow in Pennsylvania. He also informed the council that the notice letters have been sent to residents who contacted Johnstown Redevelopment Authority for assistance with repairs on the infiltration to inform them of penalties regardless of JRA's timeline to complete repairs.

Solicitor Carbonara reported the Williams/Stefanick assessment appeal is on hold at this time, with no information available.

Solicitor Carbonara stated the Borough may want to consider making residents aware they can inform the borough of any problems they are experiencing with Atlantic Broadband and the borough office will report them to the Pittsburgh office. Council directed Mrs. Layton to include a notice in the newsletter and web site.

Executive Secretary Report

The Executive Secretary's report was received and is on file. Mrs. Layton reported that the sewer and garbage past due notices will be sent out to the residents this week noting there is a total outstanding balance of \$297,100.61.

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Councilmember Ewald left the meeting at 5:35 p.m.

Mayor's Report

Mr. Yonko was absent. Nothing to report.

Committees:

Streets. Nothing to report.

Administration: Nothing to report.

Personnel: Mr. Muncert stated Hiram G. Andrews will not be going offsite at the moment and the borough may need to hire some part-time employees for leaf season. A motion was made by Mr. Pile to hire Myron Coleman and Hector Collazo as part-time skilled employees at \$11.00 per hour for 30 hours per week. Motion seconded by Mr. Muncert. Mr. Ewald was absent. All in favor, motion carried (6-0).

Police: Nothing to report.

Budget/Tax Collection: Mr. Pile reported that the committee will be meeting on Tuesday, October 5, 2021 and October 12, 2021, at 3:00 to discuss the budget information and planning.

Shade Trees: Mr. Morgan stated he understood that Mrs. Layton is checking with local arborists and Penn State University to evaluate the borough trees and was concerned about the cost. Mrs. Layton informed him Penn State University may be able to do it at not cost to the borough but we may need to provide volunteers. Mrs. Speicher stated Mr. Morgan was doing a good job at the emergency hazarded trees that need attention and to keep doing the job as needed.

Bldg. & Grounds: Mr. Morgan thanked Mr. Lingenfelter for doing a good job on skim coating the steps in front of the municipal building and fixing the mower shed.

GJWA: Mr. Pile reported that everything is going well at this time.

Open Records: Nothing to report.

Borough Services: Nothing to report.

Audit: A motion was made by Mr. Rodgers to hire Kotzan & Associates for a 3 year contract at a cost of \$7,500.00 per year contingent upon review and approval by Solicitor Carbonara. Motion seconded by Mr. Pile. Mr. Ewald was absent. All in favor, motion carried (6-0).

Insurance: Mr. Muncert reported he is reviewing the boroughs insurance policies.

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Blighted Properties: Nothing to report.

Ballfield Improvement: Nothing to report.

Business Items

A motion was made by Mr. Rodgers to change the council payroll schedule from monthly to quarterly. Motion seconded by Mr. Muncert. Mr. Ewald absent. Motion carried (6-0).

A motion was made by Mr. Rodgers to approve council and Mrs. Layton attending the PA State Association of Boroughs Annual Fall Leadership Conference from October 8 through October 10, 2021. Motion seconded by Mr. Muncert. Mr. Ewald absent. All in favor, motion carried (6-0).

A motion was made by Mr. Pile to approve Ordinance No 533, amending Section 13 "Penalties and Remedies" of Ordinance No. 531. Motion seconded by Mr. Muncert. Mr. Ewald absent. All in favor, motion carried (6-0).

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

A motion was made by Mr. Rodgers to approve the 2022 Minimum Municipal Obligation Worksheet for PA Municipal Retirement System. Motion seconded by Mr. Pile. Mr. Ewald absent. Motion carried (6-0).

Council discussed a policy for granting resident's requests for extensions from enforcement provisions of inflow and infiltration. Solicitor Carbonara recommended that council put together a guideline policy and Mrs. Speicher asked the Administration Committee to meet to compile a draft policy for the October meeting.

Business Items

A motion was made by Mr. Rodgers. to approve ratification of payroll from August 17, 2021 through September 20, 2021 in the amount of \$11,091.51. Motion seconded by Mr. Pile. Mr. Ewald absent. Roll call: Mr. Rodgers, Mr. Pile, Mr. Morgan, Mr. Muncert, Mr. Trevorow, and Mrs. Speicher in favor. Motion carried (6-0).

A motion was made by Mr. Rodgers to approve payment of bills from August 17, 2021 through September 20, 2021 in the amount of \$161,026.51. Motion seconded by Mr. Muncert. Mr. Ewald absent: Roll call: Mr. Rodgers, Mr. Muncert, Mr. Morgan, Mr. Trevorow, Mr. Pile, and Mrs. Speicher in favor. Motion carried (6-0).

A motion was made by Mr. Pile to approve transfers from August 17, 2021 through September 20, 2021 in the amount of \$ 279,283.11. Motion seconded by Mr. Trevorow. Mr. Ewald was absent. Roll call: Mr. Pile, Mr. Trevorow, Mr. Muncert, Mr. Morgan, Mr. Rodgers, Mr. Pile, and Mrs. Speicher. Motion carried (6-0)

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A motion was made by Mr. Rodgers to approve the August 2021 treasurer's report in the amount of \$1,760,277.14. Motion seconded by Pile. Mr. Ewald absent. Roll call: Mr. Rodgers, Mr. Pile, Mr. Muncert, Mr. Morgan, Mr. Trevorrow, and Mrs. Speicher. Motion carried (6-0).

A motion was made by Mr. Rodgers to note the receipt of the August 2021 tax collector's report in the amount of \$ 940.10. Motion seconded by Mr. Pile. Mr. Ewald was absent. All in favor, motion carried (6-0).

Councilwoman Mrs. Speicher called for an executive session at 6:00 p.m. to discuss legal matters. The executive session ended at 6:30 p.m. and council resumed its scheduled meeting. Council directed Mrs. Layton to send a notice to residents that passed an excess groundwater reinspection to make them aware they passed the recent visual inspection.

There being no further business, a motion was made by Mr. Morgan for adjournment of the September 20, 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