

FERNDALE BOROUGH

Page 2031

REGULAR MEETING

Page 2031

MAY 12, 2014

The Ferndale Borough Council met on Monday, May 12, 2014, in the Fire Company's Recreation Hall at 618 Westinghouse Avenue, Johnstown, Pennsylvania.

Vice President Steve Mitchell 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, Scott Miles, Steve Mitchell; Mary Rose Shaffer, and Mark Wissinger, Jr. Solicitor - Wayne Langerholc, Secretary/Treasurer Carol Schalles, Mayor—Ed Dallape; and AP/Payroll—Anita M. Smith. Absent: Al Lushko and Jim Rigby.

ROLL CALL, ABSENT & OTHERS

VISITORS:

Shawn Lechey – 824 Ferndale Avenue – 244-4882 - Curb
Josh Solnosky – 571 Hystone Avenue – 215-8233 – Sewer
Allen Rowe – 215 Clay Street – 288-4480 - Permits

Shawn Lechey – The curbing outside of his residence 824 Fernwood Place near the steps is much higher than normal. It is too high and you are unable to park beside it. He previously spoke with Jim Rigby on this issue and was told it would be completed in 30 days weather permitting. Mr. Lechey wanted to follow up with Council since the 30 days is up and the work was not completed. Council reviewed the letter from Mr. Rigby. Steve Mitchell and Brian McAteer agreed that it should be taken out and the road widened so the plow trucks could get through to plow. Steve Mitchell asked Brian McAteer to take the curb out and the sidewalk since that is much higher as well. Brian McAteer stated that the street department was involved with completing another project, the sink holes, that was requested and not sure as to when they will be able to get to the curb and sidewalk issue. Brian McAteer mentioned that he will take care of it as soon as possible. Motion to remove the curb and sidewalk was made by Mark Wissinger, Jr and seconded by Scott Miles. A call was made for a Roll Call vote. All Councilmembers voted “Yes”; therefore, the motion passed unanimously.

Josh Solnosky resides at 571 Hystone Avenue, on the left hand side before the turn, and is looking at selling his home sometime in the near future. He questioned the sewer project has not been completed on Hystone Avenue as of yet and was concerned on what he would need to do before he sold his home. Steve Mitchell will follow up with Mr. Solonsky on the proper procedures within the next week time frame.

Allen Rowe's concern is permits for only replacing all of the old wood that was originally on his porch. The inspector came to his home and said his railing had to be 36 inches not 30 inches. The permit was issued and displayed in his window, and after the work was already completed, Mr. Rowe was told he needed to change it and had to supply them with drawings. Mr. Rowe asked why residents have to go to Carrolltown and wanted to know why no one in the borough issues permits. Steve Mitchell responded and said Ferndale used to go through COG and had some issues with them, the one from Carrolltown is the closest agency that issues permits, and they came highly recommended. Steve Mitchell will call the inspector and check into this issue. Steve Mitchell also added that the codes concern is safety and someone could fall off since there is no hand rail. Council put this on temporary hold until the issue is addressed.

MEETING MINUTES:

Requested approval of April 14, 2014 meeting minutes. Motion to accept the meeting minutes was made by Scott Miles and seconded by Mark Wissinger, Jr. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

ENGINEER'S REPORT:

Steve Mitchell mentioned that the bids for the paving proposal have been rejected due to they were opened prior to the meeting, by the Secretary/Treasurer – Carol Schalles, they were not viewed just opened. Carol Schalles will call the contractors and make them aware of the issue. The Solicitor asked us to mention to the Contractors that the bids were rejected and to watch for the new advertisement and to rebid. The Solicitor also added, that with the "Right To Know" request, to keep in mind in the future when bidding out projects, with 3rd party vendors/contractors you can request and make it part of the proposal as well as part of the contract with your vendors, that you are subject to any Right to Know law request, that will defend Ferndale, and they will handle it, this will take the pressure off of Ferndale. Looking back on the requests for the sewer project and you enter into a contract with them make it a line item from the contract and if there are any Right To Know requests they will handle it. The Solicitor asked if the bids were seen by any Councilmember or if they gained any information. It was unanimous by all Councilmembers; no they were not seen by anyone. The Solicitor stated that the documents were to be destroyed. Motion to reject all paving bids due to they were opened prior to the meeting was made by Cindy Dom and seconded by Scott Miles. Steve Mitchell asked when Council would like to have a meeting to discuss the new dates of the paving project. The decision was made to discuss the dates on the next Council Meeting on June 9, 2014.

Steve Mitchell stated that he and Cindy Dom have met with Upper Yoder, since there is some conflict on who owns what lines for Upper Yoder, and right now they are billing the Armory and they are being served by Ferndale. That is a line that Ferndale put in to serve the Armory. We need to make sure they are on our system and they are being billed by the proper Borough. As of right now Upper Yoder is saying that there are no lines there. Their Engineer stated that they do not own any line in that area and Ferndale just needs to discuss this with them and get an agreement stating that it is Ferndale's not Upper Yoders. We need to get the billing from Upper Yoder to Ferndale Borough. Ferndale was waiting for our new Solicitor to start and get up to speed with the Sewer Project then Ferndale started negotiations. The back of Hystone Avenue is the same thing. Some employees from Upper Yoder said that the back line is Upper Yoders but when we met with the authority and the engineer their saying that it is Ferndale's. Steve Mitchell requested to be on Upper Yoder's agenda for their sewer meeting on Monday, May 19th.

Mary Rose Shaffer brought to the attention of Steve Mitchell the email Council received from CJL in regards to Penn Vest. When they went over the line of credit for the 1.275 million we had all these change orders that went through on these applications that were submitted by BEAR Contracting. Ferndale did that in November/December. The email states that they were submitted Mid February. CJL followed up with Deb in March and again in early May, the change orders pending Deb's review. Liberoni pay up 16 was applied for in early May. With the following response from Penn Vest that this estimate exceeds \$25,000. You can't get any more funding from Penn Vest until that money is taken out. CJL is responsible to bring the Penn Vest amount down through the application change order process. Steve Mitchell would like CJL at the next workshop meeting to discuss this. The Mayor suggested calling DEP. The Solicitor asked Steve Mitchell if he has a good contact at DEP to verify this and to see if it is accurate information. Steve Mitchell will call his contact at DEP. The Engineers report stated - Pressure Testing – 378 inspections completed – 159 entire systems tested – 79 tested to inside foundation – 140 outside only test. Ferndale received an email from a gentlemen, (Bill Miller), living in Conemaugh Township. He owns a property in Ferndale. He was complaining about pressure testing and shotty inspections being done in Ferndale by the engineers. He wasn't happy with the lateral that was put in and how it was done with the gravel and grade. Steve Mitchell passed along this information to EADS. Mark Muir said he has no problem sitting down with anyone and going over the issues. Motion to accept the Engineers report was made by Scott Miles and seconded by Cindy Dom.

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

Bill Cornell reported that the Fire Company and the West Hills financial report were presented to Council. He stated that the hose test was completed. Update: A representative from DCD, Rob Ray will attend the meeting which will be held at the West Hills Station to discuss taking on more leadership for the Fire Department role with regards to operations. It is an open meeting and any one can attend it will be held Thursday, May 15 at 6:00 pm. On the Fire Associations behalf, Bill Cornell, sent a letter requesting use of the park for their fundraiser, and is looking for approval from Council. Motion that the Fire Association can utilize the park for the month of July, all Councilmembers voted "Yes"; therefore, the motion passed unanimously. Some of the Councilmembers have not taken their Emergency Management Institute exam and need the National Incident Management System (NIMS) compliance. Motion to accept the Emergency Management + Fire Company report was made by Cindy Dom and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:

Brian McAteer stated that the street Department swept Dale for 6 hours and swept Daisytown for 7 hours and part of Riverside but cannot charge them until the work is completed. Installed one basin on Ogle Street, and one basin on Vickroy. Presently working on a basin and French drain that became a sink hole, on Saly Alley, and discovered another sink hole on Saly Alley. The restrooms are open at the park. Ordered new brooms for the sweeper. Ordered new tracks for the excavator. The 550 was inspected. Replaced the mirrors and stop sign that were taken out due to an accident. Also streets have to place signs on Goucher Street for two hidden driveways. Brian McAteer met with the state in reference to paving Clay and Summit Avenue. Sam Romano will try to work it in on the Franklin Street project. Geistown is in possession of the wood chipper for a week. In reference to the sink holes Mary Rose Shaffer stated that the contractor was BEAR and we signed that deal with BEAR that Ferndale cannot bill for errors that they had. Steve Mitchell said we will have to double check to make sure we can't hold them to their bonds. According to CJL we will have to verify it that their bonds are still active. From what Bill Patrick stated from CJL that one part of the issue we are having could have been caused by the sewer project. Brian McAteer stated that you can see where they broke Ferndale's pipe. Derrick took pictures of the damage. Steve Mitchell said we will have to verify if their bonding is still in effect, and if it is, we will go from there with it. Motion to accept the Equipment streets to borough property report was made by Mark Wissinger, Jr and seconded by Mary Rose Shaffer. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

MAYOR AND POLICE REPORT:

Art attended the funeral for Alex Freoni's spouse. Motion to accept the Mayor and Police report was made by Cindy Dom and seconded by Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

Council was presented with the bill list for May. The bill list will be reviewed next month at the workshop meeting in Anita Smith's absence. Motion to accept the Payroll/Accounts Payable Clerk 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 stated that she has been working with Carol Schalles to set up a meeting with our current garbage hauler Advanced Disposal. The purpose of this meeting is to determine if they will take over billing and collecting for the garbage of the residents of Ferndale Borough. The date has not been confirmed to when we will meet. Mary Rose Shaffer made a motion to lift

the band on not paying bills. A motion to lift that band was made by Mark Wissinger, Jr and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. Mary Rose Shaffer stated that Ferndale is in a position to pay off the police cruiser in May. A motion to pay off the cruiser was made by Mary Rose Shaffer and seconded by Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

SEWER-SEWER PROJECT:

Steve Mitchell and Jim Rigby have been talking with Don Buday in reference to not requiring pressure testing if you are three feet from the house. If there is a new line with a viewport they still have to tie into the new system. Take the ones on Franklin where that is an existing pipe that had been rehaved, if it is three or less they don't need a pressure test. It has nothing to do with if they have a viewport. Ferndale needs to clarify that we own to the viewport that is our responsibility that is why they are put in there, if there is no viewport then what is Ferndale responsible to. 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:

The personnel committee had a meeting two weeks ago with the Police Chief, Art Boring, regarding his pension. He was lead to believe he was not going to get a pension. After the meeting the Personnel Committee decided he is going to receive a pension. Maybe not the 100% he thought he was going to receive. The issue is he needs 25 years, he does not have 25 years, and he has 12 years with Ferndale Borough. Mary Rose Shaffer is working with Dale Borough meanwhile he was Chief for Dale for about 5 years that they would recognize his 5 years and he will receive 17.25th. He will receive a pension just not the 100% he thought he would receive. The Pension plan has to recognize his 5 years with Dale Borough. We need the name of the company they paid it to and contact them and get the information regarding his pension from Dale Borough. When that comes together Mr. Worley can issue the paperwork to Mr. Boring.

Mary Rose Shaffer also stated for everyone's information, weather you're an elected councilmember, an elected Mayor, the street foreman, or the Chief of Police nobody is to ever call an employee who has reported off sick for any reason or any need. You are to wait until that employee returns to work you are not to bother them at home. A motion to accept the Personnel Committee report was made by Mark Wissinger Jr, and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

RECREATION REPORT:

Mark Wissinger Jr, is going to start the Ferndale playground on the 10th and the 11th for 5 weeks same with the summer swimming. A motion to accept the Recreation report was made by Cindy Dom and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

PUBLIC RELATIONS REPORT:

Scott Miles mentioned that a resident that owns a double house lives in one side with her daughter, and the other side has been vacant for 20 years. It has not been rented in 20 years yet she still pays garbage for both sides. Council stated that there are other residents in the same situation. You cannot make an exception for one resident and not the others. Scott Miles mentioned he could see if the landlord has people coming and going but when it's a long term resident it should be a singled out situation. The only option is to make it into one unit.

Steve Mitchell stated that there are issues with the upstairs of the office building with the roof leaking, the seals on the windows, and a few other things. He asked Council if Ferndale could get a report and get a 10 year plan on it to fix the problems. What it will cost and how much Ferndale can put away. He would like to see backing for this in order to take care of this issue. The Mayor stated he received a phone call from Mr. Williams' wife on Boston Street, she said they were having problems with their sewage backing up. The Mayor made arrangements with

Jim Rigby and several others to resolve this issue. Cindy Dom stated that this should have gone back on the Contractor who completed the work not Ferndale. Steve Mitchell said the situation is resolved at this point and we contracted another company to back Ferndale up on this. 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 your 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:

Nothing to report.

ADJOURN

The Meeting adjourned at 9:00 pm.

Respectfully submitted

Carol A. Schalles
Borough Secretary/Treasurer
(05/14/14)