

**MINUTES
FORD CITY BOROUGH COUNCIL
SPECIAL MEETING
LOCATION - FORD CITY BOROUGH OFFICE
JULY 29, 2004**

CALL TO ORDER Council President Steve Kozuch called the meeting to order at 5:04 p.m.

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

ROLL CALL Terry Tokarek, John Rudosky, Homer Pendleton, Dan Cousins, and Steve Kozuch. Tim Malec was absent because he was working. Cousins left the meeting at 5:20 because of a prior commitment.

ATTENDANCE Mayor Pyle, Donna Korniewicz - G.F.C.C.D.C., and Solicitor Wolfe.

RESOLUTION - MERCHANTS BANK

Rudosky made a motion to authorize the Council President to sign the Resolution pledging 7.2 acres of property with building as collateral to Merchants Bank in order to obtain the \$1,000,000 Mortgage and \$330,000 Line of Credit. Seconded by Tokarek. Motion Carried. 5-0 Unanimous (Agreement Attached)

EDA SUBORDINATION AGREEMENT

Solicitor Wolfe explained the EDA has a mortgage in the amount of \$581,000.00. They have agreed to subordinate themselves to Merchants Bank mortgage with this agreement.

Rudosky made a motion to authorize the Council President to sign the EDA Subordination Agreement as explained by Solicitor Wolfe. Seconded by Pendleton. Motion Carried. 5-0 Unanimous (Agreement Attached)

BOULDER PARK VANDALISM

Pendleton explained the Ford City Police Department caught the three teenage girls who vandalized Boulder Park. Pendleton explained Officer Atherton recommended the three girls be banned from the playgrounds for one (1) year. Pendleton requested permission from council to send a letter to the girls as requested by the officer.

A discussion took place concerning the young age of the girls and which department should send the letter. Solicitor Wolfe recommended the letters be sent via regular mail, certified mail and if possible hand delivered.

Mayor Pyle stated this is virtually unenforceable. The discussion continued concerning who requested the letter. Mayor Pyle was uncertain who requested the letter.

Minutes
Special Meeting
7-29-2004
approved on
9-13-2004

Rudosky made a motion to table this issue until a distinct answer from the police department unless the Mayor has a distinct answer. The discussion continues.

Cousins explained children have been banned before by the Playground Supervisors. Pendleton stated he would like to send the letter because they have been prosecuted and found guilty. Rudosky stated that if the police department wants the letter sent he will agree to send the letter.

Motion fails due to lack of a second.

Cousins made a motion to send a letter from Borough Council to each of the three (3) girls banning them from all Borough Parks and Playgrounds and send the letter regular mail, certified mail and hand delivered. Rudosky explained he voted yes but does not want to go against the wishes of the Police Department. Seconded by Tokarek. Motion Carried. 5-0 Unanimous

Mayor Pyle asked if by sending this letter is the Borough daring them to do this act again? The discussion continued.

Tokarek explained he will volunteer his services and deliver these letters.

LETTER OF COMMENDATION

Cousins requested a letter be sent to the person, without naming her name at this meeting for fear of repercussion.

Cousins made a motion to send a letter of commendation to the person who was instrumental in the arrest and prosecution of the vandals of Boulder Park. Seconded by Rudosky. Motion Carried. 5-0 Unanimous

Cousins explained he must leave the meeting because of a prior commitment.

FORD CITY EAGLES REQUEST

Rudosky made a motion to approve the request of the Ford City Eagles to restrict parking to motorcycles only, the area to be restricted is the parking around the Eagles property along 5th Avenue and O'Connor Street, for a poker run fund raiser to be held on Sunday, August 1, 2004 from 3:00 p.m. until 5:00 p.m. Seconded by Pendleton. Motion Carried. 4-0 Unanimous

GENERAL EMPLOYEE PENSION PLAN & POLICE PENSION PLAN

Pendleton explained he was contacted by Mockenhaupt Benefits Group because of a change in the pension laws. Between the two plans a savings of approximately \$6,000.00 may be gained. (Letter Attached)

Rudosky made a motion to contact Mockenhaupt Benefits Group concerning the General Employee Pension Plan and authorize them to complete the necessary actuarial evaluation reports and the 205 Forms in time for submission before September 30, 2004. Seconded by Pendleton. Motion Carried. 4-0 Unanimous

Minutes
Special Meeting
7-29-2004
approved on
9-13-2004

Rudosky made a motion to contact Mockenhaupt Benefits Group concerning the Police Pension Plan and authorize them to complete the necessary actuarial evaluation reports and the 205 Forms in time for submission before September 30, 2004. Seconded by Pendleton. Motion Carried. 4-0 Unanimous

WORKER'S COMPENSATION INSURANCE

Pendleton made a motion to change the carrier for the Worker's Compensation Insurance, including the Volunteer Fire Department, to Penn Prime Trust effective 8-1-2004 the annual premium based on expiring payroll figures is in the amount of \$34,111. Seconded by Rudosky. Motion Carried. 4-0 Unanimous (Letter Attached)

CAR WASH REQUEST - SOPHOMORE CLASS

Rudosky made a motion to approve the request of the Ford City High School Sophomore Class to hold a car wash at the fire hydrant on 3rd Avenue - near the Borough Garage on Saturday, August 7 or Saturday, August 21 from 9:00 a.m. to 3:00 p.m. weather permitting.

Seconded by Tokarek. Motion Carried. 4-0 Unanimous

HANDICAP COMMITTEE

Pendleton explained the Handicap Committee submitted a letter to council that did not include specific names of the persons they were recommending be given handicap signs. Pendleton asked that a letter be sent to the Handicap Committee requesting that any future correspondence contain specific names of applications the committee is approving.

Pendleton made a motion to send a letter to the members of the Handicap Committee asking them to include the names of the persons they are approving for handicap signs. Seconded by Rudosky. Motion Carried. 4-0 Unanimous

ZONING MEETING 8-5-2004

Rudosky asked that this item be moved to later in the meeting.

LIBRARY HVAC ADVERTISEMENT

Rudosky made a motion to advertise for the replacement of the Heating & Air Conditioning Unit for the Public Library. Seconded by Pendleton.

Motion carried. 4-0 Unanimous

Tokarek suggested making sure the tonnage of the unit will be satisfactory for the size of the building and the number of persons in the building when council meetings take place.

A discussion took place concerning the bid specifications. Pendleton stated the specifications came from Shaffers Heating & Air Conditioning.

ZONING MEETING

Pendleton explained that a meeting of the Zoning Board will be held on Thursday, August 5, 2004. Pendleton explained Council should proceed with caution because he does not want the members of the Zoning Board to resign.

Minutes
Special Meeting
7-29-2004
approved on
9-13-2004

Council President Kozuch explained there are two issues to discuss concerning the Zoning Board. One is Christ Prince of Peace and Councilman Rudosky will speak on that topic. The second topic is the review of specifications for a CDC project at a cost of \$4500 by a company called CodeSys. Kozuch stated he felt the

specifications should be grand fathered in relation to the Uniform Construction Code.

Solicitor Wolfe stated that CodeSys or another entity may review the specifications. Solicitor Wolfe stated it is very clear the UCC does not apply. Solicitor Wolfe explained Ron Olsen is working on determining which building codes will apply to this project.

Solicitor Wolfe explained that Fred Dzugan is the Zoning Officer and also the Codes Officer. This makes it difficult, one is a Zoning Issue and the other is a Code Issue. They are separate items.

Councilman Rudosky explained there is a major problem with the manner in which the codes are being interpreted and enforced. Specifically, the property at the corner of 8th Street and 5th Avenue.

Workers, performing landscaping, at the property were ordered to cease and desist by the Ford City Codes Officer. No written notification was given to the workers or any notification given to the property owner as to why the stoppage was ordered.

Rudosky stated he feels the codes are being interpreted incorrectly in that it will be used as a park. The definition of a park, as defined in the Zoning Ordinance, does not fit in any way to this piece of property. There are no plans for lighting in this landscape plan.

A discussion followed concerning the Zoning classification of the property and the allowable uses of the property.

Rudosky stated the Council should meet with the Zoning Board. Pendleton explained Council cannot overrule the Zoning Board.

Rudosky made a motion to declare this land is not a park and it is landscaping.

Solicitor Wolfe explained the Codes Officer stated this is a Conditional Use. Wolfe explained a Conditional Use is brought before council. Wolfe suggested all council members look at the piece of property and look at the plans. If council believes they are not constructing a park, under the definition in the Zoning Ordinance, then council may simply vote. A vote may be taken because they are landscaping and council does not want to regulate landscaping. Solicitor Wolfe explained if council has enough information at this time they may vote.

The discussion continues.

Council President Kozuch asked Solicitor Wolfe, if an official letter or document is not sent to the property owner, are they in error of a violation? Solicitor Wolfe stated there is not a violation until documentation is presented to the owner.

This discussion continues.

Solicitor Wolfe explained the Zoning Board does have a solicitor. They have used

Minutes
Special Meeting
7-29-2004
approved on
9-13-2004

Paula LaStrappe in the past.

The discussion continues.

Council President Kozuch stated Pendleton has concerns about the Zoning Board Members resigning and that all members of the Zoning Board may not be in agreement with the Codes Officer.

Rudosky asked that this topic be placed on the Council agenda for Monday, August 9, 2004.

SECTION 108 LOAN PROGRAM

Donna Kornasiewicz explained there is a new program introduced by the State to become a Consortium Member. Once the Borough is a member the State will contact the Borough when a New Section 108 Loan Program is introduced.
(Document Attached)

Pendleton made a motion to authorize the Council President to sign the Section 108 Loan Program to become a Consortium Member. Seconded by Rudosky. Motion Carried. 4-0 Unanimous

D.C.N.R. GRANT

Donna Kornasiewicz there is a D.C.N.R. Grant due in the middle of October 2004 and requires 50 % in matching funds. She is working on this grant with Jim Paschek. Council President asked if loans acquired by the G.F.C.C.D.C. may be used as the matching funds. Kornasiewicz explained that it could be done. Kornasiewicz explained that at this time she just need a commitment letter at this time.

(Document ????????) GET FROM DONNA ????????????????????

Pendleton made a motion to authorize the Council President to sign a commitment letter stating that Ford City Borough will provide a \$200,000 cash match to match the D.C.N.R. Grant funding. Seconded by Rudosky.
Motion Carried. 4-0 Unanimous

HOMETOWN GRANT

Kornasiewicz explained the Hometown Grants is a new program initiated by Governor Rendell. The G.F.C.C.D.C. submitted an application today. Included in the application were new sidewalks, lighting, benches and trees, from 9th Street to 11th Street.

DCNR - CASH MATCH

Council President Kozuch stated that the intent of council is to use the loans acquired by the G.F.C.C.D.C. as the cash match for the DCNR Grant. This is the reason motion was made and passed.

MAYOR COMMENTS

minutes
Special Meeting
7-29-2004
approved on
9-13-2004

Mayor Pyle explained Penndot placed a speed checker on the 500 Block of 5th Avenue. Mayor Pyle requested new speed limit signs be placed on 5th Avenue.

Mayor Pyle asked about the status of the Grant from Senator White's office for the

sidewalk from the Clock Tower to the Tunnel. Pendleton explained Tim is working on this grant through the Lions Club.

ATTORNEY COMMENTS

Solicitor Wolfe had no comments at this time.

COUNCIL COMMENTS

Pendleton asked if anything came from the Economic Summit held today at the 10th Street Station?

Solicitor Wolfe explained the representatives from the state and federal agencies won't let this project fail.

Pendleton stated he is concerned about the Borough Investment, the Borough must be kept safe.

Solicitor Wolfe stated he has a concern about the Allegheny Power Issue. Once the issue with Allegheny Power is resolved, commitments about funding from the State will follow. The issue is to obtain customers. The interior of the buildings must be completed.

Tokarek made a motion to advertise for used recreational equipment needed for the playgrounds. Seconded by Rudosky. Motion Carried. 4-0 Unanimous

Tokarek asked if there is anything Council may do to allow the work to proceed at 8th Street and 5th Avenue? Council President Kozuch stated that at this time there is nothing Council may do.

Rudosky explained the tomorrow, Friday, July 30, 2004 he will be traveling to Pittsburgh to meet with Ron Olsen and representatives from the EDA.

Pendleton made a motion to pay mileage and per diem to John Rudosky for his trip scheduled for 7-30-2004 to Pittsburgh. Seconded by Tokarek. Motion Carried. 3-0 Rudosky abstains.

Kozuch thanked everyone for all their hard work and input.

BICYCLES

Mayor Pyle explained Marc Mantini will be removing the bicycles from behind the Borough Building.

ADJOURNMENT

Rudosky made a motion to adjourn. Seconded by Pendleton. Motion Carried. 4-0 Unanimous Meeting adjourned at 6:37 p.m.

Minutes
Special Meeting
7-29-2004
approved on
9-13-2004

Lisa Bittner
Borough Secretary