

FERNDALE BOROUGH

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REGULAR MEETING

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AUGUST 11, 2014

The Ferndale Borough Council met on Monday, August 11, 2014, in the Fire Company's Recreation Hall at 618 Westinghouse Avenue, Johnstown, Pennsylvania.

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

ROLL CALL, ABSENT & OTHERS

Mayor Ed Dallape stated that the first order of business is to accept the resignation of Councilmember and Vice President Steve Mitchell. Motion 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.

The chair will entertain a motion to advertise in the Tribune Democrat for an individual to fill the vacancy of council not more than 40 dollars. A motion was made by Scott Miles and seconded by Al Lushko. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

The chair will now entertain motions for a Vice President on borough council. Scott Miles nominated Mary Rose Shaffer. Mary Rose Shaffer has been put in the motion. No other nominations were made so the chair accepted to close the nominations. A motion was made by Al Lushko and seconded by Scott Miles. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

The Mayor asked Mary Rose Shaffer to take the chair. Mary Rose Shaffer stated that we need to have a Pro-Tem of council. That is an individual who when the Mayor and the Vice President are absent will take over the meeting. Mary Rose Shaffer asked for Volunteers and Cindy Dom volunteered for the position. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

The Solicitor made the following statement, with the exception of Steve Mitchell's resignation, at the next municipal election in 2016, the new councilmember is to complete the term vacancy and it must be filled within 30 days. Once appointed the councilmember will go till next years municipal election in 2016. That person will be appointed to fill this vacancy until the Municipal Election of 2016 for less than 2 years then it will get back on the appropriate cycle. The way the Borough reads, fill until the first Monday in January after the first municipal election occurring more than 60 days out. Ferndale's Solicitor stated that clearly we are 60 days out.

Per prior incidences the Solicitor stated that there will be a 5 minutes speaking rule for anyone that wishes to speak to council.

VISITORS:

Jerry Thomas – Surveyor Planning Subdivision
Brenda & Garrett Sidor – Sewer project

Jerry Thomas stated that he is a surveyor and he has a map for a side lot addition from Almar Manufacturing. To clear up some building encroachments that Carol owns the whole section and they are going to sell it. Mr. Thomas specified that this map will be recorded at the courthouse. Mr. Thomas asked for the boroughs permission and signature so he could record this as a courtesy for Ferndale Borough. Mary Rose Shaffer asked what does this do for the Borough. Mr. Thomas stated nothing he just does this strictly as a courtesy. She also asked why do you need a signature and he said he did not need a signature it's just as a courtesy. Ferndale's Solicitor recommended not signing.

Brenda & Garrett Sidor residents on Summit Avenue attended the meeting for a follow up to see if there is any progress made on Brenda Sidor's Mother's property with the sewage system damage that was sustained on 716 Glenwood Avenue. They were at the February meeting and have not heard anything back from any one. It has been 14 months up till this point. Basically they wanted to check on any progress for reimbursement in addition to a 3rd party cleaning company. Mary Rose Shaffer addressed them stating that later on this evening the properties will be discussed by council, but she can't give them an answer right now until the particulars are addressed by council. The Mayor asked if Council could move Finance up the agenda. Council agreed to move finance up in the agenda.

FINANCE COMMITTEE REPORT:

Mary Rose Shaffer mentioned that those of you that were at the Workshop meeting recall that Ferndale has some issues with T's being too high; we have Mr. Hyland's property that there are several things that need done. Mr. Jim Rigby and Mary Rose Shaffer have talked about this and also the Glenwood people, they have been waiting for two years. Anita Smith was to contact CJ&L and get written communication from Liberoni that these Glenwood properties were turned into the insurance company by CJ&L, we need to know that but in the interim the people on Glenwood Avenue have been waiting long enough, it's not right. Mary Rose Shaffer said that she doesn't know of any insurance company that you didn't turn a claim in, and within 60 days they wouldn't get back to you saying that it would be paid or not. It makes no sense that it's been over a year and it was turned into an insurance company and no word...nothing. Mr. Rigby and Mrs. Shaffer have considered paying for the Hyland property, these T's that need adjusted on the lower end of Vickroy Avenue and the Glenwood Avenue properties, by taking the money out of the line of credit. When we receive the money back it will be put back into the line of credit. When Ferndale Borough receives the money back for the Glenwood properties, Ferndale will not be giving it to Brenda & Garrett Sidor, it will go back into the line of credit since we had already given them the money. The claims and totals were given to Council at the previous meeting and again at tonight's meeting per Mrs. Shaffer. Mrs. Shaffer made the motion that we approve the Borough taking care of these T's at the lower end of Vickroy Avenue and the Hyland property, and paying the claims for Glenwood Avenue, Scott Miles seconded the motion. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. A second motion was made stating where Ferndale will get the money to pay for these now. Mrs. Shaffer said understand that all of this is to be reimbursed to the Borough. That means that the insurance company from Liberoni should be reimbursing for these properties on Glenwood that money now belongs to the Borough and that will go back into the line of credit. Mr. Hyland's property is going to be billed to the contractor which is BEAR. It is also Mrs. Shaffer's understanding that there is a warranty that will run out December 31, so some of that money should be paid to the Borough. We are doing this with the belief that the Borough will get this money back. The Solicitor stated he will draft an agreement that prior to releasing funds the check will be turned over to Ferndale Borough. A motion was made by Mary Rose Shaffer to take that money out of the line of credit and was seconded by Al Lushko. Mrs. Shaffer reminded all department chairs that the finance committee will be working on the budget on October 24th and if you have any suggestions for increases to your employees, capital purchases the finance committee would be most appreciative if you let them know.

Last Tuesday Mary Rose Shaffer, Cindy Dom and Carol Schalles attended a seminar on budgeting. Carol Schalles spoke to Council stating on Tuesday, August 5, Mary Rose Shaffer, Cindy Dom and I attended a Municipal Budget seminar in Pittsburgh. I personally gained more knowledge pertaining to how important taxes are to income and maintaining the budget. Grants

are to be kept in a separate account along with using a separate checking account. Ferndale Borough can utilize Liquid Fuel monies for computers, software and hardware, up to \$1,000.00, a year, for the borough, if used for Liquid Fuels such as managing the money in QuickBooks and training, but not for BarnsSaly & Company to organize our new QuickBooks account, per Mike Bowser. The Police Department would not be included in this. Municipalities are to contact Mr. Michael Foreman from DCED if help is needed for reports or anything dealing with DCED and his number is (412) 565-5199. Every year before creating the new budget we are to contact our Solicitor, fuel carrier and benefit company to name a few to see what the new increase will be for the following year to help make the budget more accurate for the following year. There is a PSAB borough discussion group which is a free website to utilize. You can get into a discussion or ask questions. You are not to talk about money on this discussion board. Once the new budget is complete we are to advertise it in the newspaper, post it in our office and put it on our website. Contact Wendy Nickerson (PSAB Outreach Training Consultant) if you need assistance. Her toll free number is 1-800-232-7722. Another number she can be reached at is (717) 236-9526 Ext. 1050 or send an email to wnickerson@boroughs.org. Mary Rose Shaffer added what she found interesting was at the seminar we were there with all of these other individuals from other boroughs. You made contacts with them and if you have any questions you can contact them, they have been through it. It wasn't so much as what you learned but the contacts you make.

Mary Rose Shaffer asked Anita Smith and it's been over a month, to contact CJ&L every week for the issues we have and we have a line of credit that is due December 31st for 1.275 million dollars, we need to have additional monies from PennVest and we have heard nothing. At the last council meeting that Bill Patrick was at, Jim Rigby told him to resubmit all of the material we have, back to PennVest since Dale Mills was holding all of this up. Mary Rose Shaffer said every week for Anita Smith to contact Bill Patrick to see if he turned that information into the Insurance Company. Anita Smith stated that Bill Patrick sent her all of the invoices and that he did submit it to Brian Smith from Liberoni. Anita Smith did email Mr. Patrick and asked for confirmation from Liberoni to make sure that was submitted to Liberoni. He stated that Dale Mills was holding this up since he wasn't satisfied with the change orders. Al Lushko mentioned to contact him again and if we don't hear back from CJ&L to let our Solicitor contact him, this needs to be taken care of. The Solicitor asked Anita Smith to forward the CJ&L emails to him. Scott Miles suggested for Anita Smith to email him and follow up with a phone call, that way you have a record that you called him, and a record that you could print. Cindy Dom asked the Solicitor if there is a breach of contract. The Solicitor stated only if they are not fulfilling their terms of the contract and the Solicitor requested a copy of CJ&L's contract. Motion to accept the Finance report was made by Cindy Dom and seconded by Al Lushko. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

MEETING MINUTES:

One correction needs to be made per Scott Miles it is the spelling of Wrestler Derrick Christie. Motion to accept the meeting minutes from July 14, 2014 was made by Al Lushko and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

ENGINEER'S REPORT:

No Report.

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

No Report

EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:

Brian McAteer told Council the curb was taken out on Fernwood Avenue as per request. All four viewports on Franklin Street are completed. Replaced the basin on the corner of Clay Street and Summit Avenue. Ferndale received an e-mail from Penn Dot to complete the following: Stop Bars and crosswalks were painted, signs were replaced and the bush was trimmed on Hystone Avenue. The goal posts were put up for the school. Brian McAteer asked for approval

for the Road Crew to attend the PSAB Winter Maintenance training on September 18th in Greensburg as suggested previously by Council. Mary Rose Shaffer approved the seminar. Easement Laterals were started on Mr. Dennis Marone's property today. The connection is higher than the sewer line. Council stated that Mr. Marone should handle that issue. Scott Miles asked if the two pot holes were patched on Hystone and Brian McAteer said they were completed. Scott Miles addressed Council stating that Brian McAteer talked about doing the Marone property with the lateral. Scott Miles and Brian McAteer decided tonight to let Brian Hale do all the adjustments on the (T's) Taps. Brian McAteer is already there working and if he doesn't have any problems doing this to just let him finish. It could take some time for Brian Hale to get there to complete that work. Motion to accept the Equipment Streets to Borough Property report was made by Al Lushko and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

MAYOR AND POLICE REPORT:

The Mayor mentioned that the tenants that lived on Vickroy Avenue, that had the dog on their roof, have moved out. Council informed the Mayor they were evicted. The Mayor would like the rain spouts to be put back the roof since they were never replaced since they put the new roof on. Mary Rose Shaffer addressed the Mayor to see what he had heard from Art Boring about his pension. The Mayor said Art Boring is meeting with the group this coming week. They will not give him a solid number. Now he is at \$749.00 a month. He will get a pension from Bethlehem Steel and he will get Social Security. Those amounts of dollars totaled he can retire on. 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:

Additional Bills were handed out to Council for August by Anita Smith. Which were, Advanced Disposal, CJ&L for \$420.00 marked miscellaneous, they need to be detailed we will no longer pay the bills stating miscellaneous, we are going back to them telling them they have to detail this bill, per Mary Rose Shaffer. The totals are not showing up on the bill list, hopefully when OTS come in the office they could fix the problem. The labor and benefits for the sink holes is \$1,200.00 for the two sink holes one on Crowley's property and the other one on Saly Alley. If council wants this out of the line of credit it has to be in the minutes and have a roll call vote in order for the money to be released. The other thing is the MMO for the police and the non-uniform. The MMO for next year that has to go into the budget is \$20,915.00. Ferndale will get State Aid to help with some of this. Anita Smith stated that the \$20,000.00 goes in but it will come back out. Mary Rose Shaffer expects to hear from FWF regarding Ferndale's hospitalization for High Mark. We should be getting together with them in October. Mrs. Shaffer asked Mrs. Smith about the per capita tax. Mrs. Smith stated that everyone has to pay the per capita tax. Mrs. Smith would like to pursue when she sends out the per capita and it comes back to her, she would like to go back on the homeowner, since the borough was not notified that the tenant had moved. There is a fine of \$100.00 for not notifying the borough and not having the tenant fill out a moving permit. There is still \$43,000.00 outstanding on the real estate taxes she will probably bring in another \$23,000.00. Mrs. Smith will be taking \$20,000.00 up to the courthouse. The bill from Keystone Publishing for the Codification is to be held for the 30 days until the codification is completed. The Solicitor is to review the codification, it will need to be advertised and there are forms to be signed. Motion to accept the Payroll/Accounts Payable Clerk + bill list and additional bills + tax collector 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:

Mary Rose Shaffer addressed Ferndale Borough does not have a Sewer Project Chairman. If anyone would like to be Sewer Project Chairman please contact Council President James Rigby.

PERSONNEL COMMITTEE REPORT:

No Report.

RECREATION REPORT:

No Report.

PUBLIC RELATIONS REPORT:

No Report.

ATTORNEY'S REPORT:

Attorney Langerholc stated he has covered a lot of his material throughout the meeting and Steve Mitchell's resignation. Petrick Automotive easement with Brian Hale should be done this week. With regard to how you are going to handle the filling of the vacancy, if you are going to conduct interviews prior to the next meeting September 8th, the Solicitor would assume you would appoint in September you are going to conduct some interview. Mary Rose Shaffer stated it would all depend on how many applicants we get. The Solicitors recommendation is you could ask from a Human Resource standpoint, there are certain questions you could ask, and have everyone submit questions, and then appoint one person to ask the questions. The Solicitor would review the questions you want to ask beforehand. It is Mary Rose Shaffer's opinion that people will apply since they won't have to go through the election process. The Solicitor stated that if Council knew someone that would like to be on council then Ferndale would not have to advertise. The Solicitor mentioned you could do it tonight as long as you had a forum which you do. Scott Miles knows of someone that would like the position on Council. The Solicitor stated that we are at a public meeting, and anyone could have attended the meeting, no one is here sitting and this is on the Agenda it's all legal. No one could come back and say they didn't know about this, they could have attended the meeting. Scott Miles mentioned the person interested in the council position is Dave Ziemba from Hystone Avenue. Scott Miles made the motion to appoint, with his approval, Dave Ziemba to fill the vacancy on council, in contingent on his failure to accept by Mr. Ziemba then Ferndale will advertise Cindy Dom seconded the motion. A call was made for a Roll Call vote. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. In regard to any councilmember working for the Borough, it would need to be authorized at a public meeting to avoid any issues. The Solicitor mentioned Ferndale could adopt a resolution for supervisor or a road master. Ferndale can look into that further in event they need to work they can. You might want to revisit this in the future. 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 Councilmembers voted "Yes"; therefore, the motion passed unanimously.

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

The Mayor asked Mary Rose Shaffer why there was no Engineers report. Mrs. Shaffer said there were no engineers present during the meeting but she would get in touch with Mark Muir from EADS to see if he had a report for council. Cindy Dom and Anita Smith will be attending a seminar in Pittsburgh. Mark Wissinger, Jr stated he received a phone call from Craig Miller on Glenwood Avenue in reference to two trees that are infected in his front yard. That is the homeowner's responsibility. Scott Miles will look into this. Motion to adjourn was made by Cindy Dom and seconded by Mark Wissinger, Jr.

ADJOURN

The Meeting adjourned at 8:35 pm.

Respectfully submitted

Carol A. Schalles
Borough Secretary/Treasurer
(08/11/14)