

**MEETING
FORD CITY BOROUGH COUNCIL
REGULAR MEETING
LOCATION – FORD CITY PUBLIC LIBRARY
MARCH 2, 2009**

CALL TO ORDER Council President John Lux called the meeting to order around 6:05 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 and David Nichols - NSEI, were also present.

ROOF BIDS Mike Malak - Senate Engineering opened and tabulated the bids.

Seven bids were received. Bids were opened and read at the meeting by Senate Engineering. Bids are good for 90 days.

Malec made a motion that Senate Engineering review the bids and make sure that they are all up to specs and bring back the low bid to council. Seconded by Shaffer. Motion Carried. 6-0. Unanimous. (Attachment)

ANNOUNCEMENTS

The announcements were read by John Lux.(Attachment)

CITIZEN COMMENTS

Darla Bernot announced the Public Library will be hosting a Card Night on Wednesday, March 4, 2009 from 6-8 p.m., Movie & Meal - Saturday, March 21, 2009 at 4:00 p.m. and "Shall We Dance"
For more details & to make reservations, call 724-763-3591.(Attachment)

Ed Matus asked what is the \$150.00 tax on Rental Property? Shaffer explains this tax replaces the Business Privilege Tax

Ed Matus asks who carries out a citation? Dillard explains it depends if it is issued by a Police Officer or Codes Officer and end up at the District Judge. When you have a legitimate complaint, inform the Codes Officer.

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Ed Matus explained he did follow those steps, spoke to the Mayor and even the District Judge DeComo.

Mayor Mantini agrees Mr. Matus does have a problem up there, he puts

himself on the line.

Shaffer explains council is trying to do is hire a Compliance Officer to work with the Police Department to enforce the ordinances and make sure things are followed through with. This will be a part-time position during the business hours. This is what council is trying to do to rectify the situation.

Ed Matus asked when are the potholes going to be filled?

Shaffer explained council will be doing patching and paving.

Matus stated Ferndale is bad and part is dirt.

Dillard explained council has a program we are going to follow to ascertain what roads we can do completely.

MINUTES

Shaffer made a motion to accept the minutes from 5-5-2008.
Seconded by Klukan. Motion Carried. 6-0. Unanimous.

Klukan made a motion to accept the minutes from 6-2-2008.
Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

Shaffer made a motion to accept the minutes from 9-24-2008. Dillard requests correction on figure of \$2600.00 not \$26000.00. Mayor Mantini requests correction of including he was away on military duty.
Seconded by Klukan. Motion Carried. 6-0. Unanimous.

Klukan made a motion to accept the minutes from 11-21-2008. John Lux requests that explanation of TABLE be written for Fire Dept.
Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

Frank Wolfe questions if he was supposed to take care of the Library Referendum, comments that he will take care of it.

Shaffer made a motion to accept the minutes from 12-22-2008.
Seconded by Klukan. Motion Carried. 6-0. Unanimous.

Malec comments on minutes from May & June and states that he does not feel that they should be voting on minutes that are 10 months old. States that this is ridiculous and doesn't have an answer on why these are late.

Shaffer wants to find out the answer first. Shaffer questions what will happen if they are not finished, and explains how busy the office is and the number of projects being worked on.

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Malec made a motion to set a limit of 2 months time to finish the minutes for approval. Seconded by Dillard. Motion Carried. 6-0. Unanimous.

POLICE REPORT Mayor Mantini read the Police Report.

Klukan made a motion to accept the Police Report for February 2009.
Seconded by Malec. Motion Carried. 6-0. Unanimous.

Council President Lux questioned if Able 7 is still on the property?

Patty answers yes, but it is being picked up.

Dillard questioned mileage for Able 77.

Shaffer states that a rental car was used while repairs were being done to the heating on Able 77.

Dillard asks about any future plans to replace the car [Able 7]?

Shaffer received specs on a Crown Victoria car today.

Council President Lux explained he has been talking with police for about two weeks concerning quotes and cars. Lux stated the need to start a program where we rotate the cars out before they get too old.

Klukan, Lux, Dillard, and the Mayor continue to discuss the purchasing of a police car. (Attachment)

ENGINEER REPORT

Dave Nichols - NSEI presented his report for March 2009. The H₂O PA Grant Application was submitted online in the Borough's behalf.

Shaffer made a motion to accept the Engineer's Report for March 2009.
Seconded by Malec. Motion Carried. 6-0. Unanimous.(Attachment)

COMMITTEE REPORTS

Dillard stated that the Water Reports are available in the Borough Office.

Klukan made a motion to accept the Water Reports.
Seconded by Shaffer. Motion Carried. 6-0. Unanimous.(Attachment)

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Shaffer made a motion to accept the Treasurer's Report for January 2009 and pay the bills in the amount of \$70,169.71 as approved by the Finance Committee.

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

Dillard questions Clivus Multrum under General Funds, what was this

purchase? [PCC Grant - Compost Restroom].

Shaffer explained council must come up with \$6800.00 to fund the MCTA bus and stated the finance committee's recommendation is to let one of the accountant's go. A savings in the office to fund the MCTA bus comes to around \$11,000.00/year.

Hornyak stated this will present a problem with the oversight of her work and increase her workload.

Shaffer states that the recommendation is to also to change the software. Software needs to be updated and this will be a substantial savings.

Dillard stated by removing McLaughlin from his position to fund the busing will increase everyone's workload. But council should look at the potential problems that will incur. Is that the only option we looked at to conserve dollars?

Shaffer explained this is the only one we have to cut. Until we resolve Chapter 7, cuts in personnel must take place. We are keeping an accountant for checks and balances.

Hornyak asks is one accountant can oversee all?

Malec wants to know who was at the Finance Committee meeting?

Shaffer responds John Lux, Ray Klukan, and Tom Shaffer meet every Thursday at 4:00 p.m.

A discussion takes place about the accountant and the paper work.

Dillard would like to call a special meeting to discuss.

Shaffer states the longer you wait the more you pay. Malec agrees this is a duplicate service.

Malec also states that the Borough should be doing this in-house by now.

Dillard states that we have enough money for employees if we had the correct billing. Are we going to be able to function properly?

Shaffer made a motion to reduce the office down to one accountant releasing Mark McLaughlin with a 30 day notice to help with the transition, and if the reporting deteriorates in the office that we will have the ability to either call Mr. McLaughlin back (exclusive rights) or anyone of our choosing at the same rate.

Seconded by Klukan. Motion Carried. 6-0. Unanimous.

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OLD BUSINESS

BOROUGH BUILDING ROOF - BID OPENING

Completed earlier in the meeting.

ZONING TABLES - COMMERCIAL TABLES

Shaffer made a motion to advertise and set up a public hearing for the changes to the ordinance on the commercial zoning tables. No changes to R1 & R2 at this time. Change conditional uses to Special Exceptions. Seconded by Dillard. Motion Carried. 6-0. Unanimous.

Dillard suggested that the Special Exceptions go in front of zoning board so that politics are removed.

Solicitor Wolfe explained the two tables are not compatible. Council must choose which table to use. (Attachment)

POLICE COLLECTIVE BARGAINING AGREEMENT

Shaffer made a motion to authorize the Council President and the Secretary to sign the [3 Year 2008-2010] Police Collective Bargaining Agreement. Seconded by Klukan. Motion Carried. 6-0. Unanimous.

FORD STREET PARKING ORDINANCE

Shaffer explains this is not complete. Solicitor Wolfe is struggling with the towing section. The punishment must be proportional with crime. Shaffer reminds everyone the Borough doesn't have a towing ordinance at this time. The ordinance must be comprehensive and not just apply to Ford Street but all of the Borough.

A discussion takes place concerning electronic tags, educating business owners, and permit parking.

Break from 7:50 - 8:00

COMPLIANCE OFFICER - JOB DESCRIPTION - INTERVIEW DATES

Dillard explains he would like to see the job description put out for all of Council to look at.

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approved 3-23-2009 Dillard stated the need to see a description in black and white.

Council President Lux explained he is trying to get this moving forward

because we are losing a lot of revenue.

Mayor Mantini agrees with Councilman Dillard.

Shaffer states he is working on other job descriptions in the Borough.

ALLEGHENY POWER - STREET LIGHTING CONTRACT

Shaffer explains there are 327 working 100 Lumen Mercury Vapor Lights
27 working 400 Lumen Mercury Vapor Lights. Shaffer stated council
meet with representatives from Allegheny Power and council agreed to
sign an initial contract for 300 - 100 Lumen High Sodium Vapor Lights
and 20 -200 Lumen High Sodium Vapor Lights. Shaffer explained other
lights may be added or subtracted with written supplements to the
contract.

Shaffer stated an amount of \$60,000.00/year has been budgeted. .

Shaffer made a motion to approve a 10 year contract with 300 - 100
Lumes, 20- 200 Lumes with a 10% discount with the integrity to shut off
lights for Memorial Day Service.

Seconded by Tokarek. Motion Carried. 6-0. Unanimous

Dillard and Shaffer discuss lights, tax increases, millage adjustments, etc...

Shaffer explained by signing 10 year agreement the total cost of the street
lights would reduce to \$41,000.00/year, we would be within the budget if
we sign the 10 year contract.

Tokarek thanks Allegheny Power for giving us the option to turn lights off
for the Memorial Day Service.

Dillard thanks Allegheny Power for their cooperation and states that this
was discussed at the last meeting at a different venue.

PCS THIRD PARTY INSPECTOR UPDATE

Dillard states that there are some questions from a meeting at Solicitor
Wolfe's office and asked what is the status of those questions?

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Solicitor Wolfe asked what are the wishes of council? Council has to
decide what they want them to do.

Dillard explained council does not want our present Codes Officer being
involved in the plan review. The Third Party Inspector was hired to

complete certain inspections involving commercial construction. Dillard reminded council they received five (5) questions from PCS basically along that same line that we had failed to answer since January.

Shaffer explained one reason is they want to know if they are going to do the plan review and issue the building permits? Council must answer whether we want them to issue these permits or not.

Shaffer stated out Codes Officer filed a complaint with the state saying that he doesn't want anybody else issuing building permits, and I believe that is a Council decision. We need a job description and we still need to work all of these issues out.

When it comes to commercial, we let the people choose who they want. The plans are reviewed, a building permit is issued, come back in and return to complete the inspection, and give the certificate to our Codes Officer and he writes the Occupancy Permit. This keeps the Borough out of the middle of it and he is the issuer and the enforcer.

Dillard speaks about the job description and no consensus being made.

Tokarek asked if you allow the person to hire an independent contractor, don't you think it will be biased?

Shaffer asks the Solicitor what he thinks is best for the Borough.

Solicitor Wolfe states he can see both sides and doesn't know the answer, it works either way.

Dillard requests obtaining opinions from other councils to give us an alternative to take Solicitor Wolfe out of the middle.

Dillard stated if council does not have definitive job descriptions for our employees we cannot have any major complaints about their job performance.

Tokarek asked who does the liability fall on as far as these inspections go?

Solicitor Wolfe answers the inspector.

Shaffer stated council would like a checklist of all the information the Codes Officer wants turned into him.

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Solicitor Wolfe explained the Building Permit is generated from the people who do the inspection.

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Shaffer explained the Occupancy Permit is generated from the Borough Codes Officer so he can review that everything is done properly.

LANDLORD TENANT ACT STATUS

Solicitor Wolfe explained the last time he worked on this was in 2007.

Malec explained the past councils have worked on it until the end of 2007.

Dillard asked if it is this ready to go?

Solicitor Wolfe answered to the best of my knowledge, but suggested it be reread.

Dillard asked if council can we move forward with what we have to make this happen before the first of June?

Mayor Mantini spoke about the problems we have with absentee landlords and the success Kittanning has had using what Mr. Kovac wrote.

Dillard stated the Planning Commission must receive a copy to review.

FORD STREET PROJECT

Shaffer made a motion to pay Tony Baiano Construction the amount of \$167,883.78 from the last reimbursement check received from Penndot. Seconded by Klukan. Motion Carried. 6-0. Unanimous.

NEW BUSINESS

PUMP REPAIR

Malec explained a pump went down in 2006. Suggested to Dave Nichols that council should get the price of a new pump. Malec suggested this item be tabled and make a motion to ask Dave to get a price on a replacement pump before we decide if we actually want to rebuild this to see the money difference.

Malec made a motion to have Dave Nichols check on the price of removal and installation of a new pump versus a rebuilt pump with consultation of Council via the Borough Secretary and go with Dave's decision. Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

PENNDOT REQUEST - STONE

Shaffer made a motion to approve Penndot for placing their stone and storing it on the Cadogan Ballfield and Scripp's Pond Areas. Seconded by Malec. Motion Carried. 6-0. Unanimous.

PENNDOT REQUEST - TRAFFIC LIGHT

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Dillard made a motion to allow Penndot to change out lights at Sheetz. Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

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GAZEBO
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Shaffer made a motion to grant permission to the Ford City Public Library to use the park and gazebo for their "Art in the Park" on Saturday, July 25, 2009 as per their request.

Seconded by Malec. Motion Carried. 6-0. Unanimous.

Malec made a motion to grant permission to Marion Madzy to use the gazebo for on Saturday, August 15, 2009 as per their request.

Seconded by Klukan. Motion Carried. 6-0. Unanimous.

BOROUGH ASSOC. MTG

Klukan 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, March 26, 2009 at a cost of \$20.00 each.

Seconded by Dillard. Motion Carried. 6-0. Unanimous.

MEIT - DENTAL INSURANCE

Dillard made a motion to authorize the Council President to sign the reformatted Joinder Agreement with Municipal Employers Insurance Trust (MEIT). Seconded by Tokarek. Motion Carried. 6-0. Unanimous.

EASTER EGG HUNT

Malec made a motion to grant permission to the Ford City Lions Club to hold their annual Easter Egg Hunt on Saturday, April 11, 2009 at 1:00 p.m. in the Borough Park.

Seconded by Klukan. Motion Carried. 6-0. Unanimous.

MEMORIAL EVE SERVICE

Malec made a motion to grant permission to the Ford City Lions Club to hold their annual Memorial Eve Service on Sunday, May 24, 2009 at 10:00 p.m. in the Borough Park and instruct the Borough Secretary to send letter to Allegheny Power asking them to turn off the Street Lights during the service. Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

PART-TIME POLICE OFFICER

Shaffer made a motion to advertise for part-time police officers.

Seconded by Dillard. Motion Carried. 6-0. Unanimous.

ARMSTRONG COUNTY REC GRANT - 2009

Dillard made a motion to authorize the Council President to sign the Armstrong County Recreation Grant 2009 Resolution to be included with the grant application prepared by the Parks and Recreation Committee.

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Seconded by Tokarek. Motion Carried. 6-0. Unanimous.

~~Regular Meeting~~ KLINGENSMITH HEALTH CARE REQUEST

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Shaffer explains the letter from Klingensmith's Healthcare requesting (4) four acres of ground over in our brownfield to build a new facility, a new

distribution center (healthcare outlet store). The planning commission has received copies of their request. Details need to be worked out, need to sit down with Klingensmith's and discuss, but need a vote to move forward to work on conditions for this. CERB has to be involved in this, other issues need worked out with financing and banks.

Malec explained this area is already zoned. The appraised price on the property was \$35,000.00. The Borough has been told that you can not sell without advertising a bid on it.

Shaffer explained we also can donate it to a non-profit.

Dillard stated the zoning can probably be manipulated and explained he spoke with Dave Cippel when this originally came up around (4) four years ago. We will work with them we just need more details to make decisions without hurting ourselves.

Shaffer explained CERB doesn't want to waste time on this if they don't have council's blessing.

Malec stated they don't need our blessing to work on this deal.

Lux reminded everyone no final decision would be made without coming back to council.

Shaffer explained he wants CERB and Council to work together on this project.

Solicitor Wolfe suggested a letter be written to Klingensmith's that Council is interested in working with them, we want to meet with you and work out whatever it is we need to be worked out.

Dillard reminded everyone politicians are supposed to stay out of the loop until they bring something back to council. If Shaffer is involved as a member of Council, politics are involved.

Solicitor Wolfe again suggested a letter be sent to Klingensmith's, include something positive, put in down in writing.

Dillard made a motion to turn information over to CERB to garner information to bring back to Ford City Council. FC Council welcomes your participation and requests and we will work very diligently to keep the business here in Ford City Borough.

Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

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PATTERN SHOP OFFER

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Malec explained the history of the Pattern Shop which includes grant monies that came to that project for a museum. If you go to sell that building, legality wise, would you have to give the Steel Heritage Monies

back or not? The money was used on the Shop 2 building.
We need to look into this before we start selling buildings.

Solicitor Wolfe suggested a letter be written to the person who wants to move into the shop and a letter to the Steel Heritage People.

Shaffer made a motion to send a letter that we are interested but need to work out the details as far as the museum and other details.
Seconded by Malec. Motion Carried. 6-0. Unanimous.

TICHE BUILDING WALL SPECIFICATIONS

Shaffer made a motion to approve Senate Engineering to prepare the Bid Specifications for the Building #228 including demolishing and rebuilding the common wall with Ford City Equipment not to exceed \$2500.00 or it will be brought back to council for another approval.
Seconded by Dillard. Motion Carried. 5-1. Tim voted No because we have not funded MCTA or the Library yet.

PURCHASE ORDERS TO APPROVE

Shaffer made a motion to approve the purchase orders totaling \$1575.24.
Seconded by Klukan. Motion Carried. 6-0. Unanimous.

TAX ASSESSMENT APPEAL

Shaffer made a motion to authorize the Council President and the Solicitor to sign the confidentiality agreement for the tax assessment appeal for Freedom Apartments and Bellwood Gardens.
Seconded by Klukan. Motion Carried. 5-1. Malec voted No.

PER CAPITA TAX - 2010

Dillard made a motion to table the item Per Capita Tax for 2010.
Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

Tabled because more definitive answers are needed.

WELL #2 REPAIR

Dillard made a motion to authorize D & B Custom Wiring to repair Well #2 in the amount of \$3,930.00.
Seconded by Malec. Motion Carried. 6-0. Unanimous.

TRACTORS

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Shaffer explained there are two riding mowers for sale and both can be purchased for \$950.00. Shaffer stated he will take Pete to look at them.

Dillard made a motion to sign a purchase order in the amount of \$950.00 with council's approval after the street superintendent takes a look at them, starts them, and test drives them. Seconded by Tokarek.
Motion Carried. 5-1. Shaffer abstained because he knows the person.

CERB REQUEST Shaffer made a motion to approve the request of CERB to host "Best Wings in Armstrong County" on Saturday, May 2, 2009 [date on request is April 25, 2009] as per their request as long as there is no alcohol at the event, and inform the Police Dept. and the Street Dept.
Seconded by Dillard. Motion Carried. 6-0. Unanimous.

QUICKBOOKS - 2008

Dillard made a motion to allow the Borough Secretary to attend the QuickBooks 2008 classes at Lenape Adult Education at a cost of \$219.00.
Seconded by Malec. Motion Carried. 6-0. Unanimous.

LAP TOP COMPUTER

Shaffer explained a lap top computer would be very useful to the office by allowing the ability to work from home and would serve as another backup.

Shaffer made a motion to purchase a laptop computer/software for the office at a cost of under \$1500.00.
Seconded by Dillard. Motion Carried. 5-1. Malec voted No.

SWEEPING SCHEDULE - 2009

Dillard made a motion to approve the sweeping schedule for 2009 with an extra week. Seconded by Shaffer. Motion Carried. 6-0. Unanimous.

LEAF COLLECTION EQUIPMENT

Dillard made a motion to purchase leaf collection equipment at a total of \$2550. Seconded by Tokarek. Motion Carried. 6-0. Unanimous.

CITIZEN COMMENTS - OPEN COMMENTS AT THIS TIME

There were no comments at this time.

SOLICITOR COMMENTS

Solicitor Wolfe stated because of the late hour, No Executive Session.

MAYOR COMMENTS

Mayor Mantini congratulated the Saber Hockey team and explained he will be working on a Proclamation, congratulated the Ford City Girl's & Boy's Basketball teams and wished all Seniors Good Luck in future, and asked council to do something with the Tenant-Landlord Act

COUNCIL COMMENTS

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Tokarek expressed his congratulations to the Ford City Teams, explained the Parks & Rec Committee will meet at the Ford City Borough building on March 11th 6:30, any league planning on using the fields need to attend to work out schedule, and Big Brother's & Sister's having bowling tournament call 724-545-3677 for additional information.

Klukan had no comments at this time.

Dillard explained he was contacted by a Cadogan resident concerning the Borough collecting their garbage. Dillard will be doing an assessment and bring that information back to council, and apologized for becoming heated under the collar.

Malec wished everyone a good evening and council still needs to look at funding of the Library

Shaffer explained Ford City already funds the Library 42% and the average is 16% , explained he formerly requested from Library Board under the Right to Know Law all payroll records for the past 12 months, itemized balance sheets of expenditures, saving account balances, and information on CD's, council does fund the library, and congratulated the hockey team on a very good season.

Lux expressed his congratulations to all of our teams.

EXECUTIVE SESSION - NONE AT THIS TIME

ADJOURNMENT Klukan made a motion to adjourn the meeting at 10:06 p.m.
Seconded by Shaffer. Motion Carried Unanimous

John M. Lux, Sr.
Council President

Patty Hornyak
Asst. Secretary

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