

# **FERNDALE BOROUGH**

Regular Meeting

May 8, 2017

The Ferndale Borough Council met on Monday, May 8, 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, Trisha Corle, Connie Hobbs, Robert Gray, Owen Hofecker, Ken Dom, Mayor - Ralph Boyle, Chief of Police - James Rigby, Solicitor – Joe Green, Roger Bock (representing the Street Department), and Secretary – Anita Smith.

## **VISITORS**

Al Cooper and three Ferndale Area High School students were just observing.

## **MINUTES**

A motion by Trisha Corle, seconded by Mark Wissinger, to accept the minutes of the April 10, 2017, meeting was made; and all Councilmembers approved. The motion carried.

## **ENGINEER'S REPORT**

No report was given.

## **SEWERS/SEWER PROJECT REPORT**

Mark Muir was unable to attend tonight's meeting, because of a previous commitment. However, he did call the Secretary and reported he is still waiting for PennDOT to get back to him about the work to be done at the intersection of Franklin and Goucher Streets. No contractor has given him a cost to do the four houses on Ferndale Avenue. He hopes to have the answers at the next Council Meeting.

There was a discussion on the three homes on the backside of Hystone Avenue about their viewports. Upper Yoder Township is now working on Hystone and Berkley Road and the residents are concerned about what to do next. One resident said she had her basement done years ago and needs a viewport put in. It was explained to her that we are down to two street workers for the next few weeks, but the response was to get it done. Those lines were put in years ago and they are two separate lines (sewer & sanitary). The decision by Council, when this project was started, was to wait until Upper Yoder Township put their new lines in and just connect the backside of Hystone Avenue into their system.

Hopefully, we will all be able to go to \$17.00 a month after all the flow monitoring is complete. This is the goal that Ferndale Borough has been working towards for the last few years. Who will be able to put in the viewports is now the question, because we are a man short. Should we put this out for bid instead of trying to do these ourselves? It was suggested by Councilwoman Trisha Corle; that we get a bid just to do the bottom three houses and go from there. Councilman Ken Dom and Roger Bock will take a look at it and decide what course of action to take. The first thing they will need to do is go across the street and check the depth of the line. If it is not that deep, the street department may be able to do the work. Motion to accept the Sewer Report was made by Trisha Corle and seconded by Ken Dom. The motion carried.

## **SOLICITOR'S REPORT**

The Borough received two bids for paving. They are as follows: HRI and Quaker Sales.

HRI (included with bid bond) was \$59,753.25.

Quaker Sales Inc. (included with bid bond) was \$45,716.45.

Atty. Green said that Quaker Sales was the low bidder. Also, there is an asterisk on both bids to contact the Borough on start dates and on wedge curbing, because this is for water control and the curb may not be needed the whole length of Midway Drive, on the Harlan Avenue side. We will not know this till after the street is milled. This is why we put in the specs, "curb as needed".

The Solicitor assured the Council that both bids do meet the specs. There was no specific time line to have it done, but because Midway Drive is used by the buses for the high school students, work cannot start before May 31, 2017, and should be completed by the second week in August. A motion by Robert Gray to accept the bid of Quaker Sales of \$45,716.45 was made and seconded by Owen Hofecker. The motion carried.

## **Execution Session from 7:25 p.m. to 7:50 p.m.**

Regular Council Meeting resumed at 7:50 p.m.

A motion to accept the Solicitor's Report was made by Ken Dom and seconded by Mark Wissinger. The motion carried.

## **PERSONNEL REPORT**

Councilman Ken Dom is working on the Personnel Policy and will have a draft for the June Council Meeting. Mr. Dom stated that he had some issues that he would like to clear-up before presenting it to the Council for review. A motion to accept the Personnel Report was made by Connie Hobbs and seconded by Mark Wissinger. The motion carried.

## **MAYOR AND POLICE REPORT**

Chief Rigby e-mailed his April 2017 Report to all Councilmembers; there were no questions on the Report. Mr. Rigby reported that he had 25 citations for the month of April.

Eric Yuckulich had returned all Borough items to the Police Office and Chief Rigby will mail his check to him. Since he did not pick up the check, and it was from September, 2016, he will check with the Secretary to make sure that the check is still valid. If not, a new check will be issued to him.

One officer is still not scheduled, because of health issues. Chief Rigby had to work Sunday night (5-7-17), because Officer Hall called off because he has Lyme's disease. Chief Rigby may look into hiring an officer or two in the future, only because he is down officers for various reasons. For now the other officers are picking up the shifts. Councilwoman Connie Hobbs asked Chief Rigby what the procedure is for an officer calling off. Chief Rigby responded by telling the Council that the officer will try to find a replacement. If one cannot be found he/she will call the Chief and if no one is available he will fill the shift. If the officer on duty finds a replacement, then he will call the Chief and let him know who is filling his shift. Chief Rigby is watching the hours, so as not to go over 30 hours a week. If this happens, then the next week they don't have that many hours. The total hours calculated is for a quarter and not a week. Mr. Dom asked if the Chief needs to look at hiring more officers. The Chief said, "It is working out for now. Hiring another officer would take shifts away from the other officers and he doesn't want to do that."

Mark Wissinger brought up about a property on the 800 block of Vickroy Avenue with high grass and toys in the yard. Chief Rigby reported that the grass has been cut; the toys are still in the yard; but the kids play with them. So there is nothing that can be done about that. Also, the Chief reported that the house on the 300 block of Clay Street has been broken into and he has made contact with the owners. Their rental agency is located in South Caroline, they will have the grass cut; and the side door has been boarded up.

Chief Rigby has issued 13 letters on high grass, but because of the wet weather he was giving them an extra day or two to get the grass cut. Most of the residents have complied. Chief Rigby has a hearing at Judge Barron's office on Friday about the property on the 500 block of Summit Avenue. There are multiple issues with this property: The driveway, debris in the yard, siding, and the roof. A motion by Trisha Corle was made to accept the Mayor and Police Report, seconded by Mark Wissinger. The motion carried.

## **EMERGENCY MGT. + FIRE CO. + WEST HILLS REPORT**

West Hills Report was e-mailed to the Borough Secretary, which is on file and copies can be made for those requesting the report.

## **FERNDALE FIRE ASSOCIATION**

Mayor Boyle just mentioned the 2017 Jubilee, and he had nothing else to report.

## **STREETS AND PROPERTY REPORT**

Roger Bock is filling in for Brian McAteer in his absence. Ken Dom had a complaint about the garbage company not putting cans back at the curbside. Chief Rigby had taken some photos of

garbage Cans in the middle of Glenwood Avenue. He would like someone to talk to the garbage haulers and ask them to put them upside down and back off the curb. Mayor Boyle asked that they make sure they pick-up all the garbage. His garbage and the Street Foreman's were missed last week.

President Miles mentioned this to the manager; and he said he has some new guys on, but he would talk to them again.

Lincoln Financial has requested another parking space in front of their building on the 600 block of Ferndale Avenue. Connie Hobbs said she talked with Walter Kleinmeyer and he is OK for now with the situation. The secretary will call them tomorrow and make sure everything is all right with the parking space they have. This request has been tabled until we get more information. The reason for the parking spaces is because the tenants across the street have been harassing the clients going into the business on the 600 block of Ferndale Avenue. The police have been called and Chief Rigby has contacted the owner in Morristown, NJ. The tenants have been evicted from the premises.

Tim Storms has asked for a handicap space on the 100 block of Harlan Avenue, because he is disabled and has a placard. Ken Dom has taken a look on Harlan Avenue and there is already one handicap parking space. Ferndale Avenue is an option as well, but now you are taking away parking from the residence on the 500 block of the avenue. However, most of their homes have driveways in the back of their homes off of Westinghouse Avenue.

There is an individual interested in purchasing the Gator. The Borough is asking \$4,500.00, which includes the trailer and snowplow. Since this price is negotiable; they will get back to us. President Miles said that there is another party interested in purchasing the Gator. The reason for not keeping the Gator is that it can't be licensed to go on the highways. Roger Bock said when we first purchased the Gator we went to D & B and was rejected by Penn DOT. We then tried again and were rejected by DNR. A motion was made by Connie Hobbs to accept the Street/Property Report, seconded by Ken Dom. The motion carried.

## **TREES**

No report was given.

## **TAX COLLECTOR'S REPORT**

The Tax Collector reported collections for the month of April, 2017, totaled \$95,798.43 with an additional \$10,000.00 that has not been reported. A revised report will be issued for the June Council Meeting. A motion to accept the Tax Collector's Report was made by Robert Gray and seconded by Connie Hobbs. The motion carried.

## **FINANCE REPORT/ACCOUNT PAYABLE**

Finance chairman Trisha Corle said that the Financial Statements are in the packets. We are in the third month, and we are right on schedule where we should be for this time of the year with

income and expenses. Trisha Corle did ask the Council to go over the Financial Statements and to ask questions. We need to be six months into the budget to get a better picture of the finances. It is a little hard to come to conclusions with only a three month analysis. Most of the taxes come in early, so we have to be careful with our expenses.

Barnes, Saly & Co. e-mailed, Trisha Corle, Shawn Toth and the Secretary about the upcoming audit. Shawn Toth has talked to Tiffany and will be setting up a date to begin the 2016 audit. Debbie Herbert is in Florida on vacation and Shawn will check with her and try to set something up for June.

There were a few questions on the Accounts Payable. The EADS invoice of \$10,000.00 is for the year. Included in this invoice is all the required permits needed to complete the system, the pressure testing, and reports. Also, getting information on the permits and pipe bursting on Ferndale Avenue. Owen Hofecker had a question on the Ehrlich bill. He was under the impression that we only go on a month-to-month basis or as needed, because we do not have a contract with them. The Secretary will call them and have it changed. It was felt that it wasn't necessary to bait Vickroy, Harlan and Midway every other month; and the Street Department will monitor the problem. Councilman Dom asked Owen Hofecker is the way Ehrlich's was baiting was legal. Councilman Hofecker said that it was legal the way they were doing it. Connie Hobbs made a motion to accept the Finance Report and to pay the bills, seconded by Mark Wissinger. The motion carried.

## **PUBLIC RELATIONS**

Councilwoman Corle had no report.

## **RECREATION REPORT**

Recreation Director & Councilman Mark Wissinger said the Summer Swim Program at the YWCA for the elementary children (K-6) will begin on June 8 and continue to July 27<sup>th</sup>. K-3<sup>rd</sup> grade will be from 1:00 – 1:45 pm. and the 4<sup>th</sup>. – 6<sup>th</sup>. from 1:45 – 2:30. All children in the Ferndale Area Elementary will be able to take part in this program.

President Scott Miles had submitted a letter to the Ferndale School Board, stating that he would like to use the gymnasium for his summer wrestling program. It would be held in June, July, and August. The lady I spoke to said, "You have to write a letter, stating what you want to use the gym for, but added that it would probably be rejected, because of the broken TV in the lobby of the gym." Mr. Miles then reported that his wrestlers did not break the TV, it was the basketball players. She said that doesn't matter. Mr. Kowal then called President Miles and said that the TV needed to be paid for, to which Mr. Miles stated, that the TV was not broken by a student in the Recreation Program, but by a sibling of one of the basketball players. The father of the child was standing there when his son drop kicked the basketball into the TV. Mr. Kowal said that he has sent two letters to the parent, but he refuses to pay for the TV. Mr. Miles teaches his wrestlers to be responsible for any actions and to admit any wrongdoing. Now this parent won't pay for the actions of his child. That would not be acceptable if one of his (Scott Miles) wrestlers acted in such a manner.

The school has now enacted a new Use of Facilities form. This has to be filled out and sent to the school for approval. Mr. Miles will have the parents of his wrestler's sign a waiver that only the children in this program will be allowed in the gym, along with parents, sibling or spectators will, also be allowed to stay for practice. The Use of Facilities form stated that any damage done to the gym or contents will be paid for by the Borough. This is unacceptable; because it should be paid for by the individual caused the damage. Mr. Miles has requested to speak at the next school board meeting to address this situation. Mr. Miles said that, if someone in his program breaks something he is responsible for it, just as any other program damages anything, then they pay for it. Councilman Hofecker said that last year when he got the insurance on the children it does not cover damages. Councilwoman Corle said in order to protect ourselves we need to have in writing that only the participants and coaches will be allowed in the gym. Trisha Corle would like the Ferndale School Board to know that the residents of Ferndale Borough has been funding these Rec Programs for the betterment of the athletes to be able to compete at a higher level and the School Board seems to be fighting us at every turn. It has just been recently that the other Boroughs and Township has started to contribute to these programs. If we don't pay for these programs, they will go away. That will only hurt the kids at Ferndale Are School District. Solicitor Joe Green would like to see an addition to the waiver that extends to guest and invitees. When asked if this would hold-up, he said that we would have a better idea as to who was responsible for the damage. Trisha Corle suggested that she and Scott Miles should go to the next school board meeting or to contact Mrs. Kakabar and talk to her about these issues. A motion to accept the Recreation Report was made by Connie Hobbs and seconded by Trisha Corle. The motion carried.

### **OLD/NEW BUSINESS**

Councilwoman Hobbs brought up about the wages for Police Officers attending the High School's sporting events for security. Mayor Ralph Boyle said that is was basically dropped and has not heard anything recently. The Mayor reported that the Chief was having problems filling the shift. No one wanted to be there for three or four hours and only make \$30.00. The only concern the Mayor had was for the football games, because of the crowd and some of them this year will be at night. The school does have the right to hire outside security and it may come down to that. We still can provide the protection for these events, but not at that price. No other business was discussed.

Motion to adjourn was made by Trisha Corle and seconded by Connie Hobbs.

The meeting adjourned at 8:35 p.m.

Respectfully submitted

Anita M. Smith  
Borough Secretary

