

**LORAIN BOROUGH / REGULAR COUNCIL MEETING
October 10, 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. Ken Gibson
Mr. Michael Hammers

Mr. John Custer
Mr. Gary Hoffman

Mr. James Fresh
Mr. John Raspotnik

Also in attendance:
Mayor George Randolph

Solicitor Alex Svirsko

Engineer Ken Mesko

Minutes

A motion was made by John Custer second by Michael Hammers to approve the Minutes from the September 12, 2012 Regular Council Meeting as written.

MOTION CARRIED 7-0

Treasurer Report

Michelle Misner reviewed the following reports with Council:

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

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

MOTION CARRIED 7-0

Tax Collector Report

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

*P/C: \$5.50

Berkheimer's submitted the following Tax Collector Report for September 2012:

*EIT 2012: \$2429.73

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

MOTION CARRIED 7-0

Correspondence

Turkey Raffle information from the OVFD was received.

The new signed agreement for Atlantic Broadband service changes were passed around.

The 2013 Liquid Fuels Allocation notice from PennDOT was received. The Borough will receive \$17,235.55.

A notice from Sheetz Advantage Card Program was received. The gas card program changes and we will have new cards issued.

A notice from the bankruptcy court regarding the Wheeler Cadillac-Pontiac case was sent to us notifying us of an attorney no longer involved. Alex Svirsko stated this was only a notice and has no bearing on the Borough.

CamTran sent us the annual assessed share of services provided was received. It is now \$744.42. This is moved to New Business.

The Cambria County Boroughs Association Fall Dinner notification was received. It is being held at the Imperial Room in Ebensburg on Tuesday, October 23, 2012. This is moved to New Business.

The Pennsylvania Association of Boroughs sent information on employee benefits program.

The Cambria County Department of Emergency Services sent the completed Hazard Mitigation Plan on CD. It will be available should anyone want to read over it.

PA1Call packet was received for nominations for Board of Directors. They also sent information on Locator Program.

Various notices for workshops were also passed around. No action was taken on any of those.

Citizen / Visitor Comments

Mr. Rudd Johnson was in attendance to express his concerns about the dumping along Ohio Street by the "storage area." James Fresh states that the Borough workers have been staging materials removed from the salt shed until it can be hauled away. If there is other dumping going on, Mr. Fresh will have the workers take care of it.

Mr. Mark Walker was in attendance to explain the services he provides regarding building codes. He brought a sample agreement with an attached rate schedule. He provided a monthly report and a sample invoice along with an activity report. He is certified by the International Code Council. He charges by the hour and has no per diem. He also has a certified assistant that works with him and can deal with other residential categories and can do residential inspections. If we are interested in his services, a fee schedule can be determined. He doesn't handle any fees. Applications would be generated by the Borough then he would pick up the application and contact the applicant. The permit will be issued to the resident, sent to the Borough and the resident would pay the fee upon receipt of the permit. He would then bill us for the services provided. A committee will be appointed to discuss this matter as our contract with COG expires in February 2014.

Police Chief Craig Foust was in attendance to listen to complaints that have been discussed over the past few months regarding the Johnstown Police Department. John Custer mentioned response time and understands that calls are responded to on a priority basis. He doesn't believe there are enough

citations being written and visibility of presence. There are a number of accidents on the corner of Oakland Avenue and Ohio Street. Chief Foust agrees that does need a lot more attention and that there is coverage on Oakland Avenue. Michael Hammers states that the speeding on Oakland Avenue needs to be addressed and he doesn't see the police officers on the street as the department states. Chief Foust assures that there is coverage and that one area is not purposely getting more coverage than any other. James Fresh mentioned July 4, 2012 when a neighbor was setting off illegal fireworks. He called and an officer responded. He stated the officer arrived, watched for a while and then left. Nothing was confiscated nor a citation written. Chief Foust states that responses to fireworks are usually done with the officer telling the resident to stop the activity if after hours. He said that there aren't many calls made in response to fireworks. Mr. Fresh's concern was the dry weather and large fireworks posing a fire hazard. John Raspotnik asked how many officers are on patrol at any given time and Chief Foust said it depends on the area. It is usually five cars per area at a time. Harold Berkebile discussed the noise from his next door neighbor. The cops were called twice and twice they responded and the neighbors did not quiet down until 2 AM. He alleges that his name was used by the officer when responding to the neighbors and stated that all of that information should remain confidential. Chief Foust agrees and denies that his officers would state a name of the complainant. Chief Foust is aware, due to the amount of calls to that area that patrols are to be made around there to assure that the area is kept under control. Resident Rudd Johnson asked if there are any reports of drugs or DUIs in the area. Chief Foust said there was a DUI in June and is unaware of any active drug houses in the Borough. John Custer states that since the Mayor is in contact with the Department all the time and issues should be given to the Mayor to forward to the Chief of Police. Ken Gibson asked about illegal parking. Chief Foust said if it is blatant, to call the non-emergency number. Chief Foust said the Borough is in Zone 1 and that usually the same officers work the same zones and he can personally address issues expressed regarding the Borough with those officers. Alex Svirsko asked council if expectations were expressed to the Department. The contract needs to be reviewed by council before any more discussion can be done. Chief Foust says that the contract does not state any specifics to the amount of officers or time spent in the Borough. The agreements are standard for all the neighborhoods.

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 September 2012. There were 16 calls with one arrest. The Mayor brought up Ordinance 226 regarding nuisance issues and page 4 of that ordinance specifies trailers. It also discusses how to handle residents that don't accept the certified mail. If it's not accepted, the Borough is permitted to post the notice on their front door. Alex suggests the letter be posted to the glass on the door at the same time it is sent certified then after 15 days go to the magistrate if it is not taken care of. Can the trailer be towed? Alex states yes, but the magistrate must give permission to abate it before we can go on the property with an officer of the law. The matter of filing charges against Andrew Burns was moved to New Business.

Sewer Report

Ken Mesko filed the NPDES forms on time. It is complete and now under review. There were a lot of changes made and this is all regarding the storm sewer permit. There is a restriction on Sam's Run – impaired – and he recommends the Borough get a summary of changes. There are many more

reporting and written reports and procedures the Borough will need to have for the 6 minimum control measures. The city maintains Sam's Run, but we are responsible for storm water that comes into it. Samples will need to be taken periodically to monitor the water quality during wet and dry weather.

Park Commissioner's Report

Gary Hoffman just stated that the workers are doing a good job and that there are two more rentals for the year.

Streets, Lights, Safety

James Fresh states there are no big issues. The culverts have been cleaned. The salt shed roof collapsed. The Borough is using materials that were on hand as well as some purchased materials. It should be about \$500-700 to fix. The roof will be lined in fiberglass found from a man in Mann's Choice. They are \$15 a sheet. He will be placing a salt order in November once the salt shed is fixed. The Kubota has been repaired; there was an oil leak. The Chevy has been fixed. The workers now have a maintenance schedule for the Borough equipment. New tires for the Kubota will need to be purchased at some point. They will run about \$1600 installed. Mr. Fresh and Mr. Raspotnik discussed moving a handicap parking spot for a resident.

Borough Property

No Report.

Housing, Ordinance, and Printing

No Report.

Finance, Taxes, and Appeals

No Report.

Solicitor's Report

Alex Svirsko let Michelle Misner know that he emailed the ordinance letter for the dye violations and it is ready to send. It needs to be printed on Borough letterhead. The Atlantic BB franchise documentation was reviewed and there are three things in the FCC Regulations to watch for: Establish what they are doing is legal, do they have the resources to operate, and do they qualify financially? The services will not change. They are in compliance and there are no defaults. Alex does not see anything wrong with the resolution. He says Council needs to authorize the secretary/treasurer to enter into and execute the resolution. This is moved to New Business. John Raspotnik has family involved with this transaction and must abstain from the vote. Alex is having all of his files pulled at his office to search for any missing ordinances. James Fresh mentions a complaint of high shrubs between two homes on Lunen Street between the Gaydos and Rutledge properties and that it's blocking a view. These shrubs have been there for over 30 years and only road obstructions are covered under The Borough Code. It needs to be determined whether a shrub can be considered a fence. Fences in the Borough can only be 6' high. This appears to be a civil matter and doesn't interfere with any road view or obstruction. There are hedges at the bottom of the hill on Molnar Street that need to be cut and do create a street

obstruction. There is a similar situation at the bottom of Blue Diamond Street. A traffic study would need to be done in order to enforce. This expense would probably fall upon the Borough.

Special Committees

No Report.

Unfinished Business

A motion was made by John Custer second by Gary Hoffman to adopt the Atlantic Broadband resolution granting consent to the transfer of control of cable television franchise and to authorize the secretary/treasurer to sign and execute the resolution. John Raspotnik abstained from the vote.

MOTION CARRIED 6-0

A motion was made by Ken Gibson second by John Raspotnik to approve the purchase of a new laptop for the Borough, \$600-700 spending limit.

MOTION CARRIED 7-0

The woman on Carnation Street once again called regarding the stray cats. She states her neighbor keeps feeding the cats. The woman on Carnation Street has been setting up traps and her neighbor continues to give her problems regarding the traps. Michael Hammers is aware of this problem and knows which neighbor is feeding and will provide Michelle with the address so a letter can be sent.

John Custer tells council that a woman from Code Enforcements will be coming to the next meeting.

Michael Hammers discussed talking with COG about unfinished home projects throughout the Borough. These homes have remained unfinished for years and years to prevent reassessment of the property for taxes. Permits are only good for a year so how can these projects be enforced? Michael will call Nick Bailey at COG.

New Business

A motion was made by James Fresh second by Michael Hammers to deny a discount in park rental price to The Elks as Council does not wish to allow discounts to anyone.

MOTION CARRIED 7-0

A motion was made by Michael Hammers second by John Custer to not pay CamTran's 2013 Assessed Fee for services. Michelle is to send a letter to CamTran expressing this and to invite them to the next meeting for discussion.

MOTION CARRIED 7-0, by Roll Call Vote

Yea: Harold Berkebile, Jr., John Custer, James Fresh, Gary Hoffman, Michael Hammers, John Raspotnik, Ken Gibson
Nay: None

The CCAB Fall Dinner was discussed briefly. Three members of Council are interested in going and will notify Michelle by October 15th.

The insurance company awarded the Borough \$2250.00 from the claim that was filed regarding the stolen manhole covers. This equals about 1/3 of the value of replacement manhole covers. Gary Hoffman states he will call Mosholder Insurance and invite to the next meeting to discuss our options.

A motion was made by John Custer second by Michael Hammers to file charges on the Andrew Burns property and send a nuisance letter sent to the property on Woodland Avenue where a couch is being stored outside.

MOTION CARRIED 7-0

A motion was made by John Custer second by Michael Hammers to have the NPDES Summary of Permit Changes written.

MOTION CARRIED 7-0

Harold Berkebile needs a copy of the Burn Ordinance #247 to provide to DEP.

The County has money to tear some dilapidated homes down. The Borough can purchase the home for a nominal fee and the County will tear it down. The property will then belong to the Borough, be appraised, and can be sold by the Borough. The County absorbs any back taxes on the property. Alex Svirsko states that liens may be still be attached if purchased in a private sale. We should petition the court for a judicial sale, where there is a possibility of any liens and mortgage being forgiven. James Fresh will make a list of properties and consult with Alex Svirsko.

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 Ken Gibson, to include a \$165 check to George Richey and \$50 to William Hern for salt shed materials.

MOTION CARRIED 7-0

Adjournment

There being no further business, a motion was made by Gary Hoffman second by Michael Hammers to adjourn at 9:33 PM.

MOTION CARRIED 7-0

Submitted by:

Michelle Misner – Secretary / Treasurer