

BOROUGH OF SOUTHMONT
148 WONDER STREET
JOHNSTOWN, PA 15905

MINUTES FOR OCTOBER 18, 2021

The pledge of allegiance was conducted, and the scheduled October 18, 2021. Council meeting was called to order by President Speicher at 4:00 p.m.

Present: Council President Sheree Speicher; Council Members Richard Rodgers, Herb Ewald, Robert Morgan; William Trevorrow; Eric Muncert; Solicitor Michael Carbonara; Exec. Sec. Amanda Layton; Street Commissioner Harry Lingenfelter; Engineer Todd Banks; Police Sargent Michael Beblar; Zoning Officer Mark Walker; Assistant Sec. Debra Riek

Absent: Council Member Kevin Pile, Mayor Mark Yonko, Fire Chief Michael Butler

Visitors: Robert Walker (312 State Street); Louise Fisher (401 State Street); John Grimaldi (180 Westgate Drive).

Solicitor Michael Carbonara asked that council make a motion to add discussion of the Department of Environment Protection amended consent order explaining the amendment was received late Friday afternoon and could not be added to the agenda in time.

A motion was made by Mr. Rodgers to add to the agenda discussion of the amended consent order for the Department of Environmental Protection. Motion seconded by Herb Ewald. Mr. Pile absent. All in favor, motion carried (6-0).

Public Comment:

Mrs. Fisher addressed the council with some concerns she has regarding the state of borough streets that need repaved and the busyness of the alley located behind her home. Mrs. Fisher also was concerned that there are trees by her home that need trimmed, and she was told in the past that she was not allowed to touch the trees in the right of ways. Mrs. Layton explained that the residents are in charge of maintaining the trees located in the right of ways and only need to file an application with the borough office noting which trees will be worked on and what work is being proposed to be done so the borough can control things like tree topping.

Mrs. Speicher informed Mrs. Fisher that the borough has a list of streets that will be paved in the future and Mrs. Layton will send her a form for tree trimming.

Correspondence:

Two applications were received requesting handicapped parking spaces. A motion was made by Mr. Ewald to approve the handicapped parking for Judy Widrig at 410 State Street and Jo Arlene Klanchar at 104 Dahlia Street. Motion seconded by Mr. Trevorrow. Mr. Pile absent. All in favor, motion carried (6-0).

Minutes

A motion was made by Mr. Rodgers to approve the September 20, 2021, council meeting minutes with the corrections as follows: "Mr. Muncert stated there is a tree on Harding Street..." changed to "Mr. Morgan stated

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there is a tree on Harding Street...”. Motion seconded by Mr. Muncert. Mr. Pile absent. All in favor, motion carried (6-0).

Police Report

Sgt. Beblar reported there is an ongoing investigation regarding the recent motor vehicle thefts from unlocked vehicles noting the police are asking anyone in the neighborhood with doorbell or security cameras to contact the police if they have footage to help in the investigation.

Fire Company Report:

Chief Butler absent. The September 2021 Fire Chief’s Report was received and is on file.

Engineer’s Report:

Mr. Banks reported the Cheney Run stormwater project is ready to be put out for bid this month. Solicitor Carbonara researched what funds can be used for this project and believes the American Rescue Plan Funds can be used for stormwater projects. Mrs. Layton will be sending a letter to the Cambria County Commissioners requesting funding possibly through the bridge fund that may be available.

Mr. Banks stated Synder Environmental Services will begin the Mabel Street storm water repairs within the next two weeks. The materials for the sink hole and pipe replacement should be received next week and then the project can begin.

Mr. Banks reported that he was informed by Pennvest that there will be a \$30,000.00 reimbursement to the borough from the Phase II Sewer Project and the Supplemental Service Agreement No. 3 will need to be placed on the November meeting agenda for approval.

Zoning Officer’s Report:

The September 2021 Zoning Officer’s Report was received and is on file.

Mr. Walker reported he has sent notices to 104 Dahlia Street and 1046 Menoher Blvd. noting the owner of 104 Dahlia Street has stated he has a hearing with his neighbor and will remove the vehicles once that is settled. Mr. Muncert informed Mr. Walker of an additional vehicle at 1046 Menoher Blvd. on the Luzerne Street side that needs to be removed. Mr. Walker was given a list of properties with property maintenance violations that have not complied, and he will be compiling information of the name, birthdate, and operator license number to take to the District Magistrate Office to file charges for action. A motion was made by Mr. Ewald to proceed with action on the properties that do not comply to the borough requests to clean and maintain their properties. Motion was seconded by Mr. Muncert. Mr. Pile absent. All in favor, motion carried (6-0).

Mr. Walker reported on the ongoing maintenance of Grimaldi’s Garage noting the old truck and trailer have been moved and some of the high brush and weeds have been cut down. Mr. Walker stated the letter from the borough to Mr. Grimaldi stating they would not contest a variance for the excavation company was from 1985 and the borough has not done anything until now so it would be very difficult to win a case with the District Magistrate. Mrs. Speicher asked Mr. Walker if there were any remaining codes violations at the property and Mr. Walker noted there is an uninspected truck, and some high grass and weeds remain at the rear of the property. Mr. Grimaldi stated he would like to get the code violation issues resolved noting he has three abandoned vehicles and there is a time-consuming process to getting abandoned vehicles removed and he has a dump truck that is used off-road only and is not required to be inspected. Mr. Ewald commented that the biggest problem with the location is the untidy appearance because it is in a residential area.

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Mr. Walker is also looking into the 888 Franklin Street location and will report to the council at the next meeting.

Mr. Trevorrow asked Mr. Walker if a permit for new roofing could be eliminated. Mr. Walker said it is a state requirement due to disposing of the old materials, but there are areas such as Somerset that have homeowners file a permit application and charge a \$50.00 registration fee, which is then reimbursed once the homeowner shows proof of proper disposal. Mr. Trevorrow asked if Mr. Walker would provide the council with a copy of other boroughs requirements.

Street Commissioner's Report:

Mr. Lingenfelter stated the new truck should be completed in two weeks and he will be getting estimates on repairs to the storage barn at the Diamond Blvd. Playground. Mr. Lingenfelter will have the old camo trucks removed by the November meeting.

Solicitor's Report:

A motion was made by Mr. Rodgers to authorize Solicitor Carbonara to execute the Stipulation and Order that was agreed to by Cambria County and Richard Williams regarding the assessment of 939 Menoher Blvd. with a fair market value of \$326,000.00. Motion seconded by Mr. Ewald. Mr. Pile absent. All in favor, motion carried (6-0).

A motion was made by Mr. Ewald to approve advertising the Small Wireless Facilities Act Ordinance. Motion seconded by Mr. Morgan. Mr. Pile absent. All in favor, motion carried (6). A special meeting

A motion was made by Mr. Rodgers to advertise a special borough council meeting for Wednesday, October 27, 2021, at 4:00 p.m. Motion seconded by Mr. Morgan. Mr. Pile absent. All in favor, motion carried (6-0).

Solicitor Carbonara informed council that the property at 407 Southmont Blvd. will be going up for Judicial Sale.

Solicitor Carbonara reported that the American Rescue Fund should be considered for any revenue decrease due to the Covid pandemic. It was suggested that the auditors be contacted to investigate if this will be beneficial for the borough.

Solicitor Carbonara stated a First Amendment to the 2015 Consent Order and Agreement was received from Department of Environment Procedures. It was decided by council to table the discussion until the November meeting.

Executive Secretary's Report:

Mrs. Layton is working on getting estimates on roof repairs and/or replacements for the municipal building.

Mrs. Layton reported the Cambria County Department of Emergency Services received a grant to assist with an update to the Hazard Mitigation Plan noting she attended the kickoff meeting and has several surveys to return to the county and the next meeting for municipalities is expected to be November 10th.

A motion was made by Mr. Morgan to approve removing penalties in the amount of \$569.46. Motion seconded by Mr. Ewald. Mr. Pile absent. All in favor, motion carried (6-0). Mrs. Layton noted the report provided included a reimbursement to Alexander Klekovkin in the amount of \$1,376.03 that was previously approved, but not posted in the system.

Mayor's Report: Mayor Yonko absent.

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Committees:

Streets: Nothing to report.

Administration: Mrs. Speicher reported the committee is working on basic policies for delinquent sewer maintenance and garbage bills and also for extensions on inflow and infiltration violations.

Personnel: Mr. Trevorrow stated the borough is down one part time position due to the quitting of a new employee. It was stated that the final paycheck should be held until the shirts he was given are returned.

Police: Nothing to report.

Budget/Tax Collection: Mr. Rodgers stated that one more budget meeting is needed to finalize the draft 2022 tentative budget.

Shade Trees: Mr. Morgan reported he is working on the emergency dead tree list that will need to be addressed.

Building & Grounds: Nothing to report.

GJWA: Mrs. Speicher reported they are currently working on sewer projects and the quality of water at this time is now better than bottled water.

Open Records: Nothing to report.

Borough Services: Mr. Pile absent. Nothing to report.

Audit: Nothing to report.

Insurance: Mr. Muncert reported he is checking with several insurance companies to find any potential savings for employee benefits and is researching the cost and necessity of the fire company's two sirens, due to the cost being \$11,000 per siren to insure.

Blighted House: Nothing to report.

Ballfield Improvement: Nothing to report.

New Business/Old Business:

A motion was made by Mr. Trevorrow to eliminate council and mayor stipends and eliminate the \$3,000 contribution to the Cambria County Library beginning January 1, 2021. Motion seconded by Mr. Morgan. Mr. Pile absent. All in favor, motion carried (6-0). Solicitor Carbonara will draft an ordinance.

Council discussed the Shade Tree Ordinance and possibly updating it. Mrs. Speicher stated that the Westmont Borough ordinance states that property owners are responsible for the maintenance and removal of trees in the right of way along their property. Mrs. Layton reported the current ordinance states that the borough is responsible for the removal of the trees and the property owner is responsible for the replanting and maintenance. Mrs. Speicher ask that the Shade Tree Ordinance be placed on the November agenda for additional discussion. Solicitor Carbonara will research the boroughs options and will report back to council at the November meeting.

A motion was made by Mr. Ewald to advertise the 2022 tentative budget to be approved at the November 15, 2021 council meeting. Motion seconded by Mr. Trevorrow. Mr. Pile absent. All in favor, motion carried (6-0).

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A motion was made by Mr. Morgan to approve ratification of payroll from September 21, 2021 through October 18, 2021 in the amount of \$11,159.24. Motion seconded by Mr. Rodgers. Mr. Pile absent. Roll call: Mr. Ewald, Mr. Trevorrow, Mr. Muncert and Mrs. Speicher in favor. Motion carried (6-0).

A motion was made by Mr. Rodgers to approve payment of bills from September 21, 2021 through October 18, 2021 in the amount of \$178,535.47. Motion seconded by Mr. Morgan. Mr. Pile absent. Roll call: Mr. Ewald, Mr. Muncert, Mr. Trevorrow, and Mrs. Speicher in favor. Motion carried (6-0).

A motion was made by Mr. Rodgers to approve transfers from September 21, 2021 through October 18, 2021 in the amount of \$79,610.22. Motion seconded by Mr. Morgan. Mr. Pile absent. Roll call: Mr. Ewald, Mr. Muncert, Mr. Trevorrow, and Mrs. Speicher in favor. Motion carried (6-0).

A motion was made by Mr. Rodgers to approve the September 2021 Treasurer's Report in the amount of \$1,655,374.83. Motion seconded by Mr. Morgan. Mr. Pile absent. Roll call: Mr. Ewald, Mr. Muncert, Mr. Trevorrow, and Mrs. Speicher in favor. Motion carried (6-0).

A motion was made by Mr. Rodgers to note the receipt of the September 2021 Tax Collector's Report in the amount of \$397.58. Motion seconded by Mr. Morgan. Mr. Pile absent. Roll call: Mr. Ewald, Mr. Muncert, Mr. Trevorrow, and Mrs. Speicher in favor. Motion carried (6-0).

There being no further business, a motion was made by Mr. Trevorrow for adjournment of the October 18, 2021 meeting at 5:50 p.m. Motion seconded by Mr. Morgan. Mr. Pile absent. Roll call: Mr. Ewald, Mr. Muncert, Mr. Trevorrow, and Mrs. Speicher in favor. Motion carried (6-0).

Respectfully Submitted,

Debra Riek
Assistant Secretary