

FERNDALE BOROUGH

Page 2053

REGULAR MEETING

Page 2053

SEPTEMBER 8, 2014

The Ferndale Borough Council met on Monday, September 8, 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, Mary Rose Shaffer, and Mark Wissinger, Jr, Dave Ziemba and, Mayor—Ed Dallape, Solicitor-Wayne Langerholc, Secretary/Treasurer Carol Schalles, and AP/Payroll—Anita M. Smith.

ROLL CALL, ABSENT & OTHERS

Mayor Ed Dallape swore in new councilmember Dave Ziemba.

VISITORS:

Mark Koplin – 723 Summit Avenue
Brenda & Garrett Sidor – Sewer project

Mark Koplin - Would like to know who owns the property on 721 Summit Avenue. The garage is falling down and it has been like this for two years. The roof is caving in and filled with garbage and there are tires in the alley that have weeds growing up over them. The grass has not been cut as well. Chief Art Boring notified the codes agency Laurel Municipal for them to look into this at the beginning of summer and will follow up again with them. Council stated that they thought First Commonwealth Bank owned the property and will give them a call. Council will follow up and call Mr. Koplin with results to the issue at hand.

Brenda & Garrett Sidor residents on Summit Avenue inquired about the property of 716 Glenwood Avenue. They are following up since they received a letter from Anita Smith requesting Ferndale Borough needed a denial letter from their insurance company. Mr. Sidor stated he already gave this information to the office. Mary Rose Shaffer stated that we do not have a denial letter at the office. Jim Rigby informed the Sidors that once this is received we can issue a check to them. The Sidors will provide another copy to the Secretary and sign off on it to keep in the front office. Mary Rose Shaffer stated that we are still within the six weeks guideline of issuing the check.

Mary Rose Shaffer addressed the Mayor and Chief Art Boring stating that there are many properties in Ferndale that are in the same condition that Mr. Koplin was addressing. Jim Rigby stated that you need to call in codes since it has become a safety hazard. The Mayor stated that is what we are paying the codes individuals to do and they do not follow up. There were several blight properties discussed and council is going to have codes follow up on those properties. Jim Rigby will call Ben Grush from Laurel Municipal Inspection Agency to look at the problem homes. The Mayor stated that Council needs to be consistent and pursue it. Jim Rigby stated if it's something that needs to be addressed with getting an officer on board to do that, then the Police committee needs to have a meeting to discuss it, and if you have appointed someone in the department to do this and it's not be done, then it will need addressed by the Mayor and the Police committee. Report it the next meeting and let us know where you are at.

Mary Rose Shaffer addressed council in reference to an individual in Ferndale, Mr. Marone that an easement was just done on his property. It has been reported to the staff that there are three units at this property. Mr. Marone said there are only two units. Chief Art Boring was kind

enough to go and take a look at this property. Chief Art Boring stated that there are three units 528/532A and 532B Vickroy Avenue. Mary Rose Shaffer is concerned with the EDU's. She would like to know how it should be handled. Jim Rigby stated until he removes the plumbing then he will be billed for three units. Mary Rose Shaffer stated to bill Mr. Marone for the third property for the past due bills and if it is not paid within 30 days to take him to the magistrate for payment.

MEETING MINUTES:

Motion to accept the meeting minutes from August 11, 2014 was made by Al Lushko and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

ENGINEER'S REPORT:

An Engineer report was faxed into the office and presented to council. The residents tie in date is March 16, 2015. If residents are not tied in by Ferndale's deadline then the residence will have their water shut off, can't discharge or Ferndale will be fined \$10,000.00 a day. Mary Rose Shaffer discussed the permit issue that was dropped. March 31, 2014 the borough was required to remove its permit as far as dumping into the Stonycreek River. That was not done and now DEP is after Ferndale and will not take a renewal of that application right now. Mrs. Shaffer called Ed Pollock he is to be sending to the attention of Council President Mr. James Rigby an agreement that we are to look at and as a council decide what we are going to do. The fine for this is \$10,000.00 per day but speaking with Mr. Pollock he assured Mrs. Shaffer that we would not be subject to \$10,000.00 a day the most we would have to pay is a total of 10,000.00. Mr. Pollock said to Mrs., Shaffer that someone had dropped the ball and Mrs. Shaffer stated that it was CJL and this was never brought up at a council meeting. Mr. Rigby instructed Brian McAteer to purchase 18 inch balls with the chain attached to insert to separate the sewer and water. Mrs. Shaffer had Carol Schalles look through all of the meeting minutes because Mr. Pollock stated that this application would have been submitted six months earlier that would have made it September or October of last year. The former secretary at the end of all agendas old/new business added anything coming up and it would have had this at the end of all minutes and that was never brought up and she had everything that needed completed listed. Jim Rigby mentioned we need to get the consent decree form from JRA or DEP to show that Ferndale will be in compliance and send to the Solicitor to review before signing off on it. Mr. Rigby addressed the Solicitor asking about the paperwork for the easements. The Solicitor spoke with Mark Muir; he is sending the map for Penn Machine. Mrs. Shaffer asked wasn't there an easement that was cancelled. The Solicitor replied that it is Robert's Oxygen and he has made several attempts to contact them with no success of them returning his calls. They need to sign off on this easement. Mrs. Shaffer stated that Anita Smith is contacting by email CJ&L every week asking them where we are with Penn Vest issues, the change orders and asking where are we with the insurance on Glenwood Avenue. In your packet is the reply that it was never turned into their insurance company. Jim Rigby said that ServPro should be paid for the Glenwood property that the Sidors are addressing for the damage in the basement. Mrs. Shaffer brought up the invoices that are going to the contractors for this sewer back up. The 1st invoice is for sink holes this is going to BEAR for labor and materials; 2nd invoice is going to Liberoni for view ports from Franklin Street for labor and materials; 3rd invoice is going to Liberoni for the McMillen property that was done in 2012 where they broke a pipe on the McMillen property. This is the third time trying to recoup this money, this goes back to 2012. The Solicitor has also attempted to get this for Ferndale Borough. Mrs. Shaffer went on to discuss the invoices that are going to the contractors for the sewer back up. The first invoice is for Helen Muhal a total of \$7806.96 and she did everything that Ferndale requested her to do. Mrs. Shaffer made a motion to Council that we pay Helen Muha's invoice of \$7,806.95. The Solicitor sent a settlement agreement to have signed by Mrs. Muha and the Sidors with the understanding that any settlement received from the insurance company shall be tendered to them. Motion to Council to pay Mrs. Muha was made by Mary Rose Shaffer and seconded by Mark Wissinger Jr. This payment will come out of the line of credit. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. Mrs. Shaffer brought up the next invoices for the Sidors. Mary Rose Shaffer made a motion to say no to pay the itemized list damaged in the Glenwood Avenue basement. Per the Solicitor there was a previous

motion to pay, at a prior meeting with the understanding that it had already been turned in to their insurance company. Mr. Rigby would like to see this resolved. Mr. Rigby also stated that no pictures or videos were taken and there were no receipts for the items. Mr. Rigby stated that we make a motion to pay the invoices that we have receipts attached to and we have no documentation showing that the itemized list were there. Mr. Rigby stated that the motion should be for the work that we have receipts for. Mary Rose Shaffer made a motion that the Borough disallow the items that were not receded or video taped in the amount of \$3,065.00 for the Sidor's, Cindy Dom seconded the motion. A call was made for a Roll Call vote. All Councilmembers voted "Yes" with the exception of Scott Miles and Dave Ziembra; therefore, the motion passed five to two. Council will follow up with the Sidors and meet with them to discuss this. Motion to accept the Engineers report was made by Al Lushko and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

Jim Rigby asked the Solicitor is there additional millage that can be put on fire protection specific. There is so much that has to come out for volunteers. A millege roughly is \$5,500.00 and if broke down by household is \$6.75 per homeowner. The Fire Association's obligation to Ferndale to offset the cost of the merger is \$11,700.00 per year. Council questions if the Fire Association will be here in a year and council has to be prepared if that happens. If this goes away council will need to be prepared to explain the cost to residents. The cost per household if this happens will be \$13.00 per year for fire protection per homeowner if we lose the Fire Association. Council has an obligation to provide the residents with protection. Motion to accept the Emergency Management + Fire Co. report + West Hill's report was made by Al Lushko and seconded by Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:

Brian McAteer told Council the laterals were installed at 528 Vickroy Avenue with trap and was paved. Brian McAteer asked council at what extent of restoration should the laterals be. Jim Rigby stated the property should be returned to its original state. Installed the lateral at 609/611 Summit Avenue with trap and seeded. Installing lateral at 214-216 Station Street on Louisa Place. Brian McAteer stated that he has tried numerous times to contact Mrs. Kralik in reference to her easement and she has not returned his phone calls or answered her door. He made three phone calls and left voice mail messages for her and also has visited her home twice with no response from her. The Chief of police has even attempted to contact her. Jim Rigby stated to have a certified letter sent to her home. The street department blocked overflow on Harlan with the test ball. Cleaned the manhole by Hershberger on Harlan Avenue so it doesn't overflow. Dye tested all overflows on Harlan and Ogle Street. Jetted line on Ogle and capped. Removed a dangerous tree on Midway that the police requested be removed. Trimmed Boyle's tree on Summit Avenue that was interfering with traffic. CJ&L requested that the street department install inserts and provided them with a map for those locations and Ferndale must purchase these for our storm lines. These inserts were left behind by BEAR Contractors to have inserted. Mary Rose Shaffer stated this will be something else Ferndale will have to bill for. The Mayor addressed Brian McAteer if the engineers or someone requests the Street department to do something, direct it to the Street Committee, before completing the work then Council could have addressed this. Jim Rigby stated Line 37 from Dale Mills the change order for manhole inserts states that the borough made arrangements outside of the contract therefore they were removed from the contract and dropped five that were deleted. This was change order #7. Motion to accept Equipment streets to boroughs property report was made by Al Lushko and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

MAYOR AND POLICE REPORT:

The Mayor thanked Mary Rose Shaffer and Chief Art Boring for taking care of the recodification since he was unavailable to assist with this. All of council and the Mayor were provided a copy of the publication of the final draft. Mrs. Shaffer stated that her and the Chief spent hours going through the codification book and made a list of things of items that will need to be corrected.

Ferndale will advertise within the next couple of days, we have to advertise this and allow the public/residences to come and look at it if they wish. There is an ordinance in the book pg 15-12 number 15-211 & 15-212 that council will need to look at it since Mrs. Shaffer and Chief Boring do not know what to make of it. Ferndale's solicitor found one additional correction which was a spelling error on page 1-11 that should be spelled shall – in part 3. Cindy Dom made a request to the police department to check the Mock Store, at the rear of the property, they have garbage lying around. Chief Art Boring will look into this and stated that there have been cats and crows get into these bags but it is the tenant's responsibility to clean it up. If the tenants don't then they will be fined for littering. Jim Rigby addressed Chief Art Boring about the cruiser asking what the status of the 50 is. The Chief said either car can be used. Jim Rigby suggested taking the SUV off of the road if they plan on having it for five more years and it should be used for winter months. Jim Rigby also stated that solicitors should go through the Police department not the Mayor. If called by a resident then they will know who is in the borough. Chief Art Boring stated that when solicitors check in with the Police department, he photo copies their driver license and gets their information so there is proof of who is going through the borough. Motion to accept the Mayor and Police Report was made by Al Lushko 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:

No Report

FINANCE COMMITTEE REPORT:

No report was previously discussed.

SEWER-SEWER PROJECT:

No Report was previously discussed.

PERSONNEL COMMITTEE REPORT:

No Report.

RECREATION REPORT:

Al Lushko stated that Mary Rose Shaffer mentioned that there would be \$25,000.00 in the recreation fund. The committee would like to start looking for a matching grant. Scott Miles said that we will have basketball and wrestling coming up. Jim Rigby stated that we have 3 miles for recreation and some of that is for maintenance. Mrs. Shaffer added that we will set up a savings account for recreation and that's where the money will go. Motion to accept the Recreation report was made by Cindy Dom and seconded by Scott Miles. All Councilmember's voted "Yes"; therefore, the motion passed unanimously.

PUBLIC RELATIONS REPORT:

No Report

TREE REPORT:

Scott Miles said Penelec's forester called him. A resident on Station and Vickroy requested that three trees be taken down and said they are kind of healthy but should be taken down because they will be a problem real soon. Penelec will take them down at their cost and take out the stumps if Mr. Miles gave them permission. Mr. Miles said they could take them down but they will have to inform the resident that they will have to replace them Brian McAteer told Mr. Miles that they were taken down now we will just have to wait until they are replaced. Penelec also told Scott Miles about a Tree replacement grant (TRP). If Ferndale has a list of trees that need taken down or dug up, Ferndale could get a grant, and when Penelec comes through they will take them down free of charge. Mr. Miles said that him and Jim Rigby looked at two trees on Vickroy that are dead and they are dropping limbs on the street, one at 507 almost hit a kid on a bike the other day so the tree trimmers are coming in this week to take down those two trees.

ATTORNEY'S REPORT:

Attorney Wayne Langerholc stated that his report was mentioned previously in the meeting. The sewer easement for Roberts Oxygen will be done, the code changes and the Sidor issue. Instead of taking residences to Magistrate Barron's, Attorney Langerholc will file Municipal liens on them. Jim Rigby mentioned that Carol Schalles was at Magistrate Barron's office today and Magistrate Barron asked her to have Jim Rigby call him in reference to all of the residents that we are taking to court for the sewer project. Magistrate Barron asked to continue to take them to court for the garbage and sewer maintenance payments, but for projects such as the sewer project, even if he puts them on a payment plan and they don't pay he's not going to throw them in jail. Because we are taking so many residence we are tying up a lot of court time. Bill Barbin has the paperwork and Mr. Rigby talked to Attorney Langerholc this morning and he will get in touch with Mr. Barbin. For those that don't pay we have talked before about putting a lien on properties it is approximately \$300.00. It is a municipal lien that we can file at the Prothonotaries office. Attorney Langerholc will get the paperwork, it is a \$20.00 filing fee per resident so when they become delinquent we can do that. We do want to make it as an amendment or ordinance. It will have to be included in our payments with the late fees and items. After three years of delinquencies with the liens on them, at that point, then we take civil action against them because now there is enough money to go after them and it's worth pursuing. Attorney Langerholc added if you have someone that is not going to leave that property then that lien just accumulates. Attorney Langerholc stated when the issue arises which gives the lien the teeth then you can convey the property and you can't get a free and clear property until the lien is satisfied. Mr. Rigby asked the solicitor do we want to add that to the ordinance. Attorney Langerholc will look into this and get back to council. Attorney Langerholc mentioned to advertise the codification on September 10th and the 17th or September 17th and the 24th. Motion to accept the Attorney's Report was made by Cindy Dom and seconded by Al Lushko. A call was made for a Roll Call vote. All Councilmember's voted "Yes"; therefore, the motion passed unanimously.

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

Mary Rose Shaffer asked Council to go to page 11-105 in the codification book on moving permits. The owners are not notifying the borough whether the tenants move in or move out. This gives the secretary the discretion to take them to Magistrate Barron's. Chief Art Boring stated that under the report to the borough secretary that the owner shall give at least five days notice of intention of people moving out and they are also to give the names of the new occupants moving in, and if they fail to do so and when the Police see a moving van then we tell them that they need to get a moving permit. If they don't get a permit then we go after the homeowner. There is a \$100.00 fine for not filling out the permit. Attorney Langerholc stated it is a summary offence of \$300.00. Scott Miles mentioned that if moving within the borough there should not be a charge of \$25.00 but it is required to fill out a moving permit. Mr. Miles mentioned that there should not be a charge if moving within the borough. Council will change the moving permit ordinance to state no fee is required if moving within the borough. Jim Rigby said according to the ordinance it states that the owner of the property is to notify the borough five days prior, if moving in or out of the borough, not the tenants.

Motion to adjourn was made by Cindy Dom and seconded by Mark Wissinger, Jr.

ADJOURN

The Meeting adjourned at 9:30 pm.

Respectfully submitted

Carol A. Schalles
Borough Secretary/Treasurer
(09/8/14)