

**MINUTES**  
**FORD CITY BOROUGH COUNCIL**  
**SPECIAL MEETING**  
**LOCATION- FORD CITY BOROUGH BUILDING**  
**FEBRUARY 16, 2010**

**CALL TO ORDER** President John Lux called the meeting to order at 5:22 p.m. Lux advised the audience the meeting will be audio taped. Lux asked if anyone was audio or video taping the meeting. There was no response.

Lux requested that everyone please place their phones on vibrate. If you must answer, step out of the meeting.

**ROLL CALL** Ron Dillard, Lou Vergari, Paul Harmon, John Lux, Ray Klukan, and Mayor Marc Mantini were present. Rob Mohney was absent.

**ATTENDANCE** Solicitor Frank Wolfe, Tom Shaffer, Terry Tokarek, David Croyle, Mitch Fryer and Jerry Miklos were also present.

**EXECUTIVE SESSION**

Harmon made a motion to enter into executive session to discuss personnel. Seconded by Klukan. Motion Carried. Unanimous 5-0

Klukan made a motion to exit executive session to regular session at 6:35 p.m. Seconded by Paul Harmon. Motion Carried. Unanimous 5-0

**F.C.B.M.S.D.A.** Solicitor Wolfe explained he began reviewing Pennvest documents provided to him by Chuck Pascal. Pascal provided about fifty percent of the information. Pascal is working with Pennvest to get information into a format that can be opened.

Lux states this matter needs tabled until loan documents are properly reviewed.

Solicitor Wolfe explained there are four (4) exhibits:

1. Guarantee Agreement between Ford City Borough, Pennvest, and F.C.B.M.S.D.A.
2. Note
3. Amortization
4. Contract Commitment Letter

Wolfe contacted Pascal for his information.

Tom Shaffer believes mandate states that several years may be given to finish project. Shaffer explains he asked questions of F.C.B.M.S.D.A. as a council member. The numbers he is reading in the newspaper do not match the figures he was given six (6) months ago. He was informed the F.C.B.M.S.D.A. saved money to match the H2O grant. Now under the Right To Know Act he received information where the figures were much

different. Shaffer stated no money was pledged to the H2O grant. Shaffer as a concerned citizens, questions borrowing 1.5 million dollars.

Shaffer also questions terms of the present board members. Believes there are board members who are presently sitting on the sewage board whose terms have expired. According to Municipal Authority bylaws Lou Vergari's term expired in January 2008. Terry Tokarek's term was an appointed term and it should have expired in January 2009. Reads the Municipal Authority Code which provides the fact they no longer can serve on this board. They are sitting on the board illegally.

Shaffer questions planning of public meeting, people have right to know about project. A lot of questions need to be answered. Pennvest loan hasn't been applied for.

Shaffer states Brenda Vargo was appointed to sewage board in 2008. The right thing to do is advertise for authority board members. Where did sewage money go? Why are we taking loans for money that is supposed to be there?

Tokarek states that the H2O grant guaranteed half of what was asked for. Their \$500,000 in the bank was earmarked for other projects. Sewage Authority is only asking borough to guarantee that the revenue from sewage receipts will be used to pay the pennvest loan of \$800,000. This is only a formality, and the sewage authority did get the H2O grant. There is documentation proving there is no hidden money. There was never money put back to match the H2O grant.

Shaffer inquires about scope of project.

Lou Vergari [as a Sewage Board Member] states they will have a public meeting to discuss the project and does not agree with Shaffer that he is not on the board.

Tokarek asks Wolfe if he feels this is a legal issue.

Wolfe has not reviewed the minutes, but in municipal authority law it provides for a five (5) year term.

Tokarek asks about the laws on reappointing members.

Shaffer states that it is mandated for the authority to inform council of any vacancies on the board.

Vergari asks if this concerns authorities or municipalities. Project is approximately going to cost \$1.5 million dollars.

minutes 2-16-2010  
special meeting  
approved 3-8-2010  
with corrections

Shaffer asks if Vergari is a self appointed member of authority board?

Vergari disagrees with Shaffer. Do you want to know the truth or argue?

Shaffer asks if Vergari has taken his drug test?

Tokarek wants this stopped.

Several council members comment that this is uncalled for.

Tokarek stated Shaffer promised Ford City Borough received H2O grant and the budget was based on that promise.

Lux stated this is enough.

Shaffer asks Tokarek if he was appointed to the authority?

Tokarek answers no.

Vergari [as a Sewage Board Member] explains the project will run from 12<sup>th</sup> street to 14<sup>th</sup> street, 3<sup>rd</sup> avenue 4<sup>th</sup> avenue 5<sup>th</sup> avenue and the 500 block of 5<sup>th</sup> Avenue. Sewers will be separated. Pennvest loan totals \$1.5 million dollars, grant is approximately \$800,000 which will cover 66% of project. May not need to borrow all of the \$1.5 million.

[Voted on 3-8-2010 to have record read the following way. However, the original sentence was correctly typed according to what was said using 14<sup>th</sup> street]

Vergari [as a Sewage Board Member] explains the project will run from 12<sup>th</sup> street to 15<sup>th</sup> street, 3<sup>rd</sup> avenue 4<sup>th</sup> avenue 5<sup>th</sup> avenue and the 500 block of 5<sup>th</sup> Avenue. Sewers will be separated. Pennvest loan totals \$1.5 million dollars, grant is approximately \$800,000 which will cover 66% of project. May not need to borrow all of the \$1.5 million.

Harmon questions the need for a loan from S&T.

Council discusses how this is a bridge loan that is paid off in 18 months.

Vergari [as a Sewage Board Member] states that Pennvest is asking borough to guarantee bridge loan in the amount \$500,000. Vergari believes that when it comes time to do the project the sewage authority won't need the borough. Some of sewage authority money in bank is for other projects, the auger monster and a new chlorine monitor and filter.

minutes 2-16-2010  
special meeting  
approved 3-8-2010  
with corrections

Vergari [as a Sewage Board Member] states that sewage receipt money goes through the borough and gets deposited into a sewage authority account [deposits made by the borough]. If there is any problem the borough could hold money to pay the loan.

Shaffer asks for the sewage board to do things right.

Vergari [as a Sewage Board Member] wants to get an exact idea of how much this project will cost, etc... before holding public meeting. Meetings will be in March to inform the public of procedures.

Lux explained what went on at the last sewage authority meeting . Lux feels there should have been a public meeting at the beginning of the year [2010] to explain what it will cost each household. Council knew that sewage authority got grant but council was not informed of anything else. The Borough will not sign for sewage authority unless Solicitor Wolfe looks at all documents.

Lux stated the membership of the Sewage Board issue has been discussed and will be addressed this evening. The Sewage Board needs a quorum so we will appoint someone.

Shaffer asked Harmon - Are you certified in water plant and sewage authority?

Harmon answered yes.

Dillard states this is not the way to go about it, advertise to give everyone an opportunity.

Lux would like to temporarily appoint Paul Harmon so that the Sewage Board has a quorum to get things done.

Shaffer states people need informed about the mandated project.

Lux stated if borough guarantees loan, the borough will make sure these payments will be made [by the sewage authority] and a proper board put into place.

Mantini asks Lux if council received a financial report from sewage authority.

Lux answers no.

Tokarek comments that all audits are done up to 2009. Tokarek explained there was a problem with the previous auditor so a new one was hired. The Sewage Authority did get our H2O grant.

Vergari [as a Sewage Board Member] comments that auditor was not doing the job and found another auditor. Because of the audits being behind we need a guarantee for bridge loan.

minutes 2-16-2010  
special meeting

approved 3-8-2010 Tokarek states must guarantee both loans per Pennvest.  
with corrections

Shaffer asks who is responsible if Manor Township pulls out?

Lux explained before Manor Twp. pulls out it must be approved by DEP.

Solicitor Wolfe states an agreement is needed.

Shaffer talked to Grant Kanish and Manor Twp. would pull out from sewage if given a chance.

Harmon stated more time is needed we don't want rushed.

Tokarek states there was never any distrust with the authority, maybe lack of communication. Questions if ever had a problem with sewage authority in the past?.

Lux answers only a lack of communication.

Mantini questions Jerry Miklos about receiving yearly reports when he was president of council.

Miklos comments that council should have asked for the reports and minutes. Every board submitted minutes to me as council president. Asks Vergari if he remembers. Council knew what all committees and boards were doing.

Shaffer explained that he previously asked for information in 2009. Shaffer submitted request in writing on 12-23-2009 as a councilman. Received answer only through Right to Know.

Tokarek explained the Sewage Authority received the letter but couldn't do anything until Jim Smerick returned from vacation, and didn't know who to submit answer to Tom Shaffer councilman or Tom Shaffer citizen.

Shaffer submitted request on 12-23-2009 as a councilman. This issue was only addressed after lack of response to Right to Know request was reported. Shaffer stated he wasn't a councilman on 1-27-2010.

Vergari asked Shaffer is he received the information?

Shaffer comments that there is no money there and you guys don't know what you're doing. You [to Vergari] are not even on the board.

Vergari [as a Sewage Board Member] states sewers have been being separated for year. We know exactly what is going on, it is an excellent Sewage Authority.

minutes 2-16-2010

special meeting

approved 3-8-2010 goes over paperwork.

with corrections

Solicitor Wolfe states another meeting with the Sewage Authority may be needed.

Lux stated council will meet with the authority again. They will have a public meeting.

Klukan made a motion to accept the resignation of Ronald Wojcik from the Sewage Authority.

Seconded by Vergari. Motion Carried. Unanimous 5-0

Vergari made a motion to temporarily appoint Paul Harmon to the Sewage Authority Board. Seconded by Klukan. Motion Carried. Unanimous 5-0

Mantini questions why only a temporary position for Paul since he is certified in water and sewage.

Lux states if he wants on the board he can apply for it.

Solicitor Wolfe states it is a five (5) year term, if Paul wants off he must resign.

Dave Croyle - Questions if Harmon would replace Ron Wojcik.

Solicitor Wolfe states cannot tell from papers how long terms were for each individual.

Lux comments that Ron Wojcik's term was up this year.

Dillard states that even though term was expired still need a resignation letter.

Shaffer states that no resignation is needed if term expires.

Solicitor Wolfe agrees with Shaffer.

Dillard comments that the reappointment was not made in January.

Croyle asks if Tokarek and Vergari are on the Sewage Board?

Lux answers no.

Solicitor Wolfe explains that is something for the Sewage Authority solicitor to answer.

Croyle questioned if he must ask Chuck Pascal.

minutes 2-16-2010  
special meeting  
approved 3-8-2010  
with corrections

Lux - correct.

Lux explained we must investigate Vergari's & Tokarek's terms.

Mantini explains the importance of the Sewage Authority to serve public.

Dillard made a motion to advertise for interested citizens to serve on the Sewage Authority Board, two (2) positions [4 year and 3 year term].  
Seconded by Klukan. Motion Carried. Unanimous 5-0

Shaffer interjects about necessary qualifications, a businessman in the service area is eligible even if not residing in area or a resident of the Borough.

Dillard suggested asking if a Manor Township Supervisor would want a seat on the authority board..

Klukan asked if that will take up one of the two positions? No the appointment will be as a Manor Township representative.

#### POLICE PENSION PLAN

Vergari made a motion to advertise the First Amendment to the Police Pension Plan to comply with Act 51 of 2009.  
Seconded by Klukan. Motion Carried. Unanimous 5-0

Mantini asks for the pension plan to be explained to the public.

Solicitor Wolfe states spouse and dependent children are insured if officer is killed in service. Originally was paid for through borough general fund. Now Commonwealth of Pennsylvania will pay.

Mantini reminds everyone about the seven (7) officers killed in service this year in Western PA.

#### BOROUGH MANAGER

Lux states this is on agenda just for us to kick it out there to see what everybody wants to do. Supervisor is retiring in December and we need to fill position. We need to get ideas on what route we want to go with our supervisor position. No vote needed right now.

#### TASK FORCE - REGIONAL POLICE FORCE

Lux suggested the Planning Commission look into and gather information work as liaison with Senator White. A Regional Police Force would save the borough and surrounding municipalities money.

Lux explained if a municipality does not have police coverage and the must use the State Police they will be charged.

minutes 2-16-2010

special meeting

approved 3-8-2010

with corrections

Shaffer suggested council form a committee with other municipalities to discuss the possibility of a regional police force.

Wolfe comments that it would be best to define region to cover, get representative from all regions, and include someone from the state, too.

Shaffer states Planning Commission is meeting on 2-17-2010 and would be glad to work on this project for council.

Wolfe feels that a committee, with representatives from each area, needs to be put together to discuss.

Shaffer states that in early 2008 Borough Council did contact some municipalities and have had discussions.

Mayor Mantini reminded everyone the Borough has not had a Chief of Police for five (5) years.

Shaffer stated nobody would lose their job.

Mayor Mantini asks Shaffer how many full time police departments there on in the county.

Shaffer states 3 but after discussion decides there are 4.

Shaffer stated planning will meet and report to council.

#### CITIZEN COMMENTS

There were no comments at this time.

#### SOLICITOR COMMENTS

There were no comments at this time.

#### MAYOR COMMENTS

There were no comments at this time.

#### COUNCIL COMMENTS

There were no comments at this time.

#### ADJOURNMENT

Klukan made a motion to adjourn the meeting at 7:40 p.m. Seconded by Vergari. Motion Carried. Unanimous 5-0

John M. Lux  
Council President

Lisa Bittner  
Borough Secretary

minutes 2-16-2010  
special meeting  
approved 3-8-2010  
with corrections