

## FERNDALE BOROUGH

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REGULAR MEETING

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FEBRUARY 10, 2014

The Ferndale Borough Council met on Monday, February 10, 2014, 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.

CALL TO ORDER

### ROLL CALL

Roll Call showed the following present: Councilmembers—Jim Rigby, Cindy Dom, Mary Rose Shaffer, Scott Miles, and Steve Mitchell; Secretary/Treasurer Carol Schalles, AP/Payroll—Anita M. Smith, Mayor—Ed Dallape; Mark Wissinger, Jr and Solicitor-Wayne Langerholc.

ROLL CALL, ABSENT & OTHERS

### VISITORS:

Linda and Madison Johnson - 858 Ferndale Avenue (Student observer)  
Carrie Boyer – Our Doodle Bug Daycare  
Brenda and Garrett SSidor – Summit Avenue  
Mark and Alexa Mills (Student observer)  
William Cornell – Ferndale/EMS

Carrie Boyer owner of Our Doodle Bug Daycare requested to have temporary signs displayed to show where her business is located. To show the location of her business. Council does not have any issues with the signs and suggested she speak with Terri Shook from Barnes and Saly since it would be on their property.

Brenda and Garrett Ssidor - 804 Summit Avenue brought to Councils attention the damages sustained by the June 27, 2013 sewer backup issue with Garrett's Mother-In-Law that resides on the 700 block of Glenwood Avenue. They wanted to look into this to see what is being done and what they could do to get it moving along. Steve Mitchell spoke with the engineer and will follow up with a phone call on Tuesday February 11, 2014 to request an update where the situation stands and will get back to them on the outcome. CJL is the engineer working with the contractor. Jim Rigby stated there is a retainage being held to satisfy residents and to use as leverage if they don't respond. Brenda's concern was the delinquent letter they received. The Ssidor's paid in full to BTS Landscaping & Excavation for their materials and labor in the total amount \$1005.00. Council will forward all information to our Ferndale Solicitor and he will speak with the Engineers and find out the status.

### MEETING MINUTES:

Meeting minutes from December 09, 2013-(Special Meeting), January 6, 2014 and January 13, 2014 were all approved and the motion was made to accept the minutes. Motion was made by Mary Rose Shaffer and a seconded was made by Steve Mitchell. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

### ENGINEER'S REPORT:

Workshop meeting was held previously and there was a discussion in reference to the 2% from Tillman Avenue. Finance meeting was held on Friday the 7<sup>th</sup>. There was an issue with Tillman Avenue to receive the 2%. Mr. Patrick said it would not qualify for the 2%. It was mentioned by Jim Rigby that the State should be the one to make that decision not the engineer. Steve Mitchell received Mr. Patrick's emails and Jim Rigby asked Anita Smith to reply to the email

and instruct him to apply for the 2%. CJL designed one area anything that happened within that scope. Steve Mitchell stated that Ferndale Borough could always get a new loan from Penn Vest then submit for bids. The reality will probably be Ferndale will pay more in the long run and that would not include the backside of Hystone Avenue that dumps down into Upper Yoder. Tillman Avenue dumps into the city before dumping down over the hill. Their scope of work was the main basin and that is what Steve Mitchell was told. Upon CJL's advice per Mary Rose Shaffer it won't matter, there won't be that much coming from Tillman Avenue, 4 view ports, CJL, and Hystone all advice is coming back to Ferndale. The advice coming from the engineers are incorrect and Ferndale is paying for it. Basically it's out of their scope or out of their realm. The estimated amount was \$17,000 plus. If we go with Penn Vest the cost is always going up, and construction is going up, and maybe we could push the city for payment. We could go for negotiations from the city and the Redevelopment Authority. Ferndale should approach the RA and tell them it is out of our realm. Brian McAteer was approached by EAD's that by the street light there is a utility pole that covered a manhole and there was a road built over the manhole cover, and it is on Ferndale property. Trees will need to be cut down in order to uncover the manhole cover which cost \$600.00 to remove (2) trees to have that pole moved. The reason this happened was to gain access to the main lines. Steve Mitchell would like to start negotiations with Stoney Creek and parts of Upper Yoder. He will talk with Bill Patrick in reference to 22 Each Dwelling Units (EDU's), residence that has water usage in question. Ferndale's issue is the engineer said we should be billing for 867 EDU's. Steve Mitchell will review the EDU's, cross reference and go over the results with CJL.

Cindy Dom brought to Council's attention the property of the McMullen's on Glenwood Avenue having damage to their carpeting. Ron Walker from CJL called to have Ferndale take care of it and submit the bill to Liberoni. CJL requests Council to deduct this from their bills. We have no documentation from CJL to fall back on. Ferndale is to retrace and find the letter from 2 (two) years ago and send a copy of the letter to our solicitor to review. Our Solicitor can send a letter to state that he has taken over with the details and send it to CJL.

Mr. Bill Patrick presented a copy of the engineer report by e-mail to all Councilmembers. Change Orders 2-7 were submitted to Dale Mills at DEP on Friday, February 7<sup>th</sup>. Revised Pay App #16 previously approved at January 13, 2014 Council meeting. The total amount equals \$36,199.26. At the January meeting, Borough Council voted to hold the \$18,000.00 retainage until the Borough Solicitor had an opportunity to research the decision. Our Solicitor stated it will have to be paid. The 3<sup>rd</sup> party inspection by CJL improperly installed them. Ferndale could go back to CJL and we have the right to hold the retainage. The residents on Harlan Avenue are still not tied in so we will hold the retainage until that is completed. Our Solicitor also stated the inspection that was done was ok, Jim Rigby replied that we were told they were ok but the subcontractor did damage from the sewer in the basement due to the raw sewage backup. Ferndale agreed to pay all but the \$18,000.00 since residents could not tap in. Scott Miles made the motion and Cindy Dom seconded the motion. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

Bill Cornell addressed Council that West Hills January and February Council reports have been sent. January Budget is completed and has not changed and if there are any questions please forward to Bill Cornell. New Council on board need to update the emergency plan so the compliance is in order. There was a handout given to all Council for FEMA. All Ferndale Council are to go online and fill out the information required. FEMA Flood Insurance was given to Bill Cornell and he stated to sign the form and send it in. Ferndale has the option to call FWF to get insurance information. The Fire Department requests to utilize the Borough building for emergency exercises to train new Fire company members. Council granted permission to use the building. Hydrants were marked with yellow flags for inclement weather. On Wednesday, February 19, 2014 the Fire Company Meeting was held all are requested to attend future meetings. July 14 through the 19<sup>th</sup> will be the Ferndale Jubilee. They will not have a car this year due to low sales. The last (2) two years the Fire Company barely made it for the car sales so they are doing something different this year. They will have cash drawing every night and the big cash giveaway will be \$15,000.00. There will also be (2) tickets for a BIG 4 give away. A

question was asked by Council in reference to hydrants being shoveled out. Bill Cornell replied that the residence should keep them shoveled out.

#### EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:

Brian McAteer mentioned that they have been very busy with all of the snow we have received. On street cleaning nights they have moved as much snow as possible. 50 tons of salt was ordered and should be here by Wednesday, February 12<sup>th</sup>. Cindy Dom mentioned that the Ferndale United Methodist Church is going to utilize Ferndale Park for a craft show in May to make money for the Church. Baseball will start in March. Scott Miles stated there was an issue with a plow truck on Margaret Avenue driving on the wrong side of the road during a snow storm, there was another resident who also complained about the same issue. Brian McAteer addressed this issue by saying this is normal practice to plow that street at night so drivers can see the headlights on the plow trucks. Steve Mitchell made the motion to accept the Equipment street report and Scott Miles seconded the motion. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### MAYOR AND POLICE REPORT:

Scott Miles addressed Council by saying there was a Police meeting that was held on January 14, 2014. All of Council received a copy of the meeting minutes. There are complaints by officers that people are not stopping for the unmarked cruiser. The DUI rate has increased since they purchased that vehicle. The Police department has new lights and as soon as the weather breaks they will put those on. Scott Miles mentioned that there were problems with Council in the past and Council should meet and discuss issues and concerns to keep all informed. There are problems with the phones and answering machines in the Police office. The phone will ring then stop. Council said if there are problems then the Police department should purchase a new one. Officer Chris Matcho requested in a letter that he would like to attend a seminar on Criminal Justice in Nashville, TN on March 16 through the 22<sup>nd</sup>. He will pay all lodging and travel expenses and asked the Police department if they could pay for the seminar which costs \$450.00. Council agreed to pay for the seminar and also give him an additional \$100.00 to pay for meals. The Women's Help Center is having a seminar in Texas of Seattle, Washington and they will pay for it through a Grant. Motion to accept Chris Matcho attending the seminar was made by Scott Miles and seconded by Mary Rose Shaffer. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

There is an issue with vehicles parking on sidewalks and lawns and parking on State Highway curbs on Franklin Street. Ferndale is checking on ordinances. Ferndale Solicitor said the only thing you can do is enforce it. Steve Mitchell said that the viewpoints are sticking out and can be damaged. Art Boring and our Solicitor are looking into the Ordinances. Art Boring is to retire at the end of October when his contract ends unless he decides to stay on. Art Boring called Carol Kakabar at Ferndale School to attend a school board meeting in reference to the Juvenile reports. They are higher than the DUI's for this year. Council suggested bypassing Carol Kakabar. Anita Smith will contact the school to get Art Boring on the Agenda for the meeting. Motion to accept the Mayor and Police report was made by Cindy Dom and seconded by Steve Mitchell. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

The monthly report for December 2013 was presented to Council, and the Tax Collector's Monthly Report to Taxing Districts for the month of December 2013, and the Final Report for 2014 were given to Council. Anita Smith will email the Bill List to Council. The Auditors did not get their findings back to us as of yet. The line of credit was paid off by Somerset Trust \$76,733.00 and there are no additional bills. Anita Smith will be out of the office for surgery from February 27 through March 7<sup>th</sup>. Taxes will get out as soon as possible and there will be a message to Residents in reference to Anita being out of the office. Motion to accept the

Accounts Payable report was made by Cindy Dom and seconded by Scott Miles. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously

#### FINANCE COMMITTEE REPORT:

Workshop meeting was nothing new except for there is an issue with revenue coming in 40,000.00 is due to Attorney's. There is also an issue with revenue coming in from Simon & Rhoads. Mary Rose Shaffer made a motion to freeze all expenses till money comes in. Anything over \$200.00 will need held until approved by a total of (3) three on the sitting Committee, purchases in general until further notice. Repairs for Streets are approved. Motion to accept held purchases was made by Mary Rose Shaffer and seconded by Steve Mitchell. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously

The Commercial Plan Review/Permit Fee Schedule was presented to Council and signed by Jim Rigby to be mailed in. UGI Energy Electric Bill was mentioned and Mary Rose Shaffer will look into this by pulling files for more information. Motion to accept Finance Committee report was made by Cindy Dom and seconded by Scott Miles. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously

#### SEWER-SEWER PROJECT:

Mayor Ed Dallape had a property issue with the street caving in. Ice, water and deteriorated pipe which was installed by himself. The question is the Borough's or the homeowner liable. Scott Miles asked if the resident is liable and Steve Mitchell replied that he can't tell based on the pictures that he is not seeing the back pile. Steve Mitchell met with Bill Patrick and they are now torn with this decision. Bill Patrick believes it is one of two options, Liberoni installed and missed placing the back fill around his pipe, or the Mayor's contractor undermined not seeing the excavated pile. It was recommended to pay the Mayor \$247.50 out of the sewer maintenance fund to correct the problem on a lateral that was done on Breezewood. A motion to make the payment to the Mayor was made by Steve Mitchell and seconded by Scott Miles. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### RECREATION REPORT:

Mark Wissinger, Jr mentioned the All Star Team made up of (19) nineteen girls, 5th and 6<sup>th</sup> graders in an in house league. Separate from the recreation program. A motion to accept the Recreation report was made by Scott Miles and seconded by Mary Rose Shaffer. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### PUBLIC RELATIONS REPORT:

Cindy Dom asked Council about starting up the flower fund. Cindy is to begin taking up a collection and build the fund back up. A motion to accept the Public relations report was made by Mary Rose Shaffer and seconded by Jim Rigby. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### ATTORNEY'S REPORT:

The retainage from the Engineer's report was previously discussed. Review of files from Dennis McGlynn was completed and there was an easement with Roberts Oxygen that is no longer needed. Steve Mitchell brought up the letter from Glenwood Avenue and asked if it could be forwarded to CJL. Steve Mitchell will email a copy to Councilmembers and Bill Cornell. A motion to accept the Attorney's report was made by Cindy Dom and seconded by Mary Rose Shaffer. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

Send the correspondence to our Solicitor in reference to Timothy Leighty from 402 Vickroy Avenue. The fence is still in violation and does not meet code. Violation in fence rules they need to present a building permit. The Mayor stated after the work is completed there should be a follow up inspection. COG sent the resident a new letter and also obtained a permit for the work but the resident claims that he received a verbal agreement to place the fence on his property. Verbal agreements are not acceptable. Art Boring notified Leighty and had him send a letter. The Solicitor asked when the fence was put in and said that we need something to fall back on. Scott Miles and the Mayor will meet with Art Boring to send a violation/letter. The Solicitor stated this can be enforced and Ferndale is to get a copy of the ordinance in place. Mr. Leighty will be given a compliance date of 90 days. Art Boring will send a letter advising them to change their fence to a shadow box fence. A motion to accept the Old/New Business report was made by Steve Mitchell and seconded by Scott Miles. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

**ADJOURN**

The Meeting adjourned at 9:30 pm.

Respectfully submitted

Carol A. Schalles  
Borough Secretary/Treasurer  
(02/11/14)