

The Regular Meeting of the Donora Borough Council was held on June 13, 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

Public Address of Agenda Items

Roderick Wilson spoke regarding the use of the administrative search warrants. He believes the ordinance is unconstitutional and it should not be read for a second reading.

Minutes

Mr. Perrotta requested a motion to approve the May 9, 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.

Mr. Perrotta requested a motion to approve the May 28, 2024 special 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 May 2024 - \$63,314.50.

Mrs. Pavelko read aloud the Treasurers Report for the month of May 2024 - \$1,671,756.41.

Mrs. Pavelko made a motion to accept the Payroll Report and Treasurer's Report for the month of May 2024 as read. 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.

Mrs. Pavelko read aloud the Bill Report for the month of May 2024 - \$630,334.58

Mrs. Pavelko made a motion to accept the Bill Report for the month of May 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.

Mrs. Pavelko made a motion to accept the Tax Collection Report for the month of May 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 made a motion to approve use of LSA grant funds for emergency demolition of 618 McKean Avenue, with the project to be managed by Nathan Voytek of Redevelopment Authority of Washington County. Second by Mr. Berestecky. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko, and Mr. Thompson (6) Nays: Mr. Perrotta (1) Absent: (0) Abstain: (0) Motion carried.

Mr. Perrotta agrees that the building needs to be demolished, however he feels that the borough and county tax dollars should not be used. Mr. Perrotta feels that Mr. Wayne Parchment from New Jersey is the legal property owner and he is responsible for the demolition.

Health, Sanitation and Code Enforcement

Garbage Bills are due into the Borough Building by June 30th according to the Ordinance. If you mail your payment, the envelope must be postmarked by June 29th due to the 30th being on a Sunday. Failure to comply, citations will be filed at District Court.

As of yesterday, there are over 500 properties that have not paid their bills yet, totaling over \$34,000.00.

Reminder to all residents and property owners, when you receive your garbage bill for 2024, it specifically states that garbage is NOT to be put out to the curb prior to 5pm the evening before your scheduled trash pickup day. Either Tuesday or Thursday depending on your location in the Borough. Too many complaints have been received by the Office Staff regarding this issue. You have received your warning. Citations will be filed against the property owner for failing to comply.

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

Building Permit Report – 2 permits/\$178.00 (May)
 Construction cost \$17,800.00 (May)
 One permit applicant (Cooper Electric) still owes permit fees to the borough
 YTD: 7 permits/\$139,756.00 – construction cost \$13,974,700.00

Registration Fee Report - \$1,500.00 (May) / \$20,065.00 (YTD)

Rental Inspection Report - \$900.00 (May) / \$4,040.00 (YTD)

Occupancy Report - \$350.00 (May) / \$1,950.00 (YTD)

Sanitation Report - \$11,886.24 (May) / \$334,660.10 (YTD)

Delinquent Sanitation Fees - \$306.02 (May) / \$1,621.25 (YTD)

Fines Collected - \$1,566.24 (YTD)

Street Opening – 14 (May) / 39 (YTD)

Total Street Opening fees: \$3,500.00 (May) / \$9,750.00 (YTD).

Mr. Perrotta advised that Council met with representatives from Columbia Gas at the Work Session last week, and they believe that they have the Street Opening Permit issue rectified and that Columbia Gas will be remitting payment once it is calculated for the Gas Line project from 2023.

Mr. Perrotta made a motion to appoint Jon Bellamy (623 Sixth Street, Donora) and Dale Shawley (91 Allen Avenue, Donora) to the Borough of Donora Zoning Board of Appeals, for a three (3) year term, with a retroactive start date to begin January 1, 2024 and term ending date of 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. Perrotta made a motion to perform the second reading of the ordinance regarding use of administrative search warrants. 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 – Question regarding the issues from the Insurance Company (regarding the email that Mr. Thornton received from the Insurance Company).

Possibility of purchasing a “Rider” on the Insurance Policy to cover additional coverage.

Solicitor Toprani – states that his carrier won’t cover him.

Mr. Perrotta read the Ordinance for the Second 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.

Solicitor requested to have listed by title, who is to apply for a Search Warrant.

Mr. Perrotta states it will be one of the appointed Code Enforcement Officer(s) and/or Borough Police Officer(s).

Mr. Perrotta made a motion to approve advertising for a second part-time code enforcement officer to assist Mr. Volpe with his duties, at a pay rate of \$23.00 per hour. Second by Mr. Thompson. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mr. Brice, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta and Mr. Thompson (6) Nays: Mrs. Brice (1) Absent: (0) Abstain: (0) Motion carried.

Mrs. Brice stated that this was brought up at the Work Session but not all of the details were discussed. We briefly touched on this.

Mrs. Pavelko agrees we need more help with Code Enforcement, and is asking Mr. Thornton if this will fit in our 2024 Budget.

Mayor Pavelko had a male come banging on his door complaining about a property across the street from his residence and asked why Borough Code Enforcement has not taken any action.

Mr. Brice agrees that it seems that Mr. Volpe is overwhelmed with complaints.

The General Consensus of Council realizes that Mr. Volpe is overwhelmed with the number of complaints and feels that he needs assistance keeping up with the matters. The logistical aspect can be figured out at a later time, but this motion is only to advertise to see if we obtain any interested applicants.

Recreation

Mr. Berestecky read aloud the Palmer Park Report for the month of May 2024.
\$2,905.00 (May) / \$10,600.00 (YTD)

Community Affairs and Municipal Building

Mr. McDowell read aloud the Banquet Hall Report for the month of May 2024.
\$250.00 (May) / \$1,949.15 (YTD)

Highways and Streets

Mr. Thompson made a motion to approve purchase of a new Bobcat zero-turn mower for Co-Stars negotiated price of \$12,599.00. 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.

Mr. Thompson made a motion to approve signing of PA State Snow Removal contract renewal for a 5 year term for a total amount of \$81,205.92 payable in installments each fall (\$16,241.18) commencing in 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.

Mr. Thompson made a motion to approve a handicap parking spot in front of 154 Ida Avenue (Shelley Smith). 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 May 2024.

Complaints Answered:	312 (May)	1,635 (YTD)
Ambulance Assists:	6	52
Accident Investigations:	8	42
Burglar Alarms:	5	49
Lock Outs:	5	12
Total Complaints:	332	1,744
Total Offenses Reported:	31	209
Total Arrests:	14	70
Mileage Report:	2,173	11,974
Financial Report:		
Overtime:	\$5,418.85 (May)	\$25,314.74 (YTD)
Court Time:	\$253.86 (May)	\$1,897.85 (YTD)
Total Revenue Received:	\$5,672.71 (May)	\$27,212.59 (YTD)

Mr. Brice made a motion to approve an increase to the hourly pay rate of all part-time police officers to \$29.18, with no fringe benefits as per the collective bargaining agreement, effective the beginning of the next borough pay period on Saturday, June 15, 2024 at 7:00 a.m. 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.

Mrs. Brice is against the amount of the raise because it is going to put us into a bind when the Street Department Contract Negotiations start.

Mr. Thompson states by the end of June we are going to have only two (2) full time police officers.

Mrs. Pavelko states that this is going to be a jump in pay for the people that put their lives on the line everyday.

Mr. Brice made a motion to hire part-time police officer Mark Shemansky, Sr. at an initial pay rate of \$29.18 per hour with no fringe benefits as per the collective bargaining agreement. Second by Mr. Thompson. 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 now accepting applications for Full Time Police Applicants to take the Civil Service Test. The Borough has extended the deadline to Friday, June 28, 2024 at 4pm for Full Time Applications.****

****Part Time Police Officer Applications will remain open as needed.****

President of Council: No report.

Mayor: Would like to thank council for approving these last two motions regarding the police department.

Would extend his Thanks and Commendation to The Donora Fire Company and Chief Patsy Vince for controlling the Residential Structure Fire on Thompson Avenue yesterday. No injuries were reported and everyone was able to escape the residence. Also thanks to the Street Department and Chief Rands.

The Salvation Army will be changing leadership at the end of the Month.

Mrs. Brice - Salvation Army holds a Food Bank on the Second Thursday of the month for the Food Bank on Third Street in Monessen.

Reiterated that the Garbage Bills are due at the end of the month.

Public Officials

Mr. Toprani:

No report.

Mr. Rands:

Is getting interest regarding applicants with new raise.

Mr. Fronzaglio:

Ordered more “doggie bags” for the holders at the 7th Street Park and Palmer Park.

Mr. Vince:

Absent.

Mr. Joe Volpe:

41 Notice of Violations, 16 were cleared, 15 were cited.
Passed his BCO Test but has yet to send in his paperwork to Harrisburg to obtain his license through Labor & Industry.

Old Business

Mr. Berestecky questioned the Pods Ordinance.

Mr. Perrotta asked Mr. Toprani regarding the update to the International Property Maintenance Code Version to update to the Most Current Version (2024). Mr. Toprani stated that we would have to amend the Ordinance to reflect “The most current edition” rather than specify a year.

Mr. Toprani stated that the Borough should be using the current edition due to older editions having outdated information.

Mr. Perrotta asked Mr. Volpe which edition is he currently using?

Mr. Volpe advised “2012 Edition”

Mr. Toprani stated that he was unaware of that and Council should intervene and correct this.

Mr. Perrotta advised that the Current Edition is 2024 as they are published every three (3) years.

New Business

Non-Agenda Items

Kevin Davis: Thank Street Department for clearing the 1200 Block of McKean Avenue

Raelynn Love: Asking Questions regarding Dog Bites and what the violations are and who handles citations on this matter.

Roderick Wilson: Caught someone on his property at 2:00 AM and he caught them again during the day. Stated that if he catches them on his property again, he has a right to defend his property.

Complaining against Fayette Waste not picking up Trash on certain streets.

Kennywood Day - Will donate twenty-five (25) tickets.

Wednesday, August 14, 2024 - Ringgold Band will be playing.

Amber Trilli: Complaining regarding the property next door to her residence on Thompson Avenue. 875 Thompson Avenue (Parcel 240-012-00-04-0010-00) has been vacant for 17 years. The Borough now owns it and the Borough should be responsible for fixing it up.

There are disputes regarding what was said at the July 13, 2023 Council Meeting when Mrs. Trilli came pleading to the Borough last year about purchasing the property from Repository Sale and demolishing the building so she could purchase the lot from the Borough.

Mrs. Pavelko agrees that we need to move forward and not reflect on the past. The Borough should maintain the property since we own it now.

Mr. Perrotta agrees with Mrs. Trilli stating that “if” the Borough demolishes the structure, he feels that Mrs. Trilli should be responsible for “some” of the demolition fees but not all of the fees. Mr. Perrotta feels that council and Mrs. Trilli can come up with a price that’s reasonable that can be mutually agreed upon by both parties.

ANNOUNCEMENT: July Work Session will be on Tuesday, July 9th at 6pm due to the first Thursday falling on July 4th.

ADJOURNMENT: 7:29 PM