

**Borough of Windber  
Borough Council Regular Meeting**

**July 20, 2010 – 7:00 PM  
MINUTES**

<b>Public Meeting – KU Resources – Brownfield’s Assessment update</b>															
1. Started at 6:30 ended at 6:50 provided information updating the Brownfield’s Assessment.															
Call to order – 7:00 pm - Council President Anthony Turcato															
<b>Pledge of Allegiance</b>															
<b>Roll Call</b> - Council President - Anthony Turcato (AT), James Furmanchik (JF), Barry Jerley (BJ), George Ledney( GL), Sonya Pekala (SP), James Spinos (JS), Michael Winas (MW) Mayor Simon Ohler (SO), Borough Manager Fred Oliveros (FO), Police Chief - Rick Skiles (RS), Solicitor – Jeffrey L Berkey (JB), Recording Secretary - Cynthia McCracken															
<b>Opening bids for street paving –</b>															
Option 1 – Catherine Ave – Jackson from 22 <sup>nd</sup> – 24 <sup>th</sup> – Baumgardner from New ext – 17th															
Option 2 – Catherine Ave – Jackson from 22 <sup>nd</sup> – 24 <sup>th</sup> – Beachwood from Vincent - Guilda															
Option 3 – Catherine Ave – Jackson from 22 <sup>nd</sup> – 24 <sup>th</sup> – Grove Ave from 14 <sup>th</sup> – 15 <sup>th</sup> .															
<table border="1"> <thead> <tr> <th>Contractor</th> <th>Option 1</th> <th>Option 2</th> <th>Option 3</th> </tr> </thead> <tbody> <tr> <td>HRI Inc – State College, PA</td> <td>\$70,897.00</td> <td>\$60,382.00</td> <td>\$49,655.00</td> </tr> <tr> <td>Quaker Sales, Johnstown, PA</td> <td>\$73,633.00</td> <td>\$60,193.35</td> <td>\$49,444.75</td> </tr> </tbody> </table>				Contractor	Option 1	Option 2	Option 3	HRI Inc – State College, PA	\$70,897.00	\$60,382.00	\$49,655.00	Quaker Sales, Johnstown, PA	\$73,633.00	\$60,193.35	\$49,444.75
Contractor	Option 1	Option 2	Option 3												
HRI Inc – State College, PA	\$70,897.00	\$60,382.00	\$49,655.00												
Quaker Sales, Johnstown, PA	\$73,633.00	\$60,193.35	\$49,444.75												
<b>All bids seem to be in order. No other bids returned</b>															
Mrs. Pekala questioned how much was in the budget from last year. Mr. Oliveros stated \$11,000 from 2009, from the budget process of last year. In Liquid Fuels there is \$55,497.00, even if the \$11,000 is not available, we are due back \$9,000 from snow removal costs. Former Borough Manager, Casey Durdines, indicated that there was \$11,000 available for paving from the general fund.															
Mr. Turcato indicated that we are fairly close to the second option. Mrs. Pekala feels that Option 2 is doable.															
Three bid packages were picked up and 2 returned.															
Discussion regarding the options.															
<ul style="list-style-type: none"> <li>A motion was made and seconded (Furmanchik/Pekala), to award the contract to Quaker Sales of Johnstown, PA on the Option 2 package of \$60,193.35, upon review of the necessary agents of Windber Borough and pending solicitors comments etc. - Motion Carried</li> </ul>															
Mr. Turcato expressed a concern regarding the drainage of the west side of Catherine Ave. and this is causing the existing condition of erosion. Mr. Oliveros indicated that with smooth pavement, this may alleviate the ponding of water that is causing the erosion of the pavement. Recommendations will be suggested to Quaker Sales.															
Solicitor Berkey indicated that the paperwork and bonds seem to be in order.															
<b>Public comment on agenda</b>															
<ul style="list-style-type: none"> <li>Mr. Rugg questioned the paving of 29<sup>th</sup> Street. Mr. Oliveros stated that would be part of the CDBG money. Mr. Spinos indicated that they will complete the project and include the paving instead of moving money around. That way, it will be all taken care of in one shot. The project is scheduled for this year. Mr. Rugg wants to expedite the project. Mr. Oliveros is to contact the Redevelopment Authority to try to expedite the monies .</li> </ul>															
<b>Reading of the Minutes –</b>															
<ul style="list-style-type: none"> <li>Moved and seconded (Pekala/Ledney) to approve the minutes of the previous meeting as presented. Windber Borough Council - Regular meeting of June 15, 2010 &amp; Special Borough Council Meeting of June 29, 2010 – (Motion Carried)</li> </ul>															
<b>Correspondence</b>															
<ul style="list-style-type: none"> <li>Windber Municipal Authority minutes</li> <li>Twp Supervisors and Solicitors re: State Budget w/ Analysis of Act 46 PA Senate Bill 1042</li> <li>Somerset County Economic Development Council request for \$439.50 + based on census figures</li> </ul>															

@\$.10 per capita.

- Windber Area School District
  - Formation of Regional Parks and Recreation Commission meeting June 24 @ 6:00pm WASD Central Admin. offices
- Verhovsek invoice for unpaid invoice #1971

This was grant money for a project that Mr. Verhovsek walked off the job and the Borough had to finish. Mayor Ohler recalled that a letter was sent as to the disposition of the project. Mr. Oliveros indicated that there are statutes of limitations on the grant. Mr. Berkey stated that this should be addressed and will work with Mr. Oliveros.
- PSAB Update
- Letter from Disgusted Windber Residents - Disregard. If you have a legitimate complaint , it **must be signed.**

**Executive session – Time out 7:18 Time in 7:35** Mayor Ohler requested session on Police Personnel

- *Moved and seconded (Furmanchik/Spinis) that Corporal Dan Croyle be kept under suspension with pay until July 28th, pending the outcome of the preliminary hearing. - Motion Carried*

### **Business Items**

- Approval of Payroll
  - Question from Mr. Spinis regarding the Recreation Department Payroll. Mrs. Pekala indicated that the Windber Recreation Authority was now being billed and paying the accountant. The Borough accounting firm indicated that they will no longer be doing payroll for the Recreation department due to the reduced the rate for the Borough. The Recreation Department needs to have their own contract with the accounting firm. Mr. Spinis questioned that there are no transactions posted. Mrs. Pekala explained the process, as it is being done, and that the Recreation Department is in the process of setting up their own payroll. The Recreation Department is to be billed directly for their payroll and the Borough will no longer be billed for it.
  - *Moved and Seconded (Furmanchik /Jerley) to approve - Motion Carried*
- Approval of payment of bills.
  - Mr. Ledney re: Banner hanging. – it was explained that this was for the seasonal banners on the light poles.
  - Reimbursement of damages from a snow plow hitting a privacy fence.
  - Event Fund – Mr. Ledney and Mrs. Pekala stated that they have no report of revenues for expenses.
  - Mr. Spinis/Mr. Ledney/Mrs. Pekala/Mr. Turcato entered into a lengthy vigorous discussion regarding the event fund accounting, Mr. Penrod's role in Thunder in the Valley events, how the vendors' deposits are handled, and what accounting practices were used. The Borough's liability in holding these events was also questioned. Mr. Oliveros and Solicitor Berkey were asked to explain procedures and policies regarding these issues.
  - There was also lengthy discussion engaging several council members regarding how the funds were handled in the past and how to rectify the handling of funds for future events.
  - Mr. Spinis and Mr. Oliveros are to provide an accounting of the revenues and expenses incurred for Thunder in the Valley.
  - AT - We have to have a motion. Any questions on the bills?
  - SP – Did we get a motion on it?
  - AT – We have a motion and a second. All in favor.
- Repeating the motion - *Moved and Seconded (Furmanchik/Jerley) to approve - Motion Carried*  
Any second – Who did the motion Mr. Furmanchik/Mr. Jerley Motion Carried.
- Mr. Spinis questioned two different Waste Management accounts for dumpsters. Mrs. Pekala explained that one is the regular account and one for spring clean up.
  - *Moved and Seconded ( F/ J) to approve the payment of the Bills. Motion Carried*

Approval of Treasurer's Report

Moved and Seconded (Ledney/Winas) to approve Vote – Opposed JF – BJ (Motion Carried)

Approval of Cash Balance Report

Moved and Seconded (Ledney/Pekala) to approve Vote Opposed JF – BJ – JS (Motion Carried)

- Approve new PA One Call Service Agreement
- Mr. Oliveros explained the change in service to change to email system.
  - Moved and Seconded (Furmanchik/Ledney) to approve new PA One call (Motion Carried)

**Borough Reports**

- Mayor's Report – Mayor Ohler –
- You have the police report if you have any questions, Chief Skiles or I can answer them.
  - Mayor Ohler proposed two (2) ordinance recommendations
  - **Raise the property taxes 2 mils to the benefit of the following**
  - 1.5 mil of Fire Company and Ambulance Service
  - 5 mil to Windber Library
  - 25 mil to Windber Museum
    - To be given to these three organizations for maintenance
    - report so noted
    - Windber Library has received a 9% cut from the state.
    - The money should be allocated by June 30 of tax year for operating expenses
    - We allocated \$36,000 as a donation etc. They will no longer get the existing allocation. This is a lockdown on 2 mils. The existing ordinances are to be repealed.

Ohler suggests they get this stuff out of the way, so that everyone knows what they are doing for Budget season.

Mr. Turcato - asked for questions.

Mr. Jerley. – Where do you think the people are going to come up with all this money? What about the people that don't use the library or the museum? Is it fair to them?

Mayor Ohler asked, Do we let them fall? Do we shut the library down? Do we shut the museum down?

Discussion on the Mayor's suggestions - Mr. Furmanchik expressed the feeling that this could be tabled for now.

As far as the Fire company, there should be dialogue with the parties involved and set a date for the meeting.

Mr. Ledney indicated the state requirement for the Library is to spend \$70,000/ year minimum.

Mr. Turcato - This report is so noted.
- Manager's Report – Mr. Oliveros - nothing to add
- Codes/Zoning Report – Mr. Oliveros - nothing to add .Mr. Fisher is back to work
 

Mr. Spinos noted the practice of sending notice of payment needed on permits before work is completed. About the old gas station, the owner wants to put the pumps back in. the glass is cleaned up at the small building. No time frame is indicated. We need to set a deadline.

Railroad crossing on 11<sup>th</sup> and 21<sup>st</sup> Street – Mayor Ohler made a complaint that has been filed by Penn Dot, to the PUC, against Mr. Erickson, the owner of the railroad. PUC will schedule a hearing, possibly on site and try to rectify the matter. Mr. Spinos asked that the tracks be removed. The other issue is the train. We need accountability to make the property right.
- Solicitor's Report – Solicitor Berkey No report

**Standing Committees of Council – Council Pres and Vice President can serve as ex-officio to all committees**

- **Public Works – Ch Jerley – Spinos – Furmanchik**
- **Codes/Zoning – Ch Spinos – Winas – Jerley**
- **Finance – Ch Ledney – Pekala – Furmanchik**
- **Properties – Ch Furmanchik – Winas – Spinos**
- **Personnel – Ch Pekala – Ledney – Turcato** - Spoke to Mr. Oliveros that we have been very lax in employee evaluation. A form has been found and every employee will be evaluated every year.

<p>Personnel committee evaluates Mr. Oliveros, and Mr. Oliveros does the rest.</p> <ul style="list-style-type: none"> <li>• <b>Building – Ch Turcato – Furmanchik – Ledney</b></li> <li>• <b>Economic Development – Ch Ledney – Winas – Spinosa</b></li> <li>• <b>Contract Negotiations – Ch Ledney – Pekala – Jerley</b></li> <li>• <b>Recreation – Ch Winas – Jerley - Turcato</b></li> </ul>
<p><b>Unfinished Business</b></p> <ul style="list-style-type: none"> <li>• Moving of Borough Offices – Mr. Oliveros sent a letter to Municipal authority stating our space requirements, and attended meeting on July 6th, asked for a proposal. A proposal has not been received. Asked for the space that New Day occupies, with idea that New Day can be moved to the vacated Headstart space. Mr. Furmanchik asked to follow up July 21st.</li> <li>• Bus Shelter on Graham Avenue – Mr. Winas indicated that we were not going to get the Bus Shelter in the area as there is not enough traffic to warrant it.</li> <li>• Meeting with Ogle and Paint Township regarding the Fire Department – Mr. Spinosa/Mr. Oliveros – discussed holding a meeting</li> <li>• <i>Motion was made and seconded (Spinosa/Pekala) to request a meeting with Ogle and Paint and to advertize the meeting time at the Windber Fire Hall on Somerset Ave and 18<sup>th</sup>. Mr. Oliveros to take care of setting up and advertising and notification. - Motion Carried</i></li> <li>• Air Conditioner at the Old Train Station - Pro Med – Mr. Oliveros reported on the condition of the Air Conditioner. Repaired with a new compressor would cost \$23,000 on one estimate to replace. The contract with Pro Med is 18 months, ending December 2011, with a qualified right to renew if the parties agree. Mr. Oliveros has a meeting July 21st with Pro-Med President to discuss the Air Conditioning system. He will report back to the Borough. A discussion of the Capital improvement fund. Budget considerations should be addressed regarding capital improvement and building fund.</li> <li>• Recreation program outstanding bills – Who is Responsible?- Mr. Oliveros/Mr Ledney. Going through a learning curve with the Municipal Authority. Fire insurance is responsibility of the Borough. The Municipal Authority is responsible for Liability Insurance. Communication lines remain open.</li> <li>• Any issues will be directed through Mr. Oliveros. Agreed to pay for repairs on the truck at the park. The Truck is owned by the Borough. Insurance is the Borough's responsibility. It was agreed at the April 20th meeting that the truck be returned to the Borough shed. Who is allowed to drive it? Mr. Berkey – indicated that there is some question regarding the transfer of the truck to Windber Municipal Authority. Mayor Ohler suggested that the truck is to be titled to the Windber Municipal Authority for Recreation. Mr. Oliveros is to write a letter regarding the use of truck, regards to the building at the park, and the insurance costs of the building.</li> </ul>
<p><b>New Business</b> - No new business.</p>
<p><b>Recognition of Visitors</b></p> <ul style="list-style-type: none"> <li>• Mr. Andy Kondas stated that the people should be informed of the dedicated taxes proposed.</li> <li>• The culverts need to be fixed as there is a large hole. Mr. Oliveros is to take care of it.</li> </ul>
<p><b>Next Meeting Date – Regular Meeting August 17, 2010 - 7:00 pm</b></p>
<p><b>Adjourn - Turcato, adjourn 8:48 PM</b></p>