

**Borough of Windber
Borough Council Regular Meeting
May 24, 2011 – 7:00 PM
MINUTES**

Call to order – Council President Anthony Turcato
Pledge of Allegiance
Roll Call - Council President - Anthony Turcato (AT), James Furmanchik (JF) absent, Barry Jerley (BJ) absent, George Ledney (GL), Sonya Pekala (SP) absent, James Spinos (JS), Michael Winas (MW), Mayor Simon Ohler (SO), Borough Manager Fred Oliveros (FO), Solicitor – Jeffrey L Berkey (JB) late 7:02, Recording Secretary - Cynthia McCracken
Public comment on agenda – no comment
Reading of the Minutes – <ul style="list-style-type: none"> • <i>Moved and seconded (Ledney/Furmanchik) to approve the minutes of the previous meeting as presented with the following correction. (Motion Carried)</i>
Correspondence <ol style="list-style-type: none"> 1) Windber Area Authority Minutes of April 13, 2011 2) Somerset County TCC 3) Comcast 4) Municipal Retirement Trust Monthly Report 5) Windber Church of God 6) St Anthony of Padua Catholic Parish request to set up tent for Festival on July 9 & 10 on 22nd St. <ul style="list-style-type: none"> • <i>Move for approval (Spinos/Furmanchik) of street closure for Festival. (Motion carried)</i> 7) Windber Recreational Association request <p>Regarding the agreement to maintain the Traffic signal on 56 Mr. Turcato regarding the maintenance agreement of the traffic light at 24th and 56. Mr. Oliveros is directed to write a letter regarding the bill including the agreement made by the Borough, School District and the Stadium Association when light was put in during the mid 1980s that these expenses are to be split three (3) ways. Mr. Berkey to research the agreement. Chief Skiles indicated that he will also research the agreement.</p> 8) Handicap Project Campaign contribution request Legion .#137 9) Windber Medical Center Report on Construction 10) PSAB Update Sewer rental act & Surplus Sewer Funds. Act states that any excess funds to be put into a sinking fund and can not be used for any other purpose 11) DOT Report – Engineering and Traffic Study of St Rt 1033 in Windber Borough
Business Items <ol style="list-style-type: none"> 1. Approval of Payroll <ul style="list-style-type: none"> • <i>Moved and seconded (Pekala/Ledney) to approve Payroll – (Motion Carried)</i> • <i>Remarks – Roger Price reflects his 6 weeks of Workman’s Compensation.</i> 2. Approval to Pay bills (Ledney/Furmanchik) to approve pay the bills including the late addition for backhoe work - (Motion Carried) <ul style="list-style-type: none"> • <i>Moved and seconded (Pekala/Ledney) to approve Payroll</i> • <i>Remarks – Question from Mr. Ledney. Eastern elevator service. Regular inspection. Need to use the elevator at least once a month. Elevator will undergo the three year inspection to keep it up to date.</i> • <i>Dave is on workman’s comp – Excavation for completed for drainage pipe by outside contractor.</i> 3. Approval of Treasurers Report <ul style="list-style-type: none"> • <i>Moved and seconded (Pekala/Ledney) to approve Treasurers Report – Furmanchik/Spinos/Jerley opposed (Motion Carried)</i> 4. Approval of Cash Balance Report <ul style="list-style-type: none"> • <i>Moved and seconded (Ledney/Winas) to approve Cash Balance Report – Furmanchik/Spinos/Jerley opposed (Motion Carried)</i> 5. Approval to use of Sewer Funds to pay for catch basins replaced by PennDot on Graham. <ul style="list-style-type: none"> • <i>Moved and seconded (Pekala/Ledney) to approve use of sewer funds – (Motion Carried).</i>

6. Adoption of Ordinance 2011-4 Amending parking regulations – Correction of hours to 8:00 – 4:00.
 - *Moved and Seconded (Furmanchik/Ledney) to adopt adoption of Ordinance 2011-4. Amending an Ordinance of the Borough 095-4 Dated 12/11/1995 providing for parking restrictions within the Borough. (Motion Carried Unanimously)*
 - Roll call vote – Mr. Furmanchik (Y) Mr. Ledney (Y) Mr. Jerley(Y) Mrs. Pekala (Y) Mr. Spinosa (Y) Mr. Turcato (Y) Mr. Winas(Y) (Motion Carried Unanimously)
7. Approval to advertise Ordinance 2011-5, Reinstatement of Police Pension Plan.
 - *Moved and Seconded (Furmanchik/Pekala) to advertise Ordinance 2011-5 Restating the Police Pension plan. – (Motion Carried)*
 - *Mr. Oliveros explained the restatement of Police Pension Plan*

Borough Reports –

Audit Report fro Kim Dorchak of Kotzan CPA

- 1) Kotzan CPA Assoc PD Report presented the complete audit documents and led council through the summary power point slide presentation (Available upon request)
- 2) Kim pointed out the General Funds transfers one of \$25,000 to the General Capital Reserve fund and the \$69,000 forgiveness of the park debt. She also pointed out the \$35,000 loan that will need to be paid back.
- 3) Need to be careful when using the Sewer Fund. Any monies borrowed from the Sewer Fund are to be considered as a loan that will need to be paid back. The General fund can subsidize any other fund but it cannot be subsidized by any other fund. Please keep that in mind.

Results – Clean audit opinion – Fairly stated

Enter into the record - Separate management letter issued for internal controls surrounded the events fund. The audit numbers. Did not deem this to be a material weakness.

Record Keeping – avoid cash transactions but if you must, the key is documentation. To whom was cash given and for what? A signed receipt of acceptance from the party receiving cash, including what the cash was use to pay for. Provide receipt. Documentation is more to protect the people running the events and the committee putting on the event rather than the people receiving the cash or the Borough.

Ms. Dorchak explained the cash fund balance carryover from last year building the cash fund balance.

Mr. Kondas asked about the franchise fees for Comcast is under license and permits.

Mr. Ledney thanked her for her report.

2011 Park and Pool will not be included in audit.

Standing Committees of Council –

- 1) Mayor Simon Ohler –Mayor’s report was accepted as presented.
- 2) Borough Manager (Fred Oliveros) – Reported on the following
 - a) Most of the Borough paving is almost done
 - b) CDBG Paving 28th 29th 17th and the alleys of 35.
 - c) Somerset County Borough Dinner
 - d) Under Debt ceiling of the Borough either securing a loan or bond for a major street paving project. Mr. Turcato would like to authorize Mr. Oliveros to survey the street conditions and come up with some numbers.
 - *Motion was made and seconded (Spinosa/Pekala) to go ahead and look at the numbers for paving project.*
 - e) Railroad crossings – Mr. Spinosa indicated that the State would take them out.
 - 1) Mr. Furmanchik asked Solicitor Berkey. That resulted that the appropriate procedure to file a formal complaint with the PUC and going on with proceedings to force compliance. Mr. Ledney asked if there was a safety issue and if there is a remedy for the Borough? Mr. Turcato asked if there is a fee to file with the PUC. Timing could be lengthy at this time approximately 18 – 24 months. Penn Dot filed an informal complaint last fall. Mr. Furmanchik indicated that we should file the formal complaint from the municipality with the PUC. Some of the land under the tracks is owned by Berwind.
 - *Motion was made and seconded (Furmanchik/Jerley) to file a formal complaint with the PUC for removal of the railroad tracks. Motion Carried*
 - f) Can we patch the area around the catch basin as you get off of 56?
 - g) Sidewalk in front of ProMed. Get them to sign off for ledge from the sidewall and Graham Avenue.

<p>h) Is there any plan on catch basin repairs and clean out?</p> <p>i) Feedback from Dave if he is going to be back we need to have someone to be backup. Suggested that municipal maintenance employees know how to use all the equipment. Can't rely on one person to run the equipment owned by the Borough.</p> <p>j) Quaker Sales needs to be responsible for clean up for duct tape removal from the signs they put up.</p> <p>k) Mowing – around the Vespa building. Are we still cutting around Mine 35. Does the Borough own these properties. Placing a lien on properties we are mowing as it is the owners responsibility.</p> <p>l) The Torquato problem – Mr. Turcato expressed concern regarding the problem.</p> <p>m) Sidewalks – 23rd and Graham on the right hand side cut the sidewalk, filled in with gravel. It is the resident's responsibility. The sidewalks in the borough are the responsibility of the residents by ordinance. This is a Codes and Zoning issue.</p> <p>n) Water leak excavation by BiLo to the water company's responsibility.</p> <p>o) Mr. Furmanchik asked Mr. Oliveros about the Recreation Building heating system.</p> <p>p) Spring Cleanup – advertisement in Our Town.</p> <p>3) Codes and Zoning Report (Fred Oliveros) – Discussion regarding maintenance issues. Height of grass and exterior condition of the properties. Encourage Tyler on maintenance issues on rental issues. Mr. Oliveros would like to up Tyler's hours.</p> <p>4) Solicitor's Report (Jeffrey Berkey) – No report</p>
<p>Unfinished Business Borough debt limits, do we wish to proceed? Discussion tabled.</p>
<p>New Business</p> <ol style="list-style-type: none"> 1. Need approval to repair the high voltage lines to the Park How can we make this work if there is no dialogue, regarding financial responsibility? Mr. Oliveros should state to them that they are to make the repair for the power cable. Mr. Winas to contact Penelec regarding park power. <ul style="list-style-type: none"> • <i>Motion was made and seconded (Furmanchik/Winas) to proceed to remedy park power problem.</i> 2. Mr. Spinos asked if we have a final agreement regarding financial contributions to the maintenance of the building and park. The Municipal Authority tabled the agreement, Mr. Oliveros has asked repeatedly for a response. Still not receiving minutes. Needs to be agreement on the financials. Mr. Oliveros to set up a meeting in the evening to meet with Borough. <ul style="list-style-type: none"> • <i>Motion was made and seconded (Furmanchik/Winas) to proceed. (Motion Carried)</i>
<p>Recognition of Visitors – Mrs. Roy – Safety analysis with PennDot Paving and Playground Asks about the conflict of interest. When there are donations and improvements to the playground. Are they thinking about an alternate access/exit road? Mr. Oliveros indicated that the speed survey analysis by PennDot is complete. 25 mph is fine.</p> <p>Mr. Kondas – 2 things</p> <ol style="list-style-type: none"> 1. June 6th spring cleanup in communities are free. Mr. Pekala asked if he would like his taxes raised to offer this for free. 2. Comcast – Who is paying for the franchise fees especially when the Satellite use is going up? Are we being overcharged for this? We will contact Comcast for remedy.
<p>Next Meeting Date – Summer months – one regular meeting on the third Tuesday of each month. Next regular meeting would be scheduled for June 21, 2011</p>
<p>Adjourn - Turcato, adjourn 8:50 pm</p>