

Borough Council Regular Meeting July 12, 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: Jason Hunter, Barry Jerley, Pete LaMonaca, Ron Mash, Sonya Pekala, and James Spinos. James Furmanchik, Borough Manager, Solicitor, Jeffrey Berkey and Mayor Scott Penrod were also present. John Holden was absent.

**Approval
Minutes** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of June 14 & 28, 2016 meeting. Motion carried.

**Recognition
of visitors** Vinnie Paczek engineer for EAD's said they had their second progress meeting yesterday. The contractor is pretty much on schedule, just slightly behind. They are expected to finish work on Cambria Avenue this week and then they will be moving to 11th Street and Park Avenue next.

Mr. Paczek said the action items for tonight's meeting are the following:

- 1) R&B has submitted their 2nd payment request in the amount of \$193,837.14 for approval by borough council.
- 2) PennVest Drawdown Request No. 3 in the amount of \$202,435.08 is offered for Borough Council's approval, consisting of the following costs:
 - a) R&B Contracting and Excavation, amount listed above \$193,837.14
 - b) The EAD's Group, engineering, funding admin., inspection \$ 8,552.19

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the payment request submitted by R&B Construction in the amount of \$193,837.14 and approve the PennVest Drawdown Request No. 3 in the amount of \$202,435.08 which includes \$ 8,522.19 the engineering fees from EAD's. One absent, Mr. Holden. Motion carried.

**Approval
of Payroll** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve payroll for June 10 and June 24, 2016. One absent, Mr. Holden. Motion carried.

**Approval
Of bills** A motion was made by Mrs. Pekala and seconded by Mr. Spinos to approve the bills for June 2016. One absent, Mr. Holden. Motion carried.

Correspondence

1. Minutes of Treasurer's Report from the Windber Municipal Authority's June 21, 2016 Meetings.
2. Municipal Authority's Annual Audit Report.
3. Codes Enforcement Officer's Report.
4. Windber Area Authority's Minutes of May 11, 2016 Meeting.
5. Windber Public Library Treasurer's Report.

**Unfinished
Business**

Mr. Furmanchik said we talked about in the past about the roof on the borough building and the repair to the masonry parapets and the repointing of some of the brick work. He said the last time we talked about this he had solicited six proposals from roofing contractors and only four showed up.

Mr. Furmanchik said he talked to five masonry contractors about repointing the bricks. Three came and one fellow said he was not interested in working up on the roof at all. That left us with two. One was Raimondo Masonry. They do a lot of work on churches. Mr. Raimondo himself was here and he said he would not do anything except all of the masonry joints. He feels that would be the proper way to go about it and that would include grinding every joint out and repointing every brick above the roof line. That would come to a total of \$15,000.

Mr. Furmanchik said the other estimate came from a contractor recommended to him by the name of John Rosa. To grind out the missing joints about the roof line would be \$1,200 and to repoint the brickwork below the spouting to ground level would be \$650, for a total of \$1,850.

Mr. Spinos made a motion to accept the bid from John Rosa of Rosa Construction in the amount of \$1,850. Motion seconded by Mr. LaMonaca. One absent, Mr. Holden, motion carried.

Mr. Furmanchik said at the last meeting he asked council to think about how they would want to proceed with regards to the roofing. He had at the last meeting estimates from four different roofing contractors. His personal recommendation would be to go with Guy Roofing. He has been nothing less than gracious with the borough and his workmanship has always been impeccable. He said to repair those sections of flat roof behind the parapets and replace some of the missing shingles on this side that came off this winter would be \$2,800. He was adamant that he would be comfortable in doing a layover. He said he was certain when the roof was shingled the last time that it was tore off and there was lumber replaced at that time and since we have not had any issues, he feels certain there is no lumber issues.

Mr. Furmanchik said Mr. Guy's position and recommendation was unless we want to spend a few thousand dollars more money he could do a layover and the subtotal including the \$2,880 to repair the parapets comes to a total of \$16,730. Mr. Furmanchik asked council what they would like done. He said we currently have \$65,637.18 in the Capital Improvement Fund.

Mr. Spinos said we have the money let's do it now and not wait like we did with the old building and not have the money available. We are going to have another \$20,000 put back into the Capital Improvement Fund once the sale of the ball fields is completed. That will cover the cost of the repairs.

Mr. Jerley asked how much it would be to tear it off. Mr. Furmanchik said \$22,140. Mr. Furmanchik said the other two estimates we had were from Mike Hamacek in the amount of \$29,400 for tear off and Maddy for layover was \$12,700 and tear off was \$21,516 and Signature Construction was \$19,265 for tear off and layover was \$11,300 and again Greg Guy to repair the parapets and flash roofing was \$2,880 and layover was \$13,850 for a grand total of \$16,730.

Mr. Jerley asked if the shingles would lay flat if they did the layover. Mr. Furmanchik said Mr. Guy said we do not have any buckled shingles now so no one would even be able to tell a difference.

**Borough
Building
Roof**

Mr. Mash asked how long it would last. Mr. Furmanchik said shingles are lifetime. Mr. Mash said then either way whether we do a layover or tear them off they are lifetime shingles so we may as well do the layover. Mr. Spinos said if the shingles up there now were bad or peeling it would be different but they are in decent shape.

Mr. Furmanchik read Mr. Guys letter as follows: The shingled roof is in fair shape with minor wind damage on the front gable. These missing tabs can be repaired. The brickwork above the roofline needs attention as does the (4) parapet wall/flashing details. These areas have been a problem in the past. You questioned roof tear-off verses layover. It is acceptable to layover a roof with one layer in fair shape and no known structural defects. This roof was torn-off previously and lumber replaced at that time.

Mr. Mash asked if the shingle would be green. Mr. Furmanchik said years back they talked about the roof of this building matching the roof of the gazebo but he walked down 14th Street and you can't even see the gazebo through the trees, all you see is the green shingles on the borough building. He feels we need a different shingle on the roof that will complement the brick work.

Mr. Spinos said we should go with dimensional shingles instead of the pretabs? You use less shingles. Mrs. Pekala said she would like to know what the price would be for dimensional shingles. Mr. Spinos said lets approve this and then get a sample of the shingles and approve the color. Mrs. Pekala said the price might change. Mr. Spinos said he doesn't think it will by much. Mr. Jerley said maybe 10%. Mr. Spinos said you will use less shingles with the three dimensional.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the quote from Greg Guy of \$16,730 with the exception not to exceed \$18,730 to have dimensional shingles. The money will come from the Capital Improvement Fund. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Holden, absent; Mr. Hunter, yes; Mr. Mash, yes; and Mrs. Pekala, yes. Motion carried.

**Cash Bal./
Treasurer
Rpt.**

There were no questions on the Cash Balance or Treasurer's Report at this time.

**Council
Liaison
Reports**

There were no reports at this time.

**Mayor's
Report**

Mayor Penrod said there are three people on the agenda tonight we are asking for approval to be placed on the police roster.

Mayor Penrod said we currently have two 32 to 39 hour officers right now that have applied to other police stations for full time jobs that include benefits.

Our SRO Officer will not be starting the school year and will be on maternity leave. Officer Edwards will be taking her place at the start of the school year.

Mayor's Report

Officer Mike Thomas is on the agenda tonight also for council to accept his resignation from the department.

Mayor Penrod said he had the schedule with him and currently they are short 28 shifts as of September. He said they are covered for August. Mr. Spinos asked if the three new officers are included in the September schedule. Mayor Penrod said no, that is why we are asking for approval to place them on the roster tonight.

Mayor Penrod said these three officers also have applications in elsewhere. This is what we are continually going to be dealing with, without having any kind of benefits package. We will continue to be a training facility. Mayor Penrod said the three officers he is asking for approval for tonight all come with their own vests.

Mayor Penrod said he is going to be writing a letter to one of our officers who has not worked since December and ask him to turn in his equipment. He said even though he is a good officer he doesn't seem to have the time to work for us. We will then have two of our weapons back from that officer and Officer Thomas who is resigning. Chief Skiles received a \$1,250 donation which will cover a third firearm for one of the new officers. Mr. Spinos asked if they had the firearm from the officer who hasn't worked. Mayor Penrod said it is in his locker. Mrs. Pekala said we should hold his check until he turns in his equipment.

Mrs. Gates said he has not worked at all this year. She asked why a letter has to be sent when he hasn't worked in seven months. Mayor Penrod said he spoke to the union representative and this is the protocol we have to follow to ask him to turn in his equipment. Mrs. Gates asked if he would be given a time period in which to do that. Mayor Penrod said yes.

Mayor Penrod said there is nothing in the contract about how to go about terminating an officer. Mrs. Pekala said we talked about that. Officers should be able to work a certain amount of days. Mayor Penrod said yes, but it is not in the current contract. Mr. Furmanchik said that is correct in the next contract we need to include something with some teeth that nails these guys down that they are required to work ex-amount of days. Mrs. Pekala said we get charged for worker's compensation based on the number of employees we have.

Mayor Penrod said if you do the math of the hours needed minus the Corporal and the Chief's hours you actually need eight 32 hour shifts to cover without adding overtime. He said if we lose one or two we will be covered and then the other part-time officers can fill in as necessary. It should eliminate the overtime. The majority of overtime we had this year came from the shooting that happened where we had to pick up the suspect in Kentucky.

Mayor Penrod said they also discussed fruition and people trying to get full time jobs. It is good to try and have a padded police roster so you are not in a hurry to fill positions. With the amount of money that was spent advertising for officers we did not have many applicants. Another idea that Chief Skiles and he milled around is with the addition of Officer Karissa Grossman she indicated that she would be interested in being an SRO.

Even though we do have an SRO Officer, if she is really interested, she can take the classes at her own expense and after she is with us a certain period of time then we would reimburse her. He said he doesn't want to pay for schooling for people that leave a year or two later.

Mayor's Report

Mr. Spinos asked with all the activity going on with the kids in Windber going to Vo-tech and the elementary school will they need two SRO Officers. Mayor Penrod said the school board was toying around with a grant for a second SRO Officer and it has not come to fruition and is not going to happen as far as he knows.

Mayor Penrod reiterated that with Mike Thomas leaving, Chris Swartz turning in his equipment and Officer Mytrysak going on leave left a major hole in the schedule with these three to cover the shifts. Even if we would lose one more person we would have enough to cover the shifts.

Mr. Jerley asked how many applicants we received. Mayor Penrod said four. He said they were impressed with these three applicants. Number one was previously an Ohio State Trooper and has a military background. Having a little redundancy with having more than one SRO he feels she would be more than qualified to do that. The second applicant currently has a part-time job. He paid for his uniforms, his vest and his drug testing. Mayor Penrod said this is the way some of the other departments are going. This is food for thought when we negotiate a contract next time. He said we will probably lose two to three officers a year to full time jobs. We are paying to advertise and purchase equipment every couple of months.

Mayor Penrod asked if there were any questions. He asked if everyone was okay with him sending the letter to Officer Swartz. Council said yes. Mr. Spinos said some of these officers are only working once a month and we may look at replacing them too. Mayor Penrod said right now these new people can work up to 32 hours without the stipend and after a certain amount of time with people leaving we may be able to move them into a stipend position. Offering them 32 hours will give them more of a commitment.

Mr. Furmanchik said this is something that every municipality is suffering from. We are behind a little bit more; some of the outlying municipalities start their part time officers out at \$18 and \$16 an hour. The name of the game is to get full time jobs with benefits and that is why we can't keep anyone around long enough. Mayor Penrod said the ultimate goal is to get full time jobs with benefits and that is why they are leaving us. Mr. Furmanchik said it is not like back in the day when the police academy was cranking them out like clones. It is not a popular field of work in today's society. Mrs. Pekala said we cannot afford to be offering benefits right now. Mayor Penrod said there are other options that can be negotiated in the next contract to save us money.

Manager's

LITTLE LEAGUE FIELDS - The sales agreement has been changed to move the sale **Report** forward with no restrictions. The Richland Twp. Planning Commission will review the subdivision on July 12th. A formal decision will be made by the Richland Township Supervisors on July 25th.

WINDBER BOROUGH WEBSITE - We are in the process of changing our site from the management of a private contractor to the PSAB. The new website will show drastic improvement and costs will be lessened.

PAVING OF BOROUGH STREETS - All of the resurfacing, that was approved by council, has been completed. The process was seamless and the workmanship of Quaker Sales is excellent.

MASONARY REPAIRS TO BOROUGH BUILDING - I have contacted five contractors for estimates of repointing the brickwork, where needed.

COBBLESTONE HOTELS - I spent significant time with their marketing vice-president on June 30th. They were impressed with everything that Windber has to offer and are in search of an investor.

ARLE GRANT - I am working with a PennDot representative for funding for the 24th and 22nd St. bridges.

SANITARY SEWER REPLACEMENT - on going with minimal complaints

ROUTE 56 PROJECT - ongoing with no issues

WINDBER AREA ECONOMIC DEVELOPEMENT COMMITTEE – They are planning a fundraiser for September 4th @ Rec. Park and their next meeting is July 20th @ 7:00 PM.

Manager's Report

Mr. Furmanchik said after meeting with Cobblestone Hotels they were told they will need a study done to put this hotel in place. It will cost between \$7,500 and \$10,000. They are hoping to garner enough money from the Economic Development Committees fundraiser to support that survey. When we approach an investor, and they want an investor to come up with 40%, we have something to show them.

Mr. Spinos said he would like to entertain the thoughts of the rest of the council members to put the rest of the funds in toward the study to make up the difference needed after their fundraiser. He said with all the developments in town with Iron Horse and the hospital we need a hotel. It is only going to bring more people into our area and will support the other business people. Businesses want to see more people in town to support their businesses. He asked council to keep this in mind. Hopefully the fundraiser will go well but if it doesn't we can afford to put a few thousand dollars towards a study.

Mr. Furmanchik said he thinks we will be able to make a nice amount of change at the fundraiser and he has a lot of donations of food already. He also approached the fire department about supplying the liquor license and dispensing the beverages and asked them if they would consider turning all the profits over to the Economic Development Committee. We would put a tip jar out there for them. They said they would bring that up at their meeting tomorrow night. Other than that he is waiting to hear back about music.

Mayor Penrod said he spoke to people he knows that are involved in the hotel business and they both said you need to have the study done in order to bring a hotel into the community. He said there are different options also like a restaurant or swimming pool that depends on the investor. Mr. Spinos said there again if they put an indoor swimming pool in, there is an opportunity for birthday parties and stuff. Mr. Furmanchik said plus add part time jobs and add to the tax base.

MS4 AUDIT. Mr. Furmanchik said there was an MS4 audit done by DEP. MS4 stands for Municipal Separate Storm Sewer System. Apparently the borough got the permit in 2006 from DEP and has remained current. We have been lacking in a lot of regards; no record keeping, something so simple as you should be keeping track of what streets are swept and when, and checking our out falls which are supposed to be documented on proper forms, and smaller situations like hazardous materials being stored the right way at the public works garage.

Manager's Report

Mr. Furmanchik said the floor drains at the public works garage are currently tied into the storm sewage system and the water that goes through there is admitted to out falls that go to the creek and that is a no! we have a few choices there to cover up the floor drain or tie that system into the sanitary. Covering up the floor drains would be ludicrous in his mind you have trucks in there with huge amounts of ice and snow sitting in the winter and as it melts off you would be walking around in a pond.

Mr. Furmanchik said the good thing about it even though we have been lacking over the years in our actions with the MS4 program they were gracious enough not to fine us or give us a noncompliant letter. We do have to put a plan together within 30 days to let them know what our plan will be at this point in time and how we will work around the past issues.

CHIEF OF POLICE APPLICANTS. Mr. Furmanchik said that comes to a close on Friday. We currently have 17 applicants. A lot of folks out there with true credentials. His position would be that we go through the interview process after Friday and move expeditiously, set up the interviews. Get rolling, get your applicant picked so they can schedule with their employer. We will get a feel for that person and move in the right direction. If you interview with the entire council it will have to be advertised as a special meeting. Mr. LaMonaca said his opinion is all of council should interview for the Chief of Police. Mr. Spinos agreed. He said this is a big decision. Mr. Furmanchik said everyone on council should be there to hear everything and get to ask questions. He said council is welcome to come in at any time to review the applications.

GEORGE LEDNEY MEMORIAL. Mr. Furmanchik said we talked about a memorial for George Ledney at the last meeting and he spoke to the director of the library and she is going to take it before their next board meeting and get back to us about Mr. Ledney's memorial.

PROPERTY MAINTENANCE ISSUES. Mr. Furmanchik said there are more things going on in town and more blight and high grass than he ever envisioned happening in the borough. He said he handles some of these issues himself, but most are being handled by Mr. Fischer our property maintenance officer.

Mr. Furmanchik said we know where two of the biggest offenders are in the borough and Mr. Fischer has set up a plan to take these people before the magistrate. With that being said it becomes a long and lengthy process.

Mr. Furmanchik said the total spent for Mr. Fischer's wages to date is \$1,455. He is asking council to approve Mr. Fischer to work two days a week. At 15 weeks left at two days a week it will cost \$3,600 to finish out the year for a grand total of \$5,055.

Mr. Spinos said we owe it to the tax payers to clean up the blight and we know there is a lot involved to do that. Mr. Furmanchik agreed saying that he receives a lot of feedback about that. Mr. Furmanchik and Mayor Penrod mentioned some of the properties that have been notified have begun clean up.

**Manager's
Report**

Mrs. Gates said the money we are using for Mr. Fischer's wages are coming out of the Manager's Hospitalization line item in the budget because Mr. Furmanchik did not need hospitalization it left us with \$13,468.33 unused in that line item.

A motion was made by Mr. Spinos and seconded by Mr. Mash to approve to place Tyler Fischer, Property Maintenance Office from one to two days a week. One absent, Mr. Holden, motion carried.

Mr. Spinos said in our sewer fund we are up to \$485,000. He said we should think about purchasing a new backhoe for the borough. While we have the money we should consider a new backhoe and maybe another dump truck.

Mr. Furmanchik said he was taken back that we do not have any shoring. The sanitary sewer lines are maybe six or seven feet deep. Anything over three feet by OSHA standards should have shoring. He said the Water Authority does not have shoring either. He said he talked to Denny Mash and he said maybe at some point and time when our budgets allow we could go half on it.

Mr. Furmanchik said it is not something we would use all the time but with his experience with People's Natural Gas he has been in a ditch cave in and buried in up to his rib cage and it is not a pleasant experience. An OSHA inspector would fine us severely. At some point in time we should get with the Water Authority and get some shoring.

Mr. Furmanchik said again these are things we should research and get pricing on. He said even with Mr. Spinos suggestion of a backhoe he would want to check and see if we qualify for government pricing.

Mr. Spinos asked how council felt. Should we have the manager price out shoring and the cost of a backhoe? He said right now we have the money in there so let's take advantage of it while we have it because when we need this stuff then we do not have the cash. Mr. LaMonaca agreed.

Mr. Hunter asked if a skid steer would be more efficient than a backhoe? Mr. Furmanchik said you cannot dig with a skid steer. Mr. Hunter asked how deep? Mr. Furmanchik said sometimes they go seven feet. Mr. Spinos said he is looking at a new back hoe that will last them 20 years. Possibly a four wheel drive, extended hoe. We may be talking about \$100,000 but we will have a piece of equipment that will last us a long, long time.

Mayor Penrod said he did not know we had issues with the old one. Mrs. Pekala said she did not either. Mr. Spinos said we're not talking about issues, it is old. We bought it used. This is a piece of equipment we need. We have a half a million dollars in this sewer fund. Let's look down the road instead of waiting until the backhoe breaks and it costs us \$20,000 to repair. We have the money now to buy a new one. Mr. LaMonaca agreed.

Council agreed to allow Mr. Furmanchik to look into prices for shoring, a backhoe and possibly a new truck.

- Solicitor's Report** **Sale of Little League Fields.** The agreement is in place and we are just awaiting the approval from the planning commission tonight.
- Thomas Resignation** A motion was made by Mr. Spinos and seconded by Mr. Mash to accept the resignation of Mike Thomas from the Windber Borough Police Department. One absent, Mr. Holden, motion carried.
- Grossman Approval** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve Karissa Grossman as a part-time police officer on the Windber Borough Police Department Roster. One absent, Mr. Holden, motion carried.
- Trinkley Approval** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve Jason Trinkley as a part-time police officer on the Windber Borough Police Department Roster. One absent, Mr. Holden, motion carried.
- Custer Approval** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve Mark Custer as a part-time police officer on the Windber Borough Police Department Roster. One absent, Mr. Holden, motion carried.
- Request Slovak Club** A motion was made by Mr. LaMonaca and seconded by Mrs. Pekala to approve the request by the Slovak Educational Club to close the alley that runs through their parking lot to the end of their property only on Sunday, August 28, 2016 from 8:00 a.m. to 9:00 p.m. One absent, Mr. Holden, motion carried.
- Bishop McCort Request** A motion was made by Mr. Mash and seconded by Mr. Spinos to approve Bishop McCort Catholic High School students, staff, and alumni to paint the town Teal in support of ovarian Cancer. One absent, Mr. Holden, motion carried.
- Hunter Council** Mr. Hunter read a letter to Borough Council: Dear Mr. Jerley, It is with deep regret that I announce my resignation as a member of Windber Borough Council effective July 13, 2016.
- I have thoroughly appreciated and enjoyed the opportunity to serve with you, Mayor Penrod and the other members of council.
- I would like to thank Manager Furmanchik, Mrs. Gates and Ms. Denk for their patience and assistance with all my questions
- As a council and as individuals, you are all tremendously dedicated to Windber Borough and I am very lucky to have had the opportunity to serve with all of you the past six months. I look forward to seeing what future accomplishments this council has for Windber Borough.
- Once again thank you all for your help and service to our community. Signed
Sincerely, Jason Hunter.

A motion was made by Mr. Spinos and seconded by Mrs. Pekala to accept with regret the resignation of Jason Hunter from Windber Borough Council effective July 13, 2016. One absent, Mr. Holden, motion carried.

Advertise Council Position A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve to advertise on the borough website and through word of mouth the vacancy on council. Remarks; Mr. Berkey said the position has to be filled within 30 days. One absent, Mr. Holden, motion carried.

Meeting The next council meeting will be held on August 9, 2016.

Adjourn Meeting was adjourned by Council President, Barry Jerley at 8:10 p.m.

Respectfully Submitted By:

Robin S. Gates