

**MINUTES  
FORD CITY BOROUGH COUNCIL  
LOCATION - FORD CITY BOROUGH BUILDING  
SPECIAL MEETING  
JUNE 23, 2009**

**CALL TO ORDER** John Lux called the meeting to order at 4:05 p.m. and advised the audience that the meeting will be audio taped.

Is anyone audio or video taping this meeting? No

**ROLL CALL** Terry Tokarek, Ron Dillard, John Lux, Tim Malec, Tom Shaffer, and Mayor Mantini were in attendance. Ray Klukan was absent because he was working.

**ATTENDANCE** Solicitor Wolfe, Kim Bish, Renee Zacour, and Mitch Fryer were also in attendance.

**ANNOUNCEMENTS**

Announcements were read by Council President Lux. (attachment)

**CITIZEN COMMENTS**

**CONCERNING AGENDA ITEMS AT THIS TIME**

Discussion about Trash Permits. Permits were sent out with CCR letters at the end of June 2009.

Mayor Mantini commented that 2008 trash days was one of the smoothest operations in years.

Dillard wants to move one surveillance camera to allow for better viewing of the trash containers and update with comcast.

Kim Bish explained she came to office on June 16, 2009 to request a list of businesses and questioned how this list was determined. Ms. Bish knows four people that have businesses that aren't on the current list or have not been billed under ordinance #681. This needs to be fair and suggested the compliance officer ride around and find home-based businesses and make it a fair tax. On the down side I left messages for Ray and John to call me and neither did.

Bish explained she contacted the Borough Office and was not provided with the information concerning the businesses. There is a problem if the office staff cannot provided the requested information.

minutes  
6-23-2009

Special Meeting

approved 9-14-2009

Council President Lux explained the reason he has not called her back is he is trying to find out what information can be released by the office.

Shaffer states that some of the information on the billing is personal

information. It contains social security numbers, the billing was not perfect on ordinance #681, we went by registered water bills, businesses must be honest, we cannot go out and chase after everyone. If there is a report, Officer Abernathy goes and investigates. Lisa has access to locked files, they are personal and it would violate HIPPA. We are not trying to stop people from asking about information, we billed from tax numbers from the county, after July 15<sup>th</sup> ordinance officer will investigate.

Kim Bish comments on all mistakes on invoice and timeliness.

Shaffer agrees that we were slow in billing but gave the discount to several people who inquired about it. We have made mistakes but we will make sure everything is right and we will make changes to make it better.

Kim Bish continued to comment on generation of business and landlord list.

#### EXECUTIVE SESSION

Shaffer made a motion to adjourn to executive session at 4:25 pm.  
Seconded by Dillard. Motion Carried. Unanimous 5-0

Malec made a motion to adjourn executive session at 5:09pm. Seconded by Shaffer. Motion Carried. Unanimous 5-0

#### KOZ

Shaffer explained that the county sent a letter to the borough to ask the would be interested in extending the KOZ for the 50 acres (former PPG Property & Shop #5), with stimulus money around don't know if we will get anyone in or not, there is no guarantee from the state but we can get help to direct people to our KOZ.

Shaffer made a motion to send letter to county to extend KOZ in the designated area of the brownfield for 7 years vacant land only. Seconded by Tokarek. Motion Carried. Unanimous 5-0

Solicitor Wolfe explained an owner may choose the KOZ option or the LERTA option, not both.

#### BUILDING #228

Shaffer explained that council felt the lowest bid of \$150,000 was too high.

Shaffer made a motion to reject all bids and return all bid bonds and certified checks. Seconded by Dillard. Motion Carried. Unanimous 5-0

Shaffer made a motion to authorize Senate Engineering to re-advertise the project for bids to be opened at the August 3<sup>rd</sup> Ford City Borough Council Meeting. Seconded by Dillard. Motion Carried. Unanimous 5-0

minutes

6-23-2009

Special Meeting

approved 9-14-2009

Dillard asks what is the cost. Shaffer answers \$500.

Greg Dinko questions if bid specs will be the same. Shaffer answers yes.

VENDOR \$25.00 Shaffer discusses vendor permits currently costing \$5 per day. Shaffer suggested raising to permit cost to \$25 per day.

Dillard brings up the ice cream vendors and we need to have provisions for vendors during the warmer months.

People have bottled water delivered too.

Shaffer states that deliveries do not count, that is pre-ordered. Unannounced and uninvited solicitation would be charged. This is just a suggestion.

Malec would like Ms. Bittner to locate and place solicitation ordinance in each council box.

CAMERA - TRAIL Shaffer discusses vandalism on trail restroom and playgrounds. Police have suggested a motion sensor type of camera be used.

Dillard states that if you are going to catch a crook you need to think like a crook. If I get my picture taken, that camera is going with me.

Shaffer scrubbed the trail restroom wall.

Discussion about video cameras and surveillance, need to look for cameras on e-bay. Need to look for best security cameras we can get.

#### WESTMORELAND COG AGREEMENT

Shaffer made a motion to authorize the Council President to sign the Westmoreland County COG agreement. Seconded by Malec. Motion Carried. Unanimous 5-0

#### INVOICES TO APPROVE

Shaffer made a motion to approve the payment of two invoices [from Ace Hardware \$41.34 + \$35.49] in the amount of \$76.83. Seconded by Malec. Motion Carried. Unanimous 5-0

#### OEM SHADES VENT REPAIR

Shaffer explains that the vents have been leaking at the building occupied by OEM shades, several companies have already attempted to correct the leaks. Bittner Roofing can make the repair immediately for \$995 per vent..

minutes

6-23-2009

Special Meeting

approved 9-14-2009

Renee Zacour explains why the vents leak. The warranty was voided day one. The vents should have been installed on the side of the building, the

design of the roof can not hold the weight of the vent. The CDC paid three times to have this roof repaired because the roof was not designed to hold these vents. The CDC was going to remove the vents. This was a costly maintenance issue.

Dillard states that there are two severe leaks now that need fixed.

Shaffer suggested fixing one leak, if it works then fix another leak.

Dillard stated fix the leak now and check vertical sides later.

Shaffer made a motion to authorize the repair of one (1) vent on the OEM Shades building in the amount of \$995.00. Seconded by Dillard.  
Motion Carried. Unanimous 5-0

Shaffer states that this money is not coming from the general fund, it is coming from Caracal rent.

A short discussion took place and the leak above the cutting table should be repaired first.

#### LANDLORD/ TENANT FEES

Shaffer proposes to advertise fees: \$50 annual fee for first unit, \$25 for additional units on same tax map property, an inspection fee of \$25 and a re-inspection fee of \$25. There is a lot of work involved when you have people moving in and out of units.

Shaffer wants to amend before the public hearing and exempt landlords from paying Ordinance #681.

Solicitor Wolfe states that there is no need to do anything because this will not go into effect until January 1, 2010.

Shaffer states that everyone must pay \$150 if you are a business or landlord for 2009. Once the landlord/tenant ordinance is adopted the landlords will pay under that ordinance in 2010.

Shaffer and Solicitor Wolfe state that this mirrors Kittanning's ordinance but only pertains to residential. Commercial rentals would still fall under the business tax.

Dillard would like to clarify due to businesses of Ford Street have residences on the upper floors.

minutes  
6-23-2009

Solicitor Wolfe states that if it is residential a fee of \$50.

Special Meeting  
approved 9-14-2009

Shaffer admits we were way too high on the business fee that is why we

are going to adopt the landlord tenant act.

Solicitor Wolfe states that you have 60 days to advertise before it will expire.

A discussion was held about public hearings for the landlord tenant act.

Council President Lux states that council will definitely have the landlord tenant act in place for 2010.

Dillard states that all council agrees to that.

### 3<sup>rd</sup> AVENUE - CLEAN UP

Council President Lux wants to send a memorandum to the Street Dept. to get piles of dirt cleaned up by Family Dollar.

Dillard agrees.

Malec was involved on conditional use hearings on that property, and the investor was directed to plant trees, put curbs in, etc.. dirt is ridiculous, there should not be dumping ever and the former recycling shed should be moved to the parking lot at the borough building.

Dillard talks about work that gas company has to do on 3<sup>rd</sup> Avenue, wouldn't have a problem with gas company storing material on upper 3<sup>rd</sup> Avenue. They are going to come to council and ask to store.

Malec wants to patch potholes on parade route and 5k race route. This patching is a priority. Dillard and Shaffer stated that this is already being worked on.

Shaffer states that John Poproch went around and measured the specs, we need to decide what is to be paved. We need to advertise these specs.

Dillard questions if Poproch looked at O'Connor Street?

Shaffer states that John Poproch suggest milling first, like the street at Rite-Aid.

Malec states that you must notify gas company and sewage before doing project.

Dillard states council should change ordinance regarding amount of holes you can put in a street. We need to make it a little more stringent.

minutes

6-23-2009

Special Meeting

approved 9-14-2009

Malec states that they should make a list of projected plans available to the borough.

Renee Zacour asks if borough received liquid fuels?

Shaffer answered yes, \$77,000.

Dillard states that some allowable money from liquid fuels may be used for equipment purchase. A portable milling machine is available for \$8350 which is designed to attach to our backhoe.

Malec talks about a seminar he attended and the type of backhoe that was purchased for the borough. Other communities are borrowing money and pledging their liquid fuels monies over the next 5 years.

Shaffer stated we do not have the surplus to back this, only municipalities with liquid fuels surplus can do that.

Dillard states that Manorville and Ford Cliff have a surplus. He is looking at working establishing a relationship with these two communities to optimize use of personnel and monies. Manor has equipment that they are willing to loan to us.

Malec states Manor even offered to show our guys how to tar & chip.

Shaffer made a motion to advertise and open the bids from Penn-Dot at the August 3, 2009 Ford City Borough Council Meeting. Seconded by Dillard. Motion Carried. Unanimous 5-0

Malec states we need a tamper.

Dillard will provide information for the tamper at the July 6<sup>th</sup> meeting.

Mayor Mantini expresses concerns about the condition of some of the trees in the Borough Park with Heritage Days coming up.

Shaffer stated Craig Costanzo is working on the Borough Park.

#### CITIZEN COMMENTS

Mitch Fryer has questions on business privilege ordinance.

Shaffer explained landlords are considered a business and are being charged \$150 in 2009.

minutes  
6-23-2009  
Special Meeting  
approved 9-14-2009

Renee Zacour questions about people soliciting donations for the demolition of building #228 and what happens to the money if the building isn't torn down.

Shaffer states that the building will be torn.

Zacour questions what kind of accounting system there is to track the donations because she did not get a receipt.

Shaffer states there is a separate account with ledger including name and address.

Mayor Mantini questions how much is in account and wishes to donate \$100.

Zacour wants an exact amount.

Shaffer states he would like to announce that the building is being torn down and that Ford City is moving forward.

Fryer asks about the Clearwater Suit and arrangements to pay the judgement.

Shaffer explained there has to be an audit on this grant of \$150,000. He questions who is doing the audit and who is responsible for the audit. Like the \$805,000 audit the DCED is looking at it, it has been moved up to a higher individual, the audit needs to be released. If it was administered properly and the bills were paid on this \$150,000 we would not have lost the arbitration. If it was bid correctly and this council by vote said we will not pay the bill because we did not want involved in any illegal bidding or any illegal process. We went to arbitration and we made our case, it will be part of the audit that the previous council made a mistake and didn't bid it.

Malec wants a copy of the minutes in his box that state council voted not to pay the bill.

Shaffer stated this is under litigation we voted to go to litigation and move forward. At this time there is no audit on the rails to trails grant.

Zacour states that the rails to trails grant was a borough project, it was the borough's responsibility. The grant cannot be closed out or audited because it is not completed. The borough didn't pay contractor.

Zacour states that Project wasn't finished before a change of council took place. This council is responsible.

Shaffer questions when the grant was finished.

Malec states that a small amount of work had to be completed when the old council went out.

minutes  
6-23-2009

Special Meeting  
approved 9-14-2009

Zacour stated Clearwater Construction did a lot of free work.

Malec told everybody (council) Clearwater wasn't paid.

Council President Lux states that council had no idea about the \$70,000.

Shaffer states that money came in 3 months later and we paid Clearwater.

Malec states that there was no dialog between councils this time.

Shaffer states the other council was the CDC.

Fryer asks about the executive session vote. How did you decide to go to arbitration?

Solicitor states that Clearwater filed arbitration against the borough, council never voted and defended the case.

Shaffer states still \$15,000 owed on grant.

A discussion about the \$805,000 audit took place.

Shaffer just wants a copy of the audit. All the information brought to the office was five (5) pieces of paper. Shaffer stated release the grant to the borough.

Mayor Mantini questions if citizens of borough are jeopardy for receiving future grants?

Malec states that you must close out existing grants.

Mayor Mantini states that first year in office had a flood. If citizens need a grant, will their grants be held up?

Shaffer stated he doesn't know and the Borough may be red flagged.

Zacour spoke to the DCNR and they said the arbitration is far more concerning than the grant. Not paying is the problem.

Shaffer again asked the CDC to release \$805,000 audit. Release so we can move on, work together, and move forward.

Malec to Solicitor Wolfe : The council should do business as usual.

Mayor Mantini to John Lux: Did the CDC work with and cooperate with you when you first became council president?

Council President Lux answered "I never received anything."

Dillard stated he tried to work with them and move forward. We ran into an im-pass and decided to part ways. We still must move borough forward,

minutes  
6-23-2009  
Special Meeting  
approved 9-14-2009

some members of CDC had opposite opinions. Ford City Borough has elected us to do a job and it is up to us to do it.

Mayor Mantini states he has differences with everyone here. Did members of previous CDC go to Eljer and try to secure that building?

Malec stated that council went to Eljer and said we would like to have property. We met with Eljer officials. Two council members hedged and wanted studies done, worried about liability issues, didn't go anywhere. Went back to Eljer (members of council that were also on the CDC ) and said if council doesn't want it, the CDC will take it. The council that sat at the table at the time balked at the idea.

Mayor Mantini questions what the problem was if the majority of council wanted the building? Malec states that council tabled vote.

Zacour invited future council to CDC office and had full financial disclosure.

Dillard attended this meeting.

Zacour went over the bleak financial picture. Certain council members were willing to work with CDC. Ford City Borough should assume debt. It cost us money for the services we provided the borough. I have over 5000 emails of documentation. I am not pointing fingers but in January of 2007 we were approving minutes that were 10 to 11 months old. Minutes need to be done in a timely fashion. Solicitor Wolfe sat in on all meetings.

Solicitor Wolfe states that is not true, he didn't attend all meetings because there were meetings held that he was not told about.

Malec stated comes down to what ever happened, happened, our job is to make borough go forward and do what we have to, to close out the grant and move forward.

Shaffer is asking for an immediate release of the audit. Does any other council member believe we have a right to see a draft of the audit immediately?

Dillard states the documents are still public documents.

Shaffer stated the agreement was to receive copies of every single document and we have gotten nothing. Nothing is documented and we can not move forward.

minutes

6-23-2009

Special Meeting

approved 9-14-2009

Dillard stated the solicitor of the CDC is Chuck Pascal. Ford City Borough is the bottom line here. Solicitor Wolfe is obligated to keep us

on point.

ATTENDANCE

Malec left at 6:44 p.m.

Solicitor Wolfe states there is a legal relationship between CDC and council. Some of the obligations in the contract continue on even if you no longer have the current obligations. The Borough has ultimate the responsibility for these grants, and must have access to information and should have the right to the information. Generally the reason you don't release preliminary audits is misunderstandings. Usually a meeting between the auditor and the client takes place and time is given to resolve any issues.

Council President Lux explained that if certain people weren't here, we would be in a lot worse shape right than we are. Everybody has a unique approach and I have seen a lot more get done since the six of us have been on council.

Shaffer stated we were charged to restructure the money for this building so if something happens, we can pay the loan. By not having documentation, we will not be able to pay loan. We do not know what it is costing the taxpayers of Ford City. We are losing dollars now and can't pay the obligation. I am calling on people, Chuck Pascal, Lou Vergari, and Renee Zacour, that are holding up the audit, clear it up now and lets get it done.

Dillard agrees problems exist and council has an obligation to take care of them. Do we have to advertise work sessions?

Solicitor Wolfe stated the Borough must comply with the sunshine rules, can't vote and or deliberate unless it is a public meeting.

Shaffer explained we have asked and been ignored for 6 to 9 months.

Solicitor Wolfe the CDC is in bankruptcy and no audit has been done on \$150,000 grant.

Dillard stated the borough will pay for audit one way or the other.

Shaffer agrees that council needs to move on. We have no minutes, no documents, only the \$72,000 bid was shown to Solicitor Wolfe.

Solicitor Wolfe explained Pashek doesn't have all documents either, but the CDC has all documents.

minutes  
6-23-2009  
Special Meeting  
approved 9-14-2009

Shaffer stated the FBI only issued a subpoena for copies of records. They did not want the actual documents. This is all borough funds. CDC never

generated any funds.

Solicitor Wolfe stated there should have been two sets of documents, one in borough office and one in CDC office.

Tokarek asked Solicitor Wolfe what can council do?

Solicitor Wolfe answered it is better to talk about not in public.

#### SOLICITOR COMMENTS

Solicitor Wolfe had no comments at this time.

#### MAYOR COMMENTS

Mayor Mantini stated all parties should do what is right.

#### COUNCIL COMMENTS

Tokarek thanked Manor Township for bringing their Brush Cutter to town and cutting weeds.

Shaffer thanked Tokarek for a great job with the Ball Fields and the Parks & Recreation Committee. Shaffer reminded everyone the Parade is Friday at 6:00 p.m. Stay safe over holidays. Thanks!

Klukan, Dillard and Lux had no comments at this time.

#### ADJOURNMENT

Shaffer made a motion to adjourn the meeting at 7:07 pm. Seconded by Dillard. Motion Carried.

John Lux  
Council President

Lisa Bittner  
Borough Secretary

minutes  
6-23-2009  
Special Meeting  
approved 9-14-2009