

FERNDALE BOROUGH

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REGULAR MEETING

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MARCH 10, 2014

The Ferndale Borough Council met on Monday, March 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—Cindy Dom, Mary Rose Shaffer, Scott Miles, Al Lushko, Steve Mitchell; and Jim Rigby, Secretary/Treasurer Carol Schalles, Mayor—Ed Dallape; Mark Wissinger, Jr and Solicitor-Wayne Langerholc. AP/Payroll—Anita M. Smith was not present.

ROLL
CALL,
ABSENT
&
OTHERS

VISITORS:

Michele and Carly Baumbaugh - 1012 Vickroy Avenue – 288-6391 (School)
Samantha Persunn - 1646 Forbes Court – 410-4694 – (School)
Alex Lopez – 560 Glenwood Avenue – 288-3704 – (School)
Nate Washington – 509 Village Street – 539-6102 – (School)
Joel Mattis – 717 Station Street – 322-5541 (School)
Dennis Conahan – 531 Vickroy Avenue – Handicap Parking
Tim Leighty – 402 Vickroy Avenue – Fence

Mr. Tim Leighty 402 Vickroy Avenue had discussed his previous issue with Council in reference to his fence on his property. He was given a building permit and permission from COG to have siding, a fence and a deck put on his property. COG did not mention what the borough ordinance stated about the fence. Mr. Leighty specified that COG should have known about the fence ordinance and made him aware that he was not permitted to have a stockade fence. Council advised him that the Borough ordinance states that property owners are not permitted to have stockade fencing and it should have been a shadowbox fence. The ordinance is in place due to burglaries and such. The police department has to be able to see the open properties for safety purposes. Laurel Mountain will not come out and inspect it since COG completed the work. The Leightys put a large amount of money into that fence and do not want to remove it. Jim Rigby suggested that they could request a variance from the zoning board. Mr. Leighty asked if he could petition this to change the ordinance. Jim Rigby stated that safety is the number 1 issue for him. There is also a height requirement for a fence and Mr. Leighty stated that it is the correct height. Zoning can look into this and the location. The route to go is the Ferndale's Zoning board and Council will vote on it. Mr. Leighty asked what the penalty would be if he did not take down the fence. He was advised by council that there will be a penalty and he would have to go in front of the Magistrate then there will be a daily penalty charge he would have to pay. Laurel Inspection did send Mr. Leighty a letter stating to stop working on the fence.

Mr. Dennis Conahan from 531 Vickroy Avenue addressed Council to have a handicap parking space place in the front of his home. The homeowners in that area would have to share that space. Mr. Conahan said that his him and his wife are the only ones that would need this space that there are no other handicap neighbors. There is no other Handicap parking in that block. There is no cost to put this space in. Council approved the Handicap space and it will be completed weather permitting. Motion to put the handicap parking for 531 Vickroy 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

MEETING MINUTES:

Scott Miles stated there is a correction under the Mayor/Police Report to be made to the February 10, 2014 meeting minutes. The police cruiser was not painted with graphics. Change and the meeting minutes were approved and the motion was made to accept the minutes. Motion was made by Scott Miles and a seconded was made by Al Lushko. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

ENGINEER'S REPORT:

EADS Report was sent by email from Mark J. Muir. This report was presented to all Councilmembers. 368 - Inspections complete; Entire System Tested – 154; Tested to inside Foundation – 78 and outside only test – 136. Lateral issues are 540 Glenwood Ave- lateral not deep enough - 557-561 Ferndale Ave – need easement – Penn Machine willing to give easement - Franklin St. west of Goucher St – Mainline was cured in place and no viewports were installed. Homeowners want to know how to proceed. Coordination with CJL

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

Fire Company West Hills report was presented to Council. They have changed the dates of the meetings due to weather conditions, and Jim Rigby could not adjust his schedule to attend. Bill Cornell is the person at large and he has been out due to surgery. Jim Rigby and Bill Cornell will represent the Borough. Mayor Ed Dallape is the backup person to attend and Jim Rigby will discuss this further with him at a later date. Motion to accept the written report was made by Al Lushko and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:

Mark Wissinger, Jr received \$36,000.00 for the paving of the streets for Spring/Summer. He discussed a few streets with Brian McAteer which is Station Street between Summit and Glenwood Avenue, Harlan Avenue between Summit Avenue and Glenwood and if there is money left over they would like to start on the 800 block of Vickroy. Jim Rigby asked Brian McAteer about the problem with the roads that are dipped or sunk from the sewer project and there is a bid dip in the alley, can we find out from Bob Mills to see if we could use Liquid Fuels money. Mark Wissinger, Jr found out that that Ferndale could use those Liquid Fuel funds for the repairs. Brian McAteer asked are the contactors responsible to restore the laterals to bring the service back to where it was. Jim Rigby asked the Solicitor if Ferndale could go back after the contractors that have laid the line to bring the surface back to where it was. The Solicitor did say yes and Jim Rigby asked if the Solicitor could make contact with Bear Contactors. We would have the 400, 500 and 600 block of Vickroy and 700 block of Louisa Place. Mr. Faccini requested to meet with some representatives from the borough to inspect the paving problems. The Solicitor requested a list of the streets to be repaired by Bear. The Mayor asked if we had a warranty on the work that was completed. The Solicitor will be able to follow through the contracts with the patches and repairs to be put back to its original form. Jim Rigby mentioned for Mark Wissinger, Jr to get together with Cindy Dom and check the streets that need repaired. The road across from Mr. Faccini on Vickroy is very bad.

Cindy Dom brought up the building where the Fire Company trucks are parked is cracking. Brian McAteer stated that cement is falling through and the water is coming through the floor to the basement and now it's wet from damage. The beams were put in for this problem and the same thing is happening. Jim Rigby asked Cindy Dom to make contact with Bill Cornell the Fire Association and Brian McAteer get them involved to make sure the building is safe and the Engines are ok to be in there. Check to see if we will need to get a structural study done.

Brian McAteer did have to get a battery for the 2000 F50, and the 550 checked out and they couldn't find anything wrong with it. They are going to take all of the gas out and pull the fuel pump out and clean the tank out and see if that could be part of the problem. They bought new

tires and a compound miter saw for the shop. They repaired the sprinkler water system to get ready for Spring. 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:

The Mayor mentioned that during the winter months the Street department did a great job keeping the streets maintained. Art Boring brought up that he received an email from the State informing him that they are no longer compatible with Windows XP. He is requesting to purchase two new laptops for the two offices in the Police Department. He did research on laptops and found them for the cost of \$475.00 each. The police department cannot upgrade their computers since they will not handle it. Art Boring found laptops Art Boring also mentioned that in case of an emergency or during the Ferndale Jubilee the laptops can be utilized since they are portable. Brian McAteer could use a new laptop as well. Jim Rigby will contact Congressman Keith Rothfus to inform him of Ferndale's finances and see if he has access to provide the Borough with Laptops. Art boring is to give Jim Rigby a list of what is needed to keep up with the State. Motion to accept the Mayor and Police report was made by Cindy Dom and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

A copy of the Bank Balances and the Bill List was presented to Council by Mary Rose Shaffer. Tax Collectors Report – the bills went out at the end of February. Mary Rose Shaffer was not aware that the Real Estate Tax bills should have gone out the first of February as a rule stated by Mayor, Ed Dallape. Motion to accept the Bills and to make payment was made by Mark Wissinger, Jr and seconded by Al Lushko. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

FINANCE COMMITTEE REPORT:

Mary Rose Shaffer mentioned that there was no report. The Mayor addressed Mary Rose Shaffer about income and she addressed Council by stating that income is coming in. Revenue - Sewer Maintenance bills went out early January and we received \$38,000.00 – that 65% in a very short period of time. On the Sewer Project which also went out early we received \$35,700.00 so we do have income coming in. Motion to accept the Finance Report was made by Al Lushko and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

PERSONNEL COMMITTEE REPORT:

Mary Rose Shaffer stated at last Monday evening's meeting, the personnel committee met regarding Brian McAteer's request that we look into his accumulated sick time from December 31, 2013. As of January 1, 2014 the personnel policy did not address that it addressed paid time off and it did not recognize that time. The Personnel Committee came up with amendment 2 that would address that accumulated sick time. This will be a long term that we are looking at for personal injuries. All of the paid time off would have to be exhausted. The employees that will still be off would use that accumulated sick time and that would never grow it will decrease. Ferndale's Solicitor reviewed the Amendment and he will sign off on the handbook. Motion to accept Amendment 2 was made by Mary Rose Shaffer and seconded by Cindy Dom. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. Motion to accept the Personnel report was made by Scott Miles and seconded by Al Lushko.

RECREATION REPORT:

Mark Wissinger, Jr mentioned that there is a basketball tournament this week. There is a 3 on 3 for high school and the insurance was received to cover the events for all recreation programs including the football field. Blue Thunder is actually doing it under Ferndale Recreation not to the added programs. We have to provide the certificate of Liability since Ferndale runs the recreation program and has to carry it. Al Lushko talked with Mark Wissinger, Jr to find someone who wants to take over and work with the kids and they need to find someone to replace Mark Wissinger, Jr unless he wants to continue on. Scott Miles mentioned Wrestling is just about done and Anthony Walters who Wrestled for them for 6 years, placed 3rd. in the States and lost to the State Champ by (1) one point. He is a 9th grade student. 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:

Al Lushko had talked with residents and they are very happy about the snow removal and how well it went no complaints. The article in the paper was very nice from the Lehman family. Jim Rigby met with Brian McAteer they discussed Glenwood Avenue, the curbing that was put in there when Ferndale surfaced it. This tapered material where cars won't pull on it so there to far into the roadway makes it too tuff for the plows, we got neighbors complaining that it's into their driveways. Ferndale is looking into it to find an attachment for the loader they bought, a milling machine of their own. The cost we may occur will be well worth it one with snow removal and probably keep a lot of residence on the longest street of the borough. Brian McAteer to check with the gentlemen that he deals with and Liquid Fuels to see if that would fall under Liquid Fuels. A motion to accept the Public relations report was made by Mark Wissinger, Jr and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

ATTORNEY'S REPORT:

The Solicitor drafted the sidewalk parking/yard parking ordinance and will email it to the Borough Secretary to pass along to Council for adjustments. Jim Rigby asked the Solicitor don't most of them fall under the vehicle code? Jim Rigby mentioned that we are looking more to addressing people parking on the sidewalks and in the yards. The Solicitor stated that it will give Ferndale a broader power. The Mayor informed Council that the new codification will be here by next month. The Solicitor stated that those easements are done for Robert's Oxygen and the work was completed and no longer require the easement. The Solicitor will get Jim Rigby to sign off on it. A motion to have the Solicitor send the easement back to Robert's Oxygen since Ferndale no longer needs this was made by Al, Lushko and seconded by Scott Miles. The Solicitor has the items he needed in reference to the McMullen issue with the property that was authorized for restoration and carpeting and he will move towards that. The Solicitor made a motion to authorize the three department heads, the Borough, the Street department and the Police to authorize them to make emergency expenditures of a dollar amount fixed at \$2,500.00 and make it notified to all councilmembers within 24 hours of said purchases. Motion to accept the Attorney's 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.

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

Mary Rose Shaffer addressed Council that we are approaching the date of the Cambria County Boroughs Association dinner meeting which is sponsored by Ferndale Borough. It will be held at the Boulevard Grill on April 22, 2014 at 6:30 p.m. Dinner includes yourself (employees) and there will be a cost of \$23.00 if you bring a guest. Please give you meal choice to Carol Schalles as soon as possible. A motion to invite up to 20 people, borough officials and/or employees to the Spring Cambria County Boroughs Association, sponsored by Ferndale Borough. Motion was

made by Cindy Dom and seconded by Steve Mitchell. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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ADJOURN

The Meeting adjourned at 9:40 pm.

Respectfully submitted

Carol A. Schalles
Borough Secretary/Treasurer
(03/10/14)