

**MINUTES**  
**FORD CITY BOROUGH COUNCIL**  
**REGULAR MEETING**  
**Location: Latin American Club**  
**JUNE 14, 2021**

**CALL TO ORDER**

Council President Fenyes called the meeting to order at 6:30 p.m. and advised the audience that the meeting for Monday, June 14, 2021 will be audio taped by Ford City Borough and Lisa Bittner. Caroline Hassa is audio and video taping and Vicki Schaub is audio taping the meeting.

**PLEDGE OF ALLEGIANCE**

Council President Fenyes led everyone in reciting the Pledge of Allegiance.

**ROLL CALL**

Beth Bowser, Mary Alice Bryant, Carol Fenyes, Tyson Klukan and Vicki Schaub were present. Josh Adams and Mayor Cogley were absent.

**ATTENDANCE**

Solicitors Alyssa Golfieri and Alexandra Farone participated by phone. Joel Romagna Stiffler McGraw and Borough Secretary Lisa Bittner were also present.

**EXECUTIVE SESSION**

An Executive Session was held on Monday, June 7, 2021 to discuss personnel, real property and litigation.

**CITIZENS COMMENTS - AT THIS TIME AGENDA ITEMS ONLY**

There were no Citizen Comments at this time.

**CONSENT AGENDA**

1. Minutes for Borough Council's 5-10-2021 meeting.
2. Minutes for Borough Council's 5-24-2021 meeting
3. Water Reports – April 2021
4. Police Report – April 2021

President Fenyes asked if there were any objections to the Consent Agenda items. There was no response. Fenyes stated since there were no objections, these items are adopted

**OLD BUSINESS**

**EMPLOYEE HANDBOOK – UPDATE**

Schaub made a motion to adopt Resolution 5-2021 approving the Ford City Borough Employee Handbook. Seconded by Bryant. Motion Carried. 5-0 Unanimous (Attachment)

**AWARD – DUMPSTERS RESOLUTION – 6-2021**

Bowser made a motion to adopt Resolution No. 6- 2021 declaring five 2-yard dumpsters, thirteen 3-yard dumpsters, and three 4-yard dumpsters as surplus personal property of the Borough and

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authorizing the disposition of the dumpsters by sale as one lot to the best responsible bidder Tuckahoe Valley Disposal LLC in the amount of \$3,050.00. Seconded by Schaub.  
Motion Carried. 5-0 Unanimous (Attachment)

Agenda items were discussed out of order.

#### **PARKING TICKET – RESOLUTION**

Schaub made a motion to adopt Resolution No. 7-2021 amending and revising the schedule of fees per Borough ordinances to increase the fine for violating Borough Ordinance No. 568, related to metered parking in the Borough, from five dollar (\$5) to twenty dollars (\$20).  
Seconded by Bowser.

Vice-President Klukan asked Solicitor Golfieri about the existing parking tickets having the amount of \$5.00 preprinted on the tickets. Is the officer able to cross out the old amount and enter the new \$20.00 amount? Should the officer initial? What are the legalities?

Solicitor Golfieri stated it would be fine for the officer to do that. Just make sure it is very clear what the fine [amount] is. The officer should initial.

Motion Carried. 5-0 Unanimous (Attachment)

#### **NOVA CARE**

Bryant made a motion to designate NovaCare Rehabilitation as the Borough's primary provider of Injury Prevention and Employment Testing in accordance with the proposal, dated May 21, 2021, submitted to the Borough by NovaCare Rehabilitation's WorkStrategies Western PA Coordinator, Sean Miller. Seconded by Bowser. (Attachment)

Motion Carried. 5-0 Unanimous

#### **FOURTH OF JULY FIRE WORKS**

Council President Fenyes explained she is in possession of a letter from the Ford City Area Business Professional Assoc. stating they will guarantee the funds for the Fireworks. This was a concern from the previous Council meeting. (Attachment)

Bowser made a motion to approve and authorize proper Borough officials to execute a Firework Display Agreement with Starfire Corporation related to a Borough-planned firework display on July 2, 2021. Seconded by Bryant. Motion Carried. 5-0 Unanimous

#### **NEW BUSINESS**

##### **FCPD – HIRING PT OFFICER**

Bowser made a motion to hire Cody Dill at the recommendation of Police Chief Scott Haslett and Mayor Cogley as a part-time police officer for the normal six (6) month probationary period and to be paid the current part-time police officer wage of \$18.50 per hour, conditioned upon successfully satisfying pre-employment requirements. Seconded by Klukan.  
Motion Carried. 5-0 Unanimous

## ATTENDANCE

Councilwoman Schaub left the meeting at 6:47 p.m. due to illness.

## TRASH DAYS

Council President explained there will be Trash Days in July on 20, 21, 22 and in October on 19, 20, 21. Proof of ID must be shown. There will be one mailing of the Trash Permits no additional permits will be issued. The mailing will take place on 6-22-2021.

## PAVING – 2020 & 2021

Vice President Klukan explained at the 5-24-2021 Council Meeting a Second Amendment was approved for the contract with Shields Paving. This was to extend the completion deadline [8-31-2021] including liquidated damages deadline [9-6-2021]. Courtney Shields is waiting for communication from their subcontractor Russell Standard.

The bases in Dogwood Alley need to be repaired.

Joel Romagna explained the 900 to 1100 blocks of Dogwood are the areas where the base repair is needed. With the increase in prices for oil, asphalt, stone and aggregate Shields is unable to hold the unit prices from last year. To keep under the bidding threshold some adjustments were made to the project. The updated specifications would be for 124 tons for the 1800 sq yards and it would be 1-1/4" scratch leveling course. Shields is interested in doing the work. Three quotes would be needed for this contract amendment.

A discussion took place about the millings. Romagna stated Shields wants the millings. Council asked Romagna to obtain clarification on the millings.

Klukan stated Public Works is in the process of obtaining prices for Crack Filling 23,000 linear feet. This will help with highway preservations. Spring or Fall are the best times to do this type of work. A project from PennDOT would also have to be obtained.

Klukan explained the PPG Pump House is being rehabilitated. Plaza Electric was in to work on the float system and the work is not complete at this time. There are three chambers in the pump house. With no preventative maintenance the Chambers are filled with muck and debris. Quotes are being obtained to clean out these Chambers.

Klukan stated Hydrant Flushing and cleaning curbs is continuing to take place and looking at sidewalk replacement and curb painting.

## PENNVEST & MULTIMODAL – FUNDING APPLICATIONS

Joel Romagna provided a map of the proposed project. The blue lines are water lines. The red line areas do not contain any water lines. The project is for 3700 LF of 8" water main, 600' of 12" Raw Water Line, 18000 sq yards of paving, 2000 sq yards of trench width paving, service lines and surface restoration for a total project estimated cost \$2.9M.

Vice President Klukan advised the Birch Alley shown in red was recently paved. Possibly it was confused with the Birch "T" Alley between O'Connor and 11<sup>th</sup> Street.

Romagna stated the drawings can be refined and the cost estimates can be edited. There is a 30 day comment period for WIFTA. There is a WIFTA funding deadline of 8-3-2021. The Multimodal deadline is 7-31-2021.

Klukan asked if there would be a concrete curb replacement between 11<sup>th</sup> Street and Family Dollar 3<sup>rd</sup> Avenue parking area to match the existing curbing? Fenyas added she thought the intent was to match the existing 3<sup>rd</sup> Avenue Trail side curbing with additional parking.

Klukan asked if the WIFTA funding application is not approved what is the cost breakout if Council wants to proceed with the Multimodal Project [MTF]? Romagna stated the MTF project is estimated at \$1,060,000.

Klukan stated this project is a reason to have a meeting with Peoples Gas and maybe begin another PPP [Public Private Partnership].

#### ENGINEERING SERVICE AGREEMENT – PAVING

Bowser made a motion to approve and authorize proper Borough officials to execute the Short Form of Agreement Between Owner and Engineer for Professional Services with Stiffler McGraw & Associates, Inc. related to 18,000 S.Y. of roadway milling and overlay, replacement of existing curbs and sidewalks, and other necessary roadway surface restoration around the future BC3 site, including 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, 5<sup>th</sup> Avenue, and 11<sup>th</sup> Street, in a form acceptable to the Borough Solicitor. Seconded by Bryant.

There was no Public Comment      Motion Carried. 4-0 Unanimous

#### ENGINEERING SERVICE AGREEMENT – WATERLINE REPLACEMENT

Bowser made a motion to approve and authorize proper Borough officials to execute the Short Form of Agreement Between Owner and Engineer for Professional Services with Stiffler McGraw & Associates, Inc. related to the installation of approximately 3,700 L.F. of ductile iron water distribution main and appurtenances, the replacement of existing hydrants, curb boxes, services lines, paving, and necessary surface restoration around the future BC3 site, including 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, 5<sup>th</sup> Avenue, and 11<sup>th</sup> Street, in a form acceptable to the Borough Solicitor. Seconded by Bryant.

There was no Public Comment.      Motion Carried. 4-0 Unanimous

#### PENNVEST WIFTA LEAD LINE REPLACEMENT INITIATIVE FUNDING

Bowser made a motion to authorize (1) Stiffler McGraw & Associates, Inc. to prepare and submit an application to the Pennsylvania Infrastructure Investment Authority (PennVEST) on the Borough's behalf for funding available as a result of the Water Infrastructure Funding Transfer Act and associated expansion of the Clean Water to Drinking Water State Revolving Funds to be used for the replacement of lead waterlines and associated appurtenances within Borough; and (2) proper Borough officials to execute all documents necessary to apply for and pursue the funding. Seconded by Bryant.

Klukan asked when will Pennvest make a decision? Romagna answered November.

There was no Public Comment.      Motion Carried. 4-0 Unanimous

Solicitor Golfieri advised she must speak with Romagna in the morning. There are a few items that must be worked thru before the documents can be signed.

#### MEETING ANNOUNCEMENTS

Secretary read from a list of prepared announcements.

#### CITIZEN COMMENTS – OPEN COMMENTS AT THIS TIME

**Cody Martin** – North Buffalo Planning Commission spoke about North Buffalo acquiring some or all of the Softball Field area. They have no recreational facility in the Township and would like to meet with Ford City Borough to discuss. Council President stated she would reach out to Supervisor Valencic.

**Harry Nelson** spoke about the grass cutting of the private and public property across from his along the 1300 Block of 3<sup>rd</sup> Avenue.

**Russell McElfresh** spoke about a fallen tree limb that was still has not been removed.

**Kathy Bartuccio** asked why the Zoning Hearing applicant [Lightbody] was required to prove a hardship? Solicitor Golfieri explained it is state law – specifically the MPC [Municipal Planning Code] - which dictates zoning and land Use in Pennsylvania and sets forth the criteria an applicant must satisfy in order to be granted a variance. One of the criteria an applicant must prove is “hardship.” Solicitor Golfieri further explained that there are two types a variances: use variance and dimensional variances. The first applicant [Lightbody] requested a use variance. The second applicant [DPH Architecture] requested a dimensional variance. Applicants seeking a use variance have a higher burden than applicants seeking a dimensional variance, as the hardship standards differ. In essence, applicants seeking a use variance must prove to the Zoning Hearing Board that the property could not be used for any other use that is permitted under the Zoning Ordinance. Ms. Bartuccio questioned by the Zoning Hearing Board Solicitor did not provide advice to or help the use variance applicant, noting she did not understand what a hardship was or how to prove it. Solicitor Golfieri advised it is not appropriate for the Borough Solicitor or the Zoning Hearing Board Solicitor to provide legal advice to applicants during a public hearing. Solicitor Golfieri further clarified that the Borough provides applicants with the MPC’s variance criteria that they must satisfy in order to meet their burden before the Zoning Hearing Board in advance of the hearing, so the applicants know in advance what they must demonstrate. Solicitor Golfieri concluded by reiterating that it is the applicant’s burden to prove to the Zoning Hearing Board they meet the MPC’s criteria for a variance.

**Kristen Angehr** explained their recommendation for the increasing the two (2) hour parking fees was not forwarded to Council. Their intent was for both [metered & two (2) hour] to be increased. Solicitor Golfieri stated if it is Council’s wish it could be amended at the next Council meeting. This will be an agenda item for the next meeting..

#### EXECUTIVE SESSION – BOROUGH OFFICE

Will be held after the meeting to discuss Real Property.

#### NEXT COUNCIL MEETINGS

Monday, June 28, 2021 at 6:30 p.m. at the Latin American Club  
Monday, July 12, 2021 at 6:30 p.m. at the Latin American Club

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ADJOURNMENT

Klukan made a motion at 7:52 p.m. to adjourn. Seconded by Bowser.  
Motion Carried. 4-0 Unanimous

Carol Fenyes  
Council President

Gail Sigler  
Interim Borough Secretary

Lindsey Weige  
Office Administrator