

The Regular Meeting of the Donora Borough Council was held on May 9, 2024 at 6:00 P.M. in the Council Chambers of the Donora Municipal Complex. The meeting was called to order by Council President Cynthia Brice and following the Pledge of Allegiance, the following members were present: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson. Also present were: Mayor Donald Pavelko, Street Department Dean Fronzaglio, Fire Chief Patsy Vince, Code Enforcement Officer Joseph Volpe, Chief Neal Rands, Borough Solicitor Steven Toprani and Borough Administrator Michael Thornton.

Opening of Bids

Received two sealed bids for 647 McKean Avenue demolition that will be covered by matching funds from a grant.

Upgrade Demolition:	All Required Attachments
	\$63,000.00 Base
	<u>\$15,000.00 Stabilization</u>
	\$78,000.00 Total

Schaaf Excavating:	All Required Attachments
	\$145,000.00 Base
	<u>\$15,000.00 Stabilization</u>
	\$160,000.00 Total

Public Address of Agenda Items

Minutes

Mr. Perrotta requested a motion to approve the April 11, 2024 meeting minutes. Second by Mr. Brice. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (7); Nays: (0) Absent: (0) Abstain: (0) Motion carried.

Finance

Mrs. Pavelko read aloud the Payroll Report for the month of April 2024 - \$57,667.87.

Mrs. Pavelko read aloud the Treasurers Report for the month of April 2024 - \$1,489,226.45.

Mrs. Pavelko made a motion to accept the Payroll Report and Treasurer's Report for the month of April 2024 as read. Second by Mr. McDowell. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (7) Nays: (0) Absent: (0) Abstain: (0) Motion carried.

Mrs. Pavelko read aloud the Bill Report for the month of April 2024 - \$708,277.02

Mrs. Pavelko made a motion to accept the Bill Report for the month of April 2024 as read. Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (7) Nays: (0) Absent: (0) Abstain: (0) Motion carried.

No report received from the Tax Collector.

Mrs. Pavelko made a motion to approve rescinding of a prior vote from the April 11, 2024 council meeting regarding the borough "requiring" an asbestos survey be conducted on all residential structures scheduled to be demolished. Second by Mr. Thompson. A vote was taken to the call of roll: Ayes: Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, and Mr. Thompson (5) Nays: Mr. Berestecky, Mr. Perrotta (2) Absent: (0) Abstain: (0) Motion carried.

A discussion followed regarding the definite requirements for single dwelling demolitions. Mr. McDowell states that the motion needs to be reworded for requirements when there are multiple structures that are scheduled for demolition.

Mrs. Pavelko made a motion to approve use of remaining unassigned ARPA funds to purchase a new demolition-scale excavator and a new F600-700 HD pickup truck, with extra-wide bed to handle demolition debris haul away by Public Works Department employees. Motion failed due to lack of a second.

Health, Sanitation and Code Enforcement

Mr. Perrotta read aloud the following reports for the month of April 2024:

Building Permit Report – 3 permits/\$139,529.00 (Apr)
 Construction cost \$13,952,900.00 (Apr)
 One permit applicant (Cooper Electric) still owes permit fees to the borough
 YTD: 5 permits/\$139,578.00 – construction cost \$13,956,900.00

Registration Fee Report - \$2,695.00 (Apr) / \$18,615.00 (YTD)

Rental Inspection Report - \$300.00 (Apr) / \$3,140.00 (YTD)

Occupancy Report - \$450.00 (Apr) / \$1,600.00 (YTD)

Sanitation Report - \$42,835.14 (Apr) / \$322,773.86 (YTD)

Delinquent Sanitation Fees - \$277.80 (Apr) / \$1,315.23 (YTD)

Fines Collected - \$2,480.14 (YTD)

Street Opening – 4 (Apr) / 25 (YTD)

Total Street Opening fees: \$1,000.00 (Apr) / \$6,250.00 (YTD).

Mr. Perrotta still has an issue with the amount of money being collected for street openings. He stated that he received alerts for 19 road closings in Donora for April. Mr. Volpe has contacted someone from Columbia Gas and they will be going back to January 2024 and issuing a check.

Mr. Berestecky is unhappy with the road paving by Columbia Gas. They are only paving half of the road. The other side is in deplorable condition.

Mrs. Brice states that there has to be a written contract between the Borough and Columbia Gas that needs to be found.

Mr. Perrotta made a motion to authorize the Borough Engineer (Gannett Fleming) to retroactively prepare a report for their opinion of stability of 618 McKean Avenue, Parcel 240-013-00-08-0002-00 (emergency demolition property) for a cost of \$3,300.00. Second by Mrs. Pavelko. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (7) Nays: (0) Absent: (0) Abstain: (0) Motion carried.

Solicitor Toprani: The courts need an engineer's report based upon an expert opinion. Legal documentation to present to the courts for an emergency demolition petition is needed.

Mr. Perrotta asked why the borough can't go after the owner's property, wages or income tax return in New Jersey? Solicitor Toprani said that because the property owner lives in New Jersey, that is outside the scope of PA law.

Mr. Thompson said that since this isn't going to be straightened out any time soon, we should notify people who have events scheduled on McKean Avenue.

Mrs. Pavelko stated that there is a meeting scheduled for information of joining the land bank.

Mr. Perrotta made a motion to perform first reading for administrative search warrant. Second by Mr. Berestecky. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mr. McDowell, Mr. Perrotta and Mr. Thompson (4) Nays: Mrs. Brice, Mr. Brice and Mrs. Pavelko (3) Absent: (0) Abstain: (0) Motion carried.

Mr. Brice questioned who the “Borough Designee” is? Also, did you check with the borough’s insurance carrier?

Solicitor Toprani: If we were to pass this ordinance, we should immediately reach out to our insurance carrier to see if they would actually bind coverage for these types of events. It was described as a law school hypothetical and the potential issues that could come up. The most serious that could subject us to liability, cost of lawsuits, punitive damages or civil rights violations. The fourth amendment does protect property owners against unreasonable searches and seizures. The insurance carriers were adamant about the potentiality of property loss, death or injury resulting in the service of warrants. He stated that one of his main duties is to avoid litigation.

Mr. Perrotta read the Ordinance for the First Reading:

BOROUGH OF DONORA
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. _____.

AN ORDINANCE AMENDING THE DONORA BOROUGH CODE IN FURTHER
PROVIDING FOR THE USE OF ADMINISTRATIVE SEARCH WARRANTS IN
ENFORCEMENT OF THE BOROUGH'S ORDINANCES.

I. ADMINISTRATIVESEARCH WARRANTS

A. Right of entry; administrative search warrants. The Borough Code Officer and/or designee of the Borough may apply to a judge of the Magisterial District Court with jurisdiction for an administrative search warrant to enter any premises to conduct any inspection required or authorized by law to determine compliance with the provisions of any Borough property ordinance, code and/or nuisance ordinance.

B. Application for and Content of Warrant. The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the place, structure, premises, etc., to be inspected and the nature, scope and purpose of the inspection to be performed by the applicant. Before filing an application for an administrative search warrant with a court, the Borough Code Officer and/or the Borough designee shall obtain approval by the Borough Solicitor as to its legality in both form and substance under the standards and criteria of this section, and a statement to this effect shall be included as part of the application. A judge of a court referred to in this section may issue the warrant on finding that:

i. The applicant has sought access to the property for the purpose of making an inspection; and

1. After requesting, at a reasonable time, the owner, tenant or other individual in charge of the property to allow access, has been denied access to the property; or
2. After making a reasonable effort, the applicant has been unable to locate any of these individuals.

ii. The Borough Code Officer and/or the Borough designee is authorized by law to make an inspection of the property for which the warrant is being sought.

iii. Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation or any provision of a Borough Code and/or Borough Ordinance or any rule, regulation and/or ordinance adopted under the Borough Code or by showing:

1. That a reasonable administrative inspection program exists regarding the condition of the property; and
2. That the proposed inspection comes within that program.

C. An administrative search warrant issued under this section shall specify the place, structure, premises, vehicle or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.

D. An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the Borough to enter specified property to perform the inspection, sampling and other functions authorized by law to determine compliance with provision of this Code.

E. An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:

- i. The time specified in the warrant, not to exceed 30 days; or
- ii. If no time period is specified in the warrant, 15 days from the date of its issuance.

ENACTED AND ADOPTED this ____ day of _____, 2024.

Recreation

Mr. Berestecky read aloud the Palmer Park Report for the month of April 2024.
\$1,895.00 (Apr) / \$7,695.00 (YTD)

Community Affairs and Municipal Building

Mr. McDowell read aloud the Banquet Hall Report for the month of April 2024.
\$950.00 (Apr) / \$1,699.15 (YTD)

Mr. McDowell made a motion to appoint Lewis Marraccini to serve as Donora Borough Representative for the MVSA open board position to fulfill the remaining term beginning retroactively to January 1, 2024 with the term concluding on December 31, 2026.
Second by Mrs. Pavelko. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (7)
Nays: (0) Absent: (0) Abstain: (0) Motion carried.

Mr. McDowell asked Mr. Marraccini to please check in once a month to let the borough know what is going on.

Highways and Streets

Mr. Thompson made a motion to approve hiring Carson Finney for a part time public works position at an initial pay rate of \$17.00 per hour, without benefits, subject to a 90 day probationary period, effective May 13, 2024. Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (7) Nays: (0) Absent: (0) Abstain: (0) Motion carried.

Public Safety

Mr. Brice read aloud the police report for the month of April 2024.

Complaints Answered:	370 (Apr)	1,323 (YTD)
Ambulance Assists:	12	46
Accident Investigations:	11	34
Burglar Alarms:	19	44
Lock Outs:	4	11
Total Complaints:	370	1,412
Total Offenses Reported:	40	178
Total Arrests:	10	56
Mileage Report:	2,750	9,801
Financial Report:		
Overtime:	\$2,548.70 (Apr)	\$19,895.89 (YTD)
Court Time:	\$166.32 (Apr)	\$1,643.99 (YTD)
Total Revenue Received:	\$1,667.77 (Apr)	\$6,193.82 (YTD)

Mr. Brice made a motion to authorize the borough administrator to advertise in the local paper for civil service testing for the hiring of a full time police officer. Second by Mr. Berestecky. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (7) Nays: (0) Absent: (0) Abstain: (0) Motion carried.

The borough is also accepting applications for part time police officers.

President of Council: No report.

Mayor: No report.

Public Officials

Mr. Toprani: No report.

Mr. Rands: No report, however he would like to assist in the writing of the advertisement for the full time police officer.

Mr. Fronzaglio: Spoke with Columbia Gas and they will be starting on the asphalt restoration.

Mr. Vince: No report.

Mr. Joe Volpe: For the month of April 2024, 26 notices of violation were issued, 13 of which were cleared, 5 are being cited.

Old Business

New Business

Non-Agenda Items

Roderick Wilson: Sanitation issues on Seventh Street because Fayette Waste is not picking up refuse in a timely manner. Mr. Wilson stated that his trash hasn't been picked up in three weeks. Mr. Volpe confirmed that Mr. Wilson is correct and that Fayette Waste was having trouble accessing due to the gas company construction.

Kevin Davis: Property questions regarding McKean Avenue in the 1200 block. Spoke with Mr. Fronzaglio regarding brush hogging the lots, however the borough doesn't own the properties in question.

Sylvester Kaunda: Is bringing in an insurance business to the borough located at 560 McKean Avenue to offer homeowners insurance, vehicle insurance, health insurance, etc. Grand opening is on Wednesday, May 16, 2024 at 10:00 am.

Mr. Perrotta made a motion to adjourn.

ADJOURNMENT: 7:39 PM