

## FERNDALE BOROUGH

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REGULAR MEETING

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APRIL 13, 2015

The Ferndale Borough Council met on Monday, April 13, 2015, in the Fire Company's Recreation Hall at 618 Westinghouse Avenue, Johnstown, Pennsylvania.

President Jim Rigby called the Meeting to order at 7:00 pm. and those present recited the Pledge of Allegiance to the U. S. Flag.

### ROLL CALL

Roll Call showed the following present: Councilmembers—Mary Rose Shaffer, Mark Wissinger, Jr, Dave Ziemba, Cindy Dom, Jim Rigby and Mayor—Ed Dallape, , Secretary/Treasurer Carol Schalles, and AP/Payroll—Anita M. Smith. Absent: Al Lushko and Solicitor-Wayne Langerholc.

President Jim Rigby asked the Mayor or Officer Matcho to introduce the new part-time officer. Chris Matcho introduced Officer Dominec Baradi. Mr. Baradi stated that he graduated from Robert Morris University in 2014 then went on to Allegany County Police Academy afterwards and is glad to be with Ferndale Borough Police Department.

### VISITORS –

Students observing were Brittney Boyer, Levi Eisenhuth, Tony Ballow, and Michael Wilson. Family members of Mr. Dominec Baradi were present to see him sworn in.

Rick Wissinger – Spoke in reference to what is expected of us as home owners and what was required of us. Were we required doing our entire house? Jim Rigby answered no. Mr. Wissinger asked if we don't do our entire house what would the Johnstown Sewer bill be. Mr. Rigby replied that Ferndale Borough will switch over in October then there is a 6 month variance where they monitor the flows to make sure we meet the required flow or below it. They are allowing 625 gallons, (the average per household is 400 gallons and that is what their average is and that is what they are basing that on), per resident and that's what they are going to monitor and base it off of. For the resident that did not do the basement right now they are at that \$27.00 fee. October we switch over, 6 month past that, the borough then everybody should be at the \$17.00. Because of the contract with Johnstown Redevelopment Authority states 100% underground, it's their call; Ferndale Borough had them at the workshop meeting since we questioned that same thing. They will monitor it for 6 months. The residents that did not do anything come October 1<sup>st</sup>, their water will be shut off, because at that point the five ports that go into the Stoney Creek will be the only thing that they will be hooked into, us dumping raw sewage opens us up to \$10,000.00 a day in fines. That is why we gave the March 18<sup>th</sup> as a deadline that allowed us 6 months to make sure all residents get tied in and any legal action we have to take. JRA said the tear system which they came out with Ferndale should be at \$17.00. Ferndale Borough is in a consent decree in a contract with JRA our contract states that we will be below 625 gallon per resident, at that point again at that the 6 month period every resident of Ferndale will be at \$17.00. This is what was said by JRA at the workshop meeting last Monday.

Al Cooper – He has three properties and two of them are completed in the basement. Am I stuck with the \$27.00 monthly bill? Jim Rigby stated no as long as you are 100% tied in you will be at the \$17.00. The EADs Group has given Johnstown Regional Sewage a list whether is the outside or inside of properties. If your bill is not reflecting that let us know and we will check with both EADs and it will say what and how your pressure test was done.

Anna Custer – She wanted to know if the sign by 806 Summit could be moved to the other side so her son has a place to park. Mrs. Custer showed pictures to Mr. Rigby of the sign and location. Council will check into this and Mrs. Custer is to get back in touch with council.

## MEETING MINUTES:

Motion to accept the meeting minutes from March 9, 2015 was made by Dave Ziembra and seconded by Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

## ENGINEER'S REPORT:

No Engineers were present. Mark Muir from EADS provided the Engineers report for all Councilmembers to review. Mr. Muir provided Council at last week's workshop meeting with documents in reference to the three to four properties that were behind us that were slip lined and the sewer that couldn't get in to replace. He provided us with a letter that shows that those residents are A. that they are going to need to provide a viewport and B. We are giving them till the December 31<sup>st</sup> deadline to completed it. Basically just a viewport to tie in to the slip line and they will also need to have an internal and exterior inspection of their properties. By visuals outside of all four properties have their spouts still going into the ground which means their still feeding into the new system. The inspection fee will stay the same \$150.00 fee. Motion to accept the engineer's letter was made by Cindy Dom and seconded by Dave Ziembra. A Roll Call vote was taken All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

Jim Rigby mentioned as part of the engineers report was the letter from EarthTech. Mr. Rigby granted them the extension till we get some sort of qualification from both CJ&L and EADs. They are looking at relocating the line that runs behind their place. EarthTech is right next to Sprinkles. They are looking at relocating the lines and are waiting for verification from EADs and CJ&L, both of them have been sent the information, just a matter of presenting a right of way for them to do that. Once that happens, EarthTech will go ahead and tie in along with the rest of the project.

The other part, it had to be resubmitted, in talking with the sewer project we discussed at the workshop, Stoney Creek township feeds into our line which comes crossed the river initially they wanted to offer us 50% of repair costs to do the sewer project, from the top where they come in, the whole way down where we tap into the city.

Carol Schalles was finally able to get into Penn Vest to go into the site and reject the change orders and can now go in and resubmit with the current date and get these change orders cleared and the funds disbursed.

The Mayor asked Jim Rigby about the residents on Hystone Avenue that they would like to have their property pressure tested so they would not have to pay the higher amount for the Johnstown Sewer bill and Mr. Rigby stated personally he wouldn't, it would cost them \$150.00 to do the pressure testing and they would only be paying approximately \$80.00 more for the Johnstown Sewer bill.

Mark Muir was present and passed out to Council the Engineers report. Mr. Muir asked if Ferndale accepted the letter for the clean out and the visual inspection. Mr. Rigby stated yes for the visual inside and out. Mr. Muir prepared a letter for just the inspection. Mr. Rigby said you need to have the view port even with those lines pulled there's no way to monitor it if they are sitting on a spring. You have to go with a viewport, every resident has one. The Mayor mentioned if there was a viewport on the side of the Fire Company building on Westinghouse Avenue, one resident built a porch over the viewport. Mr. Rigby replied that this matter will be up for discussion and that porch will have to be removed. The Surveyor said that was built on Ferndale's property, which is why you are required to get permits before doing construction. EADs Group will send out the letters to residents as part of the contract Ferndale has with them. Motion to accept the second letter to send to the Tillman Avenue residents from EAD's for Tillman and Ferndale Avenue giving them until December 31<sup>st</sup>, 2015 was made by Cindy Dom and seconded by Mark Wissinger, Jr. A roll call vote was made and all Councilmembers voted "Yes"; therefore, the motion passed unanimously.

Mark Muir asked if Council saw the letter from EarthTech and Jim Rigby said yes and he was waiting for a response from CJ&L and EADs, they are looking at just relocating the line. Mr. Rigby stated he gave them an extension until we could get something signed. Mr. Rigby asked Mr. Muir if he had any problems with what they are doing and Mr. Muir asked with the easement around the building. Mr. Muir stated their concern is the depth. Mark Muir and Jim Rigby will attend the meeting with EarthTech. Cindy Dom addressed Mr. Muir in reference to residents that have tied in but are still paying the \$27.00, such as Al Cooper, he has property at 709 and 718 Glenwood Avenue he tied in and was tested last year. Mr. Muir will check into this and send the paperwork in to the Johnstown Redevelopment Authority. Brian McAteer has the same situation his two properties 900 Ferndale Avenue and 906 Summit Avenue were completely tied in. Mark Muir will check on those properties as well. When they come in they send them to JRA and they were told it may take up to 30 days to transfer over. Motion to accept the Engineer's report was made by Cindy Dom and seconded by Dave Ziemba. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### EMERGENCY MANAGEMENT + FIRE CO. REPORT + WEST HILL'S REPORT:

All Councilmembers received the e-mailed West Hills report. No one was present from West Hills. All Councilmembers received The West Hills report, no questions were asked. Jim Rigby asked if everyone saw the Tribune Democrat and this will most likely be the last year for the Ferndale Jubilee. If the Jubilee continues Ferndale Borough can take that 1 mil back off of the budget that was added for Fire protection. That 1 mil cost each family member approximately \$13.17. The Fire Association doesn't have the support they used to have. The Association is working hard and has done several fund raisers, and having dinners to try and raise money for the borough. If the Association does disband then they will liquidate their assets. Motion to accept the Emergency Management + Fire Co. Report + West Hill's Report was made by Cindy Dom and seconded by Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:

Brian McAteer stated that the handrail on Station Street has been repaired. They are starting the viewport on Margaret Avenue. Jim Rigby asked Mr. McAteer to take pictures so we have a record of it. The garbage was cleaned up on Bridge Street entrance to the borough and on the 800 block of Vickroy and at the Dollar Store and hedges across the street. Patching pot holes as weather permits on going cold patch. Also threw 2 ton of hot patch mainly at the 500 block of Harlan Avenue. Replace steering knuckle on the Gator. Replaced turo signal light on the loader. Made linkage for vibrator plate. Reinstalled metal mud flap on 2008 – F350. Installed new brooms on the street sweeper. Welded teeth on the Excavator bucket. Put salt spreaders away. Ken Dom repaired the computer given to Streets by the Police Department. Took out XP and installed Windows 7. Cleaned up fallen tree on Vickroy Ext. behind the Rucosky residence. Burned the older documents to be destroyed from Secretary/Treasurers office. Cleaned spring on Hystone because of a water problem. Cleaned the Church parking lot in Stoney Creek Township 2 hours at \$250.00. The swings were put up at the playground at the Recreation Park. The parking spot on Clay Street will not be removed until the resident that uses it sells her house and moves. Started lowering viewport on Margaret Avenue – need extended hoe. Mr. McAteer stated that the Mayor wanted the driveway ahead signs on Franklin Street changed since it is dangerous for residents to pull out onto the road safely. The State came in and told the Street Department specifically where to place those signs. The Mayor would like the Street Department to call Penn Dot to see if they could be moved. Mr. McAteer stated that the signs are placed well and they could just paint an X or something. Jim Rigby said to just go with the painted asphalt.

Mark Wissinger, Jr mentioned he has received calls in reference to the trash in the yards of a few residents at the bottom of Glenwood Avenue. Mr. Rigby stated we have the Solicitor looking into ordinances that cover these issues. He also stated that people are parking on sidewalks especially on Summit Avenue. We are going to adopt an ordinance. If someone were to get off of the bus in a wheelchair they would not be able to pass by on the sidewalk. Officer Chris Matcho stated that he talked with the Magistrate and basically his thoughts were if they are blocking the entire sidewalk then that is an issue. The Magistrate will not get involved if

someone's bumper is hanging over the sidewalk as long as they can get by. Dave Ziembra addressed Officer Chris Matcho with cars from 535 they have two vehicles that are always on the sidewalk and 625 Summit the car is totally on the sidewalk. Our concern is kids are still going to school and buses are going down and people are going to work the kids are going out and around into the streets. Mr. Ziembra doesn't want to hear one of our kids got hit by a car because of these people. There needs to be something done. This matter will be looked into.

Jim Rigby stated he does not agree with the Magistrate, first off, half of those people that are parking there never got a permit from the State, to cut the curb, to park in front of their house to where they are leaving it there and blocking the sidewalk. That is a State road going through there not a borough street. If these residents state they have a permit then let's call the State to see who went through the proper channels and got a permit to cut the curb to create a parking spot in front of their homes.

Jim Rigby addressed Mary Rose Shaffer about the Electric and asked her if we want to renew that contract and go with a two year term. Mrs. Shaffer stated yes a two year. The company is NextEra and at a two year rate is .061 and for 36 months it is a rate of .0608. This is a group through John Cammarota and it is based out of Greensburg. Jim Rigby made the motion that we renew our contract for NextEra Energy extended for 24 month period at .0610 cent kilowatts was seconded by Cindy Dom.

Cindy Dom received a bid for the roof out front. It was way above what we could do. They raised the bid to \$20,000.00 and it was above that. Guy Roofing will come in and meet with Brian McAteer tomorrow. We are looking into replacing the shingles. If it needs replaced will have to put back out for bids.

Jim Rigby brought to Council's attention about the Sidor/Zubak itemized list that they requested payment on. It was brought up by Cindy Dom that Ferndale Borough already paid for a new commode, sink and hot water tank. Jim Rigby stated the FWF stated Ferndale should not have been involved from the beginning and it should have been turned into their insurance company at that time. Dave Ziembra stated that this was brought up previously in September and it was voted on that Ferndale was not going to pay for the items that were listed. Scott Miles asked if there were any receipts on the itemized list that they were requesting payment on and Mr. Rigby replied no. The Mayor mentioned about having a letter come from our Solicitor advising them of our stand. It was mentioned that some of the items listed could be cleaned up. Dave Ziembra made a motion to send a letter by the Solicitor to Brenda Sidor that this has been voted on that there will be no funds disbursed to them for their lost items. A roll call vote was made and most Councilmembers voted "Yes"; except for Jim Rigby, therefore, the motion passed unanimously. Motion to accept Equipment streets to boroughs property report was made by Cindy Dom and seconded by Dave Ziembra. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### TREES:

Scott Miles looked at some trees on Vickroy Avenue that are on borough property and Brian McAteer already took care of them and issued one permit on Glenwood that the property owner wanted to trim that was a little over his property. Jim Rigby mentioned some trees on Mendel Alley that is leaning over the wires. The one branch fell off one of the trees and smashed a shed. Motion to accept the tree report was made by Cindy Dom and seconded by Mark Wissinger, Jr.

#### MAYOR AND POLICE REPORT:

Mayor Ed Dallape swore Dominec Baradi in. The Mayor mentioned Chief Art Boring is still on disability. The Mayor spoke with Anita Smith and she had told him that Art Boring went to the doctor's office today. If he goes on disability the Pension plan will not pay him or he could not go on disability. Jim Rigby stated that he could not go on the Pension plan until 2027. He cannot go on Ferndale's Pension plan as disabled because he was hired in 1988. After 1988 it would only be in-service disability. He cannot come back to work until he is released by his doctor. Scott Miles asked who is the municipality officer for Laurel Municipal and Chief Art Boring is the Authorized one to sign. Since he has been out on sick leave Jim Rigby is the

alternative signer. Jim Rigby asked to contact laurel Municipal and add Officer Chris Matcho in Art Boring's absence to the list. Jim Rigby gave a resident permission to park their travel trailer on Hystone and Blossom for a two week period. Mr. Rigby asked Officer Chris Matcho to let them know their two weeks is up and it will have to be moved. We are getting complaints from other residents. Anita Smith told Council that on Glenwood Avenue there is a playground there at the T and several teenage boys play soccer there. There is a no parking sign since the Fire Trucks can't get through. They use foul language and don't move for oncoming cars and it's just dangerous. They have been told several times by the Police and something needs to be done. Motion to accept the Mayor and Police Report was made by Mark Wissinger, Jr and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### ACCOUNTS PAYABLE CLERK REPORT + BILL LIST AND ADDITIONAL BILLS + TAX COLLECTOR'S REPORT:

Anita Smith stated that all of Council received the tax collector summary. There were three additional bills which were FWF for \$6,400.00, PSAB renewal to be in the magazine \$25.00, and OTS rebooted the computer and removed pop ups that would not go away and did not belong. Now that we have that external drive we should be good with that. The total for those three bills is \$6581.65. We did receive the Liquid Fuels on April 1<sup>st</sup> in the amount of \$39,734.10 so when you add that in we still have \$20,000.00 in Highway Aid and we now have a grand total of \$59,734.10. Ms. Smith received the Pension Plan/Financial statement if any Councilmember would like to review it, which shows what was paid in and paid out. Right now there is \$208,000.00 in there for paying Kenny and George Stiffler. We did make \$1,000.00 in revenue. Motion to accept the Accounts Payable Clerk Report + Bill List and Additional Bills + Tax Collectors Reports was made by Cindy Dom and seconded by Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### FINANCE COMMITTEE REPORT:

Mary Rose Shaffer stated that we are waiting for the 2014 Audit to begin. Motion to accept the Finance Committee report was made by Cindy Dom and it was seconded by Dave Ziembra. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### SEWER-SEWER PROJECT:

Was previously discussed.

#### PERSONNEL COMMITTEE REPORT:

Mary Rose Shaffer stated that the Personnel Committee jumped into action, due to the resignation of Carol Schalles, Secretary/Treasurer. Her last day with Ferndale Borough is April 24<sup>th</sup>. An ad will be placed in the Tribune Democrat tomorrow looking for someone to replace her.

#### RECREATION REPORT:

Swings were put up at the park. Mark Wissinger, Jr will get the park painted this summer. Motion to accept the Recreation report was made by Cindy Dom and seconded by Mary Rose Shaffer.

#### PUBLIC RELATIONS REPORT:

Scott Miles had a couple calls complaining about the trailer on Hystone Avenue.

#### ATTORNEY'S REPORT:

The Solicitor was not present. Jim Rigby mentioned telling Council about the meeting with Stoney creek Township, the rejection for the 46% that they wanted to pay Ferndale for the project. Ferndale is going to go after Upper Yoder Township for the other 16%. They are going to redo the contract because they could only give us 30%. We are going to redo the contract and

it will talk about the future growth. Mary Rose Shaffer mentioned talking with Upper Yoder about the three EDU's coming off of the Armory. Mrs. Shaffer got numbers from CJ&L as to what that cost up at the Armory and the three EDU's is that no good no more. Jim Rigby stated that will be tied into that contract and can be addressed.

OLD/NEW BUSINESS & CORRESPONDENCE: COMMERCIAL PLAN REVIEW/PERMIT FEE SCHEDULE:

No Old/ No New business

ADJOURN

The Meeting adjourned at 8:55 pm.

Respectfully submitted

Carol A. Schalles  
Borough Secretary/Treasurer  
(4/13/15)