

MINUTES
Ford City Borough Council
Regular Meeting
Location: Latin American Club
January 11, 2016

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, January 11, 2016 will be audio taped by Ford City Borough and Lisa Bittner. Also, Family Life Media & Caroline Hassa are audio and video taping the meeting. JoAnn Scopel and Vicki Schaub are audio taping the meeting too.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Kathy Bartuccio, Beth Bowser, Carol Fenyes, Ray Klukan, Tyson Klukan and Marc Mantini were present. [At this time the position of Mayor is vacant.]

ATTENDANCE

Solicitor Anthony Vigilante, Borough Manager Eden Ratliff, Chief Freel, Officer Amy Dice, Office Roger Wright, Borough Secretary Lisa Bittner, Josh Adams, David Croyle, Jonathan Weaver, Caroline Hassa, Vicki Schaub, Todd Kirkwood, Sandy Ritchey, Joanna Mantini, Mary Louise Edwards, JoAnn Scopel, Rose Vasek, Barb & Paul Klukan, Adam Boguslawski, Amy Moody, Jerry Miklos, Randy Swartz, Gary Stivason, Bill Oleksak, Sandy Klimkowicz, Tom Ondrusek, Richard Wakefield, Linda Nimerosky, Bob Ware, Julie Totos, Steve Heffner, Luke Linnon, Linda & Leo Kamer, David Milito, Ryan Bloser, Dave Wolfe and Tina Bowser were present.

EXECUTIVE SESSION

Fenyes stated there was Executive Session held on Wednesday January 6, 2016 at 5:00 p.m. to discuss matters of potential litigation concerning the Economic Development Administration.

Fenyes stated there was an Executive Session held on Thursday January 7, 2016 at 5:30 p.m. to discuss matters of personnel.

CITIZENS COMMENTS:

At this time, citizens may address Council on any issue appearing on today's agenda. Only residents and taxpayers of the Borough of Ford City will be permitted to address Council. Comments on non-agenda items will be taken at the end of tonight's meeting. Speakers will be permitted to speak for a maximum of 3 minutes. Groups of people will be required to designate a spokesperson to represent them before Council who may speak for a maximum of 6 minutes. Citizens are asked to clearly state and spell their name and provide their address for the record and keep comments brief and to the point.

Jerry Miklos asked if questions can be asked as we go through the agenda items?

Council President Fenyes answered that if everyone would keep them short she will allow the opportunity.

Solicitor Vigilante stated he would recommend, Vigilante explained he recommended from when he started, “We have a process where somebody reviews the agenda, they put forth their questions at that time, if additional information becomes pertinent the wording [Wording of motion is changed from what is printed on the agenda.] the conversation, then maybe additional questions are warranted but as a general rule ask your question before we get into the agenda items because I think it makes for a long and confusing meeting when we keep going back and forth. I think that is a problem we have had in the past.”

Fenyas stated we will go along with the Solicitors advice. Fenyas advised Miklos that now would be the time to ask questions. After Vicki [Schaub] is done.

Vicki Schaub – [former Council person] explained there were a number of applicants received last year for the position of Police Chief. The Borough Manager notified each one of them we were lame ducks and could not do anything. They would probably be contacted for interview at the first of the year. Schaub wasn't sure if they were aware of that or not. Schaub stated she doesn't see the sense in advertising again. There were about 26 applications.

Borough Manager explained that advertisement is months and months old and we don't know if those applicants are still interested.

Fenyas explained that was done to allow for those that did not apply in the past to have an opportunity. Some of those people on the list may have taken other jobs.

Jerry Miklos asked if the Public had an opportunity to review the Choo Choo Train agreement? Fenyas answered the agreement will be read to the public later. Miklos stated you are just going to read it to the Public for the first time then you are going to vote on it? Fenyas answered yes and asked is that not appropriate? Miklos stated he would think the public should have an opportunity to review it, read it, and formulate any questions that they might have.

Solicitor Vigilante stated he does not think that is required. It is up to Council. There are many Contracts that get executed the public knows about, but they haven't reviewed the specific terms.

Fenyas explained Council has reviewed it and the Solicitor has reviewed it. Everyone seems to be in agreement. Fenyas stated if we are going to read it out loud, you will be able to hear it.

Miklos stated let me say what you said to me, “Is it what you want, or is it what the public wants.”

Miklos stated he, as a member of the public, would like an opportunity to review it. He has not seen it, he just obtained a copy from the Secretary.

Solicitor Vigilante advised there is no obligation or requirement to provide in advance of voting on it. You are giving the information that is fine. But, it is really up to Council. If you want to give additional time to reflect on it that is up to you. But, I don't think that it is necessary.

Fenyas stated on advice of Counsel we are going to move forward with it.

Miklos referred to item #4 – Termination, I think this is what we all want, is the train to come back to the Borough. We want to ensure that it comes back to the Borough should anything happen to

Draft #1 – 1-11-2016 Minutes

Approved 2-8-2016

the Renaissance Committee prior to that it's theirs to use and do with what they wish. In this agreement it states "train will be transferred back to the Borough or another 501C3 nonprofit charitable organization". Miklos asked who gets to make that determination or that decision?

Council President answered it would be then existing Council.

Miklos asked the Solicitor if that is the way it reads.

Solicitor stated it would be a combination of the parties. "Parties shall agree." Both sides will have to agree.

Miklos stated let's say Council wants it to come back to the Borough and the Renaissance Committee wants it to go to another organization. Then what?

Fenyas stated we are looking forward to an amicable agreement in the end.

Miklos asked for a legal opinion from the Solicitor, on record, how that would work. These are the things you have to think about. If you are holding the public's trust then you need to do what is in the best interest of the public. Not only now, but in the future.

Vigilante stated as a general matter, I tried it the other way, we made the contract much more stringent, a lot more guidelines and that was to nobody's satisfaction. It wasn't to a majority satisfaction of Council at the time.

Miklos disagreed.

Fenyas stated we are coming to the end of the time, the three minutes for comments by Miklos.

Miklos stated he did not get an answer.

Fenyas stated we did give you an answer. The answer is the Council and the Solicitor with the Solicitor's approval of the agreement will move forward with this tonight.

Vigilante stated if there is a serious concern, we could strike "or another 501C3 nonprofit organization" initial it and leave it out of the contract then it would have to come back to the Borough. That is not for me to decide.

Miklos stated otherwise are you not opening this up to some type of litigation.

Miklos stated the Solicitor needs to answer that question.

Vigilante stated he just answered it.

Miklos was wondering why it was put in this agreement, because it was not put in the original agreement.

Dave Wolfe stated that is wrong sir. Wolfe stated he has the original agreement. It is taken verbatim.

Fenyés asked Miklos to return the microphone.

Wolfe asked to speak on behalf of the Renaissance in regards to the train. It is our understanding past Council, what we did was took the agreement that was presented to the Renaissance, he doesn't know who the author was, what we did was add the concerns of the prior Council. What we did was we added some things that we will pickup, like the transfer fees, and we re-presented to the new Council.

Vigilante stated in fairness he drafted this contract based on what prior Council had advised and what he talked to the Borough Manager about. If you look at Section 6 – Termination it is a lot different than what is in this contract. Vigilante stated it comes back to the Borough.

Wolfe stated if that is the sticking point, the last few meetings the prior Council had was they were questioning whether there could be a possible business association again re-started and it might be given back to them which would be a 501C3. So, we addressed that. If we go belly up, we'll be glad to turn it back to you. We are not asking for no money or anything under those terms. So, if you want to give it to another 501C3, then do it. Here is the bottom line tonight, if we do not have this signed over tonight, we're sending you a bill. You will get your train back, we'll build a train, and we are sending you bill for approximately \$5,000 for the stuff we put in. This has gone on enough. There was a motion passed that an agreement has to be reached. We presented an agreement based on both sides. I think the town tax payers want this over with. I know we do.

REPORTS

MINUTES

Bartuccio made a motion to approve draft #2 of the June 9, 2014 meeting minutes. Seconded by T. Klukan. Motion Carried. 6-0 Unanimous

Bartuccio made a motion to approve draft #1 of the August 11, 2014 meeting minutes. Seconded by T. Klukan. Motion Carried. 6-0 Unanimous

Bartuccio made a motion to approve draft #1 of the September 8, 2014 meeting minutes. Seconded by T. Klukan. Motion Carried. 6-0 Unanimous

POLICE CHIEF REPORT

R. Klukan made a motion to accept the Police Chief Reports for December 2015. (Attachments) Seconded by Bowser. Motion Carried. 6-0 Unanimous

WATER COMMITTEE

Mantini made a motion to accept the Water Reports from CWM Environmental for December 2015 all samples passed the PA Department of Environmental Protection standards for safe drinking water for total coliform and E. Coli. (Attachments) Seconded by R. Klukan. Motion Carried. 6-0 Unanimous

FINANCE COMMITTEE

R. Klukan made a motion to approve the bill list in the amount of \$81,294.48 as recommended by the Finance Committee. Seconded by Bartuccio. Motion Carried. 6-0 Unanimous (Attachment)

BOROUGH MANAGER REPORT

Borough Manager Eden Ratliff read his report for December 2015. (Attached)

The list of events that have been approved are:

- Ford City Library will have an Open House reception will be held on January 16, 2016 from 1:00 p.m. to 3:00 p.m.
- Mid Armstrong County “Rally For Life” Committee Rally For Life event Saturday January 23, 2016.
- Ford City Lion’s Easter Egg Hunt March 26, 2016 at 1:00 p.m. in the Ford City Park.
- Ford City Lion’s Memorial Day Service on May 29, 2016 10:00 p.m. in the Ford City Park.
- Summerfest will be July 1, 2, 3, and 4th in the Ford City Park.
- Trick or Treat will be held on Wednesday, October 26, 2016 from 6:00 p.m. to 8:00 p.m.
- The Halloween Committee is holding the annual Halloween Parade on Thursday, October 27, 2016 at 7:00 p.m.
- The Ford City Renaissance along with the Ford City Hose Co. will be hosting their annual Street Fair on Saturday, September 3, 2016.
- The Ford City Renaissance Community Partnership will be hosting their annual 5K Race Saturday, August 27, 2016.

Bowser made a motion to approve the Borough Manager Report for December 2015. Seconded by R. Klukan. Motion Carried. 6-0 Unanimous

OLD BUSINESS

FORD CITY CHOO CHOO

T. Klukan made a motion to authorize the Council President to sign the proposed agreement as reviewed by Solicitor Vigilante transferring title of the Ford City Choo Choo, Vehicle Identification Number 1GDGR33K0KJ505399, to the Ford City Renaissance Community Partnership. Seconded by Mantini.

Council President asked if the motion needs to be revised?

Solicitor Vigilante answered no you don’t have to revise the motion. We are going to take out “or another 501C3 – nonprofit charitable organization which is in place within Ford City Borough at the time of such absolute dissolution of the Partnership”.

Council President called for a roll call vote.

Bartuccio	yea	Bowser	yea	
Fenyas	yea	R. Klukan		abstains
T. Klukan	yea	Mantini	yea	

Vote Tally 5-0-1

Motion Carried. 5-0-1 R. Klukan abstained (Attachment)

MEETING TIME JANUARY 25TH

Bowser made a motion to advertise for a Special Council Meeting to take place on Monday January 25, 2016 at 6:30 p.m. in the Latin American Club. Seconded by Bartuccio.
Motion Carried. 6-0 Unanimous

EARLY INTERVENTION PROGRAM

T. Klukan made a motion to authorize the Solicitor to send a letter to Civic Research Alliance terminating their contract with Ford City Borough and requesting that all work and documents paid for, complete or incomplete, be sent to the borough. Seconded by Bartuccio.
Motion Carried. 6-0 Unanimous

POLICE CHIEF

Bowser made a motion to advertise for interested applicants to submit applications for the position of Police Chief. Seconded by Bartuccio. Motion Carried. 6-0 Unanimous

NEW BUSINESS

MUNICIPAL SEWAGE AUTHORITY

R. Klukan made a motion to appoint Sandra Ritchey to the Ford City Borough Municipal Sewage Disposal Authority with a term ending 12-31-2019. Seconded by Mantini.
Motion Carried. 5-1 Bartuccio is opposed because it is a conflict of interest.

Mantini made a motion to appoint William Toy to the Ford City Borough Municipal Sewage Disposal Authority with a term ending 12-31-2020. Seconded by R. Klukan.
Motion Carried. 6-0 Unanimous

ZONING BOARD SOLICITOR

Mantini made a motion to appoint James Favero as the Zoning Board Solicitor at a rate of \$85.00 an hour. Seconded by Bartuccio.

Solicitor Vigilante explained he sent an email out to the Borough Manager. This is an action ratifying the selection of Solicitor made by the Zoning Hearing Board.

Council President stated the Zoning Hearing Board has the right to choose their own attorney. We are just ratifying his appointment.

Motion Carried. 6-0 Unanimous

PLANNING COMMISSION

T. Klukan made a motion to advertise the meeting schedule for the 2016 Planning Commission meetings. Seconded by R. Klukan. Motion Carried. 6-0 Unanimous

SHADE TREE COMMISSION

R. Klukan made a motion to advertise the meeting schedule for the 2016 Shade Tree Commission meetings. Seconded by Bowser. Motion Carried. 6-0 Unanimous

PARKS AND RECREATION

T. Klukan made a motion to advertise the meeting schedule for the 2016 Parks and Recreation Committee meetings. Seconded by Bartuccio. Motion Carried. 6-0 Unanimous

BUSINESS MEETING

T. Klukan made a motion to advertise the Council Business meeting schedule for 2016 to take place on the fourth Monday of the month at 6:30pm in the Latin American Club. Seconded by Bowser. Motion Carried. 6-0 Unanimous

BOROUGH ASSOCIATION DINNER

Mantini made a motion to authorize any Council Member, Borough Manager or Borough Secretary permission to attend the Borough Association meeting to be held on Thursday, January 28, 2016 at Pappy's Restaurant at a cost of \$20.00 each. Seconded T. Klukan. Motion Carried. 6-0 Unanimous

BOROUGH ENGINEER

Bartuccio made a motion to appoint Gibson Thomas Engineering as the borough engineer of record. Seconded by T. Klukan. Motion Carried. 6-0 Unanimous

NEXT COUNCIL MEETING

Monday January 25, 2016 6:30pm in the Latin American Club.

CITIZENS COMMENTS

At this time, citizens may address Council on any issue. Only residents and taxpayers of the Borough of Ford City will be permitted to address Council. Speakers will be permitted to speak for a maximum of 3 minutes. Groups of people will be required to designate a spokesperson to represent them before Council who may speak for a maximum of 6 minutes. Citizens are asked to clearly state and spell their name and provide their address for the record and keep comments brief and to the point.

Bob Ware stated his purpose here is for his sidewalks in front of his house. Ware stated he believes his problem was caused by the Gas Company. The Gas Company came, there is a line from his house to the hillside that was leaking. Their Right of Way is in the street. They couldn't get the highway department to let them do it unless they paved the whole street. So, they came to Council and asked if they could go underneath the sidewalk they would replace it exactly as they were when they begin. Ware provided pictures, before and after of his sidewalks. Ware resides at 400 5th Avenue. Ware has three lots, 408, 400, and 402. Ware stated he gave pictures to the Borough Manager at one time. Ware identified a hole that was caused by the Gas Company, they took out a berm and did not replace it, causing a hole. They poured the sidewalk in 12' slabs with no reinforcement. Ware identified numerous differences between the before and after pictures. This happened in 2008 and have been fighting this company ever since and nothing has been done. Ware stated he came to him [Borough Manager] one time. He [Borough Manager] said he went to the Gas Company and the Gas Company said there is nothing we can do. He [Borough Manager] told me file a Civil Suit. Council is the one that gave them permission to go underneath my sidewalk. When I came up to Council, about them going underneath my sidewalk, they said it's not our responsibility. I asked Council can you make me replace my sidewalk? They said yes. You tell me whose Right of Way is it? Ware asked for a letter from the Solicitor telling the Gas Company they reneged on what they said they were going to do. But, I have heard nothing.

T. Klukan asked what Gas Company? Ware answered Peoples.

Ware stated this was poured on a Friday and it rained. The put plastic and it stayed all weekend.

Council President asked if time could be scheduled with Tyson the Vice-President. Mr. Ware provides his contact information to T. Klukan.

TAPE BREAK 7:21 p.m. to 7:25 p.m.

Tina Bowser explained she lives on 6th Avenue and expressed concern about the Dog Leash Law. This goes back to the previous Council. Because of her fear of the loose dog, Bowser stated she must take her dog to Kittanning to walk. Her dog has been attacked approx. three (3) times. The last time was a vicious attack. She did not contact the police. Bowser asked if there will be any movement on the Dog Ordinance or is the Dog Leash Law enough?

Council President stated they plan to move forward with the Ordinances that had been proposed. We will not lose sight of them. We understand the concern and do intend to move forward.

Bowser was asked to leave her number after the meeting.

Jerry Miklos asked R. Klukan why he abstained from the voting? When at the last meeting you actually made the motion to do the transfer.

Solicitor Vigilante stated he would answer.

R. Klukan had no objection to the Solcitor answering the question posed by Mr. Miklos.

Vigilante explained he made the suggestion. Under the Ethics Act you are not supposed to vote for the financial benefit of a Mother, Father, Brother, Sister, Son or Daughter. I don't think that is a financial benefit. My concern was more the appearance of impropriety. Being that the motion was going to pass anyway, I thought it was a good idea for him to abstain.

Miklos stated that Tyson stated that he and Ray could not and would not vote on this. But, Tyson did make the motion.

T. Klukan stated he was advised by legal Counsel this was ok because I had no financial benefit.

Miklos asked, just for the record, Solicitor Vigilante if he constructed the agreement for the transfer.

Solicitor Vigilante answered the original agreement he did.

Miklos stated that wasn't his question. My question was the agreement that was voted on tonight, did you construct it?

Vigilante answered portions of what I originally drafted were taken, no that was not my document.

Miklos asked what is "absolute dissolution"? Cause I'm just looking at some of the differences between your original document and this.

Vigilante stated he thought that was stricken from the agreement anyway.

Miklos stated he did think it was.

Vigilante stated he would assume “absolute dissolution” does mean – no longer in existence.

Miklos stated Vigilante previously expressed concern that upon dissolution there may be no one to actually make sure the transfer back to the Borough occurs. Is that still a concern of yours?

Vigilante stated that is a valid point. I think what I said, and I have said this in public before, it’s always hard to get somebody to go sign the title. Who’s going to sign it back? But, we had that conversation.

Miklos we appear to be move back to an old style Council with time limits. The old one had five (5) minutes, you guys cut it down to three (3) minutes. Unless you are Bob Ware or some other VIP, then I guess you can speak longer.

SOLICITOR COMMENTS

Solicitor Vigilante had no comments at this time.

BOROUGH MANAGER COMMENTS

Borough Manager had no comments at this time.

COUNCIL COMMENTS

Bartuccio and R. Klukan had no comments at this time.

Mantini, Bowser, T. Klukan and Fenyes all made comments that required no action at this time.

ADJOURNMENT

R. Klukan made a motion at 7:35 p.m. to adjourn. Seconded by Mantini.
Motion Carried. 6-0 Unanimous

Carol Fenyes
Council President

Lisa Bittner
Borough Secretary