

**Borough of Windber  
Borough Council Regular Meeting  
July 19, 2011 – 7:00 PM  
MINUTES**

<b>Call to order</b> – Council President Anthony Turcato
<b>Pledge of Allegiance</b>
<b>Roll Call</b> - Council President - Anthony Turcato, James Furmanchik - late 7:03 pm, Barry Jerley (absent), George Ledney, Sonya Pekala (absent), James Spinos, Michael Winas, Mayor Simon Ohler, Borough Manager Fred Oliveros, Solicitor – Jeffrey L Berkey (absent), Recording Secretary - Cynthia McCracken
<b>Public comment on agenda – no comment</b>
<b>Reading of the Minutes</b> – <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Ledney/Winas) to approve the minutes of the previous meeting as presented. (Motion Carried)</i></li> </ul>
<b>Correspondence</b> <ol style="list-style-type: none"> <li>1) Windber Area Authority Minutes of June 8, 2011</li> <li>2) State Rep Frank Burns Invitation.</li> <li>3) Thank you note from Windber Museum re: Rosebud Mining Contribution</li> <li>4) Thank you note from Family of Robert E. Yuhas</li> <li>5) Proposed Bus Schedule adjustments by Route</li> </ol>
<b>Business Items</b> <ol style="list-style-type: none"> <li>1. Approval of Payroll <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Spinos/Ledney) to approve Payroll – (Motion Carried)</i></li> </ul> </li> <li>2. Approval to Pay bills (<i>Ledney/Winas</i>) to approve pay the bills. - (<i>Motion Carried</i>) <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Ledney/Winas) to approve Payroll</i></li> </ul> </li> <li>3. Approval of Treasurers Report <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Ledney/Winas) to approve Treasurers Report –Spinos opposed (Motion Carried)</i></li> </ul> </li> <li>4. Approval of Cash Balance Report <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Ledney/Winas) to approve Cash Balance Report – Furmanchik/Spinos opposed (Motion Carried)</i></li> </ul> </li> <li>5. Approval to authorize the Manager to proceed with the engineering and bid package for the replacement of the HVAC rooftop unit at the Community Building. Referred to Manager’s Report <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Furmanchik/Spinos) to authorize the Manager to proceed with the engineering and bid package for the replacement of the HVAC rooftop unit at the Community Building.</i></li> </ul> </li> <li>6. Approval of Resolution 2011-4 outlining the Borough Procurement procedures and a Conflicts of Interest Policy for sponsors of pension systems as required by Act 44. <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Ledney/Winas) to approve Resolution 2011-4 outlining the Borough Procurement procedures and a Conflicts of Interest Policy for sponsors of pension systems as required by Act 44. (Motion Carried)</i></li> </ul> </li> </ol> <p><b>Executive session 7:07 pm regarding personnel matters – 7:22 pm returned.</b></p> <ol style="list-style-type: none"> <li>7. Consideration of accepting Roger Price as a full time fourth laborer as of August 1, 2011 (Tabled)</li> </ol>
<b>Borough Reports</b> <ol style="list-style-type: none"> <li>1. <b>Standing Committees of Council</b> – Mr. Furmanchik asked Mr. Oliveros regarding Borough Offices Discussion re: moving the Borough offices into the Municipal Building Mr. Oliveros met with Kelly and Kevin. Mr. Oliveros asked for a proposal. Nothing has been proposed. Mr. Ledney asked about the appraisal of the Borough Building. It is in the works. Concerns regarding timing and communication between the two entities. Mr. Ledney expressed his desire to continue with the existing building. Mr. Furmanchik asked if it is fair to the taxpayers to keep this building to house 2 people. Mr. Spinos expressed his desire to move ahead with the appraisal and the move. Mr. Ledney is against the move to the Municipal Building.</li> <li>2. <b>Mayor Simon Ohler</b> – Mayor’s report was accepted as presented. Cemetery project the prisoners did a nice job on cleaning it up. <ol style="list-style-type: none"> <li>a. Mayor Ohler contracted with Kevin to maintain the Cemetery. The Mayor has received private donations for continued maintenance of the Cemetery.</li> <li>b. Reading over Codes enforcement, the Section 8 housing inspector agreed to allow the codes enforcement officer to accompany him on inspections of Section 8 Housing. Need to have the inspections done before new tenants move in. Need a system to prevent tenants to move in before</li> </ol> </li> </ol>

<p>inspections are done. Once we get a system in place then we will be able to inspect inside and out with the Section 8 inspector.</p> <ol style="list-style-type: none"> <li>c. Mayor Ohler stated that he has been complimented by many citizens on how good Windber looks since the paving is finished.</li> <li>d. The Windber Area Water Authority – Mr. DiBattista’s term will end on December 31, 2011 The Borough will need to appointment a replacement. Mayor Ohler suggested Mr. Jerley as he is a business man and a member of council..</li> <li>e. Discussion of existing Borough building. The Mayor suggested selling the building and move somewhere else. Mr. Furmanchik commented on the condition of the outside of this building. <ul style="list-style-type: none"> <li>• <i>Motion was made and seconded (Furmanchik/Ledney) to have the Borough crew clean up the outside of the building, weed eating/etc. to show pride in the community. (Motion Carried)</i></li> </ul> </li> <li>f. Mr. Spinosa asked Chief Skiles to set up the Enrad speed system on Jefferson Ave around 6<sup>th</sup> and 7<sup>th</sup> street after 5:00 pm regarding safety issues and children. Also, enforcement of one way streets.</li> </ol> <p>3. Borough Manager (Fred Oliveros) – Reported on the following</p> <ol style="list-style-type: none"> <li>a. Paving – CDBG Entitlement Funds for storm sewer replacement portion – paving shortly afterwards.</li> <li>b. Street Survey – Mr. Spinelli of PennDot Municipal Services will begin measuring streets graded poor.</li> <li>c. Community Building Heat. Accepted East Hills Engineering proposal to prepare drawings and bid package. Engineering costs = \$7500. Smaller units would be costly and time consuming.</li> <li>d. Mine 35 Playground – renovations in progress</li> <li>e. Rail road crossings – Formal complaint filed - onsite Conference date set for August 4 for the 18<sup>th</sup>, 21<sup>st</sup> and by D’Arcs crossings. The Borough’s position is that we would like them removed.</li> <li>f. Old Train Engine and Box Cars – Progress report Engine is scrapped – Box cars are gone.</li> <li>g. CamTran Bus Schedule proposed elimination of Windber Route 21 - Mine 35</li> <li>h. Traffic Signal at Route 56 &amp; 24<sup>th</sup> – Repair work done with Temporary signal loop installed. Proposal for signal loop replacement and repaving over the loops. Estimated \$17,000 for project. Applied for reimbursement grant.</li> <li>i. Sewer Replacement projects – inquired as to costs of survey.</li> <li>j. Conversation with Tim Davis re: DCED “Main Street” project</li> </ol> <p>4. Codes and Zoning Report (Fred Oliveros) – Discussion regarding various properties of interest, The house at 311 8th Street is gone. The Vespa property - The owner arrested, has satisfied the Judge’s requirements. Judge did not make the owner comply to the Borough’s recommendations, only to close the windows and secure the property. DEP is also looking at the property regarding violations. Fines are \$250/month from the day you own the property, which has been 5 years. The disposition of the old Sheetz property and others.</p> <p>5. Solicitor’s Report (Jeffrey Berkey) – No report</p>
<p><b>Unfinished Business</b> Directed Mr. Oliveros to keep negotiations open with the Municipal Authority regarding cost sharing and moving the Borough offices into the Community Building.</p>
<p><b>New Business</b> <b>Request to waive</b> the building permit fee for the American Legion ADA bathroom renovation project – Phase 1. That would be the Borough’s donation to the project.</p> <ul style="list-style-type: none"> <li>• <i>Motion was made and seconded (Furmanchik/Spinosa) to waive the building permit fee for the American Legion ADA bathroom renovation project – Phase 1. (Motion Carried)</i></li> </ul> <p><i>Remarks – others have donated their services to the project.</i></p> <p><b>Committee for the Flight 93</b></p> <ul style="list-style-type: none"> <li>• <i>Motion was made and seconded (Winas/Spinosa) to make a donation to the Committee for the Flight 93 Project not to exceed \$100. (Motion Carried)</i></li> </ul>
<p><b>Recognition of Visitors –</b> <b>Anna Roy</b> – Rosebud Mining is not cleaning the streets. Confronted Mr. Oliveros about the street cleaning. Mrs. Roy left Council Chambers. <b>Andy Kondas</b> – Asked regarding the Rosebud and PennDot. To follow up on Mrs. Roy. They are doing something at Mine 42. Are they hauling through Rosebud? This may be compounding the problem. Regarding the Community Building was wondering about the agreement with the Municipal Authority. Council stated that there has not been any serious negotiations to date. Mr. Furmanchik indicated that this should be pursued. <b>Scott Penrod</b> - Suggested that we consider offering to pay the utilities for the Community building instead of paying rent for Borough Offices to the Municipal Authority. Cost/benefit analysis of the sale of the existing Borough building vs. rent for office space in the Community Building. He also suggested listing the building for sale.</p>

Mr. Ledney is reluctant to walk away from the building without a business agreement.

Mr. Ledney to Mr. Penrod who is responsible for the road. What is the event committee doing about the damage to the road? . Mr. Spinos pointed out that the Event committee is no longer in existence per Borough wishes as of last year. Mr. Spinos, Mr. Jerley, Mr. Furmanchik and Mr. Penrod was not involved in the planning or running of the event. This is the sole responsibility of the Fire Department. Mr. Oliveros referred PennDot to the Fire Department. They have been contacted and are handling the issue.

Mr. Spinos & Mr. Furmanchik asked the Borough Manager to put a formal proposal to the Municipal Authority.

Mr. Turcato stated that we have an obligation to incur some of the capital improvements. When East Hills wanted the building for recreation only with no obligation to make capital improvements or any maintenance.

Mr. Spinos indicated that the Municipal Authority has the power to control the buildings that we gave them. The Borough has no authorization or power to move into our building without their approval. Mr. Furmanchik reminded that the Borough has been educated as to the differences of an Authority vs. a Commission by Mr. Berkey.

Mr. Turcato if you read the Municipal Authority Act. They have no obligation with respect to the governing body.

Mr. Furmanchik asked to make a strategic plan for the Borough.

Mr. Oliveros to ask the Municipal Authority to put together a formal proposal to present to the Borough.

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**Next Meeting Date – Summer months – one regular meeting on the third Tuesday of each month.**

**Tentative date for meeting with the Municipal Authority July 26, 2011 at 7:00 pm. Moved to August 2 @ 6:00**

**Next regular meeting would be scheduled for August 16, 2011 at 7:00 pm**

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**Adjourn - Turcato, adjourn 8:20 pm**