

**MINUTES
FORD CITY BOROUGH COUNCIL
REGULAR MEETING
LOCATION – FORD CITY PUBLIC LIBRARY
JANUARY 5, 2009**

- CALL TO ORDER** Council President John Lux called the meeting to order around 6:04 p.m. He advised the audience that the meeting will be audio and video taped. Is there anyone in the audience audio or video taping the meeting? There was no response.
- PLEDGE OF ALLEGIANCE**
Council President Lux lead everyone in reciting the Pledge of Allegiance
- ANNOUNCEMENTS** Council President John Lux read a list of prepared announcements. (Attached)
- ROLL CALL** Terry Tokarek, Ray Klukan, Ron Dillard, John Lux, Tim Malec, Tom Shaffer and Mayor Mantini were present.
- ATTENDANCE** Solicitor Wolfe, David Nichols - NSEI, Chris Zionkowski, Mark Brice and Tom Ondrusek were also present.
- MINUTES**
Shaffer made a motion to approve the minutes from 10-20-08. Seconded by Klukan. Motion Carried. 5-0 Malec Abstains

Malec made a motion to approve the minutes from 11-10-08. Seconded by Dillard. Motion Carried. 6-0 Unanimous

Dillard made a motion to approve the minutes from 12-08-08. Seconded by Klukan. Motion Carried. 6-0 Unanimous

Dillard made a motion to approve the minutes from 12-16-08. Seconded by Klukan. Motion Carried. 6-0 Unanimous
- CITIZEN COMMENTS**
There were no comments at this time.
- POLICE REPORT** Mayor Mantini read the Police Report for December 2008.

Klukan made a motion to accept the Police Report for December 2008. Seconded by Shaffer. Motion Carried. 6-0 Unanimous (Attached)
- Minutes
1-5-2009
COMMITTEE REPORTS**
Special Council Meeting approved 3-23-2009
Klukan made a motion to accept the Water Reports Seconded by Malec. . Motion Carried. Unanimous 6-0 (Attached) .

Shaffer made a motion to accept the Treasurer's Report for the month of November 2008 and pay the bills in the amount of \$79,989.21 as approved by the Finance Committee. Seconded by Klukan. Motion Carried. Unanimous 6-0 (Attachments)

ENGINEER REPORT Nichols submitted the Engineer Report for January 2009 and stated there were no action items at this time.

Shaffer made a motion to accept the Engineer's Report. Seconded by Malec. Motion Carried. Unanimous 6-0 (Attached)

Mayor Mantini asked how much of the town already has separate storm water sewers from the sanitation sewers? David Nichols answered 2/3 of the Borough is already separated.

Dillard asked if the 400 & 500 Blocks of 5th Avenue were included in the Sewage Authority Project? Nichols answered yes.

Dillard asked how much lead time will there be before the project begins? Nichols answered six (6) to 12 months, the drawings are being prepared now and Public Meeting must be scheduled.

OLD BUSINESS

COMPOST RESTROOM - BID OPENING

David Nichols opened the only bid received.

Clivusmultrum Inc. \$12,935
Including freight and requires a 50% deposit to place the order.
Nichols stated the bid is consistent with the specifications.

Shaffer made a motion to accept bid. Seconded by Dillard.
Motion Carried. 6-0 Unanimous

TAX ANTICIPATION LOAN

Shaffer made a motion to authorize the Council President and the secretary to sign the Resolution for the Tax Anticipation Loan in the amount of \$150,000.00. Seconded by Klukan. Motion Carried. 6-0 Unanimous (Attachment)

Malec asks about a plan to pay back. Shaffer states we will use the \$150 business privilege tax.

NEW BUSINESS

BOROUGH ASSOCIATION DINNER

1-5-2009
Special Council Meeting approved 3-23-2009
Malec made a motion to grant permission to any Council Member, Mayor Mantini, and the Borough Secretary to attend the Borough's Association Meeting on Thursday, January 22, 2009 at a cost of \$20.00 per person. Seconded by Dillard. Motion Carried. 6-0 Unanimous

GAZEBO REQUEST

Dillard made a motion to grant permission to William Brundige to reserve the Gazebo on Saturday, May 16, 2009 from 2:00 p.m. to 4:00 p.m. and inform the Street Dept. and Police Dept.
Seconded by Malec. Motion Carried. 6-0 Unanimous

CHRIST PRICE OF PEACE PARISH

Malec made a motion to grant permission to Christ Prince of Peace Parish for their annual Rally for Life to be held on Saturday, January 17, 2009 between 1:45 p.m. and 2:00 p.m. and inform the Police Department. Seconded by Klukan. Motion Carried. 6-0 Unanimous

RIGHT TO KNOW OFFICER

Frank Wolfe explains under the "Right to Know" a written request must be submitted and a response must be given with five (5) days. Wolfe suggested a council members holding this position and stated there is no private information.

Shaffer made a motion to appoint the President of Council and in case of his absence the Vice-President will take over his duties as the Right to Know Officer. Seconded by Klukan. Motion Carried. 6-0 Unanimous

BOYS BASKETBALL BOOSTER REQUEST

Shaffer made a motion to approve the use of two star decorations as requested by the FCHS Boosters. Seconded by Klukan. Motion Carried. 6-0 Unanimous

HANDICAP COMMITTEE

Malec made a motion to approve the handicap sign request as recommended by the Handicap Committee. Seconded by Klukan. Motion Carried. 6-0 Unanimous

Solicitor Wolfe stated no name should be included in the motion.

WASTE MANAGEMENT AGREEMENT

Malec questions the fuel surcharge could it be more than \$ 42.07 ? Solicitor Wolfe stated the contract fee is locked in place.

Mayor Mantini asked what is the tipping fee? Shaffer answered \$36.07 per ton. There is a \$6.00 environmental charge. No surcharge to worry about because we are hauling at this time.

Shaffer made a motion to accept agreement at this time pending answers about surcharge question approve as written.

Seconded by Malec. Motion Carried. 6-0 Unanimous (Attachment)

Minutes
1-5-2009

Special Council Meeting

PCS THIRD PARTY INSPECTOR

Ron Dillard explains the email sent by PCS to Solicitor Wolfe.

Dillard asked if these answers can these be decided in an open meeting?

Solicitor Wolfe answered you could.

Dillard stated there are two descriptions for the BCO,

Solicitor Wolfe stated council should determine the job description,

Shaffer stated the BCO is in charge of administration.

Solicitor Wolfe explained all have the ability to do plan review, inspections, building permits and occupancy permits.

Dillard stated the ordinance must be changed if the duties are changed and our BCO should issue permits.

Shaffer disagrees with Dillard and stated our BCO should only issue occupancy permits. The third party issues the building permits and the BCO must stay out of plan review

Solicitor Wolfe explained council should make a decision on question #3 submitted by PCS.

Dillard explained the original intent of the 1963 PA CODE.

Dillard reminded everyone he was given the responsibility to write the BCO job description.

Shaffer stated this council is hindering businesses with the current ordinance.

Lux asked if the 1963 ordinance is antiquated? Dillard answered no.

Dillard stated the BCO question must be answered before we can answer PCS

Shaffer asked if it is proper for one person to be the BCO, Zoning Officer and Health Officer?

Solicitor Wolfe states makes it efficient and stated there are avenues to appeal a decision.

Dillard stated the current structure allows for the Zoning Officer to ask the Zoning Board questions and there is not a fee attached.

Minutes

1-5-2009

Special Council Meeting

approved 3-23-2009

Mayor Mantini asked if the three code agencies are certified by the state?

Solicitor Wolfe answered yes.

Shaffer asked what is a bad business?

Dillard explained in 1990 a halfway house was given a permit by the codes officer. Additional research determined all bases were not covered.

Dillard stated checks and balances are needed to provide a quality of life

Shaffer stated this should go to the personnel committee

A short discussion about the Planning Commission took place.

The discussion switched to the \$150 Business Tax.

Malec stated every rental person must pay \$150 Business Tax. There are a lot of empty store fronts with plenty of room in the business district.

A procedure is already in place.

Dillard stated he is not against business.

Dillard explained in the Borough there are reference to what a BCO is supposed to do. Sections 1202, 1001, 1005

Shaffer stated the BCO can do admin and enforce.

Dillard stated qualified to do residential properties

Malec explained there is a problem with commercials

Dillard stated he wants people to have a choice for the plan reviews. There are three for the 3rd party inspections and by using Labor & Industry there are four.

Dillard explained he is not against splitting the three positions. Currently the work is performed for \$10,000 per year at hours per week.

Dillard stated the BCO must have basic knowledge and will answer to council

Dillard reminded everyone our insurance carrier is giving us 120 days to come up with job description for everyone in the borough.

Mayor Mantini read section 1202 from the Borough Code.

Dillard asked if the BCO description is a generic version?

Shaffer answered yes.

Minutes

1-5-2009

Special Council Meeting approved 3-23-2009

approved 3-23-2009

Shaffer explained it was never asked to change the residential it should go through the UCC.

Dillard explained once an application is received the rules allow for 60 days to pass thru review by Planning and Zoning. A Stenographer is required if a hearing is necessary.

Dillard stated all applicants are treated fairly and all must go thru the process.

Dillard stated the cost for hearing should not come from the General Fund. The hearings consider noise levels, parking needs, signs, and lighting.

Lux stated a meeting should be scheduled to discuss the job definitions.

Dillard suggested combining the generic version with the one I prepared and included the stenographer cost.

Shaffer asked why a conditional use is necessary?

Dillard stated want to move bus into town a hearing is necessary.

Dillard suggested a town meeting be scheduled to discuss the R1 & R2 tables.

Lux suggested this be discussed in Executive Session.

Solicitor Wolfe explained there is information for council to review concerning the B1 tables. Wolfe reminded everyone a hearing must be scheduled before any changes can be made.

CITIZEN COMMENTS

Eugene Banks asked what is the status of the transit situation?

Lux explained transportation will be available through Area Agency on Aging.

A short discussion was held concerning scheduling a meeting. Two letters are to be written one to Mr. Johnston and the other to the County Commissioners.

MAYOR COMMENTS

Mayor Mantini thanked the citizens of Ford City, congratulated Elderton on receiving an award, and suggested council finalize the Landlord Tenant

SOLICITOR COMMENTS

Solicitor Wolfe will forward the most recent Landlord Tenant draft he has to the Borough Office.

COUNCIL COMMENTS

Minutes

1-5-2009

Tokarek and Klukan had no comments at this time.

Special Council Meeting approved 3-23-2009
Dillard reminded everyone there is still unfinished business from 2008, stated council keeps bypassing old business which does not show up on the agenda, council should start dealing with these old issues and move forward...Happy New Year !

Malec spoke at a member of the Ford City Lions and explained the club sponsored a New Year's Eve benefit for the Public Library at the C.U. Club. It was a great event and thanked Steve Heffner for donating his time to DJ the event.

Shaffer stated Happy New Year !, the Finance Committee may be able to make more cuts and help the Borough become more efficient.

Lux stated Happy New Year, and the old business will be taken care of.

ADJOURNMENT Klukan made a motion to adjourn the meeting at 8:50 p.m. Seconded by Shaffer. Motion Carried. 6-0 Unanimous

John M. Lux, Sr.
Council President

Lisa Bittner
Borough Secretary

Minutes
1-5-2009
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