

**MINUTES
FORD CITY BOROUGH COUNCIL
REGULAR MEETING
LOCATION – FORD CITY PUBLIC LIBRARY
JULY 6, 2009**

CALL TO ORDER Council President Lux called the meeting to order at 6:01 pm. and advised the audience that the meeting will be audio and video taped.

Lux asked if there is anyone in the audience audio or video taping the meeting? There was no response.

PLEDGE OF ALLEGIANCE

Council President Lux led everyone in reciting the Pledge of Allegiance.

ANNOUNCEMENTS

A list of prepared announcements were read by the Council President.

ROLL CALL

Terry Tokarek, Ray Klukan, Ron Dillard, John Lux, Tom Shaffer, Tim Malec, and Mayor Mantini were present.

ATTENDANCE

Solicitor Wolfe, David Nichols - Nichols & Slagle Engineering, Tom Ondrusek, Bill Oleksak, Mike Fullard, Janice Almada, Ed Matus, and Kim Bish were also present.

CITIZEN COMMENTS - AT THIS TIME ON AGENDA ITEMS ONLY

Councilman Shaffer states council should schedule a public hearing for the Landlord- Tenant Act.

Janice Almada states she would like to address two items. When I went to borough office I was told I would be charged \$2 per page and given no information about borough website, and was told someone would call me. I have repeatedly gotten the run around at the borough. I have the letter with me. A time management study is needed at the office before you hire someone else. Presents letter to Lisa. Never received a response except from Mayor Mantini, John Rudosky, and Dan Cousins.

Shaffer states that they spoke for about an hour and most of the times she was not responded to occurred in the past.

A discussion continues about the borough office between Janice Almada and Tom Shaffer.

Minutes

7-6-2009

REGULAR COUNCIL MTG

approved 10-5-2009

Mayor Mantini states that he respects her coming to the meeting tonight.

Ed Matus states that his daughter was sent a bill for \$450 and inquires about the classification of rental units. Matus stated this ordinance is ridiculous.

Shaffer explains history of ordinance #681. Businesses have to pay a fee and it states that landlords are considered businesses. The billing was done according to ordinance #681.

Matus questions the late fee on the ordinance. Seems like you punish the good landlords.

Shaffer states that the due date is 7-15-09, if not receiving rent on a specific property you will not owe the \$150. Shaffer then explains the Landlord-Tenant Act which will include landlords. Landlords will then be exempt in 2010 under Ordinance #681. There is another ordinance that must be passed to remove the landlords from Ordinance #681. There will be public hearings for the Landlord-Tenant Act. Most police calls in the borough are to rental properties.

Mayor Mantini states that most of the calls are to properties of absentee landlords. Mantini further explains the history of the Landlord-Tenant Ordinance which goes back 10 years.

Shaffer states that police force is a substantial part of our budget.

Matus questions why he never sees a police report in the paper. There is vandalism.

Shaffer states he is an advocate of a regional police force.

Matus states he rents to working class people. He could rent to Section 8 people but when they leave I would have a ghetto.

Mayor Mantini states that overall Ford City does not have the crime that other municipalities have.

Matus states he would like to see the police reports placed in the paper.

Mayor Mantini states there was a gas leak on 4th Avenue and that a policeman on patrol discovered that.

Councilman Ron Dillard states that every process has to be followed when dealing with enforcement, doesn't happen overnight.

Mitch Fryer [reporter for the Leader-Times] wants to know why Ford City Borough doesn't file police reports?

Minutes

7-6-2009

REGULAR COUNCIL MEETING

approved 10-5-2009

Mayor Mantini states to he must contact Sergeant Klingensmith and ask for the report.

Councilman Tim Malec asked Fryer, how do other municipalities report to you?

Fryer stated they report to us.

Mike Fullard states that the landlord tax isn't fair because it is being charged per map number.

Shaffer explains the definition of a landlord, doesn't feel it is fair.

Fullard states should only pay \$150 as a landlord. Should not matter how many units I have, treat me as a business. I received this on June 8, 2009 and it is due on July 15, 2009.

Shaffer states that maybe it isn't fair but it is budgeted for 2009.

Fullard questions why it wasn't made fair at the beginning. Trying to justify a wrong with another wrong.

Fullard questions the meaning of "behavior in common area" that is included in the proposed Landlord-Tenant Ordinance .

Mayor Mantini stated that as a landlord you have a responsibility for your tenants behavior.

Council President Lux stops the discussion to state that council is planning to hold public hearings and to hold comments until the hearings.

Malec states that we voted to pass this tax, I voted "no" because the tax is unfair. The only advantage is the tax write off, no money is made. I do support landlord tenant act.

Shaffer states that landlords had to pay this tax before but nobody did. Plus half of the businesses didn't pay Central Tax Bureau. You have to go by what the ordinance says. This tax has never been collected the right way.

Fullard questions if every business is being taxed.

Shaffer answers that all owners are responsible to register and pay.

Fullard suggests landlord fees of \$50 for first unit & \$5 for every extra unit.

Shaffer states fees will be discussed at public hearings.

Minutes
7-6-2009

Mayor Mantini states that council doesn't want to drive business out of Ford City.

REGULAR COUNCIL MEETING
approved 10-5-2009

Council President Lux states that the landlord tenant act needs to be passed.

Dillard states that problem with tax map numbers still needs to be rectified. This council has the ability to amend this ordinance.

Malec questions if Ford City can decide not to collect tax.

Dillard states yes.

Solicitor Wolfe states you must come up with money to replace the revenue that was to be generated by Ordinance #681. What is right thing to do? It can be amended. But you have issues with money collected and what is the fair way of doing this.

Malec would like to make it right.

Dillard states that equalization must occur.

Solicitor states that council must agree how to solve this.

Councilman Terry Tokarek questions if we can put a hold on it.

Dillard states that it needs to be fair even though there will be a monetary shortfall. Asks if a special meeting can be scheduled so that amendments can be made to the ordinance.

Council President John Lux states that a special meeting needs to be advertised and scheduled.

Dillard states that the Finance Committee must sit and determine where shortfall is and then how to fill the monetary gap.

Shaffer states that you can no longer have tax based on sales.

Pat & Amy Harpool explains that she has told Mayor Mantini they are willing to help with building #228 demolition by creating a power point presentation.

Kim Bish questions collection of business tax. If collected before due date \$135 was owed. A refund of \$15 is owed to businesses who paid before due date. Mr. Shaffer, how will money be returned. It should be refunded promptly.

Malec made a motion if overpaid business tax by \$15 a refund will be sent out in a reasonable period of time, before 7-15-09.

Minutes

7-6-2009

REGULAR COUNCIL

approved 10-5-2009

Shaffer states already receiving letters that will include certificate, refunds will be applied, credited, or you will get it back.

Kim Bish questions if council knew about his plan.

Mayor Mantini states last meeting was a 3 hour meeting.

Dillard asks Malec to repeat his motion.

Janice Almada agrees with Mike Fullard that this ordinance needs to be fair. Questioned how this was generated. Wants to help fix the borough and recommends using Lenape Tech.

Shaffer explains tax map number were used to generate invoices, and cannot use Lenape because union contracts would be violated.

Dillard states the council had to let a water consultant go, he had the expertise to implement software here but was never done. We are using the same archaic system.

Almada states she has expertise with excel to do similar things, if this is not a union issue then you can ask Lenape Tech.

Dillard states that the person who runs the software is a union member.

Almada states that the billing system needs fixed. The fundamental problems need solving.

BUSINESS TAX REFUND - MOTION

Malec states after meeting date is set the refunds should be processed within 45 days.

Shaffer states we need solid numbers and information. We need to sit down and decide what will be the amount of the refund, budget appropriations will need to be made. Are we not to accept any more money on this?

Ron Dillard states must accept any payments, but must get answers as to what it will mean to the budget.

Malec asks to come up with a plan by August 6, 2009. If stay with existing plan, refunds will be sent out.

Ron Dillard states you must stay the course of the existing ordinance.

Fullard states several landlords were not allowed to set up service unless fees were paid.

Minutes

7-6-2009

REGULAR COUNCIL MEETING

approved 10-5-2009

Shaffer states that it was past due water bills that needed paid before service could be set up. Landlords are responsible for unpaid water bills and also tenants are responsible for any previous unpaid water bills.

Solicitor Wolfe states that the ordinance needs additional thought, just

continue with the ordinance the way it is and after 7-15-09 do not impose any fines. .

Shaffer states that he prefers people not to pay until it is figured out. Wait until we are done.

Mayor Mantini states that there is a dilemma, we are owed \$125,000 in back water bills.

Mike Fullard suggested making the shut off fair across the board.

John Lux states that there is a problem with the water system in the borough. Front and rear services are on the same line is the reason some service addresses cannot be shut off.

Ron Dillard states that you must allow the property owner time to make corrections. Dillard explains he has had to fight with employees to shut off water and has given some a deadline of six (6) months to change lines. Each property should have individual water meters. There was well over \$78,000 owed to this borough when this council took over.

Ed Matus states there are school teachers that don't pay property taxes. Questions what you do with those people?

Ron Dillard states system is built to allow payments.

Marlene Szymanski questions if you can shut off water after \$200.

Malec states installation of remote water meter system has been implemented and has done a lot for the borough. The Borough must charge landlords for tenants unpaid bills. Water customers that skipped out of town or move from place to place in Ford City are the problem.

Almada states her tenant's water bill was over \$600 and she never received a notice from the borough.

Council informed her that landlords do get late notices. It is extra work for the office which everyone in Ford City who does pay their bill on time is subsidizing.

Malec prefers water bills be sent to the landlord.

Almada states fundamentals need worked on at the borough office.

Minutes

7-6-2009

REGULAR COUNCIL MEETING

approved 10-5-2001

Shaffer states that a motion is not necessary. We won't make any decisions and we will move on to the next thing. We can't make a motion because we will be against Robert's Rules.

TAPE BREAK - AT 8:00 p.m.

Solicitor states it is best not to do anything.

Malec states that if people are entitled to a refund then give them a refund.

Shaffer states that a meeting must be held to decide how to proceed.

Ed Matus questions whether to pay \$135 or \$150.

MINUTES

Malec made a motion to approve the minutes of 6-1-2009. Seconded by Shaffer. Motion Carried. 4-0 Klukan & Dillard abstain.

POLICE REPORT

Mayor Mantini read the Police Report. Shaffer made a motion to accept the Police Report for June 2009. Seconded by Malec. Motion Carried. Unanimous 6-0

Shaffer made a motion to hire Christopher Thiel as a part-time police officer for the normal 12 month probationary period, passing a physical examination, psychological examination, and background check to be performed at the direction of the Officer in Charge and the Mayor and to be paid the current wage of a part-time police officer. Seconded by Dillard. Motion Carried. Unanimous 6-0

COMMITTEE REPORTS

Ron Dillard read the water report and stated that the water reports are available in the Borough Office.

Dillard made a motion to accept the Water Reports. Seconded by Klukan. Motion Carried. Unanimous 6-0

Shaffer read the Treasurer's Report for May 2009. Shaffer made the motion to accept the Treasurer's Report for May 2009 and pay the bills in the amount of \$77,601.18 as approved by the Finance Committee. Seconded by Klukan. Motion Carried. Unanimous 6-0

Malec explained he had a meeting with Maher-Duessel the 25th and talked about \$150,000 grant.

Dillard questions Solicitor Wolfe about the \$150,000 audit.

Shaffer states that CDC failed to release \$805,000 audit.

The CDC paid \$7000 to Maher-Duessel to complete the \$805,000 audit, and when the audit is finished it will be released to the Borough.

Minutes

7-6-2009

REGULAR COUNCIL MTG

approved 10-5-2009

Dillard states the audit is not on the agenda.

Mayor Mantini explained the Borough had to submit what happened with car grant money.

Malec stated the Ford Street grant is not closed and a letter was send to each council member.

Dillard asks if the audit can be discussed in executive session.

Malec states that Maher-Duessel has been paid.

Solicitor Wolfe will speak to the Maher-Duessel attorney.

Malec states that Maher-Duessel sent him a registered letter.

Shaffer states Maher-Duessel refuses to meet with Tim Malec and refused to answer question.

ENGINEER REPORT

David Nichols submitted the Engineer Report for July 2009. Discussed the H2O Grant and replacement of the dust collector on the lime silo.

Shaffer asked about the cost of #5 on the engineer report. Nichols answers his estimate was less than half of what the claim amount was. Instead of the \$42,000 his estimate is \$21,000.

FORT RUN PLAYGROUND

David Croyle asked about the agreement between Ford City Borough and Manor Twp. Joint Municipal Authority. Who is responsible to install the blacktop? Councilman Malec stated MTJMA is responsible. Who removed the gate? Nobody knows.

Dillard made a motion to accept the engineer's report.
Seconded by Klukan. Motion Carried. Unanimous 6-0

OLD BUSINESS

FIT TRAIL

Shaffer made a motion to ratify the payment of \$8,795.00 to Southwood Corporation for the 20 Station Fit Trail and to use the money received from private donations for the Parks & Recreation Project.
Seconded by Klukan. Motion Carried. Unanimous 6-0

Paul Ondrusek asked who built the out house [compost restroom] on the trail and who will be using it? Shaffer answered it was build by the PCC. Dillard explained it was just completed today and should be open for use.

STOP SIGN 8TH ST & 3RD AVENUE

minutes

7-6-2009

REGULAR COUNCIL MEETING

approved 10-5-2009

POLICE CAR

Shaffer made a motion to pass the ordinance placing two stop signs at the intersection of 8th Street & 3rd Avenue.

Seconded by Dillard. Motion Carried. Unanimous 6-0

Dillard made a motion to authorize the Council President to sign the lease with S & T Bank in the amount of \$31,594.00 for the purchase of a 2009

Crown Victoria from Day Fleet Sales in the amount of \$27,610.00.
Seconded by Shaffer. Motion Carried. Unanimous 6-0

BUILDING #228 Shaffer explained no motion is necessary. The Borough is accepting bids for the rebidding of the demolition project of Building #228 and the deadline is 4:00 p.m. Monday, August 3, 2009 and for bid packages contact Senate Engineering.

Klukan questions what will be done with old police car? Mayor Mantini will speak with Councilman Klukan privately. Shaffer stated he believes the Borough should get rid of the oldest car.

NEXTIER BANK Shaffer explained the Borough is communicating with Nextier Bank. Solicitor Wolfe states their attorney is forwarding the email to the bank for their consideration.

KILLED IN SERVICE

Solicitor Wolfe explained the amendment or ordinance change will put in official format and sent out to council. The amendment to the Police Pension Plan ordinance and the payment may be used from Police Pension Plan. At this time the Police have not provided him with any comments. Shaffer stated council has taken the necessary step to make the Police Pension Plan Act 600 compliant.

BOROUGH GARAGE ROOF REPLACEMENT

Shaffer explains there is no good material for decking contained in the specification. The cost is around \$2000 for them to start and still puts them under the second lowest bid.

Dillard comments overhangs not long enough and recommend \$2000 change order be made to add the wood blocking to the project.

Shaffer made a motion to authorize Senate Engineering to prepare Change Order No. 1 in the amount of \$2000.00 to include the installation of the wood blocking. Seconded by Dillard. Motion Carried. Unanimous 6-0

LANDLORD TENANT ORDINANCE

Shaffer made a motion to advertise for two (2) dates to have public hearings to discuss Landlord-Tenant Act. Seconded by Dillard. Motion Carried. Unanimous 6-0

HERITAGE DAYS Shaffer made a motion to donate \$200.00 to Ford City Heritage Days. The money is from a booth that was set up across the street.

Minutes
7-6-2009

REGULAR COUNCIL Dillard states that this was a moment of great antagonistic horror in the office. Did they pay all fees? Shaffer answers yes. Shaffer stated council must discuss the area around the Borough Park used during Heritage Days. The money belongs to Ford City Borough because it was a business fee and an inspection fee.
approved 10-5-2009

Malec states it is a good gesture on Tom's part but not a good idea to make donations with taxpayers money.

Solicitor Wolfe states a provision in borough code deals with public events, Holiday Civic Projects 12-31-98.

Solicitor Wolfe stated he does not have a problem with the Borough making this donation.

Dillard explained that per [former council member] Homer [Pendleton] council gave money to Heritage Days in the past. Heritage Days is a large expense to the borough. We should deal with the private booth issue.

Shaffer states that no money was given to Heritage Days, but the park maintenance, garbage collection, police, etc. are all considered in in kind services.

Ed Matus asked if there is an accounting given to borough? No, they are separate from the Borough.

Motion fails for lack of a second

NEW BUSINESS

GAZEBO REQUEST

Klukan made a motion to approve the request of the Ford City Football Boosters for use of the Gazebo & Borough Park on Saturday, August 22, 2009. Seconded by Malec. Motion Carried. Unanimous 6-0

Malec made a motion to approve the request of Ashley Minter for use of the Gazebo on Saturday, July 18, 2009 from 2:30 p.m. to - 4:00 p.m. Seconded by Klukan. Motion Carried. Unanimous 6-0

Dillard made a motion to approve the request of Regina Adams for use of Boulder Park on Sunday, July 19, 2009. Seconded by klukan. Motion Carried. Unanimous 6-0

JOE MALEC PLAYGROUND REQUEST

Shaffer reads request from Betty Thevenin to repaint playground apparatus at 7th Avenue Playground.

Minutes
7-6-2009

Shaffer makes a motion to accept the request as long as coordination is made with Pete Milito. Seconded by Malec. Motion Carried. Unanimous 6-0

REGULAR COUNCIL MTG

BIILLS TO APPROVE

Shaffer made a motion to ratify the payment to Ace Hardware for three invoices in the amount of \$128.54 for materials used for the PCC Grant.

PLAYGROUND - CELL PHONES

Malec made a motion to pay in a lump sum the amount of \$20.00 each to the 2009 playground supervisors for use of their cell phones.

Seconded by Dillard. Motion Carried. Unanimous 6-0

HANDICAP SIGNS Shaffer made a motion to approve the recommendation of the Handicap Committee to renew 27 signs, remove (1) one sign, and approve (2) two new applications. (Because of possible HIPPA violations the list of names is not included and each council member was provided this information in their council box.) Seconded by Dillard. Motion Carried. Unanimous 6-0

SPECIAL PROJECT MANAGER

Shaffer made a motion to go to Executive Session to discuss personnel issues. Seconded by Klukan.

CITIZEN COMMENTS

Vicki Schaub questions why there are pedestrian signs but no cross walks.

Solicitor Wolfe stated a cross walk doesn't have to be painted.

Schaub asks about getting some painted in the business area.
Is it proper for tax collector's daughter to fill in and sign mother's name?

Solicitor Wolfe states she is a valid tax collector delegate.

Schaub questions if anyone here has spoken to any representatives about not wanting to raise taxes. Tom, John, and Tim have.

Schaub questions police report. What is being done about speeding and not stopping at stop signs. She states they only watch bottom of the hill. Needs to be fair.

Schaub called Sgt. Kligensmith about a pool ladder last year. The same situation is happening again this year. We need more bicycles going up and down the streets, there is a lot of opportunity to make money.

Ed Matus questions who is liable for hanging flowers obstructing view.

Minutes
7-6-2009

Mayor Mantini will send someone to take a look.

REGULAR COUNCIL MEETING
approved 10-5-2009

Sgt. Brice was already there and told him to move flowers back.

Mayor Mantini will send police up there tomorrow.

EXECUTIVE SESSION

Entered at 9:20 pm
Ended at 9:46 pm

Klukan made a motion. Seconded by Dillard. Motion Carried.
Unanimous 6-0

Shaffer made a motion to hire Cassandra Klimkowicz as a full time employee in charge of special projects, preparing grants, paper documentation, and coordinating with the police department and to be paid the rate of \$9.55 per hour with dental, medical, and vision benefits. Dies for lack of second.

Mayor Mantini questions if there is a grant writer.

Shaffer states she assists with reports and questions if the president can step down.

Dillard states that a street department worker is needed.

MAINTENANCE TOOLING

Needs additional information.

PERSONNEL

Dillard states that personnel is needed to replace Harry Mangus. Trash days is coming up and there was no summer help and we still have to run the borough.

Mayor Mantini states that camera is inadequate because it does not operate in conjunction with a camera and dumping is occurring. When we buy we must make sure it works.

Bittner states originally camera was set up to go online and is still working on this.

Dillard states that system was not entirely understood.

SOLICITOR COMMENTS

Solicitor Wolfe had no comments at this time.

Minutes
MAYOR COMMENTS
7-6-2009

REGULAR COUNCIL MEETING
approved 10-5-2009

Thanks to Rande Volek she picks up trash, thanks to Heritage Days, thanks to Charles Walbert Sensor estate who donated \$45,000 to library, thanks to police for discovering gas leak, thanks to the garden committee for doing work in front of the library , thanks to Rep Pyle & Senator Don White for \$10,000 for Heritage Days, thanks to students who posted signs,

thanked Mrs. Harpool, thank the troops, trail bathrooms have been vandalized, garbage at recycling trailers, throwing things at parade, beg CDC to give audit to borough

COUNCIL COMMENTS

Solicitor Wolfe has no comments at this time.

ADJOURNMENT Shaffer made a motion to adjourn the meeting at 10:04 pm. Seconded by Malec. Motion Carried. Unanimous 6-0

John M. Lux, Sr.
Council President

Lisa Bittner
Borough Secretary

Minutes
7-6-2009
REGULAR COUNCIL MTG
approved 10-5-2009