

AGENDA
FORD CITY BOROUGH COUNCIL
REGULAR MEETING
LOCATION – FORD CITY PUBLIC LIBRARY
SEPTEMBER 14, 2009

CALL TO ORDER President John Lux called the meeting to order at 6:02 pm. and 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 led everyone in reciting the Pledge of Allegiance.

ROLL CALL

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

ATTENDANCE

Solicitor Frank Wolfe, David Wolfe, Chris Zionkowski, and Paul Harmon were also present.

ANNOUNCEMENTS

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

CITIZEN COMMENTS - AT THIS TIME ON AGENDA ITEMS ONLY

There were no comments at this time.

MINUTES

Shaffer made a motion to accept the minutes for 6-23-2009.
Seconded by Klukan. Motion Carried. Unanimous 6-0

Klukan made a motion to accept the minutes for 8-3-2009.
Seconded by Shaffer. Motion Carried. Unanimous 6-0

Malec made a motion to accept the minutes for the public hearing on the proposed Landlord-Tenant Ordinance on 8-24-2009.
Seconded by Shaffer. Motion Carried. 6-0 Unanimous

Malec made a motion to accept the minutes for the special meeting on 8-24-2009. Seconded by Klukan. Motion Carried. 6-0 Unanimous

POLICE REPORT

Mayor Mantini read the police report for August 2009.

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

Minutes

9-14-2009

Regular Meeting

approved 10-5-2009

Mayor Mantini thanked council for the new police car. Mantini stated Officer Abernathy rides about 12 miles per day. Council President Lux stated other officers patrol on bikes too.

COMMITTEE REPORTS

Ron Dillard read the water report and announced that the reports are available in the borough office.

Shaffer made a motion to accept the Water Reports which are available in the Borough Office.

Seconded by Klukan. Motion Carried. 6-0 Unanimous

Shaffer questions the amount of hours worked at water plant when there is 100,000 less gallons per day being used since Eljer closed down. Shaffer asked the water committee to look at the hours worked and if the committee could possibly shorten the day by two hours to save over \$30,000 in wages.

Dillard states he doesn't think there would be any wage savings because the workers are guaranteed a 40 hour week.

Shaffer states that workers would still get their hours just no overtime, and that would be a savings.

Dillard states that Tom Shaffer is looking at a scheduling change.

Shaffer wants to make sure there is no overtime, wants committee to look into scheduling changes to save money. I am not trying to cut hours. We are producing 100,000 less gallons per day.

Dillard states they will take a look at a schedule change.

Shaffer reads treasurer report for July 2009 and bill pay list.

Shaffer made a motion to accept the Treasurer's Report for July 2009 and pay the bills in the amount of \$50,943.43 as approved by the Finance Committee. Seconded by Klukan. Motion Carried. 6-0 Unanimous

NEXT FINANCE MEETING 9-17-2009 at 4:00 p.m.

Shaffer states that a Finance Meetings will be held on the above date and time and all council members are invited to attend.

Shaffer states that \$805,000 grant audit was released and would like to enter letter into record.

Minutes
9-14-2009

Shaffer makes a motion to enter his letter, concerning the IDP grant, into record.

Regular Meeting

Dillard states that he hasn't had the opportunity to read the audit or letter approved 10-5-2009 and asked to wait until the next council meeting to held on Monday,

September 21, 2009 to have a reasonable discussion.

PER CAPITA

Shaffer states that council needs to make a decision because assessors must be hired and paid, it costs just as much to collect as it is to have. It is a waste of a tax and recommends getting rid of the tax.

Malec states this was discussed three (3) to four (4) months ago, consensus at that time was to abolish the tax.

Solicitor Wolfe states that you must do this by ordinance. Vote to advertise

Shaffer made a motion to advertise to repeal per capita tax. Seconded by Malec. Motion Carried. Unanimous 6-0

OLD BUSINESS

LANDLORD TENANT ORDINANCE

Shaffer states there was a Public Hearing on 8-24-2009 to discuss the proposed ordinance to discuss any changes or recommendations.

Solicitor Frank Wolfe states the need to put comments in writing to reuse proposed ordinance prior to 9-21-09 meeting.

A discussion took place about changing the fee table.

Annual Fee: \$50

Additional Unit Fee: \$15

Inspection & Reinspection : \$15

Appeal: \$500

Dillard questions if \$15 is enough to cover the inspector and movement of paperwork through the office.

Shaffer states that it will probably break even across the board.

Dillard questions if the ordinance is self-sustaining.

Shaffer states he can't tell for sure due to number of units within buildings but it will be more revenue than collected before. We can always adjust it after we see.

Dillard states that maybe we are looking at a \$20 fee.

Minutes

9-14-2009

Regular Meeting

approved 10-5-2009

Mayor Marc Mantini states that this has gone on for over 10 years. 35% of Borough is made up of absentee landlords. Let's not forget this ordinance is to protect good citizens.

Shaffer states he is comfortable with \$15 for 2010. However, if building is not ready and code officer goes back out, fee will be charged again. Every time code officer visits site a fee will be charged.

Dillard questions if the entire cost of the hearing is not used in appeal, can the remaining portion can be refunded to applicant.

Shaffer states that the landlords will be exempt from the business tax.

Solicitor Frank Wolfe states that you must amend ordinance #681.

Shaffer states it will be mandatory for landlords to register with the borough.

Council President Lux states that all landlords will get a copy of the ordinance, they will know it is mandatory to register.

Tokarek questions where council stands on landlords who have paid their money for ordinance #681.

Solicitor Frank Wolfe states still waiting for court decision, filing objections, items still need properly defined.

Tokarek questions if an ordinance is not on the books can it be enforced?

Solicitor Frank Wolfe states that the ordinance was passed last year and it is in the books.

Malec states that it was passed in October or November of last year.

Shaffer states that it was an original ordinance since 1969.

Tokarek questions if it was ever collected.

Solicitor Frank Wolfe states he didn't think it was ever collected. Wolfe will compile and forward email to council to help recall what happened at the last meeting.

Shaffer states that the minutes from the meeting are in binders.

EIT - DESIGNATE Shaffer made a motion to appoint Mayor Marc Mantini as the representative from Ford City Borough for the Earned Income Tax Committee for the Armstrong County Tax Collection District. Seconded by Malec. Motion Carried. Unanimous 6-0

Minutes
BUILDING # 228 Shaffer made a motion to reject all bids and return their bid bond.
9-17-2009 Seconded by Klukan. Motion Carried. Unanimous 6-0

Regular Meeting
approved 10-5-2009 Discuss further in executive session.

NEXTIER Solicitor Frank Wolfe will waive legal fees and will assign CDC loan to Borough.

Shaffer made a motion to pay Nextier \$39,785.89 plus \$6.51 per day. Seconded by Malec. Motion Carried. Unanimous 6-0

TOWING ORDINANCE

Shaffer provided copies of sample towing ordinances. Shaffer asked them to please take, read, make changes and we can discuss for review for 9-21-2009. Solicitor Wolfe needs to take a look at them too.

NEW BUSINESS

ELJER

Shaffer explains Eljer Properties were purchased by Tom Sipes Demolition of Monaca. Mr. Sipes is doing the abatement studies and papers have been turned into the DEP for a demolition permit for Plant #1 and Plant #2. Would like to tear down Plant #1 and donate land to Ford City Borough after the site is clean. I would like to make a motion to ask the Solicitor to work out the contract for Plant #1.

Solicitor Frank Wolfe states that environmental studies need to be completed.

Malec states clean up for DEP & EPA, believes will need Act 2 clearance for project.

Solicitor Frank Wolfe states this is early and not sure what will need to be done.

Shaffer states office is working with Senator White's office, DEP, and EPA.

Shaffer made a motion for Solicitor Wolfe to meet with Mr. Sipes to discuss written agreement pertaining to donation of land and to work out details to be brought back to council.

Seconded by Malec. Motion Carried. Unanimous 6-0

Shaffer states that he has requested time to further explore plans for use of Plant #2. Mr. Sipes has agreed at this point.

Council President Lux states he would like to be kept informed. Also, Solicitor Frank Wolfe needs to be informed of all happenings.

Minutes
9-14-2009

Mayor Mantini states that it sounds too good to be true and questions how much an environmental study costs.

Regular Meeting
approved 10-5-2009

Malec answers that it all depends on what they find on the property. The study doesn't cost as much as the clean up.

Shaffer states that Eljer did do some environmental studies on Plant #1 and Plant #2. DEP has been notified of everything. This will be at no cost to the taxpayers.

Gene Banks questions if there is any county involvement with the project?

Shaffer states he will accept any help from the county.

Dillard states to ask Mitch Fryer who wrote the article.

ELJER WAY SIGNS - 911 REQUEST

Shaffer made a motion to place Eljer Way signs at the intersections crossing Eljer Way and always refer to Eljer Way for this road.

Klukan questions if this can be renamed Second Avenue.

Malec questions what will be the cost. Also, contact businesses to see what their opinion is.

Solicitor Wolfe states \$50 to prepare an ordinance.

Lisa Bittner states that all businesses have Eljer Way as an address.

Tabled

DIVINE REDEEMER MARATHON

Dillard made a motion to approve the request of Divine Redeemer School to hold their annual Marathon on Friday, October 2, 2009, 12:00 noon until 2:30 p.m. in the Borough Park and inform the Police Department and the Street Department.

Seconded by Shaffer. Motion Carried. Unanimous 6-0

SECOND BAPTIST CHURCH

Malec made a motion to grant permission to Second Baptist Church to use Boulder Park on Saturday, September 26, 2009 from 2:00 p.m. until 6:00 p.m. for a "Community Day".

Seconded by Dillard. Motion Carried. Unanimous 6-0

EMERGENCY HORNS - BOROUGH GARAGE

Shaffer made a motion to donate the horns to Ford City Hose Co. #1.

Seconded by Malec. Motion Carried. 3-1 Terry

Tokarek votes no; John Lux & Ray Klukan abstain.

HALLOWEEN PARADE - TRICK-OR-TREAT - 2009

Minutes

9-14-2009

Regular Meeting

approved 10-5-2009

Malec made a motion to set the date for Trick-or-Treat date as Wednesday, October 28 from 6:00 p.m. until 8:00 p.m. and for the Halloween Parade to be held on Thursday, October 29, 2009 at 7:00 p.m. and inform the Police Department, Street Department and the Fire Department.

Seconded by Dillard. Motion Carried. Unanimous 6-0

BOROUGH ASSOCIATION

Klukan made a motion to authorize any Council Member, Mayor Mantini or the Borough Secretary to attend Borough Association Meeting to be held on Tuesday, September 22, 2009 at a cost of \$20.00 each. Seconded by Shaffer. Motion Carried. Unanimous 6-0

BULK DEICING SALT

Shaffer made a motion to advertise for the bulk de-icing road salt needed for 2010. Seconded by Klukan. Motion Carried. Unanimous 6-0

CHEMICAL BIDS

Malec made a motion to advertise for bids for the chemicals needed in 2010 for the Filter Plant Operation. Seconded by Klukan. Motion Carried. Unanimous 6-0

COUNTY REGIONAL MEETING

Dillard made a motion to authorize any Council Member and Mayor Mantini to attend the County Regional Meeting to be held on Wednesday, September 23, 2009 at the Manor Twp. Fire Hall. Seconded by Shaffer. Motion Carried. Unanimous 6-0

PART-TIME POLICE OFFICER

Malec made a motion to advertise for part-time police officers. Seconded by Klukan. Motion Carried. Unanimous 6-0

FIRE SAFETY NIGHT

Dillard made a motion to grant permission to the Ford City Fire Dept. as requested to block off the municipal building parking lot for their annual Fire Safety Night to be held on Thursday, October 1, 2009 and inform the Police Dept. and the Street Dept. Seconded by Malec. Motion Carried. Unanimous 6-0

AUTUMN FESTIVAL

Dillard made a motion to grant permission to the Ford City Hose Company to close 9th Street from 4th Avenue to 3rd Avenue for their Autumn Festival to be held on Saturday, October 3 and inform the Police Dept. and the Street Dept. Seconded by Shaffer. Motion Carried. Unanimous 6-0

LOCAL GOVERNMENT ACADEMY

Shaffer made a motion to authorize up to five representatives from Borough Council, Planning Commission, Zoning Board and Mayor Mantini to attend the seminar, Sustainable Development Academy, on Thursday, September 24, 2009 at the Cranberry Township Municipal Building at a cost of \$20.00 each and reimburse for mileage at the IRS rate and all attendees must car pool.

Seconded by Dillard. Motion Carried. Unanimous 6-0

Minutes
9-14-2009
Regular Meeting
approved 10-5-2009

CITIZEN COMMENTS

David Wolfe - USW local representative states he is upset with the way Sun Capital treated residents, Eljer employees, ASD, and Armstrong County. The Union is still fighting Sun Capital. Questions about KOZ, with demolition of Eljer are you going to extend? I have met with Senator White and Representative Pyle and they have assured me they were going to do away with the KOZ. They have not presented or passed any legislation. Wolfe explained he is here to make sure demolishing doesn't extend the KOZ for any of them.

Shaffer states that there is no extension of KOZ, it ends December 2010. ASD extended KOZ on the browns field at their August meeting.

David Wolfe questions if borough pays taxes on property.

Shaffer answers no, but would rather own property than see a junkyard.

David Wolfe states that council hasn't been able to do anything with the brown field Ford City currently has, that is off the tax roles. How is this going to benefit anyone in the community?

Malec states that PPG placed covenants, can't build residential. Ford City is a low-income community, would like to see Ford City the way it was. Build new houses along the river and entice people with good paying jobs to move here and increase property value.

David Wolfe states that it is a dream. All higher income homes are for sale. I agree with Tom Shaffer and would like to see industry. Sun Capital wouldn't sell to employees to secure jobs here. They wanted to charge us 7 million dollars.

Council President Lux states that Sun Capital doesn't own the building and neither does Ford City Borough, arguing about this is useless.

David Wolfe questioning about taxes and revenue about borough. Since 12-31-08 employees of Ford City Borough have been without a collective bargaining agreement. Wants to know why we have not been meeting. If building is given to borough it would not be taxable. KOZ for Eljer - time period?

Shaffer states council is willing to meet and negotiate.

David Wolfe states that he was told council is looking to subcontract sanitation and water. Check with Leechburg and Kittanning to see what happened with rates.

Minutes
9-14-2009
Regular Meeting
approved 10-5-2009

Council President Lux states that has to be voted on by all six people. Lux states he works and relies on Ron Dillard and Tom Shaffer to be informed.

Council President Lux asks Dave Wolfe to please be seated and states he will contact the mediator.

Mayor Mantini commented borough government changes, other council voted for the KOZ and Sun Capital wanted 4 million dollars, Tom Sipes paid \$500,000, we need something.

David Wolfe states council keeps taking property off of tax roles and workers can't get a contract.

Mayor Marc Mantini states not to bring up personnel.

David Wolfe states that if people in the KOZ areas walk away they should have to pay the taxes.

Shaffer states that Representative Pyle is working on this in committee.

Mitch Fryer questions if KOZ ends with property change. No.

Mike Toy owner Mike's Towing explained he would like to respond to comments, made by Tom Shaffer, about him gouging customers. Toy provided copies of testimonials from companies and police departments to council members.

Shaffer states he didn't mention a name, just said local towing company.

Toy states Tom Shaffer is out for a personal vendetta. Had issues, I am a local business guy, he is trying to take food from table. "I am not a AAA rep., I am not a bad guy." said Toy.

Council President Lux questions hazardous fee?

Mike Toy states sold borough set of tires, and was \$90 cheaper than anywhere else.

Shaffer states that certificate of insurance was needed.

Toy responded he sent the certificate four (4) times.

Shaffer questions if there was a conditional use hearing to change building from garage to towing facility. Also mentions complaints from citizens about squealing tires.

Paul Harmon states that he has complained in the past but Toy has been taking care of problems.

Minutes
9-14-2009

Regular Meeting
approved 10-5-2009

Shaffer states that he would never recommend anyone use his business.

Toy states that he is going to send more recommendations down and that they do 100-150 calls per month for the state police.

Kim Bish comments on letter to editor in the Leader-Times concerning handicap accessibility for Ford Street. Bish stated there is no way a manual wheel chair can negotiate the old Klingensmith's corner.

Bish stated there is a problem with property owned by Dominion Peoples because they are not cutting their grass. Bish explained she contacted Officer Abernathy and Fred Dzugan about Dominion property. Bish distributed pictures. Bish asked that Abernathy or Dzugan to enforce cutting of grass.

Mayor Marc Mantini questioned if she called the police.

Bish spoke with Mr. Deel who owns the front part of the property. I initiated this six weeks ago. What is your procedure?

Mayor Marc Mantini states that absentee property owners are a problem.

Bish would like to know the protocol that is followed by Officer Abernathy.

Mayor Marc Mantini explained there is a protocol they follow.

Tokarek asked to see pictures and wanted to know if she ever contacted Dominions.

Bish answers yes, last year.

Dillard states that since they live in same neighborhood they will talk off camera.

SOLICITOR COMMENTS

Solicitor Wolfe had no comments at this time.

MAYOR COMMENTS

Would like to wish all Armstrong County Fall Sports and especially Ford City good luck. Thanks to individuals who helped with Fit Trail. Schools are open - drive carefully. Thanks to Rande Volek and Karen Kijowski they pick up litter everyday. Thanks to the Garden Club. Thanks to council for the new Police Car. Thanks to Hall of Fame for putting Police Department & Fire Department in. Please do not dump trash into sewers. Hope that Sipes does right by borough and wish him well. Roof borough garage is being fixed. Peffer & Zaliponi are back from Iraq.

COUNCIL COMMENTS

Tokarek thanks people for taking care of ballfields in Cadogan & Fort Run. Trail looks great, well used something Ford City has to be proud of.

Parks & Rec is planning a Halloween Festival in planning stages to try to involve whole town.

Malec explained to Solicitor Frank Wolfe that he received calls about fires at night reported to Police Dept., always thought no fires after sunset, what about camp fires?

Solicitor Frank Wolfe answered he was not familiar with ordinance.

Malec states that some fires lead to staying up late and vulgar language. Difference between recreational and burning fire, need to review ordinance for 9-21-09.

Solicitor Frank Wolfe & Ron Dillard stated this would fall under the nuisance ordinance, disturbing general public. Define what a recreational fire is and get input from fire chief.

Solicitor Frank Wolfe states that some ordinances are old and limits burning on certain days.

Dillard question for council, safety concern about 2 lights by FCHS, parent requested 200 lumen type lights be put there. Need input to pass information along to resident.

Shaffer states to get the pole numbers and will write order up for Allegheny Power.

Klukan questioned about lights in borough parking lot.

Shaffer stated cobra heads will be put on borough building.

Dillard states that work is being done so lights have to be left on.

Klukan & Shaffer has no comments at this time.

Council President Lux thanked everyone who worked on Fit Trail. Thanks to businesses that made donations and apologized to Councilman Tokarek for not hearing him earlier in the meeting.

ADJOURNMENT

Klukan made a motion to adjourn the meeting at 8:13 p.m. Seconded by Shaffer. Motion Carried. Unanimous 6-0.

John M. Lux, Sr.
Council President

Lisa Bittner
Borough Secretary

Agenda
9-14-2009
Regular Meeting