

**LORAIN BOROUGH / REGULAR COUNCIL MEETING
February 13, 2013**

The meeting was called to order at 7:00 PM by President Harold Berkebile, Jr. President Harold Berkebile, Jr. led Council in the Pledge of Allegiance. Roll call was taken by Michelle Misner. Council members in attendance:

Mr. Harold Berkebile, Jr.
Mr. Gary Hoffman
Mr. Ken Gibson

Mr. John Custer
Mr. John Raspotnik

Mr. James Fresh
Mr. Michael Hammers

Also in attendance:
Mayor George Randolph

Solicitor Alex Svirsko

Engineer Ken Mesko

Minutes

A motion was made by Gary Hoffman second by Michael Hammers to approve the Minutes from the January 9, 2013 Regular Council Meeting as written.

MOTION CARRIED 7-0

Treasurer Report

Michelle Misner reviewed the following reports with Council:

- January Balance Sheet
- January Deposit Detail
- January Profit & Loss Budget vs. Actual
- January Transaction List by Vendor
- January Municipal Authority Reports
- January Payroll

A motion was made by John Custer second by John Raspotnik to accept the Treasurer's Report as written.

MOTION CARRIED 7-0

Tax Collector Report

Carol Petry submitted the following Tax Collector Report for January 2013:

*OCC: \$49.20

Berkheimer's submitted the following Tax Collector Report for January 2013:

*EIT 2013: \$3325.43

A motion was made by Michael Hammers second by James Fresh to accept the Tax Collector's Report as written.

MOTION CARRIED 7-0

Correspondence

Ray Egnot of The Elks requested early entry to the park for their Car Cruise event. They will be out by 6:00 PM, but will need in by about 6:30 AM or 7:00 AM. It is a Sunday rental. He asked if

using a gas grill requires a Burn Permit. James Fresh will ask the crew to see if they will open the park early.

A letter from the District Attorney regarding the Daniel Stephen case. The original verdict was appealed and Mayor George Randolph has the information to attend the hearing in Ebensburg on March 7, 2013 at 9:00 AM.

A letter from Selective Insurance was received. They are still awaiting additional information, including the police report, for the incident at the park. It was requested that Mayor Randolph contact the police department for a copy of the report so the information can be sent to Selective.

Letters from the Water Authority and the Gas Company were received requesting paving schedules.

Various seminars and workshops were presented. No action was taken on any of those items.

Citizen / Visitor Comments

No Comments.

Fire Chief Report

No Report.

Mayor / Police Report

Mayor George Randolph reviewed the Police Report submitted by the Johnstown Police Department for the month of January 2013. There were nine calls and no arrests were made. January 14th he attended two hearings: Andrew Burns (231 View Street) and Daniel Stephen (Lunen Street). At the Burns hearing, photos were shown and Judge Barron arranged another hearing at the end of February at the property site. As of the time of the meeting, the property was not yet cleaned up. The Stephen hearing, Mr. Stephen did not show. The notice for an appeal was received by the Borough and the hearing in Ebensburg is March 7, 2013 at 9:00 AM. The Mayor asked if PennDOT is responsible to keep storm sewers clear on Ohio and Oakland Avenue. Council confirmed they are responsible. There are issues with water overflow and water coming up out of culverts on Oakland Avenue. The water is coming down Molnar and other streets and comes up from culvert on Oakland Avenue. John Custer said that PennDOT says the Borough is responsible, per a conversation a few years ago. Jim Fresh had contacted them and the opposite was told to Mr. Fresh, that it is PennDOT's responsibility. The water during the winter is causing issues with ice. Mayor Randolph will be getting petitions for the upcoming primary election and asked those present who wished to run for a seat that expires this election year. George Randolph, John Raspotnik, John Custer, and Michael Hammers are in seats that expire this election year. Names can begin to be collected February 19. They are due March 12th.

Sewer Report

Ken Mesko handed out graphs that show the Flow Metering information from September 2012 through the February 10th. They depict flow and rainfall. This Flow Metering is connected to the sewer monitoring fee on the sewer bills. Ken is working on the reports to JRA and DEP. The Storm Sewer reports are due in June and will be discussed at the next meeting. The Flow Metering Report from the

sewer service was received, it is the past year's report. The semi-annual report for the whole system was also received from the sewer service. James Fresh asked about having the workers monitor and Ken states that it's best to keep doing our own monitoring during dry and heavy rain times to keep in check with the reports.

Park Commissioner's Report

Gary Hoffman revisited the accident at the park. He has all the information to give the insurance company except the police report. The date of the incident was October 27, 2012. Mayor Randolph will request the report from the Police Department. James Fresh will call Penelec when weather is improved to call about the light issues in the Park.

Streets, Lights, Safety

James Fresh says there was an issue with the brakes on the plow and some damage was done to a home. The damage to the home on Marsh Avenue was reported and the owner of the home will bill the Borough when the damage is fixed. The brakes went out and the home was struck. It was minor damage. There is a damaged culvert on Ober and View that needs to be repaired. It will be about \$300 in materials. There was tread in the snow that matched the fire truck, but Mr. Fresh and Tom Callihan at the Oakland Volunteer Fire Department reviewed video from the time their truck was on that road and it was clear from the footage that the damage was already done prior to the truck riding on the road. Safety measures have been taken and will remain until it is fixed. All else in the Borough is fine. A second load of salt was delivered. The Borough is saving \$300 per load on the anti-skid purchases and deliveries. There was an issue with the salt delivery. The delivery driver did not call the crew on the day of delivery and didn't show. The load of salt was left overnight and it was dumped where the crew had to move it and load it into the shed. The delivery was also made over a puddle, which rendered a good bit of the delivery useless. Mr. Fresh called American Rock Salt and filed a complaint. If they don't respond, a letter will be sent.

Borough Property

No Report.

Housing, Ordinance, and Printing

No Report.

Finance, Taxes, and Appeals

No Report.

Solicitor's Report

Alex Svirsko presented a resolution that needs to be adopted for the police department retention. He presented a comparison of services between COG, Mark Walker and Cambria County Codes (aka Laurel Municipal Inspection Agency). He briefly reviewed the differences. Harold Berkebile thinks the Borough should remain with COG. John Custer believes going with Laurel Municipal Inspection Agency would be for the best. A motion was made by John Custer to give COG 90-days' notice. After further discussion, the motion was withdrawn. It was requested that Michelle Misner contact Laurel

Municipal Inspection Agency and ask if residents can remit applications via fax or email along with the actual costs involved (the one-time fee, if we need to provide insurance, how much for hearings and enforcement, is the Borough charged any fees for building permits or enforcing construction codes).

A motion was made by John Custer with a second by John Raspotnik to give COG 90-day notice before opting to move to a new code enforcement agency. A roll call vote was taken with John Custer, John Raspotnik and Michael Hammers voting YES; Harold Berkebile, Jr., James Fresh, Gary Hoffman and Ken Gibson voting NO.

MOTION LOST 4-3

It was questioned as to whether Nick Baily is still with COG. Michelle Misner will call COG and get the answer.

Special Committees

No Report.

Unfinished Business

The matter of paying COG the invoice and dues for 2013 is tabled until the March Meeting. It was suggested to set a day and time to have COG and Laurel Municipal Inspections Agency visit again and review their services one more time and to have additional questions answered again. It was decided to just have Michelle Misner ask a list of questions of Laurel Municipal Inspections Agency and see what answers come back.

John Raspotnik requested a report of permits issued by COG over the past few years.

James Fresh gave Michelle Misner the go ahead to submit the 2013 Rock Salt contract with COSTARS for 80 Tons.

The Mayor will take care of obtaining a police report for the insurance company regarding the open claim for the park damage.

The Mayor was asked to sign forms regarding 391 and 385 Lunen Street properties at Judge Barron's office. Alex Svirsko had already talked to the office regarding the properties. The owners cannot be located.

The camera accounts are ready for Council Members. There is free access, but software needs to be installed on users' computers. Access for the road crew is available, as well.

New Business

The delinquent sewer accounts were presented to Council and it was quickly determined that the list cannot be accurate as there are names of people who had passed away a number of years ago on it or no longer reside in the Borough. Further investigation needs to be done to get a more accurate report. Action needs to be taken on those 30 days delinquent with a shut off of water. Council was told that the water authority would automatically shut water off once delinquent and it doesn't seem to be working that way.

A motion was made by John Custer, second by Michael Hammers to accept the Johnstown Police Department's services for 2013.

MOTION CARRIED 7-0

Good of the Borough

Harold Berkebile, Jr. suggested a plaque be purchased and displayed for the woman who obtained the grant money for the playground. John Custer states if one was done for her one should be done for George Petry. Mr. Berkebile says it was supposed to be done per a prior meeting, but never was.

Bill Approval

A motion was made to pay all the bills listed in the Unpaid Bills Report by Ken Gibson second by John Custer.

MOTION CARRIED 7-0

Adjournment

There being no further business, a motion was made by Michael Hammers second by James Fresh to adjourn at 9:02 PM.

MOTION CARRIED 7-0

Submitted by:

Michelle Misner – Secretary / Treasurer