

LORAIN BOROUGH / REGULAR COUNCIL MEETING
March 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. John Raspotnik

Mr. John Custer
Mr. Michael Hammers

Mr. James Fresh
Mr. Ken Gibson

Also in attendance:

Mayor George Randolph

Solicitor Alex Svirsko

Engineer Ken Mesko

Minutes

A motion was made by John Custer second by James Fresh to approve the Minutes from the February 13, 2013 Regular Council Meeting as written, with the addition of George Randolph and John Raspotnik to the list of names up for re-election this year.

MOTION CARRIED 6-0

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 Michael Hammers to accept the Treasurer's Report as written.

MOTION CARRIED 6-0

Tax Collector Report

No Report from Carol Petry for February 2013.

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

*EIT 2013: \$4436.04

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

MOTION CARRIED 6-0

Correspondence

Michelle Misner received a call from the County Election office and it was clarified that all seats of Council are, in fact, four year terms. There had been some earlier discussion that a few of the seats were only two year terms. This is not the case.

Numerous workshop and seminar registration forms were passed around. No action was taken on these.

The Borough received a guilty plea from the District Attorney's office regarding the incident at the Park in October 2012. The hearing is March 25th and Harold Berkebile, Jr. stated that no one was required to be present at the hearing unless a statement needed to be made. No statements are planned.

A letter from Mrs. Miriam Kime was received via mail. Michelle Misner read the letter, which was a complaint about the roads this winter and it posing a safety issue to children. No specifics were mentioned in the letter so Council is not able to take any specific action. Council agreed that they had not seen or experienced any dangerous areas in any part of the Borough. John Custer had spoken to her in person prior to her letter being sent and suggested the road crew get out a little earlier to clear the roads for the school buses. John Raspotnik stated that due to only having one or two road workers, the best that can be done is being done. Harold Berkebile, Jr. stated that he believes the Borough roads have been the best he's seen in a long time and can compare to other municipalities that are staffed greater than Lorain Borough.

Selective Insurance sent another notice requesting a police report and other information regarding the Park damage. The police report was left at the office shortly after the last meeting and Gary Hoffman had been notified on a few occasions that the information was there for him to pick up.

A letter from the county Department of Emergency Services sent a notice that upon the passing of William Knipple, Harold Berkebile, Jr. was assuming the duties of the Emergency Management Coordinator until the position can be filled.

The Spring Dinner for the Cambria County Borough's Association is April 16th at the Gallitzin Sportsmen's Association. A few members of council were interested and it is moved to New Business for further discussion.

Citizen / Visitor Comments

No Comments.

Fire Chief Report

Assistant Fire Chief, Eric Edwards, was in attendance for the report. He apologized for the prior months missed due to training and illness. He briefly reviewed the report. There were three calls in the borough in January, there were none in February. Grant statuses are as follows: DCED for replacement concrete in front of the truck bays is in progress, ADA for an elevator in the rear of the station is pending, PA Firemen's Grant was approved and funds were awarded, DHS Grant for a brush truck and new face pieces for air packs is pending, SAFERS DHS Grant for recruitment and retention has been awarded, Peoples Gas Grant is pending, Lowe's Grant for an upgraded kitchen has been written, and a Home Depot Grant to update the serving area kitchen on the second floor has been written. Seven firemen and firewomen are attending the DELMAR Fire Training. The park has been reserved for Thunder in the Valley and the department feels they will have more campers this year. They are asking the Borough to purchase 6 to 8 more fire rings. Council has declined this request citing cost, potential liability with alcohol being involved and lack of storage space. Council suggested the fire department obtain a few that can be used only for the week and be removed from the park if they feel it is necessary to have. James Fresh stated he would discuss this matter with Gary Hoffman. The food and

merchandise auction is scheduled for March 29th at 5:30 PM. Council stated that the department can feel free to email their report so they do not have to miss training and classes to attend the meetings.

Mayor / Police Report

Mayor George Randolph reviewed the Police Report submitted by the Johnstown Police Department for the month of February 2013. There were seven calls and two arrests. There were shots fired into the air at the former Little Anthony's bar (known now as Corner Pockets). John Raspotnik believe that this bar is becoming a nuisance bar. John Custer states that in order for it to become a nuisance bar, residents will have to complain to the PLCB. The police are involved so there is really nothing Council can do at this point. February 28th, the mayor attended a hearing at 231 View Street, Andrew Burns, and found that Mr. Burns evicted the tenant at the property. This tenant was found to be stealing electricity. The garbage and rubbish review was extended 45 days by Judge Barron in light of the eviction. The unregistered trailer is gone and the garbage is cleaned up. The tires are still on the property. The house must be posted by Mr. Burns for twenty days before he can remove any more items. Mayor Randolph asked Council if they feel he is being unnecessarily hard on residents. No one on Council agreed with his concern on record. On March 7th the Mayor attended a hearing in Ebensburg in front of Judge Krumenacker regarding Daniel Stephen and the property on Lunen Street. The judge told Mr. Stephen the same thing Mayor Randolph has been telling him for years, the property is still titled to Mr. Stephen and he is responsible for any ordinance violations. He has four months to clean up the property and fix any other issues involved. There will be another hearing in four months. Mayor Randolph asked Alex Svirsko to read a portion of Ordinance #226 regarding "health hazard and nuisances." Alex clarified what actions can be taken: an opportunity has to be made for them to correct the problem before action with the magistrate can be taken.

Sewer Report

Ken Mesko handed out graphs that show the Flow Metering information from the month of February 2013. This report is showing an "uneventful" or "dry" period as there was no significant precipitation during this time. The Johnstown Redevelopment Authority forms need to be filled out and submitted. Ken generated a detailed map which shows all residencies and sewer footage. Council requested copies of this map and Ken will provide as many as are needed. The NPDS permit year is March 9, 2013-March 9, 2014. Ken needs permission to submit the application for the storm sewer permit. This was moved to New Business. There were large spikes from Highland on the last sewer monitoring reports and he believes the holds don't seem to be releasing or working properly and he will investigate to find some answers.

Park Commissioner's Report

Gary Hoffman was no present at this meeting. James Fresh stated the first rental is scheduled for April 13th and asked Michelle Misner to contact the renter to see if the event can be moved to a date in May due to the unpredictable weather patterns. In the future, it was recommended to not permit any dates for renting the park prior to May 1st.

Streets, Lights, Safety

James Fresh says Penelec is still working on the lights in the Park that are not working properly. Josh Davies, member of the road crew, has found full-time employment elsewhere and will remain on the payroll to offer assistance during the Park season on the weekends. His position needs to be filled to

help Rob Stern out. The truck plow needed repair and a part of the plow was replaced. Three loads of salt have been used this winter so far, over \$5,000 has been spent on salt and anti-skid. James asked for the help of Council to volunteer when extra man hours are needed until Josh's position can be filled.

Borough Property

No Report.

Housing, Ordinance, and Printing

No Report.

Finance, Taxes, and Appeals

No Report.

Solicitor's Report

Alex Svirsko asked James Fresh if the matter with the lack of communication on a prior salt delivery was resolved and Mr. Fresh said it was. He offered up some information regarding sex offenders located in the Borough and stated there are three tiers of offenses which result in different types of registration. It was agreed that it is up to residents to keep in the know as to which offenders are living in the Borough and it is not up to Council to pass along the information. The information is public record and readily available on the internet. The repairs at 396 Ohio Street have still not been done and Council was under the impression that this work was completed and the matter was closed. John Raspotnik will check in with Alex regarding this matter.

Special Committees

No Report.

Unfinished Business

It was determined through reports obtained from COG that there were 113 permits issued since 2006 to the Borough residents. Michael Hammers feels very strongly that the Borough should save money on zoning enforcement by using a company that only charges \$700 one time as opposed to COG which charges \$759 a year and an additional \$450 in dues. Harold Berkebile, Jr. believes staying with COG is the prudent decision and is concerned about possible hidden costs that will arise once the agency is changed. Another concern was the fact that LMIA is located in Carrolltown and can be potentially inconvenient for residents to obtain permits.

A motion was made by John Custer, second by Michael Hammers to send the Cambria-Somerset Council of Governments a 90-day notice. A roll call vote was taken with Yes votes from John Custer, James Fresh, John Raspotnik, Ken Gibson and Michael Hammers. No vote from Harold Berkebile, Jr. Absent from the vote was Gary Hoffman.

MOTION CARRIED 5-1

A motion was made by John Custer, second by Michael Hammers to appoint Laurel Municipal Inspection Agency as the new zoning enforcement agency. A roll call vote was taken with Yes votes

from John Custer, James Fresh, John Raspotnik, Ken Gibson and Michael Hammers. No vote from Harold Berkebile, Jr. Absent from the vote was Gary Hoffman.

MOTION CARRIED 5-1

Michelle Misner was asked by Council to contact a representative from Laurel Municipal Inspection Agency to attend the next Regular Council Meeting to find out the official cost of appointing a zoning officer.

The matter of sewer rental fee delinquent accounts was raised and Council is unsure of what the water company is doing in terms of shutting off water to bring the accounts current. Michelle Misner was asked to have Michael Kukura, manager of RDM, to attend the next Regular Council Meeting to have questions answered. Council wondered if there is an aging schedule to see how long these accounts have been delinquent. A list of delinquent accounts was requested from the Summer of 2012.

Michelle Misner will contact Ray Egnot of The Elks to let him know that he is permitted early entry into the Park for their August rental. They are having a charity car cruise.

New Business

Mr. Clawson was in attendance to observe the meeting and was asked his advice on opening the plumbing in the park in April. If the date can't be changed, he will be willing to open the plumbing at the park the day before and winterize it again the next day until the Park can be officially opened for the season in May. James Fresh and Gary Hoffman will follow up once the date is officially determined for the rental.

Michelle Misner requested permission to pay utilities and other applicable bills online rather than using checks and paying postage to mail payments. A motion was made by John Custer, second by James Fresh to allow online payments.

MOTION CARRIED 6-0

Michelle Misner brought up the request Kotzan & Associates, the accountant of the Borough, made to write off uncollectable sewer rental fees due. Alex Svirsko suggests a write-off of 15% per year until the amount considered "bad debt" is eliminated. Alex will call the accountant office to discuss. A motion was made by Ken Gibson, second by Michael Hammers to allow 15% of uncollectable sewer rental fees due written off annually.

MOTION CARRIED 6-0

Michelle Misner reminded Council that the newsletter for Spring will be going out after the next Regular Meeting and to have any items to be included ready for it at the next meeting. The Spring Pick-Up date also needs to be considered. James Fresh asked Michelle to call different hauling companies to obtain new quotes to ensure we're getting the best prices this year. Michael Hammers will be compiling the newsletter this year. Michelle will have them printed and have the road crew distribute.

James Fresh let Council know that new brooms for the weed eaters will need to be purchased. They are \$150-175 each and will only need one for this year. Council agreed it was OK to purchase.

A motion was made by John Custer, second by Michael Hammers to allow Ken Mesko to file report for Johnstown Redevelopment Agency.

MOTION CARRIED 6-0

A motion was made by James Fresh, second by John Custer to allow Ken Mesko to submit the storm sewer permit to NPDS.

MOTION CARRIED 6-0

A motion was made by Ken Gibson, second by John Raspotnik to have Ken Mesko investigate the Highland Sewer and Water tank releases.

MOTION CARRIED 6-0

Mayor Randolph read a letter from a resident, dated February 16th. There was a light snow that day and Rob Stern was using the plow on Koch Avenue going onto Porter Street to push snow. The letter was in reference to how she and her sister (who was driving with four children) was treated when she was behind the plow truck and she claims Rob did not check to see if anyone was behind him before he began to back up. She blew her horn and stated he jumped out of the truck and started yelling at her and used an expletive. Mayor Randolph stated that he saw the incident from a window in his home office. This matter had already been discussed with Rob prior to the meeting and he had a different take on the situation and spoke his side. The husband of the woman who wrote the letter also spoke to Harold Berkebile, Jr.

The Spring Dinner was discussed. John Custer and Michael Hammers are possibly interested and will let Michelle Misner know if tickets need to be purchased.

Michelle Misner was asked to write a letter to Mrs. Miriam Kime in response to her letter which was read earlier in the meeting.

Good of the Borough

No Report.

Bill Approval

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

MOTION CARRIED 6-0

Adjournment

There being no further business, a motion was made by Michael Hammers second by Ken Gibson to adjourn at 9:17 PM.

MOTION CARRIED 6-0

Submitted by:

Michelle Misner – Secretary / Treasurer