

MINUTES
Ford City Borough Council
Regular Meeting
Location: Ford City Public Library
November 9, 2015

CALL TO ORDER

Council President Bartuccio called the meeting to order at 6:06 p.m. and advised the audience that the meeting for Monday, November 9, 2015 will be audio taped by Ford City Borough and Lisa Bittner. Family Life Media will be audio and video taping the meeting. Is anyone audio or video taping the meeting? Jonathan Weaver – Kittanning Paper and Julie Martin – Leader-Times are audio taping the meeting.

PLEDGE OF ALLEGIANCE

Bartuccio lead everyone in reciting the Pledge of Allegiance.

ROLL CALL

Kathy Bartuccio, Beth Bowser, Jerry Miklos, Vicki Schaub and Mayor Mantini were present. Gene Banks was absent. [Bowser is seated in the audience. Josh Abernathy resignation was accepted 10-12-2015]

ATTENDANCE

Solicitor Vigilante, Borough Manager Eden Ratliff, Borough Secretary Lisa Bittner, Carol Fenyes, Tyson Klukan, Ray Klukan were also present.

QUORUM EXPLANATION

Solicitor Vigilante explained there is already a letter of resignation accepted from Josh Abernathy. So, Council currently consists of five (5) members. A quorum of Council would be three (3). So, it is ok to have a meeting of these three (3) and address empty seats right now. That is the first order of business.

CITIZENS COMMENTS - At this time action items before reports only.

Tyson Klukan explained he has been speaking with the Borough Manager about appointing the Second Ward Council Vacancy. Klukan explained a letter was sent to Council by the new members of Council that will take their seats in January 2016. Doesn't seem there is enough of a quorum here. Klukan stated he would like to take his seat in January at the reorganizational meeting. Klukan explained it was not an easy decision to make and cited unexpected family responsibilities are the reason.

ACTION ITEMS

Miklos makes a motion to accept the resignation of Beth Bowser from the Ford City Council. Seconded by Schaub. Motion Carried. 3-0 Unanimous [Bowser does not vote.]

Schaub made a motion to appoint Beth Bowser to fill the unexpired 2nd Ward Council seat of

11-9-2015 – Minutes
Approved 3-14-2016

Josh Abernathy expiring 12/31/2017. Seconded by Miklos. Motion Carried. 3-0 Unanimous

Borough Manager stated the question becomes do you entertain the second motion hearing Mr. Tyson Klukan's statement during Citizen Comments.

Schaub stated she will respect his wishes. Schaub added she was hoping he would try to find a little bit of his time to want to try to get on board to learn a few things that's going on to help out the whole new Council.

Miklos makes a motion to appoint Tyson Klukan to fill the 2nd Ward Council vacancy expiring 12/31/2015. Seconded by Schaub.

Bartuccio called for a vote.

Vigilante stated he just withdrew his request to be appointed. That's the way I took it.

Unknown man states it doesn't matter what he wants, it's what they want.

Vigilante stated he thinks it clear, he doesn't want to be appointed.

SWEARING IN OF NEW COUNCIL MEMBERS

Mayor Mantini conducts the swearing in of Beth Bowser.

CTIZENS COMMENTS – At this time agenda items only.

There were no Citizen Comments at this time.

MINUTES

Schaub made a motion to rescind approval of the 7-20-2015 draft #3 minutes that were approved 9-14-2015. Seconded by Miklos. Motion Carried. 4-0 Unanimous

Borough Manager asked the Solicitor to explain the purpose of these motions. Solicitor Vigilante stated there was an issue regarding what Beth was in favor of and what she wasn't in favor of. This is just correcting, to be accurate.

Schaub made a motion to accept the 7-20-2015 draft #4 minutes as presented. Seconded by Miklos. Motion Carried. 4-0 Unanimous

REPORTS

POLICE REPORT

Schaub made a motion to accept the Police Reports for October 2015. Seconded by Miklos. Motion Carried. 4-1 Schaub is opposed because the Mayor did not sign the report. Mayor stated he did sign the report. [The report presented at the meeting does not have the signature of the Mayor on it.] (Attachments)

11-9-2015 – Minutes
Approved 3-14-2016

WATER COMMITTEE

Bowser made a motion to approve the Water Report for October 2015 all samples that were taken passed the Department of Environmental Protection [from] CWM for safe drinking water for total coliform and e-coli. Seconded by Schaub. (Attachments)
Motion Carried. 4-0 Unanimous.

FINANCE COMMITTEE

Miklos made a motion to approve paying the bills in the amount of \$23,173.65 as approved by the Finance Committee. Seconded by Bowser. (Attachment)
Motion Carried. 4-0 Unanimous

Miklos made a motion to ratify payment of the regular recurring insurance and utility bills in the amount of \$30,976.96 as approved by the Borough Manager.
Seconded by Schaub. Motion Carried 4-0 Unanimous (Attachment)

Miklos made a motion to ratify payment of regular recurring insurance and utility bills in the amount of \$15,638.38 as approved by the Borough Manager. Seconded by Schaub.
Motion Carried. 4-0 Unanimous (Attachment)

Miklos made a motion to accept the Treasurer's Report for September 2015.
Seconded by Bowser. Motion Carried. 4-0 Unanimous (Attachment)

POLICE COMMITTEE REPORT

Manor Twp. Proposal

Borough Manager summarized the 2016 Ford City Service Proposal from the Manor Twp. Police Department. Their base line cost for annual coverage of 120 hours per week is \$175,382.60. They cannot guarantee that a car will be physically in the Borough that many hours per week as well. At this point this proposal will be placed on the bookshelf for the next Council for their consideration. (Attachment)

Interim Police Chief

Borough Manager explained the two full time officers entered into an agreement that they will leave their employment with the Borough 12-31-2015. There would be no one running the Department next year. There needs to someone in charge. Due to the election results from last week Council cannot hire a Police Chief. That would be considered tying the hands of the future Council. The idea is to appoint one of the currently serving officers, who has been here for a number of years, to the position of Interim Police Chief. That is slated to expire March 31, 2016. It will be 38 hours per week. Which is what that officer currently works. It will be at the same rate of pay, \$15.31 per hour. That is purely so someone can be running/managing the Police Department in the Borough next year.

Carol Fenyes asked when will he start? Borough Manager answered tomorrow.

Mayor stated the Police Department is still under contract until the end of the year. You have already been through very expensive Arbitration. Surely there will be a grievance filed on this. In a memo I requested the cost of the Arbitration. I was give \$11,000 and the report is \$24,000. I spoke to an individual and it's upwards around \$30,000. If you people want to strap the Tax Payers and put somebody in prior to 31 December, then woe be you. We don't have a very good record in these Arbitrations.

Borough Manager stated we spoke about that earlier. Borough Manager explained he spoke to John McCreary. [An attorney with Babst & Calland that represents Ford City Borough on matters regarding the police.]. Mr. McCreary has made several presentations in public. McCreary stated his is not a violation of the Collective Bargaining Agreement that is still in effect with the two (2) full time officers. The Borough Council has a right to appoint someone to the position of Police Chief. The Contract states they would not be a member of the bargaining unit. Which Officer Freel would not be. This is not in violation of the contract. The two (2) officers have the right to grieve. This decision is only being made to insure all of you have Police Coverage next year.

Solicitor Vigilante stated to the Borough Manager we did speak about this. You [Borough Manager] stated you spoke with the Counsel Mr. McCreary. Do you want to make it that he would be there not to exceed March 31 [2016]. Then if the new Council found somebody they wanted to be Chief, that person Mr. Freel, wouldn't have the expectation of being there until March 31. It could end sooner than that. That is my point.

Borough Manager added that he is an at will employee. The next Council will have the ability to make the decision as they see fit regarding his employment as Chief.

Borough Manager asked why push the question here? If it goes to the 31st and there is a chance of a grievance. You have two (2) very competent seasoned Police Officers. Why take the chance and walk on thin ice? It probably will take this Borough into litigation.

Borough Manger stated he is going to restate what Borough's police labor attorney stated. This is not on thin ice. This is well within the Borough's Council right. The concept that was discussed between myself and the two full time officers and this officer was so that he could come into his position now and learn from the two full time officers. So there is an easier transition period.

Schaub added this position has nothing to do with the status of the Sergeants. Mayor you know there are some issues going on that he needs to get up to speed as soon as possible. Learn as much as he could possibly learn. It's the right thing to do for the public. It's about being safe.

11-9-2015 – Minutes
Approved 3-14-2016

BOROUGH MANAGER REPORT

Schaub made a motion to approve the Borough Manager Report for October 2015.
Seconded by Miklos. Motion Carried. 4-0 Unanimous (Attachment)

MESSAGE FROM THE PRESIDENT

Council President Bartuccio asked for everyone in town to write letters to be written to be included in the CDBG Grant application. These letters will give a better chance. We need your help. Bartuccio thanked everyone for helping with the Halloween Parade and everyone that handed out candy on Trick or Treat night.

NEW BUSINESS

SPEED TIMING DEVICE CALIBRATION

Schaub made a motion to authorize the expenditure of \$287.00 to YIS/Cowden Group, Inc. for the calibration and inspection of -the VASCAR and ENRADD systems during 2016. Seconded by Miklos. Motion Carried. 4-0 Unanimous

CHEMICALS

Schaub made a motion to advertise for the Chemicals needed for the operations at the Water Treatment Plant for 2016. Seconded by Bowser.
Motion Carried. 4-0 Unanimous

PURCHASE OF JOHN DEERE 1575 TERRAINCUT

Schaub made a motion to authorize purchase in the amount of \$37,131.35 to John Deere for a John Deere 1575 Terrain Cut mower accompanied with a heavy-duty rotary broom. Seconded by Bowser. Motion Carried. 4-0 Unanimous

Mayor asked if anybody spoke to the Street Department, if we need this vehicle? Both Schaub and Borough Manager answered yes.

BUDGET

Schaub made a motion to advertise the 2016 Proposed Budget. Seconded by Bowser.
Motion Carried. 3-1 Miklos is opposed. (Attachment)

Borough Manager asked for a roll call vote.

Bowser	Aye	Schaub	Aye	Miklos	Opposed
Bartuccio	Aye				

POLICE PENSION PLAN

Schaub made a motion to authorize the expenditure of \$3,250 - \$3,750 to Mockenhaupt Benefits Group to restate the Police Pension Plan bringing it in compliance with collective bargaining agreements and commonwealth law. Seconded by Bowser.
Motion Carried 4-0 Unanimous

TOURIST BUREAU DONATION

Schaub made a motion to donate \$500.00 to the Armstrong County Tourist Bureau to assist in the fund raising effort to designate the Allegheny River in Armstrong County a river trail. Seconded by Bowser. Motion Carried. 4-0 Unanimous (Attachment)

FORD CITY RENNAISSANCE FIREWORKS

Schaub made a motion to authorize Glory on High to shoot fireworks from behind the clock tower during Ford City Renaissance Community Partnership’s signature event, Light Up Night, on November 28, 2015. The Borough Manager will coordinate all road closures and public safety concerns with the Ford City Police Department, Ford City Hose Company #1, and the Pennsylvania State Police. Seconded by Bowser. Motion Carried. 4-0 Unanimous

INTERIM POLICE CHIEF

Schaub made a motion to appoint Officer Jonathan Freel to the position of Interim Police Chief not to exceed March 31, 2016, at his current pay rate of \$15.31 per hour, not to work more than 38 hours per week, effective Tuesday, November 10, 2015. Seconded by Miklos.

Mayor expressed concern with the 38 hours. The 38 hours throws him under the current contract.....

Schaub explained newly elected Mr. Fabian [currently a Manor Twp. Supervisor] a part time can actually work up to 39 hours. Schaub added they verified this information.

Mayor asked if Mr. Fabian is a lawyer?

Borough Manager answered no, but our legal counsel is. This was verified with Paglieri our labor attorney.

Mayor added we don’t want to make a mistake. Mr. Freel is a good officer. These things have to be looked into. I didn’t know about this until just recently. According to the Borough Code the Mayor is in charge of the Police Dept.

Bartuccio called for a vote.
Motion Carried. 4-0 Unanimous

Borough Manager asked for a roll call vote to be taken.

Bowser	Aye	Schaub	Aye	Miklos	Aye
Bartuccio	Aye				

11-9-2015 – Minutes
Approved 3-14-2016

PUBLIC HEARING NOTICE

Schaub read the following: There will be a public hearing held on Monday, November 23, 6:00 p.m. in the Latin American Club for the purpose of receiving public comment on needs in Ford City and the \$750,000.00 grant application to the Department of Community and Economic Development.

EMPLOYEE APPRECIATION

Schaub made a motion to authorize the expenditure of not more than \$800.00 to be paid to the Latin American Club for an “Employee Appreciation” dinner to be held on Friday, December 18, 2015. Employees and a guest will be invited. Elected Officials may attend and bring a guest at the own expense. Seconded by Bowser.
Motion Carried. 4-0 Unanimous

EARLY INTERVENTION PROGRAM – EIP

Miklos made a motion to pay The Civic Research Alliance for invoice #197 in the amount of \$14,440.00 and the monies to pay this invoice will come from the EIP Grant Funding. Seconded by Schaub.
Motion Carried. 4-0 Unanimous

STATE AID FOR PENSION PLANS

Schaub made a motion, based on the letter received from Mockenhaupt Benefits Group dated 10-28-2015, to transfer the amount of \$25,021, which is a portion of the State Aid received to the General Employee Pension Plan managed by First Commonwealth. Seconded by Miklos. Motion Carried. 4-0 Unanimous

Bowser made a motion, based on the letter received from Mockenhaupt Benefits Group dated 10-28-2015, to transfer the amount of \$22,029.01, which is a portion of the State Aid received to the Police Pension Plan managed by First Commonwealth. Seconded by Miklos. Motion Carried. 4-0 Unanimous

Bowser made a motion to transfer the amount of \$46,000.99 from the Escrow Account to Police Pension Plan managed by First Commonwealth to satisfy the 2015 MMO obligation. Seconded by Miklos
Motion Carried. 4-0 Unanimous

NEXT PUBLIC WORK SESSION

Monday, November 23, 2015 at 5:00 p.m. in the Latin American Club.

NEXT COUNCIL MEETING

Monday, December 14, 2015 at 6:00 p.m. in the Ford City Public Library.

CITIZENS COMMENTS

Joann Scopel had no comments at this time.

Paul Klukan explained a form needs signed by someone for the Fireworks for Light Up Night. They will be closing a portion of 5th Avenue during Light Up Night. A stage will

also be set up at the Clock Tower for Light Up Night. This needs set up before Thanksgiving.

Paul Klukan asked Mr. Miklos where to we stand with the train? There will be a meeting after this Council meeting with members of the Renaissance Committee and two (2) member of Council. [Bowser & Miklos] [Solicitor Vigilante was present during this meeting.

Klukan asked Solicitor Vigilante has anyone said anything to him about a meeting?

Solicitor Vigilante explained he doesn't set the meetings. There seems to be a difference of opinion of how to transfer it.

Tyson Klukan expressed concern over the number of people required to meet the requirement for a quorum at the beginning of the meeting. Klukan asked the Solicitor to explain.

Solicitor Vigilante stated he explained this maybe you were coming in when I said it at the very beginning of the meeting. Being that there was an empty seat on Council. Actually at one point there were two. The quorum went down. Usually you have to have at least four to have a meeting. But, because Council no longer consists of six (6) members it was down to five (5) members when the meeting started, three (3) was a quorum. Now it is back to five (5) and its still three (3) though.

Borough Manager added Council now has 30 days to appoint someone.

Solicitor Vigilante explained Council does have 30 days to appoint. If they don't then it goes to a Vacancy Board, which you are supposed to have. There will be an additional 15 days. If that doesn't happen, then the courts get the ball.

Stacy Klukan – Parks & Recreation and Shade Tree Commission member, explained she is involved with the Pittsburgh Tree Tenders Assoc. if another person took the Tree Tender class then the Borough would become eligible for free trees. The cost of the class is \$30 or \$40. They have been working on elevating and trimming trees along the trail. Students from AHS have been helping with this too. This is work that can be done during the winter. Coordinating islands will begin. Placing an island in the park across from the Post Office will take place. That will be started before the end of the month.

TAPE BREAK

Stacy Klukan asked what is the status of the Pavilion on the Trail that burned? There are people that want to rebuild it. Borough Manager stated that can be coordinated.

Klukan asked about the status of the 14th Street to McGrann Project? Borough Manager explained the person doing the grading work is delayed because the grader is down.

11-9-2015 – Minutes
Approved 3-14-2016

Klukan asked if there is money in the 2016 Budget for mulch? Borough Manager stated it was put in the budget. Klukan asked how much. Borough Manager was not sure. Klukan suggested maybe using organic mulch and sand too.

Amy Moody how long have you know one of the police officers schedule to be done on 12-31-15 would not be able to make it to 12-31-15? Schaub added she just found out Friday.

Moody asked with regard to the Train, why can't it just be worded, if the Renaissance goes under that it automatically comes back to the Borough? If they go under why should they pay to give it back to you?

SOLICITOR COMMENTS

Solicitor Vigilante had no comments at this time.

BOROUGH MANAGER COMMENTS

Borough Manager made comments that required no action.

COUNCIL COMMENTS

Miklos had no comments at this time.

Schaub and Bowser made comments that required no action.

MAYOR COMMENTS

Mayor made comments that required no comments.

COUNCIL COMMENTS

Bartuccio made comments that required no action.

ADJOURNMENT

Miklos made a motion at 7:19 p.m. to adjourn the meeting. Seconded by Bowser.
Motion Carried. 4-0 Unanimous

Kathy Bartuccio
Council President

Lisa Bittner
Borough Secretary