

**MINUTES  
FORD CITY BOROUGH COUNCIL  
SPECIAL MEETING  
LOCATION - FORD CITY BOROUGH OFFICE  
DECEMBER 20, 2004**

**CALL TO ORDER** Council President Steve Kozuch called the meeting to order at 5:00 p.m.

**AUDIO TAPED** Council President Kozuch informed everyone the meeting is being audio taped.

**ROLL CALL** Terry Tokarek, Homer Pendleton, Steve Kozuch, John Rudosky, and Dan Cousins were present. Tim Malec was absent due to work.

**ATTENDANCE** Solicitor Frank Allan Wolfe, Susan Thompson - Accountant, and Gregory D. Dinko - Emergency Management Coordinator were also present.

**AGENDA ADDITION**

Cousins stated that there was a missing item on the agenda under Old Business and requested that the ditch on Main Street, Ford City be added to the agenda. Kozuch asked Council if they would like to add this to the agenda. Rudosky stated that he did not know if there was anything to report as of yet. Cousins stated that he had something to report, which was the reason he brought it up.

**2005 TAX ORDINANCE**

Pendleton made a motion to approve the 2005 Tax Ordinance for 13.35 mills for Ford City Borough. Seconded by Rudosky. Motion Carried. 4-1 Cousins votes no because he has always been opposed to the library tax because he didn't think it was necessary. He doesn't think the budget addresses the future needs of the Borough. [ORDINANCE ATTACHED]

**2005 BUDGET**

Pendleton stated that he disagreed with Cousins, and that the budget does address the future needs of the Borough. He stated that the 1 mill tax increase for the library was voted on by the taxpayers. [BUDGET ATTACHED]

**MAIN STREET DITCH**

Rudosky asked Cousins if he thought the taxes should be raised to do a certain project. Cousins stated that Council had said that they didn't have the money to fix the ditch on Main Street.

Rudosky stated that Cousins was both the President and a member of Council when the ditch was created and that he had instructed the Borough not to fill in the ditch. Cousins disagreed.

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Rudosky stated that the Borough had met with PennDot who agreed that the ditch was their problem. He stated that the ditch should not be a reason to object to the budget.

Cousins stated that the ditch is just one reason. Other reasons are that we have bald tires on police cars and we buy used trucks for salt trucks. Pendleton stated that he

did not agree with Cousins and that we just bought a new police car. Cousins asked Pendleton if he was aware that it takes 15 minutes to warm up the second Police car before it'll move when you put it in drive.

Rudosky stated that Cousins had 3 years to take some action on the ditch. Cousins stated it was inappropriate to discuss the ditch under "2005 Budget" and should be discussed under "Main Street Ditch."

Pendleton made a motion to approve the 2005 Budget for 2005. Seconded by Rudosky. Rudosky reminded Council that the taxpayers voted on the tax increase. Motion Carried. 4-1 Cousins votes no.

MAHER DUESSEL

Susan Thompson explained that the original proposal from Maher Duessel that Council had agreed to, dated 10-13-04, did not refer to costs such as copy fees and mileage, which they are now requesting. Thompson suggest obtaining a cost estimate from Maher Duessel. Rudosky recommended contacting Maher Duessel before they sign an engagement with them. Solicitor Wolfe agreed with Thompson.

Rudosky suggested possibly having another meeting at the end of the month and taking action then.

Solicitor Wolfe recommended authorizing Pendleton and Rudosky to discuss with Maher Duessel the copy fees and travel fees , etc. and upon their recommendation, the President will be authorized to sign the engagement letter.

Rudosky opposed to not being informed about copy fees and travel fees up front. He would like Council to decide as a whole whether to sign the engagement letter.

Cousins asked why we couldn't make a motion to accept the first proposal which did not include the extra fees.

Rudosky made a motion that a committee, directed by the Council President, speak with representatives with Maher Duessel, discuss the differences in the proposals, and make a recommendation for Council to accept or reject the additional proposals to be voted on at the first meeting in January. Seconded by Pendleton.

A discussion took place about having a meeting sooner than January.

Rudosky amended the motion to say that a committee, directed by the Council President, speak with representatives from Maher Duessel, discuss the differences in the proposals, and make a recommendation for Council to accept or reject the additional proposals to be voted on at the next special meeting of Council. Seconded by Pendleton. Motion Carried. 5-0 Unanimous

Pendleton stated that the unpaid bill list total is \$23,241.01 plus an addition bill for Sintek Computers for \$55.00. Cousins questioned what the bill from Sargent Court Reporting was for. The Borough Secretary explained that it was for the Union Unfair Labor Practice Hearing in Pittsburgh.

Rudosky made a motion to approve the unpaid bill list presented in the amount of

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\$23,296.01 to be paid as money becomes available and is approved by the Finance Committee. Seconded by Pendleton. Motion Carried. 5-0 Unanimous [UNPAID BILL LIST ATTACHED]

#### FIREWORKS

Pendleton expressed his wishes to have fireworks on New Year's Eve at the Clock Tower as done in previous years. He stated that tax dollars would not be used and that they would use Grant money that had been returned to the borough. Kozuch explained that the Community Development Fund had approximately \$9,000 left over from a Grant that they were keeping for community type projects. He stated that Gregory D. Dinko had gone to purchase fireworks from Zambelli, but couldn't get them for \$500 worth. He asked Dinko how much we have to buy. Dinko answered that about \$800 was needed.

Cousins asked if the Borough paid for the fireworks in previous years. Pendleton stated that the cost was split between the Lion's Club and the Business Association. Pendleton explained that the Ford City Business Association does not have money after purchasing Christmas decorations for the Borough.

Kozuch suggested starting a fund and asking for donations for next year.

Rudosky made a motion to approve the purchase of fireworks for New Year's Eve using money from the Community Development Fund in the amount of \$800.00 and authorize Council President to sign the agreement with Zambelli. Seconded by Pendleton. Motion Carried. 5-0 Unanimous

Rudosky made a motion to open a savings account at S&T Bank at no charge for the purpose of accepting donations for New Year's Eve fireworks and that the Borough start this account with a sum of \$50.00. Seconded by Tokarek. Motion Carried. 5-0 Unanimous

#### IRS COMPROMISE

Pendleton stated that he will have Joe Estermyer attend the January meeting to talk to Council. There will be an Executive Session ½ hour before the Regular meeting. Solicitor Wolfe explained that an Executive Session is when information is being gathered to decide how to vote on an issue. An open session is when Council is being educated. Therefore, an Executive Session is needed before the January Regular meeting because Council wants to vote on it at the Regular Meeting. Solicitor Wolfe then explained that there is no longer a time frame or time limit on Executive Sessions as long as the minutes states that an Executive Session took place, when it took place, and why it was held.

Council decided to hold the Executive Session at 5:00 p.m. on January 10, 2005 at the Borough Building.

#### SUSAN THOMPSON AGREEMENT

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Rudosky made a motion to accept the agreement with Susan Thompson for 2005 as presented and as approved by the Solicitor. Seconded by Pendleton. Motion Carried. 5-0 Unanimous [AGREEMENT ATTACHED]

#### MARK MCLAUGHLIN AGREEMENT

Rudosky made a motion to accept the agreement with Mark McLaughlin for 2005 as presented and as approved by the Solicitor. Cousins asked if the agreement was the same as last years agreement. Pendleton stated that it was. Seconded by Pendleton. Motion Carried. 5-0 Unanimous [AGREEMENT ATTACHED]

POLICE PENSION

Rudosky explained that the Police Pension Committee met with a representative from the Police Department and John P. Wills of the Wills Randolph Crew, who is managing the Ford City Police Pension Fund. Rudosky stated that Willis had made a recommendation that Council pass a resolution to change an investment advisor. He read the Resolution aloud.

Rudosky made a motion to pass the Resolution presented and authorize the President of Council to sign the Resolution. Seconded by Pendleton. Motion Carried. 5-0 Unanimous [RESOLUTION ATTACHED]

T&J FLORAL

Rudosky made a motion to approve the purchase of the Norfolk Pine from T&J Floral in the amount of \$30.00 for Representative Elect Pyle of the 60<sup>th</sup> Legislative District. Seconded by Pendleton. Motion Carried. 5-0 Unanimous

DITCH

Cousins distributed a letter from PennDot to Masello dated 12-16-2004 to members of Council. The letter explains that PennDot is claiming no responsibility for any damage done.

Rudosky stated that PennDot had previously said that they changed the flow of water because it would prevent water run-off in Manor Township. Cousins stated that PennDot did grind off the berm, but the patch where the Borough dug can be seen.

Rudosky maintained that this is a PennDot problem and that he has no problem directing the Solicitor to sue PennDot. Solicitor Wolfe stated that PennDot is not allowed to channel water onto your property.

Pendleton explained he is trying to schedule a meeting with PennDot. Rudosky recommended inviting Solicitor Wolfe and a Representative from the 60<sup>th</sup> Legislative District and Senator White's office..

Cousins recommended getting a bid from Holbein since the Borough doesn't have a backhoe. He stated that when a hole is dug, there is a common courtesy of expectation that the hole will be repaired. He asked if anyone could dispute that there was a backhoe in his yard on New Year's Eve that left a 10-foot mound of dirt in his yard and Mr. Masello's yard. There was no response from anyone.

Kozuch stated that he accepts Pete Milito's recommendation that right now it is the wrong type of weather to fix Cousins' yard. Kozuch asked Cousins why Council didn't tell the Borough employees to fix the hole three years ago. Cousins replied that it was because his neighbor's basement flooded due to PennDot water run-off.

Cousins stated that the water break coincidentally happened in the same place as where the water run-off from PennDot Route 66 is being channeled. He said that it took not only the water break pressure, but the circuit applied pressure off of there and ran it down over the hill. Cousins maintained that the ditch was not filled in for

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fear that the neighbor's property would be flooded.

Rudosky agrees that some resolution must be made. He stated that if the Borough fixes the ditch and puts Mr. Masello's property in jeopardy, it may open the Borough up to a lawsuit.

A lengthy discussion took place.

Pendleton stated he will coordinate a meeting with PennDot, Solicitor Wolfe, NSEI, Dan Cousins and Mr. Masello.

Cousins stated that this problem is not going to go away.

MAYOR

Rudosky stated that interviews were held with applicants for the position of Mayor. One of the applicants is out of the country until December 23<sup>rd</sup>. He asked that the appointment of Mayor be held open until the January Regular Meeting, so that the applicant may have the opportunity to be interviewed by Council. Action to appoint the Mayor will then take place at the January Regular Meeting.

TRAIN

Pendleton stated that students at Lenape Vo-Tech may be able to fix the Borough Train, but they need to know what exactly is wrong with it. Cousins stated that the train has a new engine and will start up.

Cousins made a motion that we pay to have the train delivered to Lenape Vo-Tech upon their agreement to repair it. Seconded by Rudosky. Motion Carried. 5-0 Unanimous

DEP

DEP has postponed the December 23, 2004 meeting until they get one of their supervisors to attend the meeting. Rudosky asked that the Secretary call the residents near Nature's Blend and inform them of the postponement.

#### JANUARY REGULAR MEETING

Rudosky made a motion to change the meeting date for the January 2005 Regular Meeting to Monday, January 10, 2005 at 6:00 p.m. and to notify Mr. Fryer and Family Life TV. Seconded by Pendleton. Motion Carried. 5-0 Unanimous

Rudosky made a motion to prepare and send a letter to S&T Bank to see if the bank would consider donating bank memorabilia from the old S&T Bank to be used in the Borough's future museum. Seconded by Pendleton. Motion Carried. 5-0 Unanimous

#### COUNCIL COMMENTS

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Pendleton stated that Rural Valley asked about buying the 1948 Train from the Borough. He will call them about the train.

Cousins stated that he had a great time at the Borough Christmas party.

Rudosky made a motion to advertise for a Special Meeting to be held on 12-28-2004 at 2:00 p.m. Seconded by Pendleton. Motion Carried. 5-0 Unanimous

Cousins stated that sometimes it may be better to let a Council member just vote no and not explain his reason for voting that particular way. It is probably not in the best interest to encourage a comment about a NO vote. He then wished Council a Merry Christmas.

ADJOURNMENT

Rudosky made a motion to adjourn the meeting at 6:14 p.m. Seconded by Tokarek. Motion Carried. 5-0 Unanimous

Lisa Bittner  
Borough Secretary

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