

The Regular Meeting of the Donora Borough Council was held on September 12, 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 and Mr. Perrotta. Also present were: Mayor Donald Pavelko, Street Department Dean Franzaglio, Code Enforcement Officer Frank Gambino, Chief Neal Rands, Borough Solicitor Steven Toprani.

Opening of Bids

Public Address of Agenda Items

Mr. Roderick Wilson asked council to hold off on accepting the resignation of Councilman Thompson. There are time restrictions that we are held to according to PA Title 8, the Borough Code.

Question regarding the resignation of the three police officers. They had resigned months ago and we are making it official.

Did council advertise the position of the Code Enforcement Officer? Yes, Borough Council advertised the position.

Minutes

Mrs. Pavelko requested a motion to approve the August 8, 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 and Mr. Perrotta (6): Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Finance

Mrs. Pavelko read aloud the Payroll Report for the month of August 2024 - \$101,056.34.

Mrs. Pavelko read aloud the Treasurers Report for the month of August 2024 - \$2,086,250.60.

Mrs. Pavelko made a motion to accept the Payroll Report and Treasurer's Report for the month of August 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 and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko read aloud the Bill Report for the month of August 2024 - \$857,591.76

Mrs. Pavelko made a motion to accept the Bill Report for the month of August 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 and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to accept the Tax Collection Report for the month of August 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 and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to approve the use of 2025 CDBG Funds (\$180,000.00) for improvements to the police office, bathrooms and council chamber room in the Donora Borough Building. Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to approve keeping Aiden Fowler, currently a part-time summer laborer, as employed, with the Ringgold H.S. Vocational Technical program during the school year from mid-September 2024 to the 2nd week of June 2025, at the approved pay rate for laborers currently set at \$14.00 per hour. Second by Mr. McDowell. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to approve amending the previous vote for vehicle purchases with American Rescue Plans Act Funds approved at the council meeting of August 8, 2024 to reflect the following:

1. Purchase new steel dump truck bed for existing F350, price not to exceed \$16,000.00 – savings of around \$9,000.00 from previous motion
2. Purchase new police interceptor Ford Explorer, gray, with COSTARS pricing, not to exceed \$61,000.00 fully outfitted/equipped

Mr. Berestecky: Why are we buying a truck bed for a truck we don't have?
 Answer: We are buying a truck bed for a truck we currently own and holding off on buying a new vehicle that will cost \$135,000.00.

Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to approve spending \$13,158.70 on purchasing a replacement fire nozzle for 2007 American LaFrance Ladder Truck for the Fire Department if appropriate documentation of COSTARS pricing is provided to the Borough of Donora. Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to approve the purchase of a new telephone system from Full Service Network (FSN) at a monthly service charge of \$189.99 plus one-time activation fee of \$549.99 to replace existing carriers Comcast (\$299.10 monthly) and Advent (\$54.82 monthly) for a total savings of \$8,901.54 over the 5 year contract. Second by Mr. Brice. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to accept the presentation of and recommended amounts for the Minimum Municipal Obligation (MMO) for both the Police Pension (\$0.00) and Non-Uniform Pension (\$15,000.00) for the budget year 2025. 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. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to approve purchase of new fire alarm panel from Guardian Protection Service to replace original 1997 panel at a cost of \$3,185.36, with a monthly maintenance fee of \$44.95. Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mrs. Pavelko made a motion to approve joining the Washington County Land Bank to assist in mitigating blight in Donora Borough. Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mr. McDowell made a motion to enter into Executive Session. Second by Mr. Brice. Executive Session at 6:22 pm. Reconvened at 6:48 pm.

Health, Sanitation and Code Enforcement

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

Building Permit Report – 8 permits/\$1,530.00 (August)
 Construction cost \$153,000.00 (August)
 YTD: 29 permits/\$155,037.00 – construction cost \$15,487,455.00

Registration Fee Report - \$2,665.00 (August) / \$25,722.50 (YTD)

Rental Inspection Report - \$100.00 (August) / \$4,740.00 (YTD)

Occupancy Report - \$550.00 (August) / \$3,550.00 (YTD)

Sanitation Report - \$9,925.82 (August) / \$396,520.04 (YTD)

Delinquent Sanitation Fees - \$178.48 (August) / \$2,132.16 (YTD)

Fines Collected - \$385.82 (YTD)

Street Opening – 2 (August) / 42 (YTD)

Total Street Opening fees: \$500.00 (August) / \$10,500.00 (YTD).

Mr. Perrotta made a motion to accept the resignation of former Code Enforcement Officer Joseph Volpe. Second by Mrs. Pavelko. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mr. Perrotta made a motion to ratify the hiring of Frank Gambino as the new part-time Borough Code Enforcement Officer at the pay rate of \$23.00 per hour, for 24 hours per week with a retroactive start date of August 27, 2024 with a 90 day probationary period. Second by Mr. McDowell. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mr. McDowell, Mrs. Pavelko, Mr. Perrotta (4) Nays: Mrs. Brice and Mr. Brice (2) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mr. Perrotta made a motion to ratify the hiring of John Wankulitz as part time Rental and Occupancy Inspector for the Office of Code Enforcement at the pay rate of \$23.00 per hour, for 24 hours per week with a retroactive start date of September 6, 2024 with a 90 day probationary period. 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. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mr. Perrotta made a motion to amend the agenda to include Second reading of the Portable Storage Container (PSC) Ordinance reading. 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. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

**BOROUGH OF DONORA
WASHINGTON COUNTY
COMMONWEALTH OF PENNSYLVANIA**

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE BOROUGH OF DONORA, WASHINGTON COUNTY, PENNSYLVANIA TO REGULATE PORTABLE STORAGE CONTAINERS IN RESIDENTIAL AREAS.

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 Pa. Stat. 10201 (et seq) authorizes Municipalities to adopt regulations to protect the public health, safety and welfare; and

WHEREAS, the use of Portable Storage Containers has proliferated such that it is impacting the health, safety and welfare; and

WHEREAS, the Borough Council desires to establish regulations such controlling the use, size and location of Portable Storage Containers in the residential areas.

NOW, THEREFORE, BE IS ENACTED AND ORDAINED by the Borough Council of the Borough of Donora, Washington County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by its authority that:

1. The Borough Codified Ordinances shall be amended by inserting the following new Section:

Section: Portable Storage Containers

Portable storage containers. Portable storage containers may only be used in compliance with this subsection.

(1). Definitions. As used in this subsection, the following terms shall have the meanings indicated:

PORTABLE STORAGE CONTAINERS, PSC UNIT OR PSCs

Any container, storage unit, shed-like container or other portable structure used for the storage of personal property of any kind and which is located for such purpose on residential property for the purpose of storing and/or moving household materials.

(2). Registration.

(a) Before placing a PSC unit on any residential property, a person shall register the date of the proposed placement and the intended location of the PSC unit with the Borough Code Office.

(3). Duration.

(a) PSC units may remain in place a maximum of 30 days from the date of placement. In the event the PSC unit is not going to be removed at the expiration of the 30-day period, the property owner shall submit a written extension request to Borough Council. Council, may at its discretion, grant extension requests for good cause shown and demonstrated.

(4). Contents.

(a) PSCS shall be used for storage of household items relating to the premises on which the unit is located only. No storage of any commercial or business-related items is permitted.

(b) Hazardous materials including flammable and biohazard substances shall not be stored in the containers.

(5) Location.

(a) PSC units must be placed on paved off-street surfaces, or on another location expressly approved by Donora Borough's Code Office.

(b) PSC units shall not be located in any setback areas, required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to any applicable sight distance provisions.

(6) Number, size and condition.

(a) No more than one PSC unit may be placed on any residential property at one time.

(b) No PSC shall exceed a maximum size of eight feet by eight feet by 16 feet (124 square feet).

(c) All portable storage containers shall be in a condition free from rust, peeling paint and other forms of deterioration. The PSC unit shall be maintained so that it is rodent, vermin and insect-free.

(7) Advertising. The PSC unit may not contain advertising beyond the identification of the company name and phone number of the company which placed the container on the property

(8) Violations and penalties. Any person who shall place or maintain a PSC unit in violation of this subsection shall be cited by the Borough Code Enforcement Officer and, upon conviction by a District Justice, be sentenced to pay a fine not in excess of \$500. Each day that a violation continues shall constitute an additional violation.

2. All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

3. This Ordinance shall take effect immediately upon adoption.

DULY ENACTED THIS 12th DAY OF September, 2024 BY THE COUNCIL OF THE BOROUGH OF DONORA.

Mr. Perrotta made a motion to accept this as the second reading of the Portable Storage Container Ordinance. 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. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Recreation

Mr. Berestecky read aloud the Palmer Park Report for the month of August 2024.
\$850.00 (August) / \$13,325.00 (YTD)

Mrs. Brice made a motion to approve planting an oak tree in Palmer Park in honor of Dallin Koteles. Second by Mr. Brice. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Community Affairs and Municipal Building

Mr. McDowell read aloud the Banquet Hall Report for the month of August 2024.
\$50.00 (August) / \$2,849.15 (YTD)

Highways and Streets

Public Safety

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

Complaints Answered:	362 (August)	2,556 (YTD)
Ambulance Assists:	8	76
Accident Investigations:	8	64
Burglar Alarms:	19	96
Lock Outs:	0	17
Total Complaints:	397	2,763
Total Offenses Reported:	35	309
Total Arrests:	17	108
Mileage Report:	2,459	18,340
Financial Report:		
Overtime:	\$7,384.04 (August)	\$53,036.21 (YTD)
Court Time:	\$58.36 (August)	\$2,647.76 (YTD)
Total Revenue Received:	\$7,442.40 (August)	\$55,683.97 (YTD)

Mr. Brice made a motion to approve the first reading of Ordinance #1405 relating to the drop pension. 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 (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

DONORA BOROUGH

WASHINGTON COUNTY, PENNSYLVANIA ORDINANCE NO.: 1405
AN ORDINANCE OF THE BOROUGH OF DONORA, WASHINGTON COUNTY,
PENNSYLVANIA, AMENDING THE "DONORA BOROUGH POLICE PENSION
ORDINANCE" BY ADDING A DEFERRED RETIREMENT OPTION PROGRAM
(DROP) OPTION TO THE PENSION PLAN

WHEREAS, the Borough of Donora is a municipality in the Commonwealth of Pennsylvania organized under and governed by the Borough Code; and

WHEREAS, the current Donora Police Pension is set forth in Ordinance.

WHEREAS, On September 18, 2009, Act 44 was approved by the Pennsylvania Legislature amending Title 53 as it relates to Municipal Police Pension Plans; and

WHEREAS, The Borough Council has determined it would be beneficial to add an Act 44 Retirement Program to the Donora Police Pension Plan to provide a Deferred Retirement Benefit Option Program (DROP) for the benefit of the full-time police officers.

NOW THEREFORE, be it enacted and ordained by the Council of the Borough of Donora that the Donora Police Pension Plan Ordinance shall be amended and modified as follows by adding the below to the Ordinance:

1. SECTION 1: Title: The Borough of Donora Police Pension Plan is hereby amended by amending Section IV entitled BENEFITS to include new Section 4.9 entitled "Deferred Retirement Benefit Option Program (DROP)" as follows:

4.9 Deferred Retirement Benefit Option Program (DROP).

2. SECTION 2: Definitions. As used in this Section, the following terms will have the meanings indicated:

- a. BENEFICIARY - The individual identified by a police officer to receive the contents of an officer's DROP account in the event of the death of an officer during the period in which the officer is participating in the DROP, but before the officer separates from employment.

- b. BOROUGH - The Borough of Donora, Washington County, Pennsylvania.
- c. ACT 44 DROP PROGRAM- The Act 44 Deferred Retirement Option Plan (DROP).
- d. DROP ACCOUNT - Separate ledger account created within the pension plan to accept DROP participants monthly pension benefits while a DROP program participant.
- e. FUND or PLAN - The Police Pension Plan for the Borough of Donora.
- f. POLICE OFFICER - A duly appointed full time Borough police officer serving as a member of the Donora Police force who meets the eligibility for and has executed the proper documents for participation in the Act 44 Program and has had such application approved by the Borough.

3. SECTION 3: Eligibility. Effective January 1, 2024 members of the Donora Police Department, who have not retired prior to the implementation of the Act 44 DROP program may enter into the DROP on the first day of any month following completion of 25 years of credited service and attaining the age of 50 whichever occurs later.

4. SECTION 4: Written election.

A. An eligible member of the Donora Police Department electing to participate in the Act 44 DROP must complete and execute a "Act 44 DROP Election Form" prepared by the Borough of Donora, which shall evidence the member's participation in the Act 44 DROP. The Drop Election form must be signed by the member Police officer and notarized and submitted to the Borough of Donora prior to the date on which the member wishes the DROP option to be effective and commence. An eligible member shall notify the Borough of his or her intent to enter the DROP Program three (3) months prior to the date of entry. The DROP option Election form shall include an irrevocable notice to the Borough, by the police officer member, that the member shall resign from employment with the Donora Borough Police Department effective on a specific date (the "resignation date"). In no event shall the resignation date be shorter than 12 months or longer than 60 months from the execution of the DROP option form. An officer shall cease to work as a Borough police officer on the officer's resignation date, unless the Borough properly terminates or honorably discharges the officer prior to the resignation date. A member police officer may resign from employment while in the Act 44 Drop Program status, which shall terminate the officer's participation in the Act 44 DROP PROGRAM. The DROP Option notice shall also provide that, as a condition of the participation in the DROP Program, a participating officer holds the Borough harmless with respect to any tax consequences or investment performance related to a participant's DROP Account for participation in the DROP program.

B. In addition the above information, the Act 44 DROP ELECTION FORM shall also advise the employee of the following: (a)an explanation of the member's Rights and obligations while in Act 44 DROP Program;

(i) that, as a condition of ACT 44 DROP Program participation, the member forgoes active participation in the police pension plan and forgoes any recalculation of pension benefits to include salary increases occurring after ACT 44 Drop Program participation commences; and

(ii) that the Act 44 DROP PROGRAM member's service while in ACT 44 DROP PROGRAM will not count as pension service nor will it entitle a participant to any service increment benefits to which the member was not entitled prior to the commencing ACT 44 DROP PROGRAM participation.

(iii) An Act 44 PROGRAM Participant must also complete any and all Retirement documents required by the Borough of Donora which must be presented thereafter to Borough Council for approval of Participants retirement and payment of pension. Once the Act 44 Program form has been approved by Borough Council it is irrevocable. Likewise, once a participant enters the Act 44

program the participant may not subsequently leave and then re-enter the Act 44 program.

5. SECTION 5: Pension contributions. A police officer shall not be required to make any contributions to the fund during his/her DROP period.

6. SECTION 6: Limitation on pension accrual. After the effective date of the DROP option, the member shall no longer earn or accrue additional years of continuous service for pension purposes.

7. SECTION 7: Benefit calculation. For all pension plan purposes, continuous service of a member participating in the ACT 44 DROP PROGRAM shall remain as it existed on the effective date of commencement of participation in the Act 44 DROP PROGRAM. Service thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Donora Borough Police Pension Fund. The average applicable compensation of the member for pension calculation purposes shall remain as it existed on the effective date of commencement of participation in the ACT 44 DROP PROGRAM. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Pension Fund. The pension benefit payable to the member shall increase only as a result of cost-of-living (COLA) adjustments in effect on the effective date of the member's participation in the ACT 44 DROP PROGRAM, or by applicable cost-of-living adjustments granted thereafter.

8. SECTION 8: Payments to DROP account. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a normal retirement benefit, shall, upon the member commencing participation in the ACT 44 DROP PROGRAM, be paid into an ACT 44 DROP PROGRAM account within the Pension Plan fund established to receive the member's monthly pension payments and shall be designated the ACT 44 DROP PROGRAM account for the member. The separate, interest-bearing account shall generate a rate of return of no less than zero percent (0%) and no more than four and a half percent (4.5%). Members shall not have the option of self-directed investment of their individual ACT 44 DROP PROGRAM.

9. SECTION 9: Accrual of Non-Pension benefits. After an officer elects to participate in the DROP program, all other contractual benefits shall continue to accrue. All buyback of accrued, but unused, sick or vacation time shall be paid at the time the officer ceases employment with the Borough.

10. SECTION 10: Payout. Upon the termination date set forth in the member's ACT 44 DROP ELECTION Form, or such date as the Borough separates the member from employment, the retirement benefits payable to the member or the member's beneficiary, if applicable, shall be paid to the member or beneficiary and shall no longer be paid to the member's deferred segregated retirement option account in the Pension fund. Within 30 days following termination of a member's employment pursuant to their participating in the ACT 44 DROP PROGRAM the balance in the member's ACT 44 DROP account shall be paid as follows:

(a) The balance of the Act 44 DROP PROGRAM member's account, less withholding taxes, if any, remitted to the Internal Revenue Service, shall be paid to the member police officer or the members surviving beneficiary.

(b) The balance of the Act 44 DROP PROGRAM member's account shall be paid directly to the custodian of an eligible retirement plan as defined by Internal Revenue Code Section 402(c)(8)(b), or in the case of an eligible rollover distribution to the surviving spouse of a deceased ACT 44 DROP PROGRAM member, an eligible retirement plan that is an individual retirement account or an individual retirement annuity as defined by Internal Revenue Code Section 402(c)(9).

(c) if the ACT 44 DROP PROGRAM member or beneficiary fails to make an election within sixty (60) days following the date of termination of ACT 44 DROP PROGRAM participation, then the Borough shall implement Section 8(a) above.

11. SECTION 11: Disability During ACT 44 DROP PROGRAM. If an ACT 44 DROP PROGRAM member becomes temporarily incapacitated during his participation in DROP due to a service-connected injury during participation in the ACT 44 DROP PROGRAM that member shall continue to participate in the ACT 44 DROP PROGRAM as if fully employed. The member shall receive disability pay in the same amount as disabled Police Officers that are not participating in the ACT 44 DROP PROGRAM. In no event shall a member on temporary disability have the ability to draw from his ACT 44 DROP PROGRAM account. However, notwithstanding any other provisions in this subsection, if an officer is disabled and has not returned to work as of the date of his required resignation, then such resignation shall take precedence over all other provisions herein and said officer shall be required to resign. Nothing contained in this plan shall be construed as conferring any legal rights upon any police officer or other person to a continuation of employment nor shall participation in the ACT 44 DROP PROGRAM supersede or limit in any way the right of the Borough to honorably discharged a police officer based upon an inability to perform his or her full duties as a police officer. If an ACT 44 DROP PROGRAM police officer becomes permanently disabled during the DROP period the police officer shall be honorably discharged. In no event shall an ACT 44 member's monthly retirement benefit be recalculated. The Act 44 member's monthly disability retirement benefit shall be 50% as calculated at the time of entry into the ACT 44 DROP PROGRAM.

12. SECTION 12: Death during the DROP. If an ACT 44 DROP PROGRAM participant dies during the DROP period, the members eligibility for ACT 44 DROP PROGRAM terminates upon the date of death. In such a case, the ACT 44 DROP participant's designated beneficiary shall be entitled to a payment of the DROP Account pursuant to the Payout Options set forth in Section 10.

13. SECTION 13: Forfeiture of Benefits. Notwithstanding a police officer's status as an ACT 44 DROP PROGRAM Participant, a current or former participant who is convicted or plead guilty to engaging in criminal misconduct which constitutes a "crime related to public office or public employment, "as that phrase is defined in Pennsylvania's Pension Forfeiture Act, 43 P.S. & 1311-1314, shall forfeit his right to receive a pension, including any amounts currently deposited in the ACT 44 DROP PROGRAM Account. In such a case, the participant shall only be until to receive the contributions, if any, made by the Participant to the police pension fund, without interest.

14. SECTION 14: Cost of management for Act 44 DROP PROGRAM. The police officers and the Borough agree that any costs or fees associated with the management of the ACT 44 DROP Account shall be paid directly from the Police Pension Fund and not by the Borough.

15. SECTION 15: Amendment. The ACT 44 DROP PROGRAM may only be amended by Ordinance and pursuant to the Donora Collective Bargaining Agreement with the Donora Police officers.

16. SECTION 16: Construal of provisions. An officer's election to participate in the ACT 44 DROP PROGRAM shall in no way be construed as a limitation on the Borough's right to suspend or terminate an officer for just cause or to grant the officer an honorable discharge based upon a physical or mental and inability to perform his or her duties.

17. SECTION 17: Severability. The provision of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provisions had not been included herein.

18. SECTION 18: Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED as an ordinance as a regular meeting of the Borough of Donora, Washington County, Pennsylvania this _____ day of _____, 2024.

Mr. Brice made a motion to accept the first reading of Ordinance #1405 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 (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mr. Brice made a motion to approve granting Officer Hromada two pro-rata personal days for use in 2024. 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. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

Mr. Brice made a motion to accept the resignations submitted by police officers Robert Dorcon, Michael Parry and Carl Talbert. Second by Mr. Perrotta. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell, Mrs. Pavelko and Mr. Perrotta (6) Nays: (0) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

President of Council: No report.

Mrs. Brice made a motion to accept the resignation letter received from Council Vice President Thomas Thompson. Second by Mrs. Pavelko. A vote was taken to the call of roll: Ayes: Mr. Berestecky, Mrs. Brice, Mr. Brice, Mr. McDowell and Mrs. Pavelko (5) Nays: Mr. Perrotta (1) Absent: Mr. Thompson (1) Abstain: (0) Motion carried.

****STATEMENT**** Donora Borough is now accepting Letters of Intent for the vacant council position from interested individuals submitted by September 26, 2024 at 4:00pm.

Announcement: There will be a Special Council Meeting on Tuesday, September 24, 2024 at 6:00pm for the Opening of Bids and potential awarding of the bid, regarding the Municipal Building Restoration Project.

Mayor: Would echo Mr. Brice's comments on Officer Hromada. Officer Hromada has helped the borough on many occasions.

Mr. Thompson will be missed on council and is sad to see him resign.

The public is all invited to the Donora Croatian Club on Saturday, September 14, 2024 at 1:00pm. The professors from Pitt are conducting a preview of the Podcast "Cement City, a Portrait of a Year in the Life of Donora"

Public Officials

Mr. Toprani: No report.

Mr. Rands: No report.

Mr. Fronzaglio: All milling and paving has been completed by the gas company.

Mr. Vince: Absent.

Mr. Gambino: 22 complaints, 13 notices, 2 fire pit permits, 0 citations, 5 occupancy inspections

Old Business

New Business

Non-Agenda Items**Roderick Wilson:**

Has donated over \$4,000.00 in Kennywood tickets over the past 4 years.

He is sad to hear “what council has done to Mr. Thompson” to have him resign.

April Wyanski:

Thank you to all of council for the End of Summer Bash. Inviting everyone to come out next year because it was so much fun.

Thank you to the Mayor, Mrs. Pavelko, Mr. Perrotta and Mr. & Mrs. Brice for all the assistance.

Complaint – Electricity Issue

Halloween Parade will be Thursday, October 31, 2024. Line up at 5:30pm – Packing 250 treat bags

Mrs. Heather Gwaley:

214 Twelfth Street regarding the dogs on borough property.

We have a name and address and will be investigating the dog law.

ANNOUNCEMENT:

ADJOURNMENT: 7:40 PM