

MINUTES
FORD CITY BOROUGH COUNCIL
REGULAR MEETING
LOCATION – FORD CITY PUBLIC LIBRARY
MAY 10, 2010

CALL TO ORDER Council President Lux called the meeting to order at 6:03 p.m. and advised the audience that the meeting for Monday, May 10, 2010 will be audio and video taped by Family Life TV.

Lux asked if anyone was audio or video taping this meeting. There was no response.

Lux asked if everyone could please turn cell phones off. If you must answer, please step out of the meeting.

PLEDGE OF ALLEGIANCE

Lux lead everyone in reciting the pledge of allegiance.

ANNOUNCEMENTS

Lux read a list of prepared announcements. (Attachment)

ROLL CALL

Ron Dillard, Lou Vergari, John Lux, Ray Klukan, Paul Harmon, Rob Mohney, and Mayor Mantini were present.

ATTENDANCE

Solicitor Frank Wolfe, Engineer David Nichols, Dee Simmons, Terry Tokarek, Paul Ondrusek, Sandy Hutchinson, Tom Ondrusek, Chris Zionkowski, Jerry Miklos, Grace Charney, and Renee Zacour were also present.

MINUTES

Vergari made a motion to accept the minutes dated 4-12-2010.
Seconded by Klukan. Motion Carried. 6-0 Unanimous

Klukan made a motion to accept the minutes dated 4-28-2010.
Seconded by Harmon. Motion Carried. 6-0 Unanimous

Jerry Miklos questioned the approval of the minutes from 11-9-09. He was concerned why he was not given a copy of the minutes before they were approved. He did not get a copy so that he could review.

Lux stated he didn't know.

Miklos questions who has the answer.

Minutes
5-10-2010

Regular Council Meeting
Approved 6-14-2010

Lux asked Miklos if he went to the Borough Office to look at a copy.

Miklos comments he subsequently got a copy of the minutes but was unable to get a copy before they were approved. The minutes were a revision.

Lux states tapes must be reviewed to change the minutes. Revisions have to be brought to council.

Miklos stated he was told he would have an opportunity to review the minutes since he questioned them.

Lux comments that Miklos can review minutes and let council know if there are any questions. If Miklos has questions, minutes can be reviewed again.

Miklos asks if Lux's above comment will be in tonight's meeting.

Lux answers yes.

Klukan made a motion to accept the minutes dated 5-4-2010. Seconded by Mohney. Motion Carried. 6-0 Unanimous.

POLICE REPORT Mayor Mantini read the Police Report for April 2010. Mohney made a motion to accept the Police Report for April 2010. (Attachment) Seconded by Harmon. Motion Carried. 6-0 Unanimous.

Vergari made a motion to accept the resignation of Todd Pilston as a part-time police officer. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

COMMITTEE REPORTS

Paul Harmon read the Water Reports and stated they are available in the Borough Office. (Attachment)

Mohney made a motion to accept the Water Reports for April 2010. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

Harmon read the Treasurer's Report. (Attachment)

Klukan made a motion to accept the Treasurer's Report for March 2010. Seconded by Mohney. Motion Carried. 6-0 Unanimous.

Mohney made a motion to pay the bills in the amount of \$42,652.26 as approved by the Finance Committee. (Attachment) Seconded by Klukan. Motion Carried. 6-0 Unanimous.

ENGINEER REPORT

Minutes
5-10-2010
Regular Council Meeting
Approved 6-14-2010

Nichols states that his report has two action items. First is a letter dated May 10, 2010 providing information for the testing of raw water for all three (3) wells. The total estimated cost is \$6291.25. This is in accordance with CWM Environmental.

Harmon questions Nichols if there is grant money available.

Nichols is unaware of any reimbursement for well testing.

Vergari questioned if this was a mandate.

Nichols states that it is necessary for a new plant. DEP requires testing. Manor had to test 4 wells.

Vergari asks if well testing has ever been done before.

Nichols states that they have never been tested to this degree. Have done all tests at various times on post-treated water.

Vergari asks Nichols if this is a compatibility test to see if Ford City and Manor water are similar.

Nichols expects results to be similar.

Harmon questions if the cost of the testing can be split between Manor and Ford City.

Nichols states Manor had to do same testing on their wells.

Ron Dillard questions what the end result would be if merger takes place. Asks why Ford City has to join with Manor Township?

Nichols states that joining forces would result in obtaining the best financing and grant package available. Ford City Borough would still have their own water system. Maintenance and billing would still be the responsibility of Ford City Borough. Ford City would have to pay at the meter or pump for treated water. First step would be to establish an agreement with a rate model per year. Would give protection of how the rates were determined.

Vergari questions selling bulk water.

Nichols states they would be selling it lower than their retail rate.

Vergari questions about numbers.

Nichols answers there would be master meters at point of connection to determine numbers.

Vergari questions about leakage.

Nichols states with bulk water you would be paying.

Minutes
5-10-2010

Regular Council Meeting
Approved 6-14-2010

Nichols states that all of Vergari's concerns will be addressed in the terms of the agreement.

Vergari questions if the billing would be the same as sewage authority [Manor Twp. has an agreement with F.C.B.M.S.D.A.]

Nichols states that each would be responsible for leakage, motivated to eliminate leaks. This would determine the actual cost of producing the water.

Vergari asked what their motivation would be to fix their leaks.

Nichols states to reduce flow at plant and that everyone would share lesser costs and would mean lesser rates.

Dillard states that according to what Nichols is saying, they will have rights to our three pumps.

Nichols states terms need to be in agreement. The value the borough throws into the mix is well supplies.

Lux was under the impression that this would be a joint authority. That it would be a 50/50 split for everything. Ford City would be responsible for their repairs and Manor for their repairs.

Nichols states that we have barely scratched the surface of an agreement.

Harmon states that when the feasibility study comes back, all items can be hashed out.

Lux agrees.

Dillard questions if all six (6) council people will be invited.

Lux states all six (6).

Dillard states that there are a lot of questions that still need to be answered. We have to look at how we are going to handle the leaks and detection systems to detect leaks a lot quicker.

Nichols states that a plant needs to be built so that it can handle a peak day, for example on 1-20-09. Nichols states peak day was almost 3X normal quantities.

Dillard states that it was the Eljer leak that we could not find.

Nichols states that the peak days are still double normal days.

Harmon states Eljer is no longer here but there are leaks that need found.

Lux agrees and states that leaks need to be located.

Minutes
5-10-2010

Regular Council Meeting
Approved 6-14-2010

Dillard feels a system needs to be instituted to detect leaks instead of running around town waiting for it to bubble up.

Nichols states that we have a lot of sand and gravel here and that would take a while to appear at the surface.

Mantini states that he attended a meeting where he asked a lot of base questions. Ford City is blessed with water from an aquifer. Water plant was built in 1923. Supposed to get a grant to rebuild this. Manor Township's was built in 1956. Grant is supposed to be around 1 million dollars. Would need a massive amount of money to bring to 2010 standards. Manor got much more money.

Harmon states that upgrade of plant would cost around 1.1 million and more money would be awarded if together.

Mantini discusses his understanding of what would take place from the meeting he attended.

Harmon states that he spoke with PA Water, they looked at our system and like what they saw as far as our well water. They have options that they are going to offer us. Have to do something here soon.

Nichols comments that if we choose to keep our own plant, must respond by end of May for the H2O grant.

Dillard feels should still respond to H2O grant to keep options open.

Dillard questions why Paul is talking with PA water.

Harmon answers looking for options.

Dillard asks if it is the consensus of council that we need to unload our water system.

Lux states looking at all options to see what and who would offer us what. Not the consensus of council to sell off the water but would like to do what is good for the borough 20 years down the road.

Vergari comments that he knows the DEP is on the borough, but hates to give away control of water plant. Feels bulk rate deal is a mistake. Would feel better to make a deal with Manor, with people we know.

Dillard states that borough holds the goldmine with 3 wells. It is ludicrous to pay bulk rate. Have to protect people in Ford City.

Vergari questions if borough will move forward with applying for water grant.

Minutes
5-10-2010

Regular Council Meeting
Approved 6-14-2010

Nichols states council has a choice. It is a million dollar project one way or the other.

Vergari questions Nichols if still have to pay to run new line.

Nichols says yes and states that it is no surprise.

Vergari states it is a surprise to him, thought we would just be hooked up.

Nichols states they would like to back feed the town by gravity like we do now.

Harmon comments that we would have to purchase high pressure pumps.

Mantini states that these questions were brought up at meeting.

Dillard stated that it was not a meeting open to the public and council needs feedback from people.

Lux plans on doing this.

Vergari feels council should still move forward with grant and asks if it has to be specific at this time.

Nichols states that it has to be for one project or the other.

Terry Tokarek asks if this is the same grant that was guaranteed last year.

Nichols answers yes, it is the H20 program.

Dillard states either way we are going to have to spend money.

Mohney states have to decide whether we want a temporary or long-term fix.

Dillard reiterates that either way there is going to be an expenditure on the borough's part. We need to enter into the grant with a larger piece of the pie.

Nichols states need results of feasibility study.

Vergari questions if study is happening now.

Nichols answers yes. It is being done right now.

Harmon questions charge of \$6,000.

Nichols clarifies that \$6,000 is the cost of testing for all three wells. This

Minutes
5-10-2010

Regular Council Meeting

Approved 6-14-2010

lab is used by us on a monthly basis.

Renee Zacour asks if this is mandated?

Lux states just a DEP suggestion.

Zacour asks for clarification of costs for both projects. Questions why council would not want to invest money in own asset if the dollar value was fairly equal, one way or the other will have to expend around a million, million five. Asks if she is understanding correctly.

Mohney states that she is correct. The possibility of joining with Manor would be a long-term solution. The money put into ours may be a temporary fix.

Zacour feels majority of revenue is generated from water plant.

Mohney states there will be an up-charge to the customer. The rate we pay Manor will not be the same rate we charge customers.

Zacour states that the customers are the taxpayers.

Lux comments that new facility will meet DEP regulations. Just looking at options.

Harmon questions if testing costs will be reimbursed by grant money.

Nichols answers can try but can't guarantee.

Discussion takes place about testing untreated water.

Klukan made a motion to authorize CWM Environmental to test raw water quality on all three wells for a cost of \$6291.25. Seconded by Dillard.

Dillard asks Nichols if council should go ahead with grant application.

Nichols states they must go with one choice or the other.

Lux states this will be discussed later.

Vergari is not 100% sure.

Dillard states council would be remiss if they don't do testing.

Minutes

5-10-2010

Regular Council Meeting

Approved 6-14-2010

Council President Lux called for a vote on the motion already made and seconded..

[Klukan made a motion to authorize CWM Environmental to test raw

water quality on all three wells for a cost of \$6291.25. Seconded by Dillard.] All voted in favor. Motion Carried. 6-0 Unanimous.

Nichols states that the second item on the agenda is the prepared bids and specifications for the boiler in the borough. Nichols gave a copy of the plans to Harmon earlier this month, an advertisement has been prepared that the secretary is ready to advertise to receive bids in advance of the June 14th meeting. Nichols states he was not successful in finding a grant program.

Lux comments that the grant he was told about was closed.

Harmon states that the prints can be found at the borough office.

BOILER

Vergari made a motion to advertise the Borough Building Heating Project. Seconded by Harmon. Motion Carried. 6-0 Unanimous.

Mohney made a motion to accept the Engineer's Report. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

OLD BUSINESS

PAVING - 2010

Mohney made a motion to advertise a Special Meeting for Monday, May 24, 2010 @ 6:00 p.m. for the purpose of opening the Paving 2010 bids and any other business. Seconded by Harmon. Motion Carried. 6-0 Unanimous.

BOARD OF HEALTH

Harmon made a motion to forward a letter to the PA Dept. Of Health - Perry Fox requesting a waiver for the examination requirement for Colleen Marcinek based on her years of service on the Ford City Board of Health. Seconded by Vergari. Motion Carried. 6-0 Unanimous.

Jerry Miklos questions if council has a response to his letter, he was promised a response February 2010.

Lux states it was his fault, has spoken with solicitor and will meet this month to address Miklos' questions.

Miklos states that the motion that was just made is in violation of Title 28 PA Code Section 11.1&3&4, reads. Provides solicitor with copy.

Miklos questions if exemption is only for Colleen or her husband as well.

Minutes

5-10-2010

Regular Council Meeting

Approved 6-14-2010

Lux answers only Colleen, others will have to go for some kind of training.

Lux questions how many years Miklos was on the BOH.

Miklos answers approximately four.

Lux asks Miklos how many times he asked for training.

Miklos questions Lux how long he was on the BOH.

Lux states to Miklos not to answer his question with another question.

Miklos states Lux was on the BOH a lot longer than he was.

Lux comments that when he was on the BOH he was told there was no training needed. Lux asked the board what training was needed and he was told none.

Miklos asks who the president was.

Lux states she has passed away since.

Miklos states his point is now Lux has since become aware of it.

Lux comments that his point is, is that he asked if training was needed and Miklos did not.

Miklos states Lux doesn't know what he asked and he asked a lot of questions.

Lux states Miklos did not ask this question until he was removed from the BOH.

Miklos tells Lux he doesn't know what he asked.

Lux tells Miklos he does know what he asked.

Miklos questions how many members sit on the Board of Health.

Lux answers three.

Miklos asks who they are.

Lux states Frank & Colleen Marcinek and Ann Crawford.

Miklos states he attended the last BOH meeting and was told by the Marcinek's that Ann Crawford quit. Miklos states that he was told there were only two members.

Minutes
5-10-2010

Regular Council Meeting

Approved 6-14-2010

Lux informed Miklos that council has not received a letter stating that.

Miklos also stated he was told he couldn't see the minutes because he had to go through council, but was not told who to go through. Miklos states

minutes are public record.

Lux agrees.

Dillard tells Miklos to request the minutes through the borough secretary.

Miklos says he has requested the minutes several times, has verbally asked the secretary several times. Should not necessitate putting in writing.

Dillard feels it is necessary and would like all requests for minutes or documents in writing, verbally doesn't count.

Miklos states that to be perfectly clear could care less that he is not on the BOH. Miklos was asked to be on BOH by a councilman, after deciding not to run again for council, because they could not get members to sit on the board. Miklos states that he doesn't care whether he is on the BOH, but when he was taken off decided to take council on. Miklos wonders why council did this and feels he is the only one qualified to be on BOH.

Lux asks Miklos how he came to this conclusion.

Miklos states according to academic qualifications, just read to you that you have to be a physician, a nurse, or have a minimum of a bachelor's degree.

Harmon states Miklos is right but the members of the current board fall under a different document. Harmon questions Solicitor Wolfe if they follow borough code or other document.

Wolfe states there are a couple of issues, there is a difference between a health officer and an inspector, they are two different jobs. Couple of sections are missing and can't determine from these documents the qualifications of an inspector.

Harmon states that borough would fall under state if we don't have our own BOH, which is a lot more strict.

Miklos is asking council to do the right thing and reiterates he does not want to be on the BOH. Reads passage from 10-05-2009 minutes regarding BOH vote. Letter was sent to me even though there were no meetings being held.

Lux states only saw Miklos one time at the borough building.

Miklos comments that when he spoke to Lux, Lux had no idea what was going on with the BOH.

Minutes
5-10-2010

Regular Council Meeting
Approved 6-14-2010

Lux states that as long as they are doing their job he doesn't worry about it.

Miklos states he doesn't know what the council is trying to hide and points out that there are several questionable practices regarding the BOH and feels they need to be investigated.

Lux states that complaints about BOH surfaced after Miklos was taken off. Haven't had one complaint about the board in years.

Miklos states questionable practices include: no audits, no financial reports, cash collection and receipts. Miklos asks Lux if he collected cash when he was on the board.

Lux answers yes.

Miklos asks if he got receipts.

Lux states he turned it into the bank. Receipts were what he did for inspections.

Miklos asks how he turned it into the bank.

Lux states he gave the money to the secretary. Only collected money if had the white sticker, the duplicate copies of the inspection papers were the checks and balances.

Miklos feels council should have looked at his receipt book to investigate his level of participation.

Lux states that the BOH came to council asking for Miklos to be removed, Dillard, as vice president of council, attended BOH meeting and made the recommendation.

Miklos states Lux told him he was going to attend and come back to council to discuss what he found out at BOH meeting but that wasn't done.

Lux tells Miklos he had a family emergency that had to be dealt with.

Miklos states that he was already removed before the meeting.

Lux asks Miklos to sit down. Lux questions if Miklos has spoken to Perry Fox.

Minutes
5-10-2010

Miklos answers yes he has spoken to him.

Regular Council Meeting

Approved 6-14-2010

Lux states that Fox is who asked council to do this, that is why we are doing this.

Miklos asked Lux where he thinks that came from.

Lux answers he doesn't know.

Mark Schultheis questions council why he has not been paid for services rendered.

Lux states he signed the check and it went out.

Schultheis reiterates he has not been paid. Harmon asks Schultheis how much he thinks the borough owes him.

Schultheis tells him to ask the secretary.

Harmon states it was sent out.

Schultheis states he was partially paid.

Dillard asks the secretary how much Schultheis is owed.

Secretary answers zero.

Harmon asks how much he is owed.

Schultheis states \$2500 and states it has been turned over to his attorney.

Bridgette Opalka states she feels things get lost in the mail, check bank for outstanding balance.

Dillard states check #1857 for \$5000 was approved, written, and mailed.

Mantini explains had problem with other checks getting lost in the mail.

Lux states council waited until March to pay because roof was damaged by them and needed repairs.

NEW BUSINESS

SEWAGE AUTHORITY - RESIGNATION

Klukan made a motion to accept the resignation of Zoltar Kupas from the Sewage Authority.

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

Klukan made a motion to appoint Ron Dillard to a temporary position until a replacement can be found. Seconded by Mohney.

Motion Carried. 5-1 Harmon votes no.

GAZEBO REQUEST

Klukan made a motion to grant permission to Deb Boarts to use the

Gazebo on Saturday, August 1, 2010 from 12 p.m. until 3:00 p.m. and inform the Street Dept. and the Police Dept. Seconded by Vergari. Motion Carried. 6-0 Unanimous.

Vergari made a motion to grant permission to Ford City Crime Watch to use the Gazebo on Saturday, May 22, 2010 from 1:00 p.m. until 3:00 p.m. for a Public Meeting and inform the Street Dept. and the Police Dept. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

MEMORIAL DAY PARADE

Vergari made a motion to grant permission VFW Post #4843 to hold their annual Memorial Day Parade on Monday, May 31, 2010 beginning at 8:30 a.m. at 4th Avenue at the High School to the Borough Park and notify the Ford City Police. Seconded by Mohny. Motion Carried. 6-0 Unanimous.

PHYSICAL & DRUG TESTING

Harmon made a motion to send all union employees holding a Commercial Drivers Licence to Dr. Richless for an immediate physical and drug screen. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

Kathy Bartuccio asks what the cost of the physicals and drug testing is. Solicitor Wolfe answers around \$100.

Tom Ondrusek questions if he must get a physical since he just had one.

Council feels Ondrusek only needs a drug test as long as he has record of his physical.

Ted Breuer comments that drug testing should be random.

Mohny explains once initial testing is done, then random testing will be performed.

RAILING REPAIR Harmon made a motion to accept the quote from Larry Bittner to re-attach the original rail for the amount of \$1100.00.

Dillard asks if the borough called Bill O'Brien.

Lux answers he didn't think so.

Dillard would like to get quotes on this project before any decision is made.

Lux states that safety railings on water plant need repaired.

Dillard would also like to look at walkway on seventh avenue. Feels there are three (3) areas that need repaired in the borough.

Tokarek thinks that maybe the housing authority railings could be reused after the projects are demolished.

Dillard states if tearing buildings down, council needs preemptive information.

Dillard made a motion to obtain three quotes for railing repairs. Seconded by Vergari. Motion Carried. 6-0 Unanimous.

ELECTRIC FORD STREET - DECORATIONS

Klukan explains Ford Street electrical setup and was informed more wire needs run, spoke with Stivy and Stewart. Need to get quotes. Electricity needs run for 5th Avenue, too.

Harmon questions if lights are separate.

Discussion about amperage continues.

Mohney made a motion to *advertise* for quotes for an electrical upgrade. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

CROSS WALK PAINTING

Klukan explains areas where cross walks need painted.

Vergari would like school zone painted with mph.

Vergari made a motion to get a quote for painting cross walks. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

FORD CITY HIGH SCHOOL

Mohney made a motion to grant permission, pending receipt of a formal request, to Ford City High School to hold their graduation ceremony on Friday, June 11, 2010 and notify the Street Dept. and the Police Dept. Seconded by Klukan. Motion Carried. 6-0 Unanimous.

PURCHASE ORDERS TO APPROVE

Discussion about shredder.

Harmon wants to look into a shredding company.

Discussion about handicap signs.

Dillard would like to revisit ordinance to increase fine.

Klukan made a motion to purchase weed killer. Seconded by Dillard. Motion Carried. 6-0 Unanimous.

DESTROY DOCUMENTS

Klukan made a motion to destroy tax collector records from 1995 and

2000 as listed. Seconded by Mohny. Motion Carried. 6-0 Unanimous.

Vergari questions if it is the borough's job to shred tax documents.

Solicitor Wolfe answered yes, owned by borough.

RAILS TO TRAILS Klukan made a motion to grant permission, as requested by Allegheny Valley Land Trust, to install trail survey holder and trail counter and contact the Parks & Recreation Committee prior to installation. Seconded by Mohny. Motion Carried. 6-0 Unanimous.

CITIZEN COMMENTS

Dee Simmons read a letter prepared by a group of concerned citizens.(Attachment)

Grace Charney left the meeting.

Terry Tokarek states he spoke his peace at the last sewage authority meeting but would like to share with Ford City. States he was going to clown around but clowning needs to stop. As past president of the sewage authority, was ready to leave but was asked to stay to finish the project. All audits were done and there was no misappropriation of funds. Sewage Authority is funded by sewage rates, no tax payers money. All sewage board's past solicitors have ended up being judges in Armstrong County, except for Pascal, feels this shows the integrity of the Sewage Authority. Heard that the project is not going to go through as promised, funding and loans are in place needs to be done by November. Questions council why stalling and why bids are not being accepted.

Lux states council is not holding them off.

Nichols explains it is the Sewage Authority it holding off.

Tokarek states this is money that we use or lose.

Lux states that council is not holding the project up.

Tokarek states that council held the project up when they approved the present board. Tokarek feels that it was an intentional, personal attack by some people. Was on way out but stayed on because was asked to. Feels the stall tactics going on are inexcusable. States there are no illegal contracts and that himself and Vergari were not to be removed. Attended a seminar sponsored by the ethics commission and was told that a member is on the board until you resign or are replaced, was not replaced when contracts were up. Reiterates that there were no misappropriation of funds and no illegal contracts.

Mantini asks Tokarek not to be sarcastic.

Tokarek states he is not being sarcastic and asked council when the mayor started conducting meetings. One thing a citizen brought to Tokarek's

attention was a chimney on 500 block of 5th avenue.

Lux states it is taken care of.

Tokarek states he has one more comment, it was brought to his attention that there has been water diversion in a couple of businesses in Ford City, two businesses running out of one meter. Feels this needs investigated and if found is fraud or theft.

SOLICITOR COMMENTS

Solicitor Wolfe had no comments at this time.

MAYOR COMMENTS

Wish the 2010 Prom well, and need volunteers for supervising community service. Thanked veterans and the people in harms way, remember them in your prayers.

COUNCIL COMMENTS

Dillard thanks people for showing up and voicing opinions and would like them to continue in the future.

Vergari thanks people for coming to meeting.

Klukan thanks people for coming to meeting.

Harmon has no comment at this time.

Mohney attended last Parks & Recreation meeting, lot of good people on the committee. Developed a plan to install bollards at 7th Avenue Playground to keep people from driving on field.

Solicitor Wolfe states that he needs to thank Bill Oleksak for helping him with the history of Ford City he needed.

Lux thanks public for showing up to the meeting and please remember to vote.

EXECUTIVE SESSION

Executive Session was held at 5:30 p.m.

ADJOURNMENT

Klukan made a motion to adjourn the meeting at 8:00 p.m. Seconded by Mohney. Motion Carried. 6-0 Unanimous.

John M. Lux, Sr.
Council President

Lisa Bittner
Borough Secretary.