

FERNDALE BOROUGH

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REGULAR MEETING

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JUNE 9, 2014

The Ferndale Borough Council met on Monday, June 9, 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, Al Lushko, Scott Miles, Steve Mitchell; Mary Rose Shaffer, and Mark Wissinger, Jr. Solicitor - Wayne Langerholc, Secretary/Treasurer Carol Schalles, AP/Payroll—Anita M. Smith. Absent: Mayor—Ed Dallape.

ROLL CALL, ABSENT & OTHERS

VISITORS:

Jody Ingram – 809 Vickroy Avenue – 288-4861 – Trees

John Zlatovich – Property at R441 Ferndale Avenue

Al Cooper – 213 Summit Avenue – 288-1183 – Budget

Maggie Huffman - 825 Vickroy Avenue – 344-1915 – Concerned Property Owner

Alyssa Gorzuskay – 833 Vickroy Avenue – 244-3769 – Concerned Property Owner

Eric Huffman – 825 Vickroy Avenue – 243-9211 – Concerned Property Owner

Jody Ingram stated that the trees by her home on Vickroy Avenue were planted by the Borough in the 1990's and have never been taken care of. No one is able to park by them, since they have berries on them and they are all over the cars. The landlord has never taken care of them and they cannot get a hold of him. Council stated that the homeowner is responsible and if that tree is removed a new tree will have to take its place. Scott Miles will address this issue with the Landlord.

John Zlatovich – Asked Council for leniency for the past 6 months of sewer project payments for his property at R441 Ferndale Avenue. If he would have known the correct procedures of removing all pipes, and such that pertain to the sewer project from his property that is not rentable he would have done this sooner. Council stated this would be discussed and they will get back to him.

Maggie Huffman, Alyssa Gorzuskay and Eric Huffman had a complaint on a tenant that just moved in between them. Pictures were presented to Council. The Police have been called a few times on those tenants. The tenants do not have gutters on the house and the rain is running into their yard. The Police are aware of this problem and Art Boring will address this issue. It was asked by Mrs. Huffman if there is an ordinance that would cover the gutter issue. Art Boring responded with there are BOCO codes if it encroaches on someone else's property and he will look into this. Art Boring did go to that tenant's house and issued a search warrant and a warrant for his arrest and there were complaints against the mother for her profanity. Art Boring suggested reporting it to the Police and they will gladly assist them. There is a zero tolerance for this and they will be sited. Jim Rigby asked to the Solicitor if Ferndale could site the owner and the Solicitor said you could send a letter. The Solicitor will prepare this document and send it out to the owner of the home.

Al Cooper – Had a general question in reference to the Budget. He asked what type of shape Ferndale is in financially. Mary Rose Shaffer responded that the Borough is fine. The 20 year loan for the sewer project is paid by the monthly, quarterly bill of \$93.00, for each equivalent dwelling unit (EDU) and if residents don't pay they are taken to the magistrate for payment.

MEETING MINUTES:

Requested approval of June 9, 2014 meeting minutes. Motion to accept the meeting minutes was made by Mary Rose Shaffer and seconded by Scott Miles. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

ENGINEER'S REPORT:

Mr. Bill Patrick from CJL was asked to attend the Council meeting to address the Ferndale Borough Sewer Separation Project Change Orders and the sink hole issues. The BEAR contract change orders were emailed to distribute during the Council meeting from Mark Muir from EADS. Change orders # 2-7 DEP had possession of for some time. #2 – Why was the material cost price increased from the previous version? The work was completed and was agreed upon between the Attorney's and Engineers. Back up information was provided to Mark Muir from EADS. #3 – Lateral connection – Hystone Avenue -Raise three (3) man holes – need to do the electronic version. #4 - Install Boro supplied inlet – Colonial – Directional drill project credit \$10,370.77 – can be entered on line. #5 – Repair 10" SLP – Young Alley – (CIPP) Cased in place pipe \$119,049.44 decrease can submit a plan to him showing the work took place. Can follow up with a phone call or email. #6 - Claims – Dale Mills from DEP is requesting a copy of the Settlement Agreement – Ferndale is to address this. #7 – final quantity adjustments on a level. Tabulation of 72 items – Bill Patrick will send the Solicitor all of the information to review and the Solicitor will then forward it to Dale Mills. Jim Rigby addressed Bill Patrick in stating that BEAR is still holding money that is due to PennVest. Mr. Patrick sent BEAR a hardcopy on February 7th. Jim Rigby asked Mr. Patrick if he could send it back to him again. There were pictures taken of the sink holes but only after the digging started. Brian McAteer is to type up a narrative of the way the pipe was put in, and his findings, on what he believes happened, then provide that information to our Solicitor. #6 – The information for the Glenwood Avenue paving restoration will be provided to Mr. Patrick to address with Mr. Dale Mills and Ferndale's Solicitor will be copied on this to review and contact Mike Winfield regarding this issue. Jim Rigby brought up the issues with the sink holes. Mr. Patrick stated this should come from our Solicitor with any ramifications that came from the work and to contact Mr. Winfield. Brian McAteer has pictures after the digging had already started showing the new pipe they put in.

Mr. Patrick addressed the Liberoni Change Orders. # 1 through 5 were acted upon, #6 through 12 were not. #6 – Glenwood Avenue Paving Restoration - DEP reviewed completed and is approved. #7 – Detour signage & Man Hole upcharges - what direction were the borough and the engineers given. This was given to Dale Mills on November 5, 2013. Mr. Patrick will send this again. #8 - Liberoni was requesting a 45 more Calendar day time extension – Please submit a plan view drawing with a little more detailed information. This is no cost to the change order. #9 – Glenwood Avenue wedge curb – DEP reviewed and approved. #10 - Five (5) man hole tie-ins - Removed temporary tie-ins, and submit a plan view drawing, which was already submitted. #11 – Final Quantity adjustments – Please submit a plan view drawing of the rock view location. #12 – CIPP Mobilization – starting out by asking for \$56,000.00 and negotiated down to \$1,540.00, He is asking where their work is and what it is associated with.

Steve Mitchell provided a copy to Mr. Bill Patrick and Ferndale's Solicitor and addressed Mr. Bill Patrick stating that he and Cindy Dom met with Upper Yoder last month in reference to the Armory. The Solicitor for Upper Yoder passed along the agreement Ferndale had between Upper Yoder and Ferndale, and if Council is ready to pursue this we need to get our Solicitor involved and get the Armory in Ferndale's possession. Steve Mitchell received a letter from Stoney Creek Township in reference to their sewer project. The letter inquired as to who is involved. Steve Mitchell mentioned to pass it along to someone else in Council. Mary Rose Shaffer asked Steve Mitchell is there any revenue that you see coming in from Stoney Creek Township to Ferndale. Steve Mitchell's response was transferring from their system to Ferndale's that will show additional revenue. Steve Mitchell's recommendation is to give it to Mark Wissinger, Jr. Motion to accept the Engineers report was made by Mark Wissinger, Jr and seconded by Al Lushko.

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

Council received an emailed report from West Hills. Motion to accept the Emergency Management + Fire Company report was made by Mark Wissinger, Jr and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:

The 2014 Paving Project bids were submitted and opened by Ferndale's Solicitor, Wayne Langerholc and announced to Council as follows:

Quaker Sales	Item 1 – 3.00	11,274.00
83 Cooper Avenue	Item 2 - 92.35	10,435.55
Johnstown, PA 15906	Item 3 - 92.35	<u>31,214.30</u>
		52,923.85
HRI, Inc.	Item 1 – 1.50	5,637.00
1750 West College Avenue, Suite 3	Item 2 –131.00	14,803.00
State College, PA 16801	Item 3 –100.00	<u>33,800.00</u>
		54,240.00
Laurel Asphalt	Item 1 – 2.50	9,395.00
212 Pomroys Drive	Item 2 – 138.00	15,594.00
Windber, PA 15904	Item 3 – 138.00	<u>46,644.00</u>
		71,633.00
Cottles Asphalt Maintenance Inc.	Item 1 – 2.04	7,666.32
13136 Lincoln Highway	Item 2 –100.44	11,349.72
Everett, PA 15537	Item 3 – 95.21	<u>32,180.98</u>
		51,197.02

Motion to accept paving bids in contingent upon final review of the companies was made by Steve Mitchell and seconded by Al Lushko. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

Brian McAteer reported on streets and what was done. 1 basin was put in on Saly because of a sink hole. 20 loads of wood were picked up during spring cleanup. The chipper was repaired by Jats. Removed benches, repaired a wooden bench, and replaced the light by the large pavilion. Hot patched around both basins and put some curbs in streets used 7 hot patches. Retreaded the tires on the sweeper. Brian McAteer questioned the easements, that there were four (4) homes on Franklin Street during the sewer project that were missed by Liberoni. Ferndale's Solicitor is going to look into Liberoni and see why they were not completed.

Steve Mitchell and Cindy Dom met with Representative Brian Barbin to discuss getting additional funding for the sewer project. They provided documentation to back up the project of what was needed. Mr. Barbin does not have additional money at this time. He can possibly help Ferndale out through Penn Vest. Motion to accept the Equipment Streets to Borough Property report was made by Al Lushko and seconded by Scott Miles.

MAYOR AND POLICE REPORT:

Jim Rigby stated that the Mayor was taken to the hospital yesterday and had to have a heart catherization. He is also battling an ear infection and will go to Pittsburgh to have this addressed. Chief Art Boring provided council with his written Police report. He is talking with the Police committee about the problems with the computers and would like to order new computers for the office. Scott Miles and Mary Rose Shaffer met with Art Boring in reference to ordering new computers and to discuss his pension. Scott Miles also mentioned during that meeting was the foul language that was used at the playground, Glenwood Avenue and on the

Upper part of Vickroy Avenue. The Police department needs residents to call in the complaints in order for them to be taken care of. Scott Miles would like to order signs from Big City Signs that state profanity will not be tolerated and you will be banned from the basketball court. If the person that was banned returns they will be prosecuted. Scott Miles mentioned that Art Boring would like to order a laptop so it could be used in the cruiser, and a desktop computer for the office and two office programs, which will be approximately \$1606.00. Jim Rigby asked Mary Rose Shaffer if this was approved by finance and if the borough had the funds. This was approved by Mary Rose Shaffer. Motion to purchase two (2) new computers for the police department was made by Scott Miles and seconded by Cindy Dom. Motion to accept the Mayor and Police report was made by Cindy Dom and seconded by Al Lushko. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

Anita Smith sent out the tax payments. Council was presented with the bill list for June totaling \$4,560.27 and the financial statement showing the PGLIT accounts totaling \$233,112.22. Motion to accept the Payroll/Accounts Payable Clerk + bill list and additional bills + tax collector report was made by Scott Miles and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

FINANCE COMMITTEE REPORT:

Mary Rose Shaffer made a motion to forget the sewer project billing for John Zlatovich's apartment on Ferndale Avenue that had all of the pipes removed and to forgive the billing from January 1st, 2014 on for a total of \$186.00. Jim Rigby mentioned we need to stand by the ordinance stating all plumbing; water, capping, and the inspector signs off, then it could be removed. When Ferndale's Solicitor cross examined Mr. Zlatovich he told him you know you will have to get an inspector come in. During the court hearing in Ebensburg the Judge ordered Mr. Zlatovich to pay up unto the point of having the pipes removed. Council came to a compromise that Mr. Zlatovich will owe the 1st quarter of the sewer project bill. Ferndale's Solicitor will send a release for Mr. Zlatovich to sign. Motion to accept the \$93.00 payment within five (5) days after notification, if not paid within the (5) days, he will have to pay in full. Motion to accept one (1) payment of \$93.00 was made by Mark Wissinger, Jr and seconded by Steve Mitchell. Cindy Dom and Steve Mitchell voted "No" all other Councilmembers voted "Yes"; therefore, the motion passed. Motion to accept the Finance Committee report was made by Al Lushko and seconded by Steve Mitchell.

SEWER-SEWER PROJECT:

Steve Mitchell mentioned the Pressure Testing inspections – 390 Inspections complete, Entire system tested 166, Tested to inside foundation was 82 and the outside only test is 142. The grand total is 800 that still need to be done. Ferndale is half way through of all inspections being completed. A motion to accept the Sewer-Sewer Project report was made by Mark Wissinger, Jr and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

PERSONNEL COMMITTEE REPORT:

Mary Rose Shaffer wanted to follow up with Council in reference to Chief Art Boring's pension. Council should have received a copy of the letter from Mr. Worley which states, Chief Art Boring will receive "0" pension. A few years ago the pension plan was changed from the total of years served to you must invest 25 years in order to receive a pension. Mary Rose Shaffer suggested that Art Boring meet with our Solicitor to see if there is anything he could do to provide assistance. The pension does not go by age any longer it goes by years of service. Art Borings years of service is 12.5 years. This will be tabled until the Solicitor looks into this. A motion to accept the Personnel Committee report was made by Mark Wissinger, Jr, and seconded by, Al Lushko. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

RECREATION REPORT:

Mark Wissinger, Jr mentioned that the playground started today and swimming begins on Thursday. Carrie Rager is running the playground this summer. Jim Rigby stated he was contacted by Henry Eisenhuth that he is interested in becoming the Recreation Director for Ferndale. Scott Miles mentioned that a wrestler Derrick Christie wrestled for Ferndale in 8th grade. From July 18th through the 26th he will be wrestling for Team PA. There is a \$250.00 entry fee and to help him and his parents out the Elementary boosters gave him \$300.00 to help with expenses. Scott Miles requested that he would like the Recreation Fund to give him \$500.00 to help him as well. Anthony Walters was ranked 2nd in the nation and he also attended Ferndale. A motion was made by Scott Miles to give his wrestler Derrick Christie \$500.00 from the Recreation fund was made by Steve Mitchell and seconded by Cindy Dom. A motion to accept the Recreation report was made by Cindy Dom and seconded by Al Lushko. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

PUBLIC RELATIONS REPORT:

Scott Miles brought up a complaint by a part time police officer that was let go for legality reasons and her son received a parking ticket. The officer thought it was because she was let go but the other officer who gave the ticket was not involved and had nothing to do with it. The complaint came from the West Hills Fire Department since the car was parked in a no parking zone and was blocking the Fire Department. This was justified. A motion to accept the Public Relations report was made by Cindy Dom and seconded by Mark Wissinger, Jr. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

ATTORNEY'S REPORT:

In reference to the "Right to Know" as mentioned earlier in the meeting by Mr. Langerholc he wanted to remind Council to keep that in the back of their minds for proposals, it will elevate some of their issues. The Easements to be signed are ready to be given back to Roberts Oxygen. The draft of the ordinance that Mr. Langerholc re-did is ready to be distributed to Council. A motion to accept the Attorney's report was made by Cindy Dom and seconded by Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

There was also a complaint from a resident Wayne Kowalewski. He came to the Borough office with a complaint that he was being harassed by his neighbors. Jim Rigby was in the office at that time and suggested for him to address this issue with the Police Department since this is a civil matter not a borough issue. Jim Rigby also mentioned that he speak with Chief Art Boring and if he was not satisfied after speaking with him to call the Mayor. He provided all of council and the Mayor a letter explaining the harassment. Officers were called to his residence by him and he wanted to resolve this issue. He did speak with Chief Art Boring and Mr. Boring addressed this with his officer that made the calls. The officer told Mr. Kowalewski that he is not to be looking around properties and looking under their porches with flash lights. Mr. Kowalewski requested the police report for the calls that were made in regards to this incident and was told he could only get the logs per the "Right To Know" not the reports. Ferndale's Solicitor said to deny his request for the "Right to Know" information for the Police reports. Mr. Wayne Kowalewski was advised to take this matter to Civil Court if he thinks there are continuing problems. Motion to accept the Old/New business & correspondence: Commercial plan review/permit fee schedule was made by

ADJOURN

The Meeting adjourned at 9:15 pm.

Respectfully submitted

Carol A. Schalles
Borough Secretary/Treasurer
(06/09/14)