

Borough Council Regular Meeting October 11, 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: Mike Bryan, John Holden, Barry Jerley, Pete LaMonaca, and James Spinos. James Furmanchik, Borough Manager, and Attorney Joe Green, were also present. Mr. Mash and Mrs. Pekala were absent and Mayor Penrod was absent.

Approval Minutes A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the minutes of September 13, 2016 meeting. Two absent, Mr. Mash and Mrs. Pekala, motion carried.

Recognition of visitors Elaine Makuch said she was here with Leslie Shaffer and they are both members of the Board of Trustees of the Windber Public Library. She said she was here to speak about the library.

Mrs. Makuch said Leslie and herself have been patrons of the library for many years. She said when you bring our young people to the library and pick out books and read to them while they are little, you eventually have children picking out their own books to read and that is the start of a lifetime of reading and education.

Library Mrs. Makuch said the library has something to offer everyone from the young to the elderly. Our library offers entertainment resources, children's programming, latest book festival sale books as well as past genealogy and reference materials. Internet service and Wi-Fi are free. She said not everyone has a computer of their own to use. Patrons use computers at the library to look for jobs, fill out resumes' and fill out applications online. They actually have one gentleman that comes in every year to renew his aviation license.

Mrs. Makuch said they have audio and eBook downloads through overdrive available for your personal devices like a tablet or kindle for your own reading. She said all these services and more are free to the patrons and that is a bargain. The library also offers faxing and copying services to the public at minimal cost.

Mrs. Makuch said imagine our community without a library. Our library has been in critical financial condition due to a decline in funding from the state, county and individual donors for quite a few years now. They could lose their state funding if they are not able to raise enough local funding as required by the state. The library cannot survive without state aid. Mrs. Makuch said the school district which is part of the municipality contributes nothing.

Mrs. Makuch said this is a very serious problem. We are therefore here to ask you tonight to contribute as much as possible in the coming budget to the library. We are very grateful for your past support. Please remember the library is in our community, and is our library, and is an asset to our community.

Mrs. Makuch thanked council and told them if they have any questions, to please contact the library. Mr. Jerley thanked her for coming.

Library

Gene Shaffer said he wanted to reiterate how important he thinks the library is. He said you do have students who do not have internet and schools are not open at night. There are a lot of things to offer at the library. He is a big supporter of it. He realizes how tight the borough's budget is but hopes council will do the best they can.

Mr. Shaffer said he wanted to tell council also what a great job Jim and the council has done as you look around Windber now. He said the mansion across the street from him has a new owner now who is going to fix it. Great paving jobs, new sewer jobs, and the rail behind his office is fixed, and there is a new street cleaner running around. He said his hat is off to council and Jim and he told them they are doing a great job.

Leslie Shaffer did not speak at this time. Council thanked Mr. and Mrs. Shaffer for coming.

EAD's Sewer Project

Mr. Paczek from EAD's updated council on the sewer project. He said all the installation has been completed and all that remains is restoration items. He said next month they will be scheduling a final walk through of the project. He said they have a punch list but they do not expect much to be wrong because they have been doing a pretty good job of addressing things as they have gone along. Everything should be completed by the deadline of October 25th.

Action Items for tonight:

R&B Pay Request No. 5

- a. R&B has submitted their 4th payment request in the amount of \$150,341.77 for approval by Borough Council.

PennVest Drawdown Request No. 6

- a. Total amount of \$166,255.67 is pending Borough Council's approval consisting of the following costs:
 - i. R&B Contracting and Excavation, amount listed above = \$150,341.77.
 - ii. The EADS Group, engineering, funding admin., inspection = \$15,395.70
 - iii. PennVest interest = \$488.20

A motion was made by Mr. Holden and seconded by Mr. Spinos to approve the payment request submitted by R&B Contracting in the amount of \$150,341.77. Two absent, Mr. Mash and Mrs. Pekala, motion carried.

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the PennVest Drawdown Request No. 6 in the amount of \$166,255.67. Mr. Mash and Mrs. Pekala were absent, motion carried.

Mr. Paczek said it looks like we will be right on budget or a little under budget which is good. They actually added some total lineal footage to what they replaced, so that should come within budget or under budget.

Mr. Spinos asked if that included the money we put up front for the extension we did? Mr. Paczek said he doesn't know if you can remove the local funds you put in or not. They would have to look into that. If not you could probably take some life off of your loan and pay it off a couple of months early.

Mr. Spinos said we had one section that wasn't included in the PennVest Loan and he had suggested we take the money from the borough's sewer fund and finish it since we were already doing a project.

Mr. Paczek said he now remembered that what PennVest offered was a little bit under what the total project was. He said he believes when it is all said and done we can remove anything that was under budget and put it back into the sewer fund.

Sewer Grant

Mr. Paczek said at the last meeting council authorized EAD's to proceed with an application to PA Commonwealth Financing Authority for their 2016 grant program. The grant application is due to CFA by October 31, 2016. Project work areas identified by borough personnel to be included in the project scope are sanitary sewers on Graham Avenue, 5th Street and 6th Street. A summary of the project budget is attached to council's report. Documents for council tonight include:

- A. Commitment Letter – to commit 15% of the total project cost.
- B. Grant Request Letter – to request 85% of the total project cost from CFA.
- C. Planning Commission Request Letter – to acknowledge the project's consistency with comprehensive plans and land use plans.
- D. Authorize Official Resolution – to authorize borough officials to execute all documents and agreements to facilitate and assist in obtaining the requested grant.

Mr. Spinos asked when that point comes and we can't afford it can we scrap it. Mr. Paczek said if they offer 85% and the borough's part at a minimum is 15% which is around \$67,500. If you are awarded it you have to accept that.

Mr. Furmanchik said our sewer fund will be refurbished to a further extent at that time and we should be able to swing that. Mr. Spinos said he agreed he just wanted a ballpark figure of what the match would be.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve Resolution 2016-8 authorizing borough officials to execute all documents and agreements to facilitate and assist in obtaining the requested grant. Two absent, Mr. Mash and Mrs. Pekala, motion carried.

Correspondence

- 1. Minutes of the Windber Municipal Authority's Meeting of September 6, and September 20, 2016.
- 2. Property Maintenance Codes Inspections for September 2016.
- 3. Letter from the Windber Public Library asking for support in the borough's 2017 budget.

Approval Payroll

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve payroll for September 16 and 30, 2016. Two absent, Mr. Mash and Mrs. Pekala, motion carried.

Approval Bills

A motion was made by Mr. Holden and seconded by Mr. Spinos to approve bills for September 2016. Remarks: Mr. Spinos asked if we purchased another gun for the police chief. Mr. Furmanchik said the new chief will take over Chief Skiles gun and the new gun will go to one of the three new officers we hired.

Mr. Spinosa asked if everything was taken care of with Mr. Swartz returning his equipment. Mr. Furmanchik said yes. Two absent, Mr. Mash and Mrs. Pekala, motion carried.

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

Council Liaison Reports

Municipal Authority/ Holden John Holden said Oktoberfest went well. He said there is concern between the Economic Development Committee and the Municipal Authority about seeking funding or grants for repairs to the ballroom or any other property that is managed by the Municipal Authority. He said his suggestion was for the two groups to meet with each other or attend each other's meetings. He said he doesn't recall ever seeing anyone from the Municipal Authority at the Economic Development meetings or vice versa.

Mr. Holden told the Municipal Authority to reach out to Mr. Furmanchik since he was the founder of that group to get the ball started in the right direction. Mr. Furmanchik said he will see that is ramped up. He considers himself a good communicator and tries to stay on top of situations with the Authority and he has constant discussions with Matt and Vicki all the time. He said we will make that a goal to improve that and move forward.

Mr. Holden suggested adding the email addresses of the Municipal Authority to the blast that Cheryl sends out announcing the times and dates of the Economic Development meetings.

WAA/ Jerley Mr. Jerley said they are finishing up their projects with tanks and final painting, fencing and landscaping is being done and that project will be completed.

Mayor's Report Mayor Penrod is out of town. There were no questions on the report.

Manager's Report **LITTLE LEAGUE FIELDS** - Mr. Tunstall is now involved in a variance proceeding with Richland Twp. This involves the construction of improved dugouts and fencing, within the set back area.

SANITARY SEWER REPLACEMENT - On schedule and ongoing with completion in the next few weeks

ROUTE 56 PROJECT- ongoing with no issues

NEW ROOF ON BOROUGH BUILDING - The contractor's schedule has been changed. Construction started on Monday.

MEET AND GREET THE NEW CHIEF - This will be scheduled for November 1st at 6:30 p.m. in the Windber Borough Building, with notification on Facebook, our website and The Windber Spirit.

WINTER STORM PREPERATION - A meeting will be held, with all contractors, to devise a plan for snow removal in case of a severe snowfall. The meeting will be held in The Borough Office at 6:00, October 25, 2016.

WINTER STORM JONAS - At last we have received payment, from FEMA, for contractor costs that were incurred after last January's snow storm. Payment was in the amount of \$14,514.

1321 MIDWAY AVE.- The sales agreement has been signed. We are currently awaiting results on the deed search and new deed preparation, from Attorney Green. I have also contacted four contractors, seeking the lowest demolition price.

Manager's Mr. Furmanchik said Attorney Green is working on the Deed Search. The POA for the **Report** property owner is ready to move in an expeditious fashion and we are hoping to have that buttoned up as soon as we can.

Mr. Furmanchik said we were given a price of \$5,500 from Frankie's Hauling to tear down the building. He contacted four other contractors for prices and we now have an estimate of \$4,800 from Bob Sulosky, a Windber contractor. So Mr. Sulosky will be taking the building down for the price of \$4,800.

MEETING WITH SENATOR PAT STEFANO - I have scheduled a meeting with Sen. Stefano for October 13th at 9:00. The purpose is to seek funding and promote the Borough. All Borough officials are invited to attend.

POLICE CONTRACTS WITH SCALP LEVEL AND PAINT BOROUGHS - The current three year contracts with these municipalities will expire at year's end. I have spoken with both municipalities about yearly increases and both seem agreeable. I will have it formally presented to them at their monthly meetings, in early October.

Mr. Furmanchik said he attended Scalp Level Borough's meeting the other night and soon will attend Paint Borough's. We have made increases with Paint Borough for \$2,000 a year for the next three years which is up from \$1,875 a year from the previous contract. Scalp Level's proposal will include yearly increases of \$800 for the next three years which is up from \$500. Everything is moving forward.

STREET SWEEPER - The 1981 street sweeper was advertised for bid in the Trader's Guide, Craigslist and Municibid (an online government auction). The only bids we received were from Municibid, with the high bid being \$1,500. The equipment has been sold.

RENAMING OF THE LIBRARY. The situation with George Ledney and renaming of the library has been put on hold by the library board. They have been talking about some other things we can do.

WORKER'S COMPENSATION INSURANCE. A drastic savings to the taxpayers and this borough and compliments to Robin for picking up on this, we met with a new company and will be saving \$8,600 a year.

Mr. Furmanchik asked the reporter from the Daily American if he could be present for the meet and greet with the new police chief on November 1, 2016.

Mr. Furmanchik said we will be holding a budget meeting on October 25th at 7:00 p.m. Mrs. Gates passed out copies of the proposed 2017 budgets to council for them to review. She asked council to please call or stop in with any questions. She said the proposed budget is currently balanced. The carryover as of now is, 24,999.12.

Manager's Report

Mr. Furmanchik said right now it looks real good and the way it stands right now we will not have to have any tax increase.

Mr. Furmanchik read a paragraph from a past meeting with the fire company as follows: Chief Haddad said right now the borough gives \$36,000 in a line item on the budget in two payments. What they would like to do because the \$21,000 has been on the books for so long and pays the operating costs/general bills they would like to maintain that one. For those who have been on council for a long time the \$15,000 which is paid out in the fall was given for a loan that was taken multiple years ago and the borough offset that payment. They would not ask for that. They would return that back to the borough.

Mr. Furmanchik said the agreement was that night, by council, that there would be some sort of mileage to subsidize fire protection. Mrs. Gates said we have added \$45,000 to the budget towards that fire truck plus the \$21,000 they annually get. Mrs. Gates said she talked to Mr. Bloom and let him know the amount we put in the proposed budget and he seemed happy.

Mrs. Gates said the \$15,000 we contribute to the library is also still in the budget. We have not changed that.

Council convened to an executive session for personnel matters at 7:35 p.m.

Mr. Mash arrived at 7:45 p.m.

Council reconvened from executive session at 7:55 p.m.

Approval CDBG Agreement

A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve the Cooperation Agreement between the County of Somerset, Windber Borough, and the Redevelopment Authority of Somerset County and authorizing Resolution for 2016 Entitlement CDBG applications to be submitted by the Redevelopment Authority of Somerset County. One absent, Mrs. Pekala, motion carried.

Approval Can Tran Contribution

A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve a contribution of \$3,014.35 Windber Borough's local share towards public transportation; (Cam Tran) for the Year 2017. One absent, Mrs. Pekala, motion carried.

Approval Fire Co. Contribution

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the request from the Windber Fire Company for the second part of the annual contribution in the amount of \$15,000 as is budgeted. One absent, Mrs. Pekala, motion carried.

Approval NIMS Resolution

A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve Resolution No. 2016-7 adoption of the National Incident Management System (NIMS).

Remarks Mr. Furmanchik said we had a situation arise about six weeks ago regarding farm animals. Where the old Miller Block building was the house where the Millers used to live they have a corral with an actual fence in the back yard. The first time Mr. Fischer and he went up there they had donkeys, horses, and goats in there.

Mr. Furmanchik said we and the ladies in the office searched and we cannot find anything to substantiate or address anything about farm animals. We also found out they were lacking in five zoning permits. They put a fence up without a permit and four sheds. We got them squared away with that. Everything is legit. They got rid of the sheep and horses and all they have now is miniature donkeys and goats. They are saying they are classified as pets.

Mr. Furmanchik said even if you would enact an ordinance or an addendum to the zoning ordinance they would be grandfathered. Attorney Green agreed. Mr. Furmanchik asked if we could make an addendum. He said Southmont has like two sentences in theirs that says you cannot have farm animals in any district or should we enact a formal ordinance.

Attorney Green said you would have to do it through your zoning ordinance and he has yet to go through that zoning ordinance. It is a residential district. Mr. Spinos said back in the day people had chicken coops. Mr. Furmanchik said we need to address this one way or another. Mr. Green said if it is a certain situation that is not addressed in the zoning ordinance it is much easier to enact a new portion of the zoning ordinance. He said he will look at it this week.

Remarks Mrs. Gates said she just wanted to make council aware on the cash balance report she had highlighted three new accounts. One was the 2016 CD for the public works truck; the second one was for the Economic Development Committee and the third is the Anniversary Account which was opened to save money to be put towards the 125th Anniversary of Windber. There is \$1,000 that was budgeted that was put into that account.

Mrs. Gates said she also wanted to mention that we may be opening a separate account for WAVE also. They have been on their own and this way they would be under the borough's insurance and also be audited with the borough's other accounts at the end of the year. Right now they are not a 501C3 and our accountant recommended putting them under the borough. Mr. Furmanchik and I are going to meet with three of their members next Wednesday to discuss it.

Remarks Mr. Green asked if council knew they had to take an online class for NIMS. Mr. Furmanchik said he has been talking to the Fire Chief about that. They are going to have a training session right here and have everyone take their test at the same time.

Next Meeting October 25, 2016 will be a budget meeting.

Adjourn Meeting was adjourned by Council President, Barry Jerley at 8:15 p.m.

Respectfully Submitted By:

Robin S. Gates