

**Borough of Windber
Borough Council Regular Meeting
October 19, 2010 – 7:00 PM
MINUTES (from recording)**

Call to order – Council President Anthony Turcato
Pledge of Allegiance
Roll Call – by Borough Manager Fred Oliveros - Council President - Anthony Turcato (AT), James Furmanchik (JF), Barry Jerley (BJ), George Ledney(GL), Sonya Pekala (SP) absent, James Spinosa (JS), Michael Winas (MW) Mayor Simon Ohler (SO), Borough Manager Fred Oliveros (FO), Police Chief - Rick Skiles (RS), Solicitor – Jeffrey L Berkey (JB) Absent, Recording Secretary - Cynthia McCracken absent
Public comment on agenda - No comment
Reading of the Minutes – <ul style="list-style-type: none"> • Moved and seconded (Ledney/Winas) to approve the minutes of the Windber Borough Council Regular meeting of October 5, 2010.– (Motion Carried)
Correspondence <ol style="list-style-type: none"> 1) Somerset County Borough's Assn 09/16/10 minutes 2) WATCB Report 3) Windber Area High School - Thank you letter 4) Windber Public Library request for support – new book return policy 5) Somerset County Boroughs Assn Social Meeting November 18, 2010 Reservations required. 6) Peoples Natural Gas 7) Windber's Winter Wonderland Application 8) PSAB Update 9) PennDot Workshop notification No other comments on Correspondence
Invitation for Windber Place Sunday October 31, 2010 4:00 pm
Executive session – Matters of contract negotiations – 7:03 pm to 7:30 pm
Business Items <ol style="list-style-type: none"> a) Approval of Payroll • Moved and seconded (Furmanchik/Spinosa) to approve the payroll. - (Motion carried) b) Approval to Pay bills Mr. Ohler questioned Commonwealth of PA \$11, 396. Assume this is regarding the repayment of funds questioned whether it is coming out of the general fund or the pension fund. Mr. Ohler indicated that the pension fund is overpaid by over \$10,080. Mr. Oliveros/Mrs. Pekala questioned whether this could come out of the General fund in order to protect the Pension fund. Chief Skiles believed that the funds were taken out of the Pension fund. Discussion on how the funds would be distributed when the '08-'09 is straightened out. The finance committee decided to pay the fines to stop the ongoing accrual of penalties. Pension review board gave the authorization to pay from the general fund to be repaid if there is an overage in the pension fund. • Moved and seconded (Furmanchik/Ledney) to approve pay the bills. (Motion Carried) c) Approval of Treasurers Report • Moved and seconded (Winas/Ledney) to approve Treasurer's Report. The Finance Committee and Treasurer are monitoring the budget. Mr. Furmanchik/Mr. Spinosa opposed (Motion Carried) 3-2 d) Approval of Cash Balance Report • Moved and seconded (Ledney/Winas) to approve Cash Balance Report. Mr. Jerley, Mr. Spinosa and Mr. Furmanchik opposed (3/3 tie) Mayor Ohler broke the tie with an affirmative vote. (Motion Carried) 3 opposed 4 in favor. e) Approval to advertise ordinance for appointing a new tax collector (Capital Tax Collection Bureau) for the remainder of 2010 and 2011. The local tax collector has gained other employment that we approve advertising the ordinance. The transition was to be made for 2011 for the earned income tax of 1%, Capital Tax Collection Bureau will only collect earned income tax. Somerset County is moving toward a centralized tax collection agency. Mr. Berkey approved the advertisement of the ordinance.

- **Moved and seconded (Winas/Ledney) to proceed with the ordinance to appoint a new tax collector Capital Tax Collection Bureau. (Motion Carried)**
 - f) Approval of agreement to authorize electronic access to PennDot systems.
At the end of the year they audit the Liquid Fuels budget. This will allow us to access the PennDot web site and our personal files that they have
- **Moved and seconded (Ledney/Furmanchik) to approve authorization of electronic access to PennDot systems. (Motion Carried)**
 - g) Approval of Minimum Municipal Obligation for 2011 Non Uniform Pension Plan for 2011 payroll which is 8% of the total payroll in the amount of \$13,450. Signed off by the Chief Administrator Officer of the plan. To be on the safe side I would opt to vote for approval.
- **Moved and seconded (Furmanchik/Spinosa) to approve payment of the Minimum Municipal Obligation for 2011 Non Uniform Pension Plan. (Motion Carried)**

Borough Reports

Mayor Simon Ohler – Mayor’s report financial and criminal element was presented.

- a) Mayor Ohler received a request from Hospice to make a proclamation declaring that November be Home, Health and Hospice month. Mr. Ohler extended an invitation to a gathering October 31 at 4 pm.
- b) Budget reviewed by Mayor Ohler suggested that the budget looks like we are in a better position and that we would be able to bring back the position of Administrative Assistant Position. Mr. Ohler suggested re-calling that individual that held the position before. He indicated that he felt the Borough would be financially able to do it.

Borough Manager (Fred Oliveros) – Accepted as presented

Codes and Zoning Report (Fred Oliveros) – Accepted as presented

- c) Mr. Furmanchik asked about the Fire department task force. Mr. Oliveros stated that Paint Township and Scalp Level and Ogle Twp have expressed interest. Mr. Turcato indicated that Mr. Marcinko was looking at another date for a meeting. All parties are looking at the partnership. Mr. Marcinko will bring other information to the table. Seems to be heading in the right direction.
- d) Mr. Erikson meeting was reported the most important is the 21st St and Somerset Ave and Graham Ave railroad crossings and the removal of the rail cars and engine. Has the truck been removed? Not as of the date of the meeting.
- e) Barrel in front of First Commonwealth the old sign post could be ground off level so the Barrel can be removed. Other barrels on 12th Street also need to be removed if they belong to the Borough.
- f) Any information regarding the disposition of the Boron Station and the Vespa building. The condition of the property needs to be cleaned up and the owner needs to be sited regarding the ordinance. Mr. Oliveros to call the Commonwealth to verify that the tanks have been certified.
- g) All codes and zoning ordinance violations should be pursued.

Solicitor’s Report (Jeffrey Berkey) – Absent

Standing Committees of Council –

- **Finance Committee** - Mr. Ledney requested a Budget Workshop at 7:00 pm October 26th.
No other committee reports

Unfinished Business

- a) Moving of Borough Offices – Mr. Oliveros indicated that the next regular meeting will be held in the new chambers downstairs. Council chambers will move first and conference room. Offices will be moved after telephones are moved Then we will proceed with closing the floors off and winterization.
 - b) Mr. Spinosa asked how those rooms are being heated. A total of 4 rooms to be heated. The police department is being heated by electric heaters. Mr. Furmanchik can verify that the offices and chambers can be heated by gas wall heaters for the cost of \$1500 each or less, each unit costing \$300 each.
 - c) Officer Skiles is working to get the day to day police operations into the new offices by December but some files will remain in the this building until the physical building is completed.
 - d) Mr. Furmanchik would like to know what the BTU output of the furnace and that there should be cost savings by supplementing with the gas wall heaters. Mr. Penrod offered information as to the cost savings of the gas wall units. Mr. Turcato asked about the cost of installation. Mr. Furmanchik indicated that there are qualified people to install the units. Mr. Spinosa indicated that the person contracted to do the winterization should be able to do the installation of the units.
 - e) Mr. Ledney indicated that there were some wall units that were installed in the library that could be available.
- **Moved and seconded (Furmanchik/Spinosa) to purchase two gas wall units and have them**

professionally installed. (Motion Carried)

New Business

Discussion of proposed ordinances.

1. **Ordinance setting forth Requirements for receiving funds and/or other types of donations from the Borough of Windber.**
 - a. Mr. Oliveros and Mr. Ledney to discuss verbiage regarding auditing donations of \$10,000 or more.
2. **Ordinance of the Borough of Windber designating snow emergency routes and parking restrictions to take effect upon declaration of a snow and ice emergency.**
 - a. Discussion regarding the snow emergency parking restrictions.
3. **Ordinance setting forth parking restrictions on Railroad Street (SR 1033) to facilitate street sweeping and snow plowing and removal.**
4. Regarding the railroad crossing at 17th Street and Railroad Street. Citizens are concerned regarding the lighting of the crossing once the electric rates increase.
5. Cemetery across from Windber Builders would like to know who is responsible for the upkeep of the cemetery. Can we get someone to take care of the cemetery during the year. Mr. Oliveros indicated that it is owned by East End Cemetery Association. Hillside Avenue graves were relocated there when the highway was built. We should indicate that they exist. Need to facilitate cleanup on a monthly basis.
6. Mr. Furmanchik indicated that the new facilities should be have wainscoting installed to improve the appearance.
7. Mr. Furmanchik asked about the salt purchase and that we are only salting the hills and main arteries.

Recognition of Visitors

- Mr. Kondas – asked that since it is Election Day
 - Mr. Turcato suggested that we move the meeting to the November 9th.
- Mr. Kondas - recycling going to come back at a limited type basis. at the Community Building
- Mr. Kondas – discussed the play grounds around Mine 35 suggested that Rosebud Mining Company take care of it.
- Mr. Kondas – contacted PennDot has a 33 foot right of way and they are responsible to take care of that, they will not do anything else unless encouraged by council.
- Met with Rosebud to do more near Mine 35 with clean up and noise. He was directed to get the people down to the meeting with Rosebud on November 9th.
- Mr. DiPaulo asked for clarification of the Penalties to be paid regarding the Pension fund. - Directions given that were not followed and therefore we are obligated to pay the penalties. The exact amount to the Attorney General is \$10,080 with interest.
- Mr. Winas to attend a peer to peer conference proposed by the school district regarding a study for regionalization of recreation and education. Spearheaded by the School District. It is a matching grant of 90/10. Total cost of the study is \$10,000. The total amount will not exceed \$1000 for each participant.
- Mr. Oliveros to contact Mr. Barker as to his availability to attend November 9 meeting.

Next Meeting Date – Regular Meeting moved to November 9, 2010 - 7:00 pm

Adjourn - Turcato, adjourn 8:20 pm