

**Borough of Windber
Borough Council Regular Meeting
September 21, 2010 – 7:00 PM
MINUTES**

Call to order – Council President Anthony Turcato												
Pledge of Allegiance												
Roll Call - Council President - Anthony Turcato (AT), James Furmanchik (JF), Barry Jerley (BJ) 7:02 pm, 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												
Opening of Bids for Replacement of Air Conditioner – Old Train Station												
<table border="1"> <thead> <tr> <th>Contractor</th> <th></th> </tr> </thead> <tbody> <tr> <td>Kircon – Brecko – Johnstown PA</td> <td>\$42, 400 – Sheet Metal ducting \$38, 058 – Fiberboard ducting</td> </tr> <tr> <td>Marc – Service Inc. – Windber, PA</td> <td>\$28,770.00</td> </tr> <tr> <td>Laurel Management – Johnstown, PA</td> <td>\$ 7,977.10</td> </tr> <tr> <td>Erickson Mechanical – N. Huntington, PA</td> <td>\$39,605.00</td> </tr> <tr> <td>EBERHVAC Inc.- Johnstown, PA</td> <td>\$19,640.00</td> </tr> </tbody> </table>	Contractor		Kircon – Brecko – Johnstown PA	\$42, 400 – Sheet Metal ducting \$38, 058 – Fiberboard ducting	Marc – Service Inc. – Windber, PA	\$28,770.00	Laurel Management – Johnstown, PA	\$ 7,977.10	Erickson Mechanical – N. Huntington, PA	\$39,605.00	EBERHVAC Inc.- Johnstown, PA	\$19,640.00
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<ul style="list-style-type: none"> • Move and seconded (Furmanchik/Pekala) that the replacement of the air conditioner bids be tabled until October 5, 2010 meeting pending review by Borough Manger Oliveros and Solicitor Berkey (Motion Carried) 												
Public comment on agenda - No comment												
Reading of the Minutes –												
<ul style="list-style-type: none"> • Moved and seconded (Pekala/Furmanchik) to approve the minutes of the previous meetings. Windber Borough Council Regular meeting of September 7, 2010 and Special Meeting of August 2, 2010 re: Police Personnel Issues with the Special Meeting Date corrected to September 13, 2010 all else remains as presented. – (Motion Carried) 												
Correspondence												
<ol style="list-style-type: none"> 1) Windber Area Authority Minutes 2) Windber Area Tax Collection Bureau 3) Annual Leaf Collection beginning 10/17 ending 11/19/2010 4) Notification of ‘Overdrive’ ebook system available through Windber Library. 5) Halloween Trick or Treat night: Windber Boro, Paint Twp and Scalp Level October 28th 6-8 pm 6) Halloween parade October 30, 2010 @ 1:00 pm registration call 467-7111 <ul style="list-style-type: none"> • Motion made seconded (Winas/Spinos) for closure for the Halloween Parade of Graham Ave from 9th – 17th ending up at the Station and to block off Somerset Ave from 17th St to Dr. Gray’s entrance (Motion Carried) 7) Windber Coal Heritage Center Nights of fright ... 10/25 – 10/30 3:00 pm – 9:00 pm w/ schedule 												
No other comments on Correspondence												
Executive session – Matters of personnel - 7:10 pm to 8:25 pm												
Mayor Ohler left the meeting at 7:45 pm.												
Business Items												
<ol style="list-style-type: none"> 1) Approval of Payroll <ul style="list-style-type: none"> • Moved and seconded (Furmanchik/Winas) to approve the payroll with the exception of the line item vacation pay for Corporal Dan Croyle. (Motion carried) Remarks to the motion by Mr. Furmanchik that vacation was granted to Corporal Croyle in very disappointing circumstances directly involving Mayor Ohler regarding his vacation pay. • A motion was made and seconded (Furmanchik/Spinos) that Windber Borough Council, due to the Mayor’s misconduct while being involved in the approval of the payroll to Corporal Croyle following his suspension without pay, collectively, as a whole, ask for the immediate resignation of Mayor Ohler; and since he is not present in Council Chambers, that the Windber Borough Manager Mr. Oliveros prepare a letter dated September 22, 2010 asking for Mayor Ohler’s resignation no later than September 27, 2010. 												
Roll Call vote requested by Mr. Turcato and taken as follows. In Favor - Mr. Furmanchik /Mr. Spinos/Mr. Jerley/Mr. Ledney/Mrs. Pekala/Mr. Turcato/Mr. Winas												
Opposed – None (Motion Carried Unanimously)												

<p>2) Approval to Pay bills</p> <ul style="list-style-type: none"> • Moved and seconded (Pekala/Spinosa) to approve pay the bills. – (Motion Carried) <p>3) Approval of Treasurer's Report</p> <ul style="list-style-type: none"> • Moved and seconded (Ledney/Jerley) to approve the Treasurers Report - Comment by Mrs. Pekala that the finance committee will review to make certain that we will be on track before next meeting. Opposed Furmanchik/Spinosa/Jerley - (Motion Carried) <p>4) Approval of Cash Balance Report</p> <ul style="list-style-type: none"> • Moved and seconded (Ledney/Winas) to approve the Cash Balance Report Opposed Furmanchik/Spinosa/Jerley (Motion Carried)
<p>Borough Reports</p> <ul style="list-style-type: none"> • Mayor Simon Ohler –Mayor's report was accepted as presented. • Police Report – Chief Skiles. • Borough Manager (Fred Oliveros) – Accepted as presented Mr. Oliveros notified Council of a scheduled shut down Friday - Monday for repairs to the 13th Street Railroad crossing. Mr. Oliveros is directed to notify business of closure so they can make plans Mr. Spinosa indicated that he will get sign 18" x 6' made for Art Palumbo crossing as previously discussed upon approval of design. • Codes and Zoning Report (Fred Oliveros) – Accepted as presented • Solicitor's Report (Jeffrey Berkey) – Nothing to report. <p>Standing Committees of Council –</p> <ul style="list-style-type: none"> • Properties (Ch Furmanchik – Winas – Spinosa) – deferred to Unfinished Business <p>No other committee reports</p>
<p>Unfinished Business</p> <p>a) Moving of Borough Offices – Property committee members had a lengthy discussion regarding leaving this building. The members unanimously reject the proposal of the Windber Municipal Authority. of nearly \$2000/month rent. We elect to pursue other avenues that we have for moving of the Borough Offices. The members recommend:</p> <ol style="list-style-type: none"> 1. Sealing off the stairways of the 2nd floor of the building. 2. Professionally winterizing the unused 2nd floor. 3. Moving the Borough offices from the 2nd floor to the 1st floor,. 4. Have the area professionally cleaned, and asbestos be encapsulated but not disturbed. <ul style="list-style-type: none"> • Motion was made and seconded (Pekala/Spinosa) direct the manager to start procedures to move down to the 1st floor. (Motion Carried)
<p>New Business</p> <ol style="list-style-type: none"> a) The use of salt for main streets east and west and hills. Mrs. Pekala requested an accounting of the salt increases for budget review. b) Leaf collection date was reviewed and suggested that early leaf collection be at the collector's discretion. c) Mr. Spinosa has been approached regarding pedestrian crossing for crosswalk near the Clock Tower on Graham Ave. and Jefferson Ave. Mr.Oliveros to expedite painting the crosswalks and signage. d) 24th St intersection before the Church of God's parking lot, flooding the front yard and the intersection causing a hazard. Research rerouting the water flow to the creek. e) 21st crossing repair PUC will have a public hearing. The squeaky wheel of the Vespa Building/Gas station. f) Mr. Ziegler has applied for demolition of the old brown building. g) Property maintenance appeals board hearing for Mr. Thomas' property on 17th St.
<p>Recognition of Visitors</p> <ul style="list-style-type: none"> • Mrs. Anne Roy – If I can't sleep at night regarding noise at night I will call each and everyone on the Borough Council. Agreement with Rosebud Mining Co. regarding street sweeping at night and trains idling at night. Street cleaning at 1:30 or 2:00 at night. Instead of during the day as promised. They are not keeping their promises as agreed. Coal trucks start at 6:00 am till 5:00 pm Debris on the road is not being cleaned. Officer Skiles reported that the sweeper is to be run every day during the day. Ordinance proposed for Railroad Street for street sweeping and alternate parking. Officer Skiles agreed that the engines would originally idle in the woods above 17th St. • Codes officer. Garbage on the street and alley. Car in the yard. Request that the Code officer to run

up the street and alley. Mrs. Pekala relayed the codes report indicated various issues regarding this area.

- Chief Skiles also informed that the Borough/Police cannot stop traffic on a State road.
- The Mayor promised them an ordinance for Rosebud Mining.
- Mr. Spinosa would like to have the Manager set up a meeting with Rosebud mining with the entire Council for the purpose of clarification of obligations and promises made. Mr. Oliveros to check on the car and the garbage complaint.
- Alternate parking ordinance objections were heard because there are no parking alternatives.

Next Meeting Date – Regular Meeting October 5, 2010 - 7:00 pm

Adjourn - Turcato, adjourn 9:13pm