

## **FERNDALE BOROUGH**

Regular Meeting

August 14, 2017

The Ferndale Borough Council met on Monday, August 14, 2017, in the Fireman's Recreation Hall at 618 Westinghouse Avenue, Johnstown, PA.

President Scott Miles called the meeting to order at 7:00 P.M., and those present recited the Pledge of Allegiance to the U.S. Flag.

### **ROLL CALL**

The Roll Call showed the following present: President – Scott Miles, V.P. – Mark Wissinger, Connie Hobbs, Robert Gray, Owen Hofecker, Ken Dom, and Mayor – Ralph Boyle, Solicitor Joe Green, and Roger Bock attended in Brian McAteer's absence, Secretary Anita Smith, Police Chief – James Rigby was on vacation.

### **VISITORS**

Wes and Zack Neal were observing.

### **MINUTES**

A motion by Mark Wissinger to accept the minutes of the July 10, 2017 was made by Mark Wissinger and seconded by Ken Dom. The motion carried.

### **MAYOR AND POLICE REPORT**

Chief Rigby e-mailed Council his report. He is unable to attend tonight's meeting, because he is on vacation. Mayor Boyle will give any other report on the Police Department.

Officer Homeyak has been offered full-time employment at the hospital and he accepted the position; however, August schedule already finish, but he had to make a decision right then, if he wanted a full-time position. For that reason the August schedule had to be modified. Officer Edwards will have to fill in on more shifts, because the Chief is on vacation. She will be working more than 32 hours, but it can't be helped. They may look into hiring 1 or 2 more officers' to fill the shifts. We need the officer's to be able to work at least 4 shifts a month. This was from the last administration. We fill that this is adequate to maintain effective service to our residents.

Pertaining to the Ferndale Area Athletic events, the Council has not heard back from Mrs. Kakabar. If we don't receive any notification from the school, the only service they will have will be the officer on 4 to 12 shift. The rate of \$30.00 per event has not changed since the Borough started providing police protection for the football games, volleyball matches and boys and girls basketball games. Mayor Boyle said, "The Police Chief is having trouble fill these events, because no one wants to sign up for \$30.00 a game and some of those games can go up to 4 hours long. Also, the school is trying to get lights for at least 4 games, but Roger Bock said, "They are having trouble getting lights, because of all the construction going on at night." It will

probably just be two games. Two options were discussed, one – that it be an hourly rate with all the taxes and additional expenses. The second – would be a flat fee of \$60.00 per officer, per football games and \$45.00 per officer, per basketball game and school dances. The School Board meeting will be next Wednesday and Mayor Boyle will attend that meeting with our proposal. Ralph Boyle also stated that his sister-in-law is on the school and he will run this by her tonight. If we cannot come to an agreement, then the Borough will not provide police protection and the school will have to hire their own security for all events. The question was asked about the cost that the Borough will incur on taxes and other expenses. Trish Corle stated that this cost will be minimal and will not amount to that much money, because of the wage we pay our officer's; she has no problem with them making a little extra money. There are 5 home games and if we get the extra money for the officers, we should have no problems filling the slots. We usually have 2 officers for the football games, plus the officer on patrol, just in case we have problems. Mayor Boyle will attend the school board meeting, but he will not be on the docket, because he did not get his request in time to be on the agenda. But if someone on the school board calls on him, he will be able to answer any questions. One question to be answered would be, "Are you willing to put your student's welfare at risk?"

Connie Hobbs made a motion of \$60.00 for varsity football games and \$45.00 for all other varsity events, this is per officer. Trish Corle seconded the motion. A roll call vote was taken with all Councilmembers voting, "yes". The motion carried. The secretary will e-mail Ralph Boyle our motion, so he will have something in writing to present to the school board.

The older cruiser needs to be repaired. We are having problem with anti-freeze leaking and other problems, the estimated cost is around \$900.00

The police had to remove a few juveniles from the football field during practice. The coach thought this incident could have been handled differently, but this was an ongoing investigation. The coach later came to the police office and again stated that this situation could be done without the boys being in handcuffs. Councilmember Connie Hobbs, asked the Solicitor if this was the right thing to do. Hopefully this would have an effect on the other players, to respect the laws. This was the officer's call and the Mayor will back the officer. The officer was upset with having this situation unfold, but again, it was the right call and maybe the rest of the student will think twice before breaking the law. He followed the right procedure and anyone can second guess your decision, but in the end, it was the right call. President Scott Miles, backed the police, but also said that Coach Robertson was being a coach and this is what you do for your kids is to teach them and back them when necessary. He has a lot of respect for that coach and how he handled himself at the police station, he was a good example for his players. The coach did apologize to the police officer and the officer was very understanding to where the coach was coming from.

The mayor is still getting estimates for the heater/air conditioner for the police station. He will have those estimates for the next Council meeting.

Ken Dom made a motion to accept the Police Report; it was seconded by Connie Hobbs. The motion carried.

## **ENGINEER'S REPORT**

No report was given.

## **SEWER/SEWER REPORT**

Mark Muir gave updates on the Pressure Testing, they are as follows:

657 inspections complete

- Entire System Tested – 287
- Tested to inside Foundation – 128
- Outside only tested – 235
- Storm Verification only – 9
- Vacant and Not Connected – 7
- 3 Sale transfers in July
- 3 Sale transfer in August
- HPDE Pipe inside Building footprint – Discuss

Mark Muir reported that the water has been turned back on at 803 Summit Avenue

And it has passed the pressure test. They did the pipe bursting inside – under the foundation, (this property is on a cement slab), is against the building codes and it was left up to the Council in other areas if they would accept the pressure test. The problem is they are on top of joints and elbows and this could be a problem later on. Mark Muir feels as long as it passes the pressure test, leave it alone. Some pressure tests with HPDC pipe is fused together with a hot iron. They say that this weld is stronger than the pipe itself. If you make this exception, than you have to make this exception again. Ken Dom was against this idea, because if they wanted to put in a powder room, they would have to connect to this line and it could crack. Mark Muir said that this would be very difficult to do. They have seen the one problem with this kind of pipe is weather and temperature affect this pipe. The HPDC pipe was stored outside, but when it was installed the house temperature and warm and the pipe actually shrink. Storage and installment of the pipe is crucial. The trouble with this is if they pressure test this pipe immediately it would pass, but in time may not pass a second test. The Council would have no problem with this pipe, but would mandate that it would have to be pressure tested again in 5 years or so, or wait a few days after it is installed, then have it pressure tested. Mark Muir doesn't have any problem with this pipe, if it is installed properly, but it not you can have problems. But this also is understood with any kind of pipes. The reason on this is it is a little bit cheaper. When you pipe burst, it does save on equipment or if you can't get a machine in place, you would have to hand it the line. No vote is needed at this time, but Mr. Muir brought it to our attention if this comes up in the future.

Mark Muir had two other contractors give him estimates on the Goucher and Franklin St. intersection.

The estimates came in between \$30,000 and \$50,000 for this project. This will have to go out for bids. Just to fix 200 ft. would cost around \$6,300. Now PennDot is involved with HOP permits and that is another expense. The reason this is so expensive is because it is a busy intersection and you have a lot of traffic to deal with. This will definitely have to be done. It doesn't need to be done immediately, but it will need to be done. An option is to have a

contractor bid on both jobs; you may get a better price. This job is above the fiber optics and would not affect them.

Connie Hobbs suggests that we look into a grant to pay for this project. The infiltration into our sewer system has caused some of this problem. It doesn't happen all the time, it takes a perfect storm, but it is still infiltrating our sewer lines. It all depends on the water table and that can change from time to time. They did verify that the bottom of the pipe is missing in the storm sewer. With this pipe missing, the water will go down and wash out and eventually at into the sanitary system.

There are two manholes in the middle of Goucher Street and the intersection will this infiltration you could be looking at a sinkhole on Goucher Street. We can have this discussion at your workshop next month. We can talk about the HOP fee and I will talk to PennDot. Also, we can discuss JRA categories for Ferndale Borough and the meters for the Stoneycreek Pumping Station. They said that Ferndale is not working towards the pollution reduction. Mark told JRA before anything is done on this; the meters have to be put in first. They informed Mark that they would put the meters in.

Mark prepared the DEP consent order for next year, but he wants to go over some things before presenting it to the council. Just to make the Council aware of upcoming dates.

DEP lost the permit waiver, we sent in 5 copies along with a tracking number and they can't find them. They told Mark they would give us a break on the deadline, but we still have to pay EADS, (no more than \$500.00) and the \$500.00 for the permit to the state. Even after we send in the permit we may not hear from them for 6 months.

The NOI form is the new form that has to be sent in on the deduction of flow. The waiver is to be sent in by September 15<sup>th</sup>, but they are giving us until March 15, 2018.

Trish Corle made a motion for Mark to redo the waiver, seconded by Mark Wissinger. Motion carried.

Councilwoman Corle has questioned Mark Muir on the cost of all this work being done and the amount of money that has been paid to EADS. Is JRA going to return the residence of Ferndale Borough their money after the meters are put in and they find out that the cost was because the meters were not installed and the infiltration was not Ferndale's fault?

A solution has to be found to this ongoing problem.

Councilman Dom asked Mark, if we have Goucher and Franklin intersection done and the flow does not drop, what do we do then? There is no guarantee that even after this is done and peak flow will drop. Mr. Muir is concerned that if this is not done we could end up with sinkhole at the intersection. Now that the Borough knows about this problem, we are responsible to have it fixed. This is the worst intersection in the area, just because of the landscape of the roadways and the traffic that uses those 2 state roads. Councilwoman Hobbs stated that because this is state highways, maybe we could apply for grants to offset the cost and relieve the taxpayers of the Borough. To burst the pipe from manhole to manhole will cost about \$40,000. The state will not issue permits after October or November. So we are on a time line and hope nothing will happen this winter. Pres. Miles asked Mr. Muir what was the reason JRA gave for not putting in the flow meters. Mr. Muir said that trying to find a company that will back up the readings of the meters are hard to find. It's hard to read on the sanitary sewer lines, because of the debris. This meter will not cost us any money. JRA has to supply the meters.

Another cost to the Borough is the viewports on the backside of Hystone Avenue. The number of homes is around 23. We will write a letter to the homeowners, that it is your responsibility to find your sewer line at the curb and mark it for the depth. This will determine if the Street

department can put them in or we have to contract that job out. If any of these homes are sold, they must fall under our guidelines. If they sale their house, it still has to be pressure tested from the house to the curb. That cost is on the homeowner.

The Council has authorized Mark Muir to do all the paperwork on the wavier, because he has all the information. This wavier is part of the MS-4 program. Trish Corle made a motion to have Mark Muir do the reports for DEP; seconded by Mark Wissinger, Jr. A roll call vote was taken and all Councilmembers voted "yes." Motion carried. Mark Muir asked if we have the MS4 report for 2013, because DEP is coming around to check on the education materials. Mark Muir will provide a list of all the documents that we are supposed to have. He will check to see if EADS still has brochures for public education.

Motion to accept the Sewer/Sewer Project report was made by Trish Corle; seconded by Owen Hofecker. The motion carried.

This was pertaining to CJL. Scott Miles had met with Bill Patrick and was told by Mr. Patrick that Leonard Facciani and Mary Rose Shaffer had cause a lot of problems. Because Mr. Faccini had filed numerous complaints with the state, they came in and Dave Duray almost lost his engineering license. Scott Miles had taken some of the flow charts down to CJL's office and Mr. Patrick looked at them and said that something is definitely wrong. With all this happening Mr. Patrick and Mr. Duray has not hold a grudge against the Borough. CJL actually had a restraining order on Mr. Facciani that he was not allowed on CJL property. Daisytown had Mr. Facciani as their engineer for their sewer project and was fired because of certain problems. When it rains their peak flows are way up. Mr. Patrick will show the charts to Dave Duray, because he is more informed on the charts and will get back in touch with us. CJL is still the Boroughs engineers, but we have not heard from them in a few years. Scott Miles has not heard back from them (he met with them on Wednesday). This is where we stand with them. Scott Miles had called George Svirsko to see if he could shed any light on additional manholes or the pumping station. We do have maps, but sometimes these maps are not accurate and have not been up-dated. The question was asked, if they had the streets dug up, why didn't they up-date the maps then. The answer was that was not part of the contract. Also, the pipes were not always side by side. Hopefully; since we have a new Council, we will have a better working relationship with our engineers and we can get some things accomplished. Going back to the former administration, we (the council) was receiving misinformation from them. When she made those complaints to the state, Mr. Miles said that this was not on behalf of the Council. She did this on her own. Mr. Patrick said he had no ill feeling toward Ferndale Borough, but he could not speak for his boss. Councilmember Hobbs wants to know if CJL doesn't cooperated with the Borough, what is our recourse? Atty. Joe Green said that when he arrived in January 2015 there was talk of suing CJL, but he did not have all the information. Mr. Green grew up with Dave Duray and he will call and talk to him. We need to know where these crossovers are and if Mr. Duray could help us find them. If the former President fractured this relationship with CJL, then this Council has to make amends.

## **PERSONAL REPORT**

No report given.

## **SOLICITOR'S REPORT**

No report was given by the Solicitor, however; Ken Dom attended the meeting at Wayne Langerholz's office (Scott Miles was to attend this meeting, but was unable to go). The purpose of this meeting was to discuss the proposed bike lane on Ferndale Avenue. He stated that no parking along the avenue would be lost and the state would maintain the bike lane at no expense to the Borough. We do not have to do anything until the current law is repealed.

## **WEST HILLS REGIONAL FIRE DEPARTMENT**

The monthly report has been e-mailed to the Secretary's office, if you need a report just contact the office and one will be provided.

## **FERNDALE VOLUNTEER FIRE ASSOCIATION REPORT**

Mayor Boyle reported that the Jubilee was a success and plans are already being made for next year's Jubilee. The Fire Association still has some outstanding bills to be paid around \$23,000 to \$27,000.

We are working towards getting more volunteers, like the band and the boosters. More people have approach me on selling car tickets for us. They are looking for more volunteers to help, just to take some of the workload off the current volunteers.

On the Gator update – Don Blasko of the West Hills Fire Department is interested in the Gator and all the accessories. They will take care of the title and taxes. The cost is \$4,000.00 and they will credit what we owe them for next year. These details will be finalized later. A motion by Owen Hofecker and seconded by Connie Hobbs to sale the Gator and have them credit our quarterly obligation to them. West Hills will put all this in writing for the Borough to act upon. All Councilmembers agreed and the motion carried. Owen Hofecker was given the go ahead to except the agreement with West Hills after their meeting on Friday. It will be up to them on how their want to take care of the payments, either on the 2017 or wait until 2018's billing. Trish Corle made a motion to accept the Ferndale Volunteer Fire Report; seconded by Connie Hobbs. The motion carried.

## **STREETS AND PROPERTY REPORT**

Brian McAteer was unable to attend – Roger Bock gave the report. Mark Wissinger asked if the Deaf Child sign could be taken down. A discussion followed and a decision was made to keep the signs in place.

Ken Hershberger sent a letter to the Council requesting 2 parking places for a new business going into his building on Ferndale Avenue. The Council made a decision, that they needed more information on the business and where he would like to have the parking spaces. The Borough can charge for the signs and labor (\$100.00 was suggested, but it is just one time), but you cannot charge for the spaces. It is illegal, because it is a state highway. A policy needs to be written, so when this comes up again, you will have guidelines to follow. Something in the order of "if you are requesting parking spaces for your business you must to this----".

Motion to accept the Street Report was made by Mark Wissinger and seconded by Trish Corle. The motion carried.

## **TREES**

No report was given.

## **TAX COLLECTOR'S REPORT**

Anita Smith reported that she collected \$2,185.65 in taxes for the month of July.

There was no other active for the month.

Trish Corle made a motion to accept the Tax Collector's report; with a second by Connie Hobbs. The motion carried.

## **FINANCE REPORT**

Trish Corle reported had she will set up a meeting with Herbert's, because you need to have a 6 month report to accurately start on the 2018 budget. If anyone has input, please contact Trish Corle. Still working on the Line-of-Credit and the Penn Vest money, hopefully with CJL back on line we can move forward and get this resolved. Ms. Corle would like to look over the budget and get a better look to see where we can improve the system and work towards getting this budget going. Barnes, Saly & Co. has come in and downloaded Quick Books, Shawn is working on the last month, so they will be in this month sometime to start the Audit. Trish Corle questioned how we can be on a calendar year and the audit is just now being started. This process has to be improved. We are paying Herbert's to do our books and we still are not ready. By the first quarter of the next year this should be ready to go.

A motion to accept the Finance Report and pay the bills was made by Ken Dom; seconded by Mark Wissinger. The motion carried.

## **PUBLIC RELATIONS**

No report was given.

## **RECREATION**

No report was given.

## **OLD/NEW BUSINESS**

One property on Vickroy had their taxes reduced; the loss to the Borough is about \$300.00 a year. Another property on Franklin St. has not had its hearing. The other property is Mike Bridges house on Ferndale Avenue. This property was sold and the new owner wants the taxes reduced, because it's not worth that much money. The letter from the courthouse was forwarded to Atty. Green's office. John Cafeo had his tax reduced on the Westinghouse property. But that

was to our benefit, because now Atlantic Broadband moved in and will have about 50 employees and they will be paying the LST tax.

Bishop McCort has sent a letter to the Borough asking for permission to tie teal ribbons around the trees on Ferndale Avenue in recognition of Ovarian Cancer month. The Council approved and the letter will be sent back to Bishop McCort.

The secretary asked for permission to go to a workshop on the budget. This seminar is offered through PSAB. It will be on Thursday, September 28, 2017 in Greensburg. The cost is \$125.00 if you are a member, which we are. The Council gave their consent for the Secretary to attend. Beverly Roth will be in that day and can cover the office.

Scott Miles said that he had someone approach him on the Secretary's job. A job description has to be in place before they start the interview process. We will have to make some decisions on the job title and the responsibilities of the jobs. When the secretary was asked if the new tax collector was going to work out of her home or come to the office, she wasn't sure if Mrs. Null had made a decision that she would wait till after she was elected. I would rather see her do the taxes in the office, just because of today's atmosphere. Also, people would respect her hours and she can go home and not be bother by the residences. The Council cannot make her do the taxes in the office. The rate for the tax collector is \$525.00 flat rate. This has not changed in 20 years. You can only change the rate in the last year of a term.

Because of Labor Day on Monday, the workshop will be on Wednesday, September 6, 2017.

The regular meeting ended at 8:50 p.m.

The Council then went into Executive Session.

Respectfully submitted by

Anita M. Smith  
Borough Secretary