

**LORAIN BOROUGH / REGULAR COUNCIL MEETING**  
**March 14, 2012**

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. John Raspotnik  
Mr. Michael Hammers

Mr. John Custer  
Mr. Gary Hoffman

Mr. James Fresh  
Mr. Ken Gibson

Also in attendance:  
Mayor George Randolph  
Solicitor Alex Svirsko

Fire Chief Tom Callihan

Engineer Ken Mesko

**Minutes**

A motion was made by John Custer second by Gary Hoffman to approve the Minutes from the February 8, 2012 Regular Council Meeting as written.

**MOTION CARRIED 7-0**

**Treasurer Report**

Michelle Misner reviewed the following reports with Council:

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

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

**MOTION CARRIED 7-0**

**Tax Collector Report**

Carol Petry submitted the following Tax Collector Report for February 2012:

\*R.E.: \$0.00 \*O/T: \$0.00 \*EIT 2011: \$1853.24

A motion was made by John Custer second by Ken Gibson to accept the Tax Collector's Report as written.

**MOTION CARRIED 7-0**

**Correspondence**

Michelle Misner discussed the following correspondence that was submitted to Lorain Borough:

- Cambria County Board of Elections needs permission to hold the primary election at the Borough Building on April 24, 2012. This is moved to New Business.
- Information from the Cambria County Redevelopment Authority regarding the Community Development Block Grant. Ken Mesko advises us to file this grant to

obtain money for the sewer or the bridge projects. It is unknown if the bridge project would be eligible.

- SAP&DC Workshop – LTAP Training
- Cambria County Boroughs Association sent us our annual certificate and information on a Spring Dinner Meeting in Gallitzin. This is moved to New Business.
- Police Civil Service Training
- PMAA Spring Dinner Meeting Cruise
- PENNDOT Annual Transportation Outreach workshop information
- PMAA Leadership Academy

The above items were reviewed by Council.

### **Citizen / Visitor Comments**

No comments.

### **Fire Chief Report**

Fire Chief, Tom Callihan, reported 10 calls, with about 8 firefighters per call. There was a structure fire. We have more firefighters being trained. Training coming up, First Aid (March 15), CPR (March 25) and Grant Training Class (March 17-18). Grants written are the DCNR Grant written for \$12,000.00 for wildland skid unit and it is assured to be received. The 2012 Safer Grant has been written in the amount of \$296,000. The ADA Grant is in process and it is for a handicap accessible ramp for the fire station. Public service: Girl Scouts are packing cookies for the troops through the VFW. Richland Fire Hall wanted to charge the Girl Scouts, so the petitioned the OVFD and they provided the hall for free. They have garbage barrels available if they are needed at the park. The OVFD volunteered to help clear the trail at the park, if it is needed.

### **Mayor / Police Report**

Mayor George Randolph reviewed the Police Report submitted by the Johnstown Police Department for the month of February 2012. There were 23 calls with one arrest. He happened to review the will of Mr. Edward C. Schrock, who endowed the Borough with the Schrock Fund for use in the park. It stated “I give, divide and bequeath twenty percent of all the rest [of my] property real, personal and mixed to Lorain Borough Recreational Center for the purpose of improving the recreational park of Lorain Borough.” In the past, money has been taken out to use for small truck used in the park. The swing set was also purchased using money in the fund. Alex Svirsko interprets “improvement” as something that is permanent in nature, attached to the property and essentially stays there forever. Alex has never found a Trust Agreement filed with the courthouse, which allows for a looser interpretation of the wishes of Mr. Schrock. There was also a resident complaint regarding the sink hole on Porter Street and tires from Berkebile Auto that have rolled down onto her property.

### **Sewer Report**

Ken Mesko discussed the Wasteload Management Report. It needs to be approved and then submitted. This was moved to New Business. As of July 2012, the Johnstown Regional Sewage company will no longer bill the rental fees for the Borough. They are bringing in another company to provide billing at \$2.25 per bill. That is an increase from the \$0.50 per bill in commission they currently take. As of April 5, 2012, if JRS is not notified of us retaining their services, the Borough must either find another service to handle it or do it itself. Greater Johnstown Water Authority (now owned by

RDM) has submitted an offer to handle the billing. A workshop will be scheduled to discuss this matter so it can be determined whether or not the next monthly meeting can resume as normal or be moved up a week to make a special vote. This has been moved to New Business. Per Alex Svirsko, there is a provision in the water authority agreement that if the Borough turns off a resident's water due to lack of sewer payment, the Borough is responsible to repay revenues lost due to the shut off to the water authority. Per Harold Berkebile, he was told that the Borough would be charged \$25.00 to shut the water off, the resident would then be charged to have it turned back on plus an additional \$25.00 to repay the Borough back what it was charged. Alex concurred, however still stated what is in the contract regarding lost revenue. Ken stated that he has never come across a Borough having to pay back lost revenue. Alex will send the water authority agreement to copy and distribute to Council. Ken recommends keeping the billing close if an agreement with RDM cannot be made. PennDOT is doing a new bridge inspection agreement. The EADS group will be handling the inspections every 2 years. The next inspection will be in 2013. The Porter Street job, two inlets were adjusted and one was changed on View Street. Jim Fresh stated that there was no drain there and Ken said he would inspect it and see if anything needs to be done. The dye testing is complete and there were 20 downspout violations. He will send Michelle a form letter to be sent to those properties with violations. A workshop was held in February to review all the sewer projects and testing and he is still working on the summary of that workshop.

### **Park Commissioner's Report**

Gary Hoffman stated that the snow blower being stored in the long building was removed. Michael Hammers had a look around the park and will look again with Gary in tow this week to determine what is needed for security. The permanent showers that the fire company requested to have installed were discussed briefly. It will require a separate building and needs to be constructed with sewer and water. The OVFD had agreed to pay part of the costs, but Council wonders how much of a benefit it would be if it would only be used for the fire department's event. It was questioned whether money from the Schrock Fund could be used to pay for part of it. Gary offered the idea of having a flea market, renting space for a low fee to generate some park revenue. The insurance company would need to be contacted and Gary stated he would call. Dogs continue to be walked up at the park and playground and their owners are not cleaning up their messes. We don't have an ordinance to make police calls to enforce the signs. An all-encompassing ordinance covering waste and leash law is needed to help enforce the rules of the park. Gary mentioned having a Facebook page promoting the park. He and Michael will look into possibly creating that.

### **Streets, Lights, Safety**

James Fresh stated there were no problems this winter as we had a good winter. The flat streets are now being cleaned. Terry P. Kauffman helped Rob Stern clean the streets as a volunteer. Three culverts were cleaned up. Both weed eaters and the power broom were being repaired. The Terry Street ditch in the bridge needs to be fixed and there are safety horses around it until it is repaired. A reinforced slab is being obtained to fix the problem. A cement company will be contacted to measure what is needed and then it can be hot patched over. There was a dead deer in the Sam's Run area and it was determined it was on city property, so the city was contacted to have it removed. Jim spoke with Mr. Krieger, the owner of the Slovenian Hall property, and told Mr. Krieger the mound is OK for now, but is unsightly. Mr. Krieger will clean up that mound eventually. The equipment is in good shape and Joshua Davies, the new road crew worker, is working out well. Street sweeping will be started early and a letter will be sent out to residents of Oakland Avenue and Ohio Street to have debris swept from sidewalks onto the street.

### **Borough Property**

No Report.

### **Housing, Ordinance, and Printing**

Alex Svirsko will research the Fire Truck Fund Ordinance.

### **Finance, Taxes, and Appeals**

No Report.

### **Solicitor's Report**

Alex Svirsko mentioned the Auditor General Report for Liquid Fuels which Jim Fresh had sent him. The project report included some expenses that shouldn't have been reported. The audit covered 2008-2010 and there were expended that should have come out of the general fund and not liquid fuels. This appeared to be nothing more than a clerical error and was since corrected. There are no outstanding discrepancies. An agreement has been put together regarding an animal control ordinance and he is working with the Johnstown Police Department. A big issue is dealing with fees to have the dogs picked up and penned until the owner claims it. If the city gets called too often, they may start charging a fee and the Borough would have to absorb those fees. It was agreed to let the matter go for now since we get very few calls. The Fire Escrow Ordinance was not filed with the state. Alex needs to find out whether it needed to be on file with the DCED before a fire or before the insurance company proceeds are paid in order for us to have those funds reserved. It is now filed and has been since 2012. The amount reserved was 10% (or \$15,000) and will be increased to 15% (or \$20,000), per a new ordinance. This was further discussed in New Business. The final FEMA ordinance was sent in and he is still awaiting FEMA to get back with the approval. The 396 Ohio Street project is still ongoing and there is a meeting with the contractor on Friday.

### **Unfinished Business**

Michelle Misner brought up the energy rates. She presented a packet of information to Council. She called the Johnstown Chamber of Commerce and it would require a \$232 membership fee plus a \$35 registration fee to save a half cent per KWh. It was suggested that Michelle call the CCBA to see if they have anything available.

A motion was made by John Custer second by James Fresh to allow the Fire Escrow Ordinance rate to be increased to 15% from 10%.

**MOTION CARRIED 7-0**

A motion was made by Ken Gibson second by Michael Hammers to have a letter sent to Little Anthony's Bar to keep the front door closed or opened against the building for safety at the Oakland Avenue/Ohio Street intersection.

**MOTION CARRIED 7-0**

**New Business**

A motion was made by John Custer second by Gary Hoffman to send back the rental fee on the canceled rental, but hold the security deposit of \$75.00 until the date is rebooked.

**MOTION CARRIED 7-0**

A motion was made by John Custer second by Michael Hammers to purchase two tickets to the CCBA Dinner Meeting at \$22.00 per person. Harold Berkebile, Jr. and John Custer will attend.

**MOTION CARRIED 7-0**

Harold Berkebile, Jr. presented a Cambria County 911 System training seminar being held on March 29, 2012. It was passed around for review.

A motion was made by Michael Hammers second by John Custer to allow Ken Mesko to submit the Wasteload Management Report.

**MOTION CARRIED 7-0**

It was agreed that there will be a workshop held at the Borough Building at 7 PM on March 28, 2012 to review the situation regarding the sewage rental billing. Michelle Misner will contact RDM to have a representative attend and present their rates. She will also remind Council closer to the date.

**Good of the Borough**

No report.

**Bill Approval**

A motion was made to pay all the bills listed in the Unpaid Bills Report by James Fresh second by Michael Hammers.

**MOTION CARRIED 7-0**

**Adjournment**

There being no further business, a motion was made by John Custer second by Ken Gibson to adjourn at 9:43 PM.

**MOTION CARRIED 7-0**

Submitted by:

Michelle Misner – Secretary / Treasurer