

## **Borough Council Regular Meeting February 9, 2016**

The regular meeting of Windber Borough Council was called to order by Windber Borough Council President, Barry Jerley at 7:00 p.m.

Pledge of Allegiance.

The following Council Members were present: John Holden, Jason Hunter, Barry Jerley, Pete LaMonaca, Ron Mash, Sonya Pekala, and James Spinos. Fred Oliveros, Borough Manager, Solicitor, Jeffrey Berkey and Mayor Scott Penrod were also present.

**Approval of Minutes** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the Minutes of the January 26, 2016 meeting. Motion carried.

### **Correspondence**

1. Minutes and Treasurer's Report from the Windber Municipal Authority.

**Approval Payment Bills** A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the payment of bills for January 2016. Motion carried.

**Cash Balance/ Treasurer Report** There were no questions on the Cash Balance or Treasurer's Report

### **Council Liaison Reports**

**Municipal Authority/ Holden** Mr. Holden said at the Municipal Authority's last meeting they discussed business items. This is a slow time for them. They discussed the pool liner because they did not receive the grant. They asked Mr. Grohal to get three estimates in order to move forward.

Mr. Holden said the good news is they are working with Bob Haddad from the fire company to search for grants through foundations. They contacted a company about a splash pad and the company that sells the splash pads has a person within the company that does research for funding. The Municipal Authority is working with them.

Mrs. Hiteshew said she has the three estimates for a pool liner. She wanted to give some information about them. She said those who are familiar with the baby pool knows there is a set of pipes above the pool that come out of the ground. This is a hazard and not up to code. We are waiting for an estimate to fix it. Whether we would stay with the baby pool or replace the liner it would have to be corrected. That work is the only estimate that has nothing to do with the big pool liner.

Mrs. Hiteshew read the three estimates to council. Mr. Spinos said as far as removing those pipes and bringing it up to code, you could get an estimate, but you could get a local contractor or Weaver Plumbing to bury them a lot cheaper. He said you need to find that out.

## Pool

Mr. Spinos asked her about the grants they are applying for. Mrs. Hiteshew said they are going to go by the way of foundations versus grants. We found out through Mr. Grohal talking to Mr. Haddad, if we go through a foundation they have hands on ready cash versus the grant process we have been going through where we do all this work and get nothing.

Mr. Spinos asked if they gave her a time estimate as far as what they are working on with Bob Haddad. Mr. Haddad gave them an example of one they just did for the fire company and they received a check in two days. With a foundation they have the ability to write the check out.

Mr. Spinos asked what dollar amount they are looking to go after? Mrs. Hiteshew said they got estimates on replacing the baby pool liner. However, parks are moving toward splash pads. That is what we are heading towards and an estimate on that is \$150,000. However, the company they sought the estimate from has their own in-house grant writers, to help us get the money. Mr. Spinos said they should consider tabling the baby pool altogether to build this down the road.

Mr. Spinos said he has a vision, he would like to see come to fruition that would help the Municipal Authority bring in a lot of income. If this sale comes through of the little league fields, The buyer is willing to donate the equipment and time to put the RV Park in. He said an RV Park would sell out of spots during Thunder in the Valley and generate a lot of income. When there is baseball tournaments going on, people could camp there. Those people camping are going to be utilizing facilities such as the park, pool and concession.

Mrs. Hiteshew said they received a number of complaints over past two years when they had to shut the baby pool down. The bigger kids were okay but if you have infants they do not want to come. Mrs. Pekala said she though they left them use the floaties in the big pool. Mrs. Hiteshew said she did not know. They are never allowed to wear or use any type of flotation devices in the pool. She said she agreed with Mr. Spinos it is a good way to look at it but she doesn't know what we would do with the small kids because it has been an issue.

Mr. Holden asked her if these bids could be separated out, so we have one just for the main pool. She said Mr. Grohal had them separated out.

Mr. Holden said Bob Haddad has a whole data base of funding possibilities. Mrs. Pekala asked Mr. Berkey if they have a bid, do they have to do the whole thing or just a part of it.

Mr. Berkey asked if these were quotes or bids. Mrs. Hiteshew said they are quotes. Mr. Berkey said they have to be bids because of the amount. He said if you are going to bid it then you can bid it with alternates. That is what we did with the sewage projects and the paving projects. You bid it with the baby pool/splash pad and then the big pool. However, you want to do it. Mrs. Hiteshew asked if they had to be sealed bids. Mr. Berkey said yes, and it has to be advertised. He said you have to develop specifications for the bids and it has to be advertised. Mr. Berkey said it has to be the lowest responsible bidder.

Mr. Holden told Mrs. Hiteshew to take these quotes back to the Municipal Authority and create two sets of specifications. Separate them, one for the baby pool and one for the main pool. Then advertise. Mrs. Hiteshew asked, since the borough is paying for it do they do that or does the borough do it. Mr. Berkey said generally the borough would do it. Mr. Spinos said they have to put specifications in the bid.

Mrs. Hiteshew said two of the quotes had specifications. Mr. Berkey said she can use those as guides. Mr. Holden said the reason to separate them out is so we can move forward with the main pool liner and that gives us time with the baby pool to see how they make out with grants and foundations. Mr. Spinos said as far as the baby pool liner, it can be made in no time at all. Mr. Holden said if it is going to take a while to get the baby pool/splash pad to come to fruition you want to have something in place for this summer or buy yourself a couple of summers until they raise the funds.

**Municipal  
Authority**

Mrs. Hiteshew said the study they had done and paid for incorporated a whole bunch of things so if we did the baby pool it doesn't mean we couldn't have the splash pad in another area of the park. She said there are all kinds of things in the study. It was designed so we can pick and choose what we want.

Mrs. Gates told Mrs. Hiteshew to have Mr. Grohal stop up to the office and meet with Mr. Oliveros once the ad is done and he can review it and make sure Mr. Grohal has everything he needs. Mrs. Gates asked Mrs. Hiteshew if the Municipal Authority was expecting the borough to pay for the entire amount. She said she wanted to make sure council knows we only have \$107,000 in the Capital Improvement Fund. Mrs. Hiteshew said the goal is to try and get some monies. We just found out we did not get the grant a couple of days ago.

Mr. Holden asked where the status of selling the fields was at? Mr. Spinos said we will discuss that. Mr. Holden said if there is only \$107,000 dollars in the Capital Improvement Fund that gives us the answer on the baby pool then.

Mr. Holden said before the next meeting Mr. Grohal can put something together and get it up here to the office to be reviewed so the Municipal Authority can vote to advertise bids at their next meeting. Mr. Spinos asked how long it would take to make the liner. Mrs. Hiteshew said a month. Mr. Holden said another potential cost is what they are going to find when they peel back the old liner.

Mr. Jerley asked what kind of warranties are on new liners. Mrs. Hiteshew said in looking at the one quote it says the pool membrane and all welds carry a 10 year limited warranty and other installation items carry a one year limited warranty including cocking, and fasteners, at the compression fittings. Mrs. Pekala said the warranty has to be included in the bid specs.

Mr. Oliveros asked who awards the bid. Mr. Berkey said the Authority should recommend and the borough should make the award. He said they can open them at their meeting, review them and make a recommendation to the borough. Mr. Oliveros said you have to include the date you will be opening the bids.

Mr. Holden said then the Municipal Authority would open the bids and recommend someone then we would review the bids and either go with their recommendation or make our own recommendation. Mr. Berkey said yes. Mrs. Pekala said it has to be the lowest bid. Mr. Berkey said you have to do some diligence to make sure they are responsible.

Mrs. Hiteshew said she doesn't think it is the opinion of the Municipal Authority to ask the borough to totally pay for all of it. Through fundraising efforts and our work with Bob Haddad we may be able to pay for a good chunk of it but we cannot pay for the whole thing. Mrs. Pekala said she did not want us to deplete our Capital Improvement Fund.

Mrs. Hiteshew said we are doing well but with Planet Fitness coming to town it did not help anyone. She said we will never be a fitness center so we have to find other avenues like the pool or fundraising efforts.

Mr. Spinos said everyone in this room has to remember the contingency regarding the sale of the little league field is the money has to be put back into recreation at the park. The things we mentioned to Berwind was the RV Park and helping with the purchase of the liner. Mr. Spinos said Mr. Grohal agreed with him that the RV Park will really be a benefit to recreation. He said Mr. Grohal could tell council just how much money he made with camping at the stadium. Mrs. Hiteshew said when Scott Malisko comes with the budget he has all of those numbers. Mr. Spinos said in speaking with Greg Tunstall, he is excited too, because he does not have an RV Park up there and all those people can come here and camp.

Mrs. Hiteshew said she has a favor to ask council. She said the ball fields were named for early Windber people. She wanted to ask if Mr. Tunstall would be willing to use some of those names. She has them written down at home and could tell him who they are and what they did in the community. She would like to see that continue on and not end here.

Mr. Spinos said there are definitely other avenues that could benefit the Municipal Authority down the road. He said Mr. Tunstall is a good guy and we can benefit from him.

**Little League Equip.**

Mrs. Hiteshew said apparently in their bylaws of the little league, their equipment is to be turned over to recreation or what is now the Municipal Authority. She said they have an opportunity to get their old zero turn mower. Mr. Grohal is talking to them about that and other equipment they may have. Mr. Spinos told her to investigate that because there may be a situation with caretaking of the grounds still being discussed. Mr. Spinos said they may still need it.

**Gym floor**

Mrs. Hiteshew said they would also like to see a gym floor in the future. We have some water issues with the stream that would involve some french drains and other work but that is way down the road.

Mr. Spinos asked when the floor was sealed last. Mrs. Hiteshew said she didn't know. She said when they put the posts in for volleyball, which is not bad now, but in the past when you put the posts in water came up out of it. Mr. LaMonaca said so the longer you wait the worse it will get. She said yes, and it is really bad in the back corner. Mr. Spinos said there is a spring back there and the water comes through the block. Mrs. Pekala said she believes the last time the floor was sealed we were in the old building. Mr. Spinos said it was when Mrs. Gates took care of it.

Mrs. Hiteshew said other than that they are working on future fundraising events.

**Christmas Decorations**

Mrs. Hiteshew said her husband Dan Hiteshew wanted council to know that he is having a lot of success in selling the old street decorations. Some of them are gone like the angels and he has also received several commitments for donations towards the new decorations.

**Bench Project**

Mrs. Hiteshew said Dave Decewicz is working on a project to replace the old benches. She said they got estimates on the steel benches like the ones over by the coal heritage building. Mr. Holden said they are concrete and they want to put footers in to anchor them down. Mrs. Hiteshew said they have some of the old plates from those who donated to the last bench project and they will ask them if they are interested but she doesn't think it will be a big money maker because they are kind of expensive. Mrs. Hiteshew thanked council for their time.

**Fire Co./  
Hunter**

Mr. Hunter said he spoke with Chief Haddad and he believes he sent a letter asking the borough for a letter of support for a grant they are sending in for. Mrs. Gates said she did not recall getting a letter. Mr. Hunter gave Mrs. Gates and Mr. Oliveros a copy of the letter regarding the grant.

Mr. Hunter said he saw the squad truck that was damaged in the accident involving the deer and it is being repaired. The other case where there was an accident during the snow removal is also being handled. Mrs. Gates said she is handling both of those cases through our worker's compensation company.

Mr. Hunter said he will be meeting with the fire company next Wednesday to get caught up on what is happening.

**LaMonaca/  
School**

Mr. LaMonaca said he spoke to the school board president and they told him they are addressing the parking issue through a public announcement and asking the kids not to park there. Mr. Spinos said he also spoke to the school board president, Mr. Tokarsky, following the last meeting. The school resource officer is patrolling every morning to identify the students who are parking there and they are calling them down to the office and having a sit down talk with them. The school has their hands tied also because it is public parking. There is only so much they can do. They understand the situation and this is the approach they are currently taking.

Mr. Oliveros said he also spoke to Mr. Tokarsky and if this doesn't work the next step would be to contact the parents and try to explain to them what is happening. From what Mr. Oliveros understands though some of the parents are culprits also. They pull in there in the morning and wait for their kids to come so they can park there.

Mr. Spinos said he brought up the situation of how Forrest Hills took care of their parking issue during construction and they said if they did that they would be crucified because these parents are all working and their kids are driving to school and they can't drive them.

Mrs. Pekala said even more than the parking there is the trash and disrespect from the students to the residents that live there.

Mr. Spinos said he wants to make a correction that was brought to his attention; Dominick Rizzo is not charging the school district for the students to park there. It got back to him that they thought someone from council said that. He told them it was not council but one of the residents that attended the meeting that said it.

**Mash/  
Library**

Mr. Mash said the next meeting for the Library will be in April.

**Mayor's  
Report**

Mayor Penrod said they have four working vehicles right now. The tan car has the most miles on it right now. It has several maintenance issues. It has over 120,000 miles on it. It has some oil leaking issues and it will probably cost a few thousand dollars to repair everything and make it a well equipped emergency vehicle.

Mayor Penrod asked what council's opinion was on whether to put money into this old aging vehicle or to purchase a new one. Mr. Spinos asked where we stand on CD's for a new police cruiser. Mrs. Gates said we have about \$25,000 available to put towards a new car.

Chief Skiles said the oldest car is a 2005 Impala and has 120,000 miles on it. At the head gasket it has an oil leak. The steering rack is shot on it and the transmission is also going. The second oldest vehicle is the one he drives all the time. It has 65,000 miles on it and the only issue with that vehicle right now is it needs a transmission. He said of course we have the new car that replaced the one that was wrecked and the other car has around 70,000 miles.

## **Mayor's Report**

Chief Skiles said during the day we use three vehicles; the school resource officer uses a vehicle and the two officers on duty use a vehicle. If we have court or one of those vehicles go down then we have a problem.

Mr. Spinos asked if the car Chief Skiles drives was taken to a transmission shop. Chief Skiles said when you stop in the vehicle and go to pull out the vehicle slips and if you leave off the gas it will catch. He said they had axles put in it some time ago and they know that is not the issue. He took it to Cover Chevrolet and they could not find the issue at the time but they believed it was a convertor/transmission issue. That was the only place he had taken it to have it analyzed.

Mr. Spinos said it could just be a converter but if it is the transmission we would be talking about a cost of \$2,800 to \$3,000. If we do go with a transmission he said he would recommend a remanufactured one. Chief Skiles said if you go with Jasper they give you a 20,000 warranty and at that point the car will be used up. Mr. Spinos told Chief Skiles to get in touch with JATS Transmission and have it pressured tested and everything and find out exactly what the issue is. Chief Skiles said he would do that.

Mr. Spinos said we have \$25,000 in CD's for a cruiser. Mr. Oliveros said when we bought the two new cruisers they were \$26,000 and this last one was less than that. Mr. Holden asked if that included it being outfitted. Mr. Spinos said no, you would have to add another \$10,000 on to that. Mrs. Pekala asked if anything from that tan car could be brought over to a new car. Mr. Spinos said no it is not that type of car. Chief Skiles said the tan car is an unmarked car. If you wanted to purchase a marked car you would have about \$7,500 to \$8,000 to outfit it.

Mr. Spinos said even with an unmarked car you are only saving a couple of thousand dollars because you still have to put the lights and the divider in it. The only thing you are not putting on is the light bar. Chief Skiles said the light bar alone is about \$2,500.

Mr. Spinos said he priced out a 2016 the last time he got the 2015 and it was around \$28,000 but you would have to add another \$6,000 for equipment and that would put us at \$34,000.

Mr. Hunter asked if the borough ever looked at getting a refurbished cruiser, if we are going to run an unmarked and it is basically a reserved car. Chief Skiles said once we get the blue car repaired we would use that one to run to Somerset as the court car and transport car to save that one as much as we possibly can. In a year or so down the road we would take the oldest black and white car when it is ready to retire and transfer the equipment out of that one onto the new one.

Mr. Spinos asked him what if we took that 2014 now took the equipment off and made it an unmarked car and put the equipment into a 2016. Chief Skiles said he can do what he wants but it is still going to be black and white. Mr. Spinos asked how much of a need do we have for an unmarked car. Chief Skiles said we really do not need an unmarked car. He said the only reason he brought up about an unmarked car is that you can save on some of the cost. If you don't sticker it, put a video camera in it, or a light bar your saving \$3,000 to \$3,500.

Mr. Spinos said his opinion on the video cameras right now is we need to have them for the simple reason of all the lawsuits. Mr. Holden asked if the blue car has video in it. Chief Skiles said no, only the two black and whites have video.

**Mayor's Report**

Mr. Spinos asked if we could take the light bar off the blue one and put it on a Ford. Chief Skiles said yes, the light bar will fit on anything. Mr. Holden said you could make that one an unmarked car. Mr. Spinos said that is an option. We would then have a brand new 2016 in the fleet and a 2014 and 2015. Further down the road we would have to consider replacing the 2014.

Mr. Spinos told the new council members that we agreed when we brought the police back we would look into replacing the cars every three years instead of them becoming money pits. That is what happened in the years past and we got whacked all at one time. Mr. Spinos said his opinion is to take the blue one and make it an unmarked car. We would be saving \$2,500 by taking the light bar off there. We would then be in the neighborhood of around \$32,000.

Mr. Holden asked about the refurbished cars that Mr. Hunter mentioned. Mr. Hunter said if it is just going to be like a backup car you could cut that in half. Mr. Spinos said the 2014 would go to the school the 2015 and 2016 would be on the street and the blue one would be for court. Mr. Hunter said some departments run plain cars with no radios or anything in their cars. Chief Skiles said all of our cars are used for work. The backup cars are used for transport or court cars just to save on the mileage of the newer ones. If we purchased a refurbished car we would then have two refurbished cars. Chief Skiles said it's either now or later you will spend the money.

Mrs. Pekala agreed with Mr. Hunter saying that if you find a car with very low mileage it's almost like a new car. Mr. Hunter said he understands both sides. Mr. Holden said no matter what they drive it should have some type of radio in it. Mr. Spinos said when the one cruiser was wrecked the tan one came out and was on duty.

Chief Skiles said another option out there used by other police departments is leasing. Mr. Hunter said Conemaugh Township leases their vehicles. Every three years they get another vehicle.

Mr. Spinos is going to price out a 2016 cruiser and Mr. Hunter is going to get prices on a refurbished and a leased cruiser.

**Cruiser Maint.**

Mayor Penrod said right now repair and maintenance is being done on the cruisers by Zimmerman's Auto. He has lost his mechanic due to illness and has hired another certified mechanic. Does council have an issue with us taking the cruisers there for repair and/or maintenance?

Mayor Penrod said he would also like to have some sort of procedure in the case of a cruiser being involved in an accident like what just happened a few months ago. We know the borough office takes care of the insurance portion. What body shop would council like the vehicle to go to? Mrs. Pekala said it depends on the amount of damage. Mr. Holden said we would want to keep it in the borough and asked if anyone had any recommendations of anyone in the borough. Mr. Spinos said there are no body shops in the borough.

Mr. Hunter said if a cruiser is involved in an accident nothing major just needs repaired he would suggest using the best quote. He said he doesn't believe you have to bid that. Mr. Berkey said not unless it is more than 19,500. Under \$10,000 you do not have to get quotes.

Mr. Holden asked if insurance companies recommend body shops. Mr. Spinosa said they can recommend but they can't make you take it somewhere. Mr. Hunter said if we want to keep the business in town we just work from here and go up through town to get quotes. Mr. Holden said if you do not have anyone else to do it you could take it back to whomever you purchased the vehicle from. Mayor Penrod said there is instance also of getting it back as soon as possible. Chief Skiles said a lot of times in the past shops have prioritized us to get the vehicle back to us as soon as possible.

Mr. Jerley said as far as repairs go we have a lot of other places in this borough and he doesn't see just favoring just one. Mrs. Pekala agreed, she said there are others around. She said we talked about that at one point but then it wasn't done. Mr. Holden said we have always left that up to the discretion of the Chief Skiles and the Mayor. Mr. Jerley said he has heard it from Jeff Thomas and all of them.

Chief Skiles said he doesn't care whether it is Zimmerman or Thomas's or whomever. He said the reason we stay with one garage is because they know those vehicles and they take care of them. When you call, it is done right away. He said when he calls Zimmerman or Barry it is done right away. He said he doesn't have a bone to pick with Thomas but he doesn't always get a quick response. Whether it is towing or vehicle repair he has to feel comfortable. We're putting our lives in these vehicles and they are driven very hard and nothing gets overlooked in the current situation we have. He said it is council's decision. The current situation we have is not broke. Mayor Penrod said this can be taken under advisement as a committee also.

## **Manager's Report**

Mr. Oliveros commended everyone who worked diligently in cleaning up the streets. He said the only cost that we can use is the first 48 hours so if it ever happens again try to concentrate snow removal on the first 48 hours. He said we did snow removal on Sunday, Monday, and Thursday nights. We will probably have to assume the cost Thursday night.

Mr. Oliveros said at the last meeting Mrs. Kieta stopped in about a fall she had taken. We did some back checking with the insurance company. This has been dealt with before and her claim was denied two years ago. He met with the insurance adjuster. The reason she came in was because they sent her notification that the statute of limitations is going to expire. He sent her a notice for 60 days and then 30 days. That is why she came here looking for some type of relief. She did try and retain some attorneys but they would not take her case. Mr. Oliveros said our responsibility is done unless we would be sued, which the statute of limitations runs out the 19<sup>th</sup>.

Mr. Berkey said Mrs. Kieta sent him by certified mail a significant amount of correspondence that she has had mailed to her or on her behalf. He has a copy of everything she had from the borough. He said Mr. Oliveros is correct the claims adjuster reviewed the circumstances and the insurance company has denied the liability and the claim. They have been regularly sending her notifications. The last letter was sent January 14, 2016. Previous letter was December 15, 2015 and August 31, 2015 all of which denied the claim. The borough doesn't need to do anything further because the borough referred this to its insurance carrier. He said he thinks she expects to receive some kind of communication from him. He has no intention of providing that. If the borough wants to make a formal response to her in way of letter they can indicate that we did receive the information and we did review it with our carrier and the borough is going to follow the advice of the carrier.

Mr. Oliveros said he included a photo of the 24th Street Bridge in council's packet with a letter from PennDot who wants the borough to make repairs to the bridge guard rail system.

He said in the past we tried to use the \$17,000 in grant money we got for that but they had EAD'S look into it and we were told the cost to put guard rails there would be \$42,000.

Mr. Oliveros said now this letter is telling us this needs to be addressed by the borough. His only suggestion is if you know someone who is a welder or good with steel work maybe they can take a look at it and give us some direction.

**Manager's  
Report**

Mr. Spinos said he spoke to the inspector and the problem with the bridge is the railing, the way it comes up. That is what is securing the bridge and it is rotting away. Basically, if someone would hit the railing the bridge could collapse. The inspector talked to PennDot and what is going to have to happen is we are going to have to put jersey barriers there and make that a one lane bridge until we do some repairs to it.

Mr. Oliveros said PennDot has to approve any type of modifications that you make to that bridge. Mr. Jerley asked if the bridge would hold the weight of two jersey barriers. Mr. Holden said school buses use that bridge too. Mr. Spinos said there are a lot of trucks using the bridge now due the construction at the school. Chief Skiles said they stopped the trucks from using the bridge and rerouted them. Mr. Holden asked if we need to advise the school about buses going over it. Mr. Spinos said right now it is up to PennDot to put weight limits on it.

Mr. Oliveros said it is a local bridge but PennDot does the inspections of it. Mr. Spinos said EAD'S inspected it. The inspector from EADS inspects it then reports to PennDot with his recommendations. He said what it is, is the girders going over the bridge, everybody knows those beams coming over that are completely rotted out and if someone hits them the bridge is probably going to collapse.

Mayor Penrod asked if the priority codes had anything to do with the usage of the bridge because this bridge has been given a priority 2 code. Mr. Oliveros said probably. He said they do inspections every two years. He said there is no weight limit on the bridge from the last inspection. Although we do have a 10,000 pound weight limit on the street. We did replace the sign at the bottom prohibiting trucks from turning left off of 56.

Mr. Spinos said South 22nd Street Bridge isn't any better. It may be worse and already has jersey barriers on it. It is not as heavily traveled as 24th Street. We have to keep this in mind. We have been talking about this for over six years. Mr. Holden asked if you replaced the rails does that help with the structure of the bridge. Mrs. Pekala asked if we can use CDBG monies to fix a bridge. Mr. Oliveros said he doesn't believe so.

Mr. Spinos asked what is going on with the piping going into the creek. Mr. Oliveros said he had to resubmit the SWIFT Plan which gives us a two year leeway. This is the fourth time he submitted it. It has been ongoing for a year already. It's been a year since he submitted the original and they keep making suggestions and changes. Mr. Oliveros said they haven't decided what they want us to do yet.

Mrs. Gates asked if we can obtain a small borrowing loan if necessary to repair the bridges. Mr. Oliveros said we could for one of them but being that PennDot inspects the bridge that means it has to be engineered. Mrs. Gates said we might have to go that route if we do not have any other means. Mr. Oliveros said years ago before we obtained the PennVest Loan they had loans to fix the bridges using the same type of loan.

Mayor Penrod said in the letter the truss serves only to support the bridge railing, this deficiency causes truss instability and could lead to failure in the event of collision damage. Mr. Holden said further down it says the left truss which also serves as support for the left side bridge railing, though in somewhat better condition, is also substandard and may also be insufficient to properly redirect a vehicle upon impact. Mr. Spinos said it is something we have to address now.

Mrs. Gates asked if we have to get an engineering study done first. Mr. Spinos said yes. Mrs. Gates said then that is our first step. Mr. Holden said we have to have someone analyze the bridge and the railings and submit it to PennDot what we want to do. Mr. Spinos said he would contact the inspector and find out what we have to do to correct this problem.

**Solicitor's  
Report**

Mr. Berkey said the first three items on his report are in a holding pattern right now. February 22nd will be here in a couple of weeks for purposes of 1800 Graham Avenue and the private bid that was made.

The Old Boron Station is on hold. Mr. Spinos said as far as the Muscatello property the contractor is waiting for Penelec to unhook the power. The contractor went down there and the power line was still going into the meter can. He contacted Penelec after he called 1-800-Dig but he didn't have the authority to ask for the power to be unhooked so he contacted Mr. Spinos who then contacted Mr. Oliveros. Mr. Oliveros said the office got a hold of Penelec and they put it on their worksheet to disconnect it. Mr. Spinos said as soon as the power line is down he will start tearing the house down. From there he will go up to the old Boron Station.

Mr. Berkey said that is all good. He said item number four is the PennVest Loan Sanitary Sewer Project; the engineer is here this evening to report on the bids and DCED submission is in the process of being prepared and ready to submit. The rights-of-way have been prepared. Mrs. Gates said they have been received.

Mr. Berkey said that is good then they just need the right-of-way from the Housing Authority. They spoke to the executive director on a number of issues up there. The rights-of-way and the survey drawings for are in the process of being refined and once they are refined we can obtain that right-of-way. He asked Mr. Oliveros for the rights-of-ways so he can record them.

Mr. Berkey said item number five the sale of the little league fields was discussed previously by Mr. Spinos although he has not heard anything from Berwind or Mr. Tunstall. He said there is not an agreement of sale in place yet.

Mr. Spinos asked where we stood on the dispensers at the old Boron Station. Mr. Holden asked about the other fixtures we received a quote for. Mayor Penrod said we need two certifications, one for the underground tanks and one for the above ground tanks. Mr. Spinos said we are not touching those tanks are we. Mayor Penrod said no, one just certifies that the pumps have been removed from the underground tanks and certify that the kerosene tank from above ground has been properly removed. Mr. Spinos asked if we have to take the pumps out also. He said the pumps are underground. Mr. Oliveros said we did get a price from Mountain Research which should still be valid. His suggestion is to take the canopy down and once that is down you can decide how you want to proceed. We have an agreement with the county to indemnify them against any problems that arise.

Mr. Spinos said he thought we agreed that we were moving forward with taking the dispensers out. Mr. Oliveros said you can.

Mr. Holden asked what the status was of the individual who wanted to purchase the dispensers. Mr. Berkey said Mr. Furmanchik was in touch with an individual who was interested in purchasing them. Mr. Spinos said he was unsure we would have to talk to Mr. Furmanchik. Mr. Oliveros said once you award the contract and remove them then the dialogue with the contractor can take place about him purchasing them. Mr. Holden said the contract with the company removing the dispenser might involve them disposing the dispensers or recycling them so there could be some additional savings there.

Mr. Berkey said he has his solicitor's opinion ready to go for the Local Government Debt Act which will finalize the DCED submission and be able to assemble all of those instruments and send them in.

**Approval  
Sewer bid**

Mr. Steinbiser told council that R&B Contracting and Excavation was the low bidder. Their bid was reviewed by the engineer and the borough's attorney. They are recommending council award the bid to R&B Contracting and Excavation. He said there was some discussion at the last meeting and he sees that it is on the agenda tonight that the borough wanted to put in their money to be able to finish the project. He said if that was the case then council would approve the base bid amount.

Mr. Berkey said he thought he heard Mr. Spinos ask if the construction budget was \$841,341.00 and the contingency was on top of that. Mr. Steinbiser said yes. Mr. Berkey asked if that means the total allocated for the project is \$841,000 plus \$84,000. Mr. Steinbiser said yes it can be used for construction or if you have some over run it can be used for that too. Mr. Berkey asked if the borough can use that money for purposes of using its own resources to make this work.

Mr. Spinos said the money we allocate for the Park Avenue Project; if we do not exceed the budget can we use that money instead of taking it out of our sewer fund budget. Mr. Steinbiser said the contingency is set up in the case you would encounter something more during construction. Mr. Berkey said that is not uncommon. Mr. Steinbiser said hopefully we have something left. Mr. Spinos asked what happens if we exceed the contingency amount. Mr. Steinbiser said they try to keep a handle on that and as they get closer to the end of the project they can take some of the extra work off the schedule. Mr. Spinos asked when they would do Park Avenue. Mr. Steinbiser said it is up to the contractor. He said during the summer there will be a lot of kids running around at Stadium Terrace. They would try to steer the contractor in that direction to start there during the month of May when the kids are still in school.

Mr. Spinos asked how much money we have in the sewer fund. Mrs. Gates said we have \$359,924. Mr. Spinos said we would then be taking \$55,000 out then. Mr. Oliveros said in the 2016 budget we have approximately \$70,000 budgeted for governmental expenditures. Mr. Spinos said we will be taking \$55,000 out of this year's budget but we have \$359,000 in the account. If this scenario happens we can finish the project because he doesn't want to see a situation where they start Park Avenue and work their way down and do not have the money to fix it at the bottom because it has to flow downhill and go in. Mr. Spinos asked if we could use the money in the sewer fund for that. Mr. Oliveros said yes, the money can be used for sewer work.

A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve award the bid to R&B Contracting and Excavation in the amount of \$890,680.00. Roll call vote: Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mr. Mash, yes; Mrs. Pekala, yes; and Mr. Spinos, yes. Motion carried.

**Approval to use sewer fund money** A motion was made by Mrs. Pekala and seconded by Mr. Holden to approve to pay the difference of up to \$55,835 from the Sewer Fund to finish the sewer project on Park Avenue as part of the Windber Borough Sewer Project. Roll call vote: Mrs. Pekala, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mr. Mash, yes; and Mr. Spinos, yes. Motion carried.

**Recognition Of visitors** Mark Elias spoke to council concerning the parking issues on 23<sup>rd</sup> Street. He said when Chief was here there were signs on each side of the telephone poles that said residential parking only. He said there has to be an ordinance somewhere.

Mr. Elias said this is the worst they have ever had it up there. It is not because they do not have student parking. He said the student parking lot is half empty all day long because the teachers park there. Mr. Spinos said that would be something he would have to bring up with the school board about the parking in their parking lot.

Mr. Elias asked Mr. Oliveros if he could find out if there was an ordinance for residential parking only on 23<sup>rd</sup> Street. He said signs were up then the Chief left. Mr. Oliveros asked what the signs said. Mr. Elias said “Residential Parking Only From 7 a.m. to 3 p.m.” Mr. Oliveros said he wasn’t aware of that and there is nothing in the ordinance book about that. Mr. Elias said the signs came down around the Year 2000. Chief Skiles said he has been with borough since 1981 and does not recall ever enforcing it. He said he knows they have had issues before with the school but as far as an ordinance on a public street that prohibits parking he doesn’t recall us ever having that. He said maybe he put them up on the pole for their convenience. Mrs. Pekala said if they were put up there was nothing that could have been done, they couldn’t enforce it.

**Mark Elias** Mr. Spinos said the only time he can recall parking being restricted is when the business people bought signs and they had to pay monthly. It was “Parking for Customer’s Only”. Chief Skiles said they still do that in the city, but you can’t restrict residential or a public street from public parking. Mr. Spinos said even at that time when people bought those spots the police still could not do anything. It was just a courtesy for people to see that but it could not be enforced.

Mr. Elias said there is a garbage situation on 23<sup>rd</sup> Street now too. Mr. Holden said they should probably take this to the school board. Mr. Elias said they sent him here. Mr. Spinos said that is the schools private parking lot not ours.

Mr. Spinos said the folks up on 26<sup>th</sup> Street are upset too. People are parking along where they put the wall up also, which that will eventually be eliminated too. We all understand they are under construction. We are hoping with the policy we took to the school now they will correct this on 23<sup>rd</sup> Street. Mr. Elias said what is worse too is the island across the street is totally not be utilized. You used to be able to fit 20 cars in there and now for eight hours no one parks there. Mr. Spinos said yes because of the buses. Mr. Elias said they used to drop the kids off in the back and they would walk down the steps. Mr. Spinos said it is a construction site now, they are not permitted. Even with the basketball games and all, that it is a construction site and no one is allowed back there.

Mr. Spinos asked if the parking has improved at all this past week. Mr. Elias said no. Mr. Sean Skiles said he has lived on that street for ten years. His wife was diagnosed with pancreatic cancer Thanksgiving. It is really disappointing when you can’t get to your car.

He said Mr. Roxby from the school brought over a flyer and told him that there is no parking allowed over there at the school at any time but at the same time when you're trying to figure out how to get your wife to the front door it becomes a little disheartening. Mr. Spinos said he feels for him and they thought that after the last meeting the school board corrected it.

## **School Parking**

Mr. Spinos said it is on his mind what can he do or what can they do. Mr. Skiles said he understands they are trying to make whatever happen. He said they wait until the officer drives away and park there anyway. Chief Skiles said she is there all day. She is the school resources officer and she checks that. Mr. Skiles said you can ask his wife the repeat offenders are there every day. Chief Skiles said he will let the officer know. Mr. Spinos asked Mr. Skiles what his address was? He said 611 23<sup>rd</sup> Street.

Mr. Berkey asked how long this project is supposed to last. Mr. Spinos said two years. Mr. Berkey asked if there was some room for consideration for a temporary parking regulation up there. It would only be temporary, for purpose of construction and it would allow for residential parking only. Chief Skiles asked if dropping off and picking up would do as far as Mr. Skiles' wife. He said we could just prohibit parking in the block until school construction is done because he would not be parking he would just stop and load and unload. Mr. Spinos asked if everyone between Somerset Avenue and Cambria Avenue have backyard parking. Mr. Skiles said no. Mr. Spinos said what Chief Skiles is getting at is that if we prohibit parking you still have the opportunity to drop your wife off, get her in, and get her out and you will not be cited for that because you are not permanently parked there.

Mr. Spinos said there was another gentleman here at the last meeting whose wife is on oxygen do they live between Somerset and Cambria? Mr. Elias said they would not have access to alley parking.

Mrs. Gates said Mr. Oliveros and her spoke about this after the last meeting. We can pass an ordinance making it residential parking only. The residents would come in here and get a permit. We can do this. We have to advertise the amendment to the ordinance but it can be done. The permit would go on their car.

Mr. Berkey said that would work. It is just another type of regulation of parking on public streets. He said there are other municipalities that have done that. The residents pay for a sticker and even get an extra sticker for visitors. Mr. Spinos said he agrees but we would waive the fee for the residents who live there. This would only be temporary until construction is over. Mr. Spinos asked Mr. Elias and Mr. Skiles if they would be okay with that. They said yes.

Mrs. Gates asked council to approve to advertise the amendment to the ordinance tonight so we can approve this in two weeks.

A motion was made by Mr. Holden and seconded by Mrs. Pekala to advertise an ordinance for temporary resident parking during construction at the high school by permit. Remarks: Mr. Elias said there are construction trailers parked there. Mrs. Pekala said then they will be towed. Mr. Spinos said not towed but ticketed. Mr. Holden said you will have a permit in your window saying if you live there and if you don't have a sticker in your window and you park there you will get a ticket. Chief Skiles said to make sure you cover anywhere else we have a problem. 23<sup>rd</sup> Street from Graham Avenue to Cambria Avenue, Somerset Avenue from 22<sup>nd</sup> Street to 23<sup>rd</sup> Street, and Cambria Avenue from 22<sup>nd</sup> Street to 23<sup>rd</sup> Street was added to the ordinance for temporary resident parking during construction by permit only.

Mrs. Gates asked council if they wanted to post a time to time on it. Council said no this would be 24/7 during construction. Motion carried.

Council convened to an executive session at 8:55 p.m. for personnel matters.

Council reconvened from an executive session at 9:45 p.m.

**Approval  
Manager**

A motion was made by Mrs. Pekala to make an offer of employment for Borough Manager to James Furmanchik effective February 27, 2016. Conditions of employment are included but not limited to the following:

1. There will be a six month probationary period.
2. Borough Council will now have committees and when requested the Borough Manager will attend committee meetings.
3. Salary offered will be \$47,891.00 annually with no health care, life insurance, pension or other benefits.
4. He will receive three weeks vacation and 10 paid personal days. When on personal days the borough manager will respond if needed.
5. Vacation and personal days cannot be carried from year to year.
6. He will begin his first work day February 29, 2016. February 27, 2016 is his effective date.
7. In addition to his regular schedule he will be expected to attend all borough meetings, have a monthly report prepared for council and he will be expected to attend all borough association meetings along with all borough sponsored events in Windber.
8. The position of borough manager is an at will position and he will not be a member of the union and he will be given a list of responsibilities for his position.
9. Regular work schedule will be Monday through Friday from 8 a.m. to 4 p.m.

Motion seconded by Mr. Holden. Roll call vote: Mrs. Pekala, yes; Mr. Holden, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mr. LaMonaca, yes; Mr. Mash, yes; and Mr. Spinos, yes. Motion carried.

**Appointment  
To WAA** Mr. Jerley said we received a letter of interest for the vacant position on the Windber Area Authority Board.

Mr. Jerley read the letter. Dear Windber Borough Council; I am writing to inform you of my interest in becoming a member of the Windber Area Authority Board. As a business owner, and property owner of Windber Borough I would like to contribute my time and knowledge for the borough's benefit on the Authority Board. I feel that with my years of construction experience that I could make a positive contribution to the board. Thank you for your consideration and I look forward to hearing from you. Sincerely, Paul Beahr.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to appoint Mr. Paul Beahr to fill the unexpired term of William Oldham. Remarks: Mr. Berkey asked what the term was. Mr. Jerley said he believes Mr. Oldham's term had ended and is starting a new five year term. Mr. Mash asked if Mr. Beahr was a resident of the borough. Mr. Spinos said their guidelines are if you own a business or property in the borough and you're a taxpayer. Motion carried.

**Borough  
Committees**

Mr. Jerley appointed council members to the following committees:

1. Finance Committee: Sonya Pekala and Jason Hunter
2. Public Works Committee: Chairperson; Jim Spinos, Ron Mash and Pete LaMonaca
3. Police Committee: Chairperson: Barry Jerley, Jason Hunter and Mayor, Scott Penrod
4. Personnel Committee: Chairperson: John Holden, Sonya Pekala and Pete LaMonaca

The committees will meet on an as needed basis.

**Approval  
Pension  
Provider**

A motion was made by Mrs. Pekala and seconded by Mr. Holden to approve PSAB/MRT as the Actuarial and Plan Services Provider for the Police Pension Plan. Motion carried.

**Next  
Meeting**

Next council meeting will be on February 23, 2016.

**Adjourn**

Meeting was adjourned by Council President, Barry Jerley at 9:50 p.m.

Respectfully Submitted By:

Robin S. Gates