

**MINUTES  
FORD CITY BOROUGH COUNCIL  
REGULAR MEETING  
LOCATION - FORD CITY PUBLIC LIBRARY  
FEBRUARY 2, 2004**

- CALL TO ORDER** Council President Steve Kozuch called the meeting to order at 6:05 p.m.
- AUDIO TAPED** Kozuch informed everyone the meeting is being audio and video taped..
- ROLL CALL** Terry Tokarek, Homer Pendleton, Steve Kozuch, Tim Malec, John Rudosky, and Dan Cousins
- ANNOUNCEMENTS** Council President Kozuch read from a list of prepared announcements.
- PLEDGE OF ALLEGIANCE**  
Council President Kozuch lead everyone in the Pledge of Allegiance.
- ATTENDANCE** Mayor Pyle, Dr. Garritano - ASD, Dave Nichols - N.S.E.I., Kim Petrie - G.F.C.C.D.C., Lou Vergari - Library Board, Gene Banks - Planning Commission, Greg Dinko - Emergency Management Coordinator, Marc Mantini - Planning Commission, Fred Dzugan - Codes Officer, and Solicitor Frank Allan Wolfe.
- COUNCIL COMMENTS**  
Rudosky read a prepared statement concerning the series of events during the early morning hours of Tuesday, January 17, 2004, during which time a fire occurred.
- Rudosky asked Mayor Pyle to formally acknowledge the following persons: Mrs. Jennifer Hrabovsky, Mr. Delaney, Officer Gerny, Officer Klingensmith, Officer Atherton, and Fireman Gaiser as well as all the Fire and Ambulance personnel for their efforts concerning the fire.
- Rudosky asked that Mr. Milito be acknowledged, by Council President Kozuch, for his efforts and those of his crew during a recent water break on Tuesday, January 17, 2004.
- G.F.C.C.D.C.** Kim Petrie - G.F.C.C.D.C. explained the CDC submitted a full application to the ARC (Appalachian Regional Commission) in the amount of \$100,000, to be used for the Ford Street Project. Petrie requested Borough Council commit an additional amount of \$15,500 to the project. The total cost of the project will be \$393,000 and the total cost to the Borough will be approximately 29%.
- Pendleton made a motion authorizing President Kozuch to sign a commitment letter explaining the amount of \$15,500 be used from the Highway Aid Fund for the Ford Street Project. Seconded by Cousins. Motion Carried. 6-0
- Petrie explained if approved the ARC Funds may not be available until late 2004 or early 2005.

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Pendleton requested meetings be scheduled to discuss the Ford Street Project.

Petrie explained a meeting with the Gas Company must be scheduled to discuss the money in the amount of \$28,000, which is owed to the Borough.

Solicitor Wolfe explained there is an ongoing claim with the gas company concerning the Borough's claim for damage made to the our brick pavers during repairs made to gas company lines. Wolfe stated it looks promising that the gas company would like to resolve these issues.

Petrie explained Kathy Rudosky is the new citizen at large on the CDC Board and an opening remains for the Business & Professional Assoc. (List Attached)

## MINUTES

Rudosky made a motion to approve the minutes of 12-8-2003. Seconded by Pendleton. Motion Carried. 6-0 Unanimous

Pendleton made a motion to approve the minutes of 12-18-2003. Seconded by Malec. Motion Carried. 6-0 Unanimous.

Cousins explained the original agenda for 1-5-2004 was changed just prior to the beginning of the reorganization meeting. Cousins would like the minutes to reflect that change in the agenda was made to move the CDC report and the Old Business to after the reorganization took place.

Cousins made a motion to accept the minutes of 1-5-2004 along with the changes in the agenda. Seconded by Rudosky. Motion Carried. 6-0 Unanimous

Rudosky made a motion to approve the minutes of 1-15-2004. Seconded by Malec. Motion carried. 6-0 Unanimous

Mayor Pyle stated he did contact Roch Mantini concerning the John B. Ford Statue and that it is stated otherwise in the minutes of 1-15-2004.

Rudosky made a motion to approve the minutes of 1-27-2004. Seconded by Pendleton. Motion Carried. 6-0 Unanimous

## CITIZEN COMMENTS

Dr. Garritano - ASD, explained a proposed television studio by Armstrong School District will be used for Public Education. Dr. Garritano asked if there is a provision in the Borough's agreement with Adelphia to allow this type of programming? This would be a district wide station. Dr. Garritano stated this is being scheduled approximately for the 2004-2005 school year. (Letter Attached)

Solicitor Wolfe explained the Borough has a franchise agreement with Adelphia and there are provisions for local educational programing. (Franchise Agreement attached)

Rudosky requested additional time for council to discussion this issue.

Ron Steffey - Armstrong Rails to Trails, introduced himself and explained he may

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be seen along the Rails-to-Trails on his bike with a trailer attached. He is working through Ameri Corps. on the trails and if there is anything he would be able to do for the Borough, please contact him.

Marc Mantini - Borough representative to the MCTA Board, will deliver the minutes of their last meeting to council.

Mantini asked if council is working on the Bloomsburg Ordinance? Pendleton explained the ordinance is currently being worked on by the Zoning Board. Dzugan explained they may have it ready for review by council this fall.

Mantini asked who is responsible for issuing citations for failure to remove snow from sidewalks? Solicitor Wolfe answered the Police issue citations. Malec answered citations are issued by the Borough Codes Officer.

Mantini stated he spoke with Magistrate DeComo and was told there have not been any citations filed for violation of the noise ordinance. Mantini stated he was informed at a council meeting in November 2003 citations have been filed.

Gene Banks - Planning Commission, asked what is the status of the sale of the PPG property? Solicitor Wolfe answered a deadline of 2-23-2004 exists for the financing. Solicitor Wolfe explained he has a draft of the four (4) documents.

Cousins stated the Borough, unless we hear otherwise from Phoenix, should keep moving forward with what we are to be working on.

Kozuch stated he has not received a financing update.

Joe Francoforte - 1124 5<sup>th</sup> Avenue, requested council review the two (2) hour parking area in front of his home? Francoforte explained he has a handicap sign and it is posted on the same pole that a two (2) hour sign is attached. Francoforte asked for a variance because he must have accessibility to his home using his handicap parking space.

Mayor Pyle will discuss this issue with Mr. Francoforte.

Terry McGinnis stated the alley behind the Parkview Apartments has not been salted and snow is piled at the exits on the corners making it difficult to see approaching cars. Malec suggested McGinnis contact the Housing Authority The flashing light by Rite-Aid is not working. Vehicles are parking along 9<sup>th</sup> Street close to a handicap ramp on 9<sup>th</sup> Street. Pendleton will contact Pete Milito about removing the snow.

#### POLICE REPORT

Mayor Pyle stated the police received \$1,263.00 in fines for the month of January 2004. Mayor Pyle read from a list of announcements. (Attached)

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Rudosky made a motion to accept the Police Report for January 2004. Seconded by Pendleton. Motion Carried. 6-0 Unanimous

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**WATER REPORTS**  
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Malec made a motion to accept the water reports. Seconded by Rudosky.

Motion Carried. 6-0 Unanimous

#### TREASURER'S REPORT

Pendleton read the Treasurer's Report for December 2003. Total Borough funds are in the amount of \$244,223.81. Pendleton explained normally bills are approved at this meeting. However, a meeting was held on January 27, 2004 and bills were approved for payment at that meeting. Pendleton requested permission to pay for the subscription to the Armstrong County Legal Journal for six months.

Pendleton made a motion to accept the Treasurer's Report for the month of December 2003 and subscribe to the legal journal for the amount of \$20.00. Seconded by Rudosky. Motion Carried. 6-0 Unanimous

**ENGINEER REPORT** Dave Nichols - N.S.E.I., submitted his Engineer Report. Nichols recommended a meeting be scheduled for the planning concerning the Ford Street Water Replacement. (Report Attached)

Nichols requested council consider authorizing Tim Malec to execute the final request and any certifications that are required for the close out of the D.C.N.R. Grant close out to the Trail Beautification project. Nichols explained the in kind services must be documented.

Rudosky made a motion to authorize Tim Malec, council's project representative, to execute the final grant application to D.C.N.R. and any project certifications supporting that application. Seconded by Pendleton. Motion Carried. 6-0 Unanimous

#### MARK MCLAUGHLIN AGREEMENT

Rudosky made a motion to accept the agreement with Mark A McLaughlin & Associates for a flat rate of \$1000.00 per month. Seconded by Pendleton. Motion Carried. 6-0 Unanimous

#### LIBRARY REFERENDUM

Pendleton explained that council would like to allow the citizens to decide, by placing a referendum on the ballot this Spring, if a 1 mill special tax increase could be placed on the Real Estate.

Lou Vergari - Library Board, explained their budget is about \$63,000. Vergari stated the state cut their \$17,000 funding to the library in half for the year 2004. Vergari stated he would like to council to continue their monthly allocations along with the forwarding the 1 mill to the library. If the community comes together the library will be kept alive.

Cousins asked if the library would lose \$8,000 from the change in funding from the state? Vergari answered yes. Vergari explained the library depends on donations and the kindness of strangers.

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Rudosky made a motion to place on the primary ballot as a referendum for a special tax of 1 mill to be used for the Public Library. Seconded by Malec. Motion Carried. 5-1

Cousins votes no because at the previous meeting a 3/4 mill increase was discussed and now it is 1 mill. Cousins stated is only \$8,000 was lost, why is \$30,000 needed to replace the lost state funding.

#### VACANCY BOARD CHAIRMAN

Malec made a motion to re-appoint Greg Dinko as the Vacancy Board Chairman. Seconded by Rudosky. Motion Carried. 6-0 Unanimous

**GAZEBO REQUEST** Pendleton made a motion to approve the request of Jill Edward for use of the Gazebo on Saturday, April 17, 2004 from 2:00 p.m. until 4:00 p.m. and the request of Michele Makosewski for use of the Gazebo on Saturday, June 26, 2004 from 12:00 p.m. until 5:00 p.m. Seconded by Cousins. Motion Carried. 6-0 Unanimous

Malec made a motion to grant permission to the Ford City Lions Club to hold their annual Easter Egg Hunt on Saturday, April 10, 2004 at 1:00 p.m. and for their annual Memorial Candle Light service to held on Sunday, May 30, 2004. Seconded by Rudosky. Motion Carried. 6-0 Unanimous

Pendleton made a motion to grant permission to the Ford City Area Heritage Days for their annual festival from June 29, 2004 to July 4, 2004. Seconded by Malec. Motion Carried. 6-0 Unanimous

#### MEAL ALLOWANCE & MILEAGE

Rudosky explained persons attending seminars should not expend private funds. They should be reimbursed mileage at the current rate and be given the standard meals allowances.

Rudosky made a motion to reimburse anyone on approved Borough Business, such as attending seminars or meetings, that they be paid reasonable mileage as allowed by the state and the state reimbursement rate for meals that are incurred while on Borough Business. Seconded by Cousins. Motion Carried. 6-0 Unanimous

#### ARBORIST SEMINAR

Pendleton made a motion to grant permission to two council members to attend a four day seminar titled Arborist Short Course and pay the registration fee of \$95.00 each plus the food allowance and mileage reimbursement. Seconded by Cousins. Motion Carried. 6-0 Unanimous

#### EMERGENCY MANAGEMENT

Rudosky made a motion to grant permission to Greg Dinko - Emergency Management Coordinator to attend a two day seminar on February 21 & 22 for a Radiological Response Team Course plus the food allowance and mileage reimbursement. Seconded by Malec. Motion Carried. 6-0 Unanimous

#### SAFETY BUG

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Pendleton made a motion to grant permission to Ford City High School to block off 3<sup>rd</sup> Avenue between 10<sup>th</sup> Street & 12<sup>th</sup> Street between the hours of 7:00 a.m. and 2:15 p.m. on Thursday, May 13, 2004. Seconded by Malec. Motion Carried. 6-0 Unanimous

## BOROUGH CODE & RELATED LAWS

Rudosky made a motion to purchase (7) seven copies of the Borough Codes and Related Laws at a cost of \$50.00 per copy. Seconded by Malec.  
Motion Carried. 6-0 Unanimous

## TAX EXONERATION

Solicitor Wolfe explained a Resolution is need to exonerate Tom Jansen, the Borough Tax Collector, from collecting the 2003 Borough Per Capita and Occupation Tax. Wolfe explained the tax payer still owes the unpaid tax. The resolution relieves the collector of his responsibility to collect the tax. Wolfe explained these are confidential records.

Rudosky made a motion to approve the exoneration of Thomas J. Jansen, Ford City Borough Tax Collector, from collecting the 2003 Borough Per Capita and Occupation Taxes from the individuals specified on the attached schedule "A" and schedule "B" and authorize the Council President to sign the Resolution. Seconded by Pendleton. Motion Carried. 4-2 Unanimous

Cousins and Malec vote no. Cousins explained this motion should include how to pursue this money in another way and it will not happen. Rudosky explained an additional motion could be made to address the collection issue.

Cousins made a motion to solicit a Private Collect Agency or take the appropriate steps for the Borough Office to collect the 2003 Borough Per Capita and Occupation Taxes. Seconded by Rudosky. Motion Carried. 6-0 Unanimous

## SEXUAL HARASSMENT POLICY

Solicitor Wolfe explained a harassment policy is needed to continue with the insurance company that issued the Public Officials Insurance. Wolfe stated he reviewed a policy used by the Borough of Westmont, it is simple and clear. The only item needed to be added to this policy is a person who will investigate any reported allegations. Wolfe stated the union must be given the opportunity to review and obtain any comments from the person filing the charge. Wolfe stated the Borough has 120 days from January 6, 2004 to have a policy in place.

Pendleton made a motion to table this item until Monday, March 1, 2004. Seconded by Cousins. Motion Carried. 6-0 Unanimous

## SEMINAR

Cousins made a motion to reimburse John Rudosky [who prepaid]\$20.00 for cost of two council members [John Rudosky and Terry Tokarek] for attendance at the seminar titled "Privacy in the Workplace" at a cost of \$10.00 per person. Seconded by Malec. Motion Carried 6-0 Unanimous

## SHADE TREE COMMISSION

Pendleton made a motion to appoint Thomas R. Ondrusek to the Shade Tree Commission. Seconded by Rudosky. Motion Carried. 6-0 Unanimous

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Cousins made a motion to advertise for any vacancies on any boards or commissions. Seconded by Malec. Motion Carried. 6-0 Unanimous

**LIBRARY BOARD** Rudosky made a motion to approve the request of the Library Board to appoint Rosemary Vasek, Tina Miller, and Louise Cogle to serve three year terms on the Library Board and appoint Kathy Bartuccio to serve the remainder of Laurie Reich's unexpired term. Seconded by Malec. Motion Carried. 6-0 Unanimous

**UNIFORM CONSTRUCTION CODES**

Solicitor Wolfe explained an ordinance was prepared concerning the construction codes and it must be advertised. Codes Officer Fred Dzugan explained the completed Uniform Construction Codes is not available from the Department of Labor & Industry. It will be available at the beginning of April 2004.

A discussion took place.

Cousins explained what is being voted on now is not what was voted on during the meeting on January 15, 2004. Cousins read the 1-15-2004 meeting motion:

Pendleton made a motion to advertise an ordinance to adopt the UCC [Uniform Construction Code] and authorize Solicitor Wolfe to review and prepare the ordinance to be advertised.

Dzugan agreed that was the motion, but Solicitor Wolfe found out adopting the UCC at this time cannot be done.

Solicitor Wolfe agreed with Dzugan because the state government is not releasing the information needed to be adopted. Wolfe explained the ordinances will allow the construction of Shop 2 to begin under the IBC [International Building Codes].

Cousins stated this is being adopted, at this time, for one specific job.

Wolfe explained the IBC code may be adopted at this time. But, whenever the UCC comes into effect all codes in Pennsylvania will be the same.

Pendleton made a motion to advertise the Ford City Building Code Ordinance, not the residential, effective Monday, March 1, 2004. Seconded by Malec. Motion Carried. 5-1 Cousins votes no because he was not given time to review the document. [Document distributed prior to the meeting.]

Dzugan stated the Building Codes Ordinance covering the residential building could wait until August 2004.

**SNOW REMOVAL** Dzugan stated the snow must be removed from sidewalks. Dzugan stated he has issued citations because of failure to remove the snow. Dzugan stated Magistrate DeComo sets the fees for this citation.

**SOLICITOR COMMENTS**

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Solicitor Wolfe explained two months council would apply for an Indebtedness Loan. This loan would be taken over a five (5) year period. The first phase is submitting a petition asking the judge to allow the Borough to issue debt. Wolfe

asked council to review and authorize the council president to sign this document.

Solicitor Wolfe explained there will be a court hearing. Once the date and time are scheduled it will appear in the Armstrong County Legal Journal. Once the court approval is granted, approval from the DCED must be given. The millage vanishes once this loan is paid for.

Pendleton made a motion authorizing Council President Kozuch to sign the Indebtedness Document and file the petition. Seconded by Rudosky.  
Motion Carried. 6-0 Unanimous

**MAYOR COMMENTS** Mayor Pyle reminded everyone the Click-It or Ticket-It Week will be happening with Child Car Safety Week beginning of February 8, 2004. This is also Boy Scout Week.

#### **COUNCIL COMMENTS**

Cousins stated maybe surrounding municipalities could assist with the Public Library?

Malec reminded everyone to remove the snow from their sidewalks.

Rudosky agreed with Cousins. Rudosky stated whatever the Ford City Borough Residents pay through taxes, if the tax payers vote for the Special Library Tax, then all users of the library should pay also.

Pendleton agreed the Borough must support the library.

Tokarek had no comments at this time.

Kozuch agreed with everyone concerning the library. Kozuch thanked everyone for their extra effort concerning the water breaks and recent fire.

#### **ADJOURNMENT AND EXECUTIVE SESSION**

Rudosky made a motion to adjourn to an Executive Session. Seconded by Cousins.  
Motion Carried. 6-0 Unanimous. Regular Meeting adjourned at 8:37 p.m.

Lisa Bittner  
Borough Secretary

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