

## **Borough Council Regular Meeting October 10, 2017**

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

Pledge of Allegiance.

The following Council Members were present: Mike Bryan, John Holden, Pete LaMonaca, Ron Mash, and James Spinos. Jim Furmanchik, Borough Manager and Scott Penrod were present. Attorney, Joseph Green was present. Barry Jerley and Sonya Pekala were absent.

### **Approval Minutes**

A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of September 26, 2017 meeting. Two absent, Mr. Jerley and Mrs. Pekala. Motion carried.

### **Recognition Visitors**

Mary Burkhard said she has been a resident of Windber for 19 years and she had recently gotten rid of a hole and wants to build a fire pit in its place, an enclosed, encased fire pit.

Ms. Burkhard said recently the police were called to her house because she had a fire and she was told her to keep the fire low and small. The second time she was told absolutely no way, there are no fires permitted in Windber. She then obtained two ordinances from the borough office the first pertained to burning. She said she was not burning garbage or refuse she was cleaning up her yard burning sticks, trees, gathering things up. The second ordinance was the nuisance ordinance; pertaining to smoke, soot, or ash.

Ms. Burkhard asked for determination of what a nuisance is. If you do anything that offends anyone at all, do the police have to monitor that? She doesn't think so because she has two other neighbors that have fires regularly and the police are not there. She does not want the police at her house she just wants a small fire pit. She wants a small fire pit in her back yard that is contained. She wants to know if this is illegal.

Mr. Furmanchik yes, it is illegal and the Nuisance Ordinance solidifies that. He advised her that if a neighbor complains the police or borough personnel, will have to respond and she would be told she is in violation of the Nuisance Ordinance. Chief Frear said they respond if they receive a call from a neighbor or resident that the fire and/or smoke is causing a nuisance to them. The police will respond and tell you that you are in violation and ask you to put it out.

Ms. Burkhard said she would've appreciated it if the neighbor would have come over and talked to her. She doesn't want this to happen in the future. Mr. Holden said it has to be contained and controlled and not a nuisance. You have to use common sense. Mr. Furmanchik said if your neighbor complains about it, then it is a nuisance. If someone calls the police or borough codes officer they will have to respond.

### **Correspondence**

1. Minutes and Treasurer Report from the Windber Municipal Authority's September 19, 2017 Meetings.

2. Daily American HomeTown Heroes Announcement. (Dan Hiteshew).
3. Mr. Furmanchik said we received a letter from Windber Fire Company No. 1. They are officially inviting Borough Council Members, Mayor, and Borough Staff to the Rescue 611 dedication ceremony on Saturday, October 14, 2017.

**Approval Payroll** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve payroll for September 29, 2017. Two absent, Mr. Jerley and Mrs. Pekala, motion carried.

**Approval Bills** A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve bills for September 2017. Two absent, Mr. Jerley and Mrs. Pekala, motion carried.

**Cash Bal./ Treasurer Rpt.** Mrs. Gates said on October 24, 2017 we will hold our first budget meeting at 7:00 p.m.

### **Council Liaison Reports**

**Holden/ Municipal Authority** Mr. Holden said the Municipal Authority had their meeting last Tuesday and there were many questions about the sale of the ball fields and the revenue from that sale and how the borough was going to allocate and assign that money and the accessibility of how it is deemed for recreation.

Mr. Holden said he explained to them since it is a line item in the borough's budget it would have to be requested through the borough for capital improvements or improvements to the existing facilities the borough owns and are responsible for, and it would have to come to a vote before council.

Mr. Furmanchik said a few months ago when we talked about putting the property out for bid he had met the following day with Matt Grohal and Jason Zabloutney at the park. They drove around and talked about a bunch of things. He told them the prior evening that council agreed to a punch list of priorities.

1. The repaving of the roads.
2. Assess the condition of the pavilion roofs.
3. Assess electrical problems within pavilions.
4. Open to discussions.

Mr. Furmanchik said they were pretty much in agreement at that time. Mrs. Gates said the money from that sale will be put into a totally separate bank account and used just for recreation.

Mr. Holden said there should be two speed bumps put in at the park. Mayor Penrod said that could be an issue with people walking on the road. Mr. Mash said it would also affect people roller blading. Mr. Furmanchik said people ride bicycles up there too. Mr. Furmanchik said he doesn't really see a speeding problem up there, the times he has been there.

**Paving  
Park**

Mr. Furmanchik said paving at the park would be put out for bid at the beginning of the year. He said it has to be done by the second week of May because of the pavilion rentals and opening of the park.

Mr. Furmanchik said a handicapped parking area will need to be put in by the pool that will be 20' x 30' and big enough to fit two handicapped accessible vans. They will be able to take people right out of the van through the handicapped entrance. Hopefully, the contractor that gets the bid, will have it on their list as their first job of the year.

**Mayor's  
Report**

There were no questions at this time.

**Manager's  
Report**

**Little League Fields** - The closing on the property has begun. A sixty day timeline is anticipated.

**25th Street Storm Sewer Project** - The installation of pipe and catch basins is complete. The contractor is now in process of installing new curbing with paving to follow.

**Abandon Vehicle Roundup** - The police department has now canvassed the entire community. A total of 78 violations were found. Moving forward, the department will continue with mailings and possible citations.

**Route 56 Project** - Construction is complete.

**Rail Replacement And Crossing Reconstruction** - Ongoing with no issues

**17th Street Storm Sewer Project** - The project has been completed by our Public Works department. Rosebud Mining will subsidize the permanent restoration.

**Dog Park Fence** - I have been in close contact with the Recreation Director and The Dog Park Group, over this undertaking. Three estimates for fencing have been received with JIF Fencing of Windber being lowest@ \$5,475.

Mr. Furmanchik asked council to move forward and put the new fencing up while we are still in construction season and the weather is still decent. This way we can begin moving other items over to the dog park. We have a tree that has to be moved. He asked Tiffany Mock, who basically heads the group that frequents and takes care of the dog park, to assess the situation with the benches at the dog park. We have some that are not so nice and some that are decent can be repainted or stained.

If we can get this new fence up and operational that will free Mr. Roberts up in his reconstruction or refurbishing of the fields once the weather breaks next year or maybe even this year.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to move forward with the new dog park fence right away and it will be paid from the Capital Improvement Fund. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Jerley, absent, Mr. Mash, yes; and Mrs. Pekala, absent. Motion carried.

Mr. Furmanchik said the new park will be the exact same size as the current dog park.

**Community Building Storage Shed Roof** - The condition of the roof was brought to my attention and I find it to be in bad condition. It is leaking and has large indications of mold. I have contacted four local contractors and as of this writing have received only one estimate from Guy Roofing for \$2,930.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve Guy Roofing's estimate to repair the community building storage shed roof and to split the bill with the Municipal Authority and the money be taken from the Capital Improvement Fund. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Jerley, absent, Mr. Mash, yes; and Mrs. Pekala, absent. Motion carried.

**Engine Brake Restriction** - I have been approached by a few citizens of Hillside Ave. regarding noise from engine brakes, on trucks traveling Route 56. A letter was submitted, by me to Penn DOT, requesting a study be done to facilitate signage in that area. The request has been rejected by Penn DOT because they will not take it under consideration unless the posted speed limit is under 55 MPH. A request has been submitted for Railroad and 17th Streets as well. This area does fall under the speed limit criteria.

**Terms of Agreement for Police Chief** - Chief Frear's anniversary date is on October 24, 2017. Under item 11, in his employment agreement, it is stated that he is under a one year review period from date of hire. This will require discussion at our October 10th meeting.

**Grant Writer Possibilities** - Aspire will be preparing a sewer grant for us shortly. I continue to investigate possibilities with other professionals.

**Flood Control-Sediment Removal Grant** – Mr. Furmanchik spoke to four different contractors and asked for an approximate figure and once he gets an approximate figure he can through it out to the one of these grant writers to prepare a grant.

Council convened into an executive session for personnel at 7:40 p.m.

Council reconvened from executive session at 7:47 p.m.

**Chief  
Frear**

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to put Chief Andy Frear on a permanent employment status of up to 39 hours a week along with a yearly raise in accordance with the Windber Borough Police Department bargaining unit yearly increases beginning January 1, 2018. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Jerley, absent; Mr. Mash, yes; and Mrs. Pekala, absent. Motion carried.

Chief Frear said to reiterate Mr. Furmanchik's comments earlier, they mailed out 67 abandoned vehicle violation letters. Approximately 48 moved their vehicles and some have asked for an extension.

Chief Frear said the officers will be passing out candy for Trick or Treat on October 31, 2017. Randy from BiLo will be helping us out with the candy and Cheryl from the borough office made all the labels for the candy bags. He said he is contacting the school to see if the cheerleaders could package the candy, for them, as part of the community event.

**Approval** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve to place Jason  
**Jason** Knipple as a part-time police officer on the Windber Borough Police Department roster.  
**Knipple** Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Jerley, absent, Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.

**Approval** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve to place Jeremy  
**Jeremy** Scislowicz as a part-time police officer on the Windber Borough Police Department roster.  
**Scislowicz** Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.

**Resignation** A motion was made by Mr. Spinos and seconded by Mr. Holden to accept the resignation of  
**Mathew** officer Mathew Wright from the Windber Borough Police Department effective October 4,  
**Wright** 2017. Two absent, Mr. LaMonaca and Mrs. Pekala. Motion carried.

**Next** There will be a Budget Workshop on October 24, 2017 at 7 p.m. Next Council Meeting will  
**Meeting** be November 14, 2017.

**Adjourn** Meeting adjourned at 8:05 p.m. by Council President, Mike Bryan.

Respectfully Submitted By:

Robin S. Gates