

## FERNDALE BOROUGH

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REGULAR MEETING

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JULY 14, 2014

The Ferndale Borough Council met on Monday, July 14, 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, Scott Miles, Mary Rose Shaffer, and Mark Wissinger, Jr, Mayor—Ed Dallape, Solicitor-Wayne Langerholc, Secretary/Treasurer Carol Schalles, and AP/Payroll—Anita M. Smith. Absent: Steve Mitchell and Al Lushko.

ROLL CALL, ABSENT & OTHERS

### VISITORS:

James Hyland – 427 Vickroy Avenue – 288-3500 – Sewage  
Shawn Leahey – 824 Fernwood Place – Curbing issue  
Maggie Huffman - 825 Vickroy Avenue – 344-1915 – Concerned Property Owner  
Alyssa Gorzusky – 833 Vickroy Avenue – 244-3769 – Concerned Property Owner

James Hyland – When the Sewer project was taking place Mr. Hyland granted an easement to go between his house and his neighbor's house in order to get to a forward position home. His contractor did not return his property back to the original manner, they put the lateral in 18 inches to high. This cost Mr. Hyland more money to complete. Mr. Hyland mentioned the concrete needs replaced as well as the rear steps and the sewage line needs lowered in order for his plumber to make his attachment. Jim Rigby asked if the main line was too high, does the main need adjusted. Mr. Hyland said the lateral needs adjusted. Mr. Rigby stated that the easement should have been corrected. Mr. Rigby will follow up with him on this issue on Wednesday. If needed Ferndale's Solicitor will address it with that firm and get that corrected.

Shawn Leahey – Mr. Leahey had attended a council meeting back on May 12 to inform the Councilmembers about the curbing due to the sewer lines that were done by the EADS group July of 2012. He also received a letter dated February 26, 2014 from the borough council President stating that the work would begin when time permits and/or weather permitting. He would like to know if there are any updates or a tentative start date. Jim Rigby stated that Ferndale Street department was assisting with the milling and paving project that was just completed to let Mr. Leahey what has held up this curbing completion. It was mentioned that the Street Department needs to get laterals in, and there are mandates they have to meet, and a catch basin that has a state permit that has to be met. They have priorities with dates and mandates. Mr. Rigby addressed Brian McAteer to provide a temporary solution to take a K 12 saw and cut the curb to 4 inches and reduce the curb until they could get up there to remove it and pave it. The plan is to take out the sidewalk and widen it. The Mayor asked Mr. McAteer if he could give Mr. Leahey a time frame as to when this work will be completed. Mr. Rigby stated to give the street department a two week time frame and Mr. McAteer said he would have Terry Kaufman and Roger Bock take care of it within a two week time frame.

Maggie Huffman and Alyssa Gorzusky returned for a follow up in reference to the tenant complaint they have that lives between the two of them. The Police have arrested a non-tenant on June 13 but he failed to appear in court. On the 829 side the tenant was charged by Magistrate Barron with disorderly conduct. Mrs. Huffman and Mrs. Gorzusky have made

numerous noise complaints and there are non-tenants living there. They take the screen door off so their dog can come out on the porch when he wants. They do not put water out for the dog and it has been very hot. The dog damaged Mrs. Huffman's fence to her garden. They wanted to know where do they go from here and what has been done to correct this problem. Ferndale's Solicitor sent the owner of that property a letter after the last meeting indicating his tenant's violations. Jim Rigby mentioned that the code people were attending tonight's meeting and he will check to see if spouting and lateral fall under codes or civil court and now Ferndale will site the owner under harboring. Ferndale's Solicitor sent the owner of that property a letter notifying that there have been 4 or 5 violations from his tenants. Ferndale's Solicitor will email Chief Art Boring confirmation to start taking the home owner to the magistrate for the property on 829/831 Vickroy Avenue and to also post this letter in the Police Department so all officers are aware of what the proper procedures will be. The Mayor added if Mrs. Huffman and Mrs. Gorzuskys have any additional problems and the police are not responding to a call then they are to call him. Ms. Huffman and Mrs. Gorzuskys added that the police always show up when called.

7:00 p.m. Monsignor Raymond Balta, Authority Chairman, Johnstown Redevelopment Authority and Mark Muir from EADS will discuss the Regional Sewage changes that were mentioned during the JRA meeting held on June 25, 2014. Mary Rose Shaffer, Scott Miles and Steve Mitchell attended that meeting. Jim Rigby opened up the discussion with he is looking for clarification with some of the issues that were stated in this as we move forward in the billing process with the categories A, B, and C. Under the flat fees is that a fee on top of what their normal bill is or is this one bill now and that's the dollar amount regardless of what your consumption is. Monsignor Raymond Balta responded that it is somewhat similar to a trash bill. The billing system right now JRA bills for about, is based on the purchase of the water, that doesn't reflect what is coming into the plant for treatment. Basically when we look at what has been purchased from the water suppliers, we treat twice as much as the plant. This is simply a flat fee that we know what to expect, we know where they are going to be. If they have a water line break or something, it is not going to change anything it will basically be a flat fee from JRA; it will be more similar like a trash bill. Mr. Rigby added what are you basing this on, the number of residents. Monsignor Balta said no we are basing this on the data that the flow meters give us. The flow meters tell us exactly how much is coming out of that municipality, we know what to expect, we know exactly what we are going to be treating, we know their within reasonable lines as far as capacity of the plant and things of that nature. We can basically say this is what we are going to deal with. Mr. Rigby replied that once Ferndale is about 50% complete, we should be complete by February. Once Ferndale is complete and we are tied in full, now our residents are given the option to go 100% or tie in at the foundation and right now we are running pretty close to even. Half are doing the whole basement and the other half are choosing just to tie at the foundation. For those residents that go 100% does that move them to a category A or is Ferndale Borough a category B regardless of what the homeowner has done. Monsignor Balta stated the question is that JRA has a consent order, and in front of that consent order it states by July of next year, JRA will have to submit an abatement plan. Basically of what we are going to do with all of the water with the water that is coming into the system and we can cut this way down with the municipalities that had cooperated on this thing. This thing has come down tremendously we have gone from about 120 million gallons was our worst case last year to maybe 70 million gallons dumping of raw sewage into the river of which our water supplies that are going down stream. We are not going to continue to be permitted to do that. They are telling us by next year JRA is going to have to submit an abatement plan. If a municipality had a consent order and made a commitment, to over the course of so many years, and if that municipality made that commitment to eliminate that infiltration, JRA could take that into consideration, when they look at the abatement when they consider how they will have to abate. The city has a consent order and DEP has permitted JRA that when they are completed they will be within the bounds, we will be able to predict the flows, and we will know what their flows will be. For a municipality that doesn't have a consent order we have no idea what they are going to send. Johnstown Redevelopment Authority previously discussed with DEP - their point was that they apply for a voluntary consent form, basically a commitment stating that JRA will eliminate the infiltration. DEP states if a community makes the commitment to eliminate the infiltration then they should not be a part of the abatement plan. If a community doesn't make a commitment to eliminate the infiltration then JRA has to do it somehow. What is advised by DEP and JRA is to apply for a voluntary consent. Mr. Rigby stated 6 years ago at a meeting with DEP they were satisfied with residence just tying in at the foundation to help our

residences save a little money. Monsignor Raymond Balta mentioned by July of next year JRA will need to know what to prepare for.

Mark Muir from EADS provided the Engineers report to Council. He will take care of the properties at 427 Vickroy Avenue and Glenwood Avenue. Motion to accept the Engineers Report for the pressure testing and the Engineers report was made by Cindy Dom and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

8:00 p.m. - BarnesSaly & Company - Auditors Terry Shook & Tiffany Wetzel-Sturtz presented Ferndale's Audit. This is the information on the Audit that was completed for 2013. Tiffany Wetzel-Sturtz handed out the copy of their Financial Statement report, the report to the Borough Council and the Auditors suggestions. Terry Shook stated that there were no major issues. There were some issues that the Auditors had and they met with the Finance Committee last Friday. Some of the accounting records weren't up to date and a lot of the Account reconciliations were not performed. As a result of that the Auditors have some suggestions as follows, the QuickBooks accounting system to keep track of Ferndale's Accounts, forget about the past and start over with a brand new QuickBooks Account, a new chart of accounts with what the DCED recommends. Go back in and loading all of the transactions and recoding everything. They suggest using an updated version of QuickBooks with a multi user. Once this change is preformed next year's audit will go much smoother. Mary Rose Shaffer made the motion to Council to upgrade with a new version of QuickBooks and allow BarnesSaly & Company to get 2014 QuickBooks where they should be was made by Cindy Dom and seconded by Scott Miles. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. Mary Rose Shaffer brought up the millage being different in the Audit compared to what Ferndale Borough goes by for the Budget. Tiffany Wetzel-Sturtz will provide the millage breakdown to Ferndale borough since BarnesSaly & Company and Ferndale Borough go by different calculations but in the end it is the same conclusion. Mary Rose Shaffer wanted to bring this to Councils attention to make them aware.

8:30 p.m. - Laurel Municipal Inspection Agency – Chief Inspector Mr. Ben Grush. Jim Rigby asked the question about the codes Ferndale is enforcing, are those coming off of the standard uniform codes. A resident Mr. Horner called Mr. Rigby; after putting his fence in, Ferndale's ordinance under fencing has it as a shadow box 1 to 1 he was told, he had to go 2 to 1. Mr. Ben Gush answered by Ferndale's ordinance was amended; ordinance 385 with ordinance 472 Shadow box of fence on 1 side is a 1 to 1 ration that's solid to open. It was amended then to read if doing the shadowboxing it has to be 1 ½ to 1 ratio. Mr. Horner told Mr. Rigby that he had to go 2 to 1. Mr. Rigby stated it would not keep a small dog or a small child in the yard. Mr. Grush stated that since it was finished and Mr. Horner never called for an inspection after it was completed. If they are in the area he will stop by but if they are not called they are unaware that it needs inspected. This amended ordinance went into effect January 9, 2007. Mr. Grush also mentioned the building codes have diagrams and tables to supplement, since sometimes when residence tells you something in that ordinance it is unclear, so they give you a drawing to tell you what they need. They also have commentary codes that are available and will make it clearer. The stockade fence was changed due to the safety of children and families. The shadowbox fence is used primarily to keep burglars and criminals from hiding in your yard and helps police officers when looking for a suspect. The codification will arrive at the end of July. The Mayor and the Solicitor will review this and Ferndale is to get a copy to Laurel Municipality. Scott Miles asked the question, as far as your agency goes you basically handle new construction, or replacement, or is there a part in there for property maintenance. Mr. Grush answered that they enforce property maintenance. Scott Miles stated that Ferndale has an issue with a resident 829/831 Vickroy Avenue. The landlord put a new roof on several years ago and never put rain spouts on the house. Every time it rains the neighbors basement gets flooded. Mr. Rigby asked is that under a code or would it be a civil case. Mr. Grush said it is not in Ferndale's zoning ordinance. Another issue with a resident at 413 Vickroy where their neighbors took their rain spouts out during the sewer project and now the home owners with the issue are directed to file a civil suit per Ferndale's solicitor.

**MEETING MINUTES:**

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

**ENGINEER'S REPORT:**

Report was previously accepted under Emergency Management, the Fire Company sent their report by email and we did not need a motion since there was no one present to represent the report.

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

Report was accepted since there was no one present to represent the Emergency Management + Fire Co. report + West Hill's Report and we did not need a motion.

**EQUIPMENT STREETS TO BOROUGH PROPERTY REPORT:**

The Street Department put in a French drain at the field to stop the water from flooding the dugouts and softball field. The school paid for the backfill stone. They had 5 trees come down in the last 2 storms 1 tree per streets listed, Harlan, Hystone, Vickroy, Midway and Mendell. Three of the 4 ports on Franklin Street are completed and they still have to restore the yards. The following streets have been paved, 1 block of Station, 1 block on Harlan and 4 at the 800 block of Vickroy Avenue. Streets had the parking lane on Glenwood wedge curb milled out by the pavers. Brian McAteer contacted Mr. Michael Whorl after being told to meet with him by Magistrate John Barron. Mr. McAteer told Mr. Whorl that he had 2 maps from 1961 and 1977 that showed no sewer line through Ferndale's lot by Mr. Whorl's home and he told Mr. McAteer that with that proof then there was no reason to meet. Streets installed 4 pedestrian signs up on Ferndale Avenue for the summer programs. Cindy Dom brought to Council's attention that Mr. McAteer's wife Sharon plants flowers at the park and waters them and takes care of them as well. Mr. McAteer will have Terry and Rodger take care of reducing the curb on Fernwood Place. Motion to accept the Equipment Streets to Borough Property report was made by Scott Miles and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

**MAYOR AND POLICE REPORT:**

The Mayor mentioned Jim Rigby was hired by the committee to return to the Police Department, and the Mayor would like to give consideration to Mr. Rigby and give him an increase from \$9.75 to \$10.40 for his previous 29 years of service. A motion to accept the increase 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 and was sustained by Jim Rigby. The Mayor stated that in reference to Chief Art Boring retiring that this might not happen and he may not resign. The committee along with the Mayor is working on this and it may not happen. Scott Miles and Council authorized Chief Art Boring to purchase 2 new computes for the Police Department. This was previously approved by Council and the computers were purchased and are up and running. 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.

**TREES:**

Scott Miles mentioned that last month they took 3 trees out of Vickroy Avenue, Ferndale is going to get 3 new trees to replace them. Normally this is the homeowner's responsibility when it is between the curb and the sidewalk. We had two that were planted by borough employees years ago that should have not been planted then after they were down. Mr. Miles was contacted by the Tree trimmer and stated that we have a tree here that needs to be taken down right now.

With the incident that happened on 403, with the tree that fell on that car, Mr. Miles had the tree taken down. The homeowner is going to replace the 1 tree. Mr. Miles would like to propose to use the money out of the Recreation fund. Mr. Miles would like to take part of that milage that goes into Recreation and put it into a Tree fund, with the sewer project and everything else going on residences are occurring a great deal of costs. A - If Ferndale has an emergency and Ferndale has to take the tree down. B. Maybe not pay for the whole tree removal, but help with \$100.00 or \$200.00, we could help a resident out with removing the tree and placing another tree. Mr. Miles said even if we took a ½ mil out of the recreation fund. Mary Rose Shaffer mentioned that she did not think that you could take it from recreation. Jim Rigby stated that Mr. Miles talked to him earlier and said even if we redirect it and take recreation down to 2 mils and add that 3<sup>rd</sup> mil and direct it to trees. Mr. Rigby asked if A. Can we put a ½ mil. B. What percentage or amount can you. Mr. Rigby asked Mark Wissinger, Jr where the recreations budget is and Mr. Wissinger, Jr stated the grass cutting and the street lighting comes out of recreation. Mr. Rigby does not have a problem with taking recreation from 3 to 2. Trees are still falling down the borough could replace a tree and deal with the cost. It would be better to help the residences if the borough could help with the cost. Ferndale's Solicitor will look into the codes for trees. Mr. Rigby stated that there is nothing that could be done until the next budget. Mrs. Shaffer stated the next Budget Meeting will be on Tuesday, October 21<sup>st</sup> at 1:00p.m. in the old council room.

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

Copies of the reports were given to council. Jim Rigby was provided a copy of the Bill list to sign. Anita Smith stated that she gave council the bank balances and they are not reconciled back to the trial balances as of yet. Mrs. Smith stated that the only thing I reconciled, Mary Rose Shaffer questioned Mrs. Smith, let me clarify what you just said, are you saying that these numbers on this paper are incorrect. Mrs. Smith responded not according to the bank. Mrs. Shaffer added not according to the bank but according to borough records they don't agree. Mrs. Smith stated no because we don't have the borough records, that is what Barns Saly & Company are working on, updating borough records, with the financial statements. Mrs. Shaffer asked Mrs. Smith, but the bank that you know of, from borough records does not have these numbers on it, and is that correct. Mrs. Smith responded with that is correct. Mrs. Smith stated that the only thing that was reconciled was what was put into the bank and what was transferred in the Plgit account, that is what is represented there. There is also a mistake on the 3<sup>rd</sup> page of the billing list, Matheson Cylinder for \$60.00 was missed on the list and I did not have that amount on there, the total amount in the general fund is \$34,463.68. There was an additional bill that came into today from FWF, it is a revised Workman's Compensation. The Workman's Compensation Auditor came into the office and they had to up the amount because of the lease with Chris Matcho going full-time. They didn't have a breakdown so she put it in there under revised workman's comp on the last page of the billing list and the amount is \$847.00. Mrs. Smith brought up that she attended a seminar in Monroeville. It was PRMS, The Non Uniform Workers, they are over funded and are doing very well, they will have also have dividends this year to pay to workers. Ferndale did not put any one on for the last 4 years and no one is retiring this year, the changes were if you had workers put on this year and since we didn't we don't have to be concerned about it. Motion to accept the Payroll/Accounts Payable Clerk + bill list and additional bills + tax collector report was made by Mark Wissinger, Jr and seconded by Scott Miles. There was a roll call vote which Mary Rose Shaffer voted "No" all other Councilmembers voted "Yes"; therefore, the motion passed.

#### FINANCE COMMITTEE REPORT:

Mary Rose Shaffer stated that the Finance report was discussed earlier in the meeting when the Auditors presented their report.

#### SEWER-SEWER PROJECT:

Mary Rose Shaffer presented Jim Rigby with the water bills from the water company for Ferndale High School. Mr. Rigby will review the bills at a later date. The Mayor asked Mr.

Rigby about Steve Mitchell's resigning from Council. Mr. Rigby stated that is tabled for 30 days due to Mr. Mitchell having some health issues. Until Mr. Mitchell responds, the motion is to table this for 30 days. Mary Rose Shaffer mentioned Friday, July 11<sup>th</sup> she had a Personnel committee meeting which Mr. Mitchell is a member, and a Finance committee meeting which Mr. Mitchell is a member and he was in attendance at both meetings. A motion to table Mr. Mitchell's resignation for thirty days was made by Mark Wissinger, Jr and seconded by Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously. There was a roll call vote all other Councilmembers voted "Yes"; therefore, the motion passed. A motion to accept the Sewer-Sewer Project report was made by Mary Rose Shaffer and seconded by, Cindy Dom. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### PERSONNEL COMMITTEE REPORT:

As mentioned minutes ago, Mary Rose Shaffer stated the Personnel committee met Friday, July 11<sup>th</sup> @ 1:30 p.m. in the old Council Chambers. The reason for that meeting is Ferndale's Secretary/Treasurer reached her 6 months probationary period. We as the Personnel Committee accepted her as full time. Carol Schalles does not have hospitalization and will not need Ferndale's health benefits. Mrs. Shaffer made a motion to increase the Borough Secretary/Treasurer's salary as of July 7, 2014 by \$1,200.00 per year, \$100.00 per month since she completed her probationary period, and was seconded by, Mark Wissinger, Jr. All Councilmembers voted "Yes"; therefore, the motion passed unanimously.

#### RECREATION REPORT:

The summer recreation went well but wasn't a big turn out with the kids at the park. Maybe next year the time slots will change, and we will see if that makes a difference. The summer swim program has been 12-14 kids. Jim Rigby asked the question do we have a plan in place if we go over 20 kids. Mr. Wissinger, Jr replied if over 20 kids there is an additional fee of \$25.00 per Life Guard. Mr. Rigby does not mind adding different boroughs from the Ferndale school district to attend. We could ask those boroughs to help with the fee. Mr. Rigby suggesting sending out a letter to surrounding boroughs to make them aware that Ferndale Borough sponsors the swimming, basketball and additional summer events. Scott Miles mentioned the Wrestlers, Derrick Christie and Anthony Walters are starting at UPJ and the bus leaves Friday to Fargo, ND to get there on Saturday. Derrick is from Ferndale and Anthony transferred to Bishop McCourt. Mr. Miles wanted council to know that the Scholarship was a donation well spent for Derrick Christie. 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 residences are asking about the trees on Vickroy Avenue.

#### ATTORNEY'S REPORT:

Attorney Mr. Wayne Langerholc sent a letter to Mr. Karalfa owner of property on Summit Avenue and is still waiting for a response from him. After the last meeting he prepared a release for Mr. John Zlatovich, that payment was made and the issue is resolved. He has also made contact with the Pension person regarding Chief Art Boring's pension. Attorney Langerholc won 1<sup>st</sup> place in the 4<sup>th</sup> Annual Ferndale Fireman's 5 K race. Mary Rose Shaffer stated that she contacted our Attorney in reference to reducing council from seven to five. Based on the Attorney's response, Mrs. Shaffer would need to solicit 5% of how many signatures she would need from borough residence. Based on the Attorney's response Mrs. Shaffer is not pursuing this any longer. Cindy Dom addressed Ferndale's Solicitor stating are you working with Upper Yoder on the EDU issue. The Solicitor responded with he was waiting on Steve Mitchell with a follow up since Mr. Mitchell was going to contract Upper Yoder and/or contact him. Jim Rigby stated that his thoughts were that Upper Yoder is looking for a trade off with the problems on the backside of Hystone and the armory that discharge into Ferndale's lines. Ferndale's Solicitor will follow up with Cindy Dom. A motion to accept the Attorney's Report was made by

Mark Wissinger, Jr and seconded by Mary Rose Shaffer. 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 asked Ferndale's Solicitor where we were with the residence at the property on Glenwood Avenue with the sewer backup and did we hear anything. The Mayor mentioned that they turned it over to their Insurance Company. Motion to adjourn was made by Cindy Dom and seconded by Mark Wissinger, Jr.

**ADJOURN**

The Meeting adjourned at 9:15 pm.

Respectfully submitted

Carol A. Schalles  
Borough Secretary/Treasurer  
(07/14/14)