

Borough Council Regular Meeting June 12, 2018

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, Douglas Ledney, Ron Mash, Joe Pallo, and James Spinos. Jim Furmanchik, Borough Manager and Mayor, Scott Penrod was present. Attorney, Joseph Green was present.

Approval Minutes A motion was made by Mr. Mash and seconded by Mr. Holden to approve the Minutes of May 8, 2018 meeting. Motion carried.

Recognition Visitors There were no visitors

Correspondence

1. Minutes of the Windber Municipal Authority's May 12, 2018 Meetings.
2. Codes Enforcement Officer's Report.
3. Windber Area Authority's Minutes of April 11, 2018.
4. PA Municipal Code Report.
5. Summary Results of Spring Clean-up 2018.

Approval Payroll A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve payroll for May 11 and 25, 2018. Motion carried.

Approval Bills A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the bills for May 2018. Motion carried.

Ratify Resolution Vote A motion was made by Mr. Spinos and seconded by Mr. LaMonaca for approval to ratify the phone call vote for approval of Resolution No. 2018-1 for the \$500,000 grant for removal of sediment and improvements to the levee. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes, Ledney, yes; Mr. Mash, yes and Mr. Pallo, yes. Motion carried.

Presentation Plaque Mr. Furmanchik said everyone at this table agreed that we were extremely impressed with the improvements at Mimo's Restaurant, made by the new operator Pino Gallina.

Mr. Furmanchik said on behalf of Windber Borough and with everything the Gallina family has done to make improvements to the property known as Mimo's Restaurant Windber Borough Council would like to thank them. He then presented Luke Oleksa with the plaque being that Pino was not able to attend. Luke Oleksa accepted the plaque on his behalf. Luke said that he is sure Pino appreciates it and wishes he could be here tonight and thanked Mr. Furmanchik and council.

Cash Bal./ There were no questions at this time.

Treas. Rpt.

Council Liaison Reports

There were no reports at this time.

Mayor's Report

Chief Frear said Officer Dwight Keim is now on the roster and he could not be here tonight because he was working somewhere else.

Chief Frear said they are purchasing four used Tasers. The four of them cost less than one new one.

Manager's Report

Park Paving - Paving is completed and looks great. The handicap parking area at the pool has been striped and we are awaiting delivery of signage for that area.

Recreation Park Comfort Station - Keystone Roofing was the low estimate @ \$3,000. Construction was completed as promised by the Memorial Day Weekend. Special thanks to Mayor Penrod for donating the heavy-duty Plexiglas windows that were installed.

Police Department Lease Agreement - I am waiting on the property owner to schedule our next meeting.

Wall of Fame - I have spoken with current Wall of Fame Chairman, Art Lambert. He is aware of Councilmen Mash and Holden's interest in being part of this committee and will contact them before their next meeting.

Gazebo Speakers - Public Works has removed the old speakers and repaired the holes from the previous mounting. Jim Spinelli will install the new speakers by the middle of June. The old speakers were donated by WAVE to be used at the Recreation Park.

Borough Building Stairway Repair - I am waiting on Moyer Concrete, as the inclement weather has slowed their production.

Public Works Garage - We have three proposals for security camera installation, which we discuss at the meeting.

Kormanik Electronics Inc. was the lowest at \$2,362.48. Kormanik is offering a two year warranty on equipment and one year on labor.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the quote from Kormanik Electronics for 8 cameras at a cost of \$2,362.48 to be paid for from the Capital Improvement Fund. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, abstained; Mr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried. Mr. Holden had abstained because Mr. Kormanik is his neighbor and a friend.

769 Railroad Street - The Zoning Appeals Board has denied the Maffeo's appeal and I have notified them by certified mail. Attorney Green will generate a letter to the defendants instructing them to once again cease and desist.

Mimo's Restaurant - Pino Gallina will be on hand at the June 12th meeting for a presentation of a plaque for his efforts in our community.

Railroad Street Storm Water Inlet Grating - I have negotiated an agreement, of no cost to the Borough, with Rosebud Mining that will include the reconstruction of the facility near the intersection of Railroad St. and 17th Street.

While stabilizing and reattaching the grates, the project will also include added support on both sides of the grating along with milling and paving, as well. Recently the facility has become exceptionally dangerous and noisy. The project is scheduled to take place on June 1st and 2nd with restoration being done on June 4th.

Grass Clippings Deposited on Borough Streets - This topic has been belabored at Council meetings for many years. After discussion with the Mayor and Chief of Police, I have started a new initiative to resolve these issues. We are all in agreement that this is clearly an ordinance violation and will be treated as such.

Debris on roads is a police issue but we are handling the issue with involvement of all departments and trying to educate the public, in this regard. The attached information will be given to the public, when the situation applies.

Codes Enforcement Officer - Anson has successfully completed a webinar aimed at the many roles of a codes enforcement official.

Grant Opportunities - The deadline for the Flood Mitigation Funding Grant that Patrick Meese is handling is May 31st and will be submitted on time. There has been a lot of work involving myself and Vinnie Paczek that allowed us to complete the grant. Special thanks to Vinnie for going above and beyond.

The grant application will be for \$500,000 that would allow for sediment removal, knot weed management and replacement of conduit piping. Attached to the grant is a 15% match (\$75,000).

21st Street Truck Traffic - Recently I have received complaints about noise from "jake brakes on coal trucks in this location. An Engine Brake Retarder Study was requested for that area from PennDot. The result of the study was that the engine brake retarders may be restricted in the area of the study. The proper signage will be posted, to PennDot specs and the police department will enforce the law in the above mentioned area.

Solicitor's Report

Maffeo Hearing. Attorney Green said the Zoning Appeals Board met and ruled in our favor. Our favor means he sent them a Cease and Desist Letter regarding their farm animals. It came out in the hearing they had up to 50 animals. Findings of Fact and Conclusions of Law were served on them. Their 30 day appeal period runs out Friday, June 22nd.

Attorney Green said we could potentially take them to the magistrate at this point and start going through a civil fine process which is \$500 a day. His thoughts are if they do not file an appeal then we start injunction proceedings. If they do file an appeal than we are back to county court.

That could go many ways because we have true Findings of Fact and a transcript. His impression is that the court would read that transcript and the Findings of Fact and dismiss the appeal.

Attorney Green said we are trying to get this rolling along before the hotter days of July come around and we remove these animals.

Joan Albright. Attorney Green said several months ago Mr. Furmanchik brokered a deal between Joan Albright, John Barkman, and Judge Rullo and himself where she agreed that we would enter into an agreement where after September 1st we could tear her building down.

Attorney Green said he drafted an agreement and sent it to John Barkman and Mark Valentine her attorneys. He has not heard back from them. Mr. Furmanchik contacted John Barkman who he believes said Joan Albright is thinking about not signing the agreement. Attorney Green said he called John Barkman back and he has not received a phone call back. He said we could almost force her to sign the agreement because the summon substance of the agreement was put on the record in court and she said yes under oath.

Attorney Green said he will keep trying to contact Mr. Barkman for an answer because the court wants to know what is going on because they have filed an appeal from the County Courts decision in our favor. They appealed to the superior court. That was held in front of an out of town, out of county judge that has since retired. So our president judge would have to attempt to create what is called a 1925 B statement.

Ralph Trevorrow. Attorney Green said they had a code enforcement hearing in Somerset concerning Ralph Trevorrow's property. This was the first case with the new codes enforcement official, Mr. Bloom. He said they will get along just fine. He did a tremendous job. He knows exactly what he is looking for when he asks him a question and was prepared. They had 10 to 15 exhibits.

Mr. Trevorrow did start to clean some things up but it was not nearly close enough. Judge Geary found him guilty but however, gave him 30 days to clean it up. If it is cleaned up his fine will be \$3, which is \$1 for each citation. If not cleaned up his fine will be \$1,700. That should be a quick trip to Somerset and he will get with Mr. Bloom beforehand.

Rental Ordinance. Attorney Green said he is reviewing a rental ordinance with Mr. Furmanchik that was created by the City of Altoona. It is really an ordinance so we know what properties are rental properties and who is renting these properties.

Attorney Green said it refers to the International Property Maintenance Code and other Maintenance Codes for the City of Altoona. Within the next month he will get together with Mr. Furmanchik and he will tell him his concerns and they will have to try and rewrite it because we do not have the code in the borough that Altoona does.

Approval A motion was made by Mr. Holden and seconded by Mr. Spinosa to approve the street closing for St. Anthony's Parish Festival on Wednesday, July 11 through July 16, 2018. Motion carried.

Approval Hole Shot Rod Run	A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the street closing for Hole Shot Rod Run on July 1, 2018 from 10 a.m. to 1 p.m. from the railroad tracks on 15 th Street to Graham Avenue. Motion carried.
Approval For the Fallen Run	A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the street closing For the Fallen Run of Graham Avenue from Jefferson Avenue to 16 th Street from the hours of 3:30 p.m. and 12:00 a.m. August 3 & 4, 2018. Motion carried.
Remarks Cables	<p>Mayor Penrod said the Eureka Coal Heritage Foundation has installed twist lock female receptacles underneath the breaker panel box located at the community building parking lot. They are requiring all their vendors' cables to fit the twist lock.</p> <p>Mayor Penrod said the cables the borough have do not have the twist locks on so they are pretty much useless right now. He asked council if they would like to get the ends to fit on there and have an electrician put them on. He said it would probably cost around \$300. We would not need to have an electrician present then to hook them up at events. Mr. Spinos was in favor of it.</p> <p>Mayor Penrod said he didn't think about the park. The firemen use them up there and they do not have a twist box up there. Mr. Pallo asked if there was an adapter that you could put on and take off. Mr. Spinos said no. Mr. Pallo asked if it would be worthwhile to put the twist locks in at the park. Mr. Holden said in the minutes of the Municipal Authority it said something about them installing a box on the outside of the dancehall. He said it might be beneficial for us to talk to them before they do that project.</p> <p>Mayor Penrod said if there is any money left from the upgrades at the park we could use that towards it. Mr. Furmanchik said there is approximately \$21,000 left. Mr. Furmanchik will talk to Mr. Grohal about the upgrade and get an estimate on the cost to convert the cables and box at the park.</p>
Approval Curb Cuts	<p>Mr. Furmanchik said this is new construction right down the road from his house. He said on the 12th Street side there would be a 20' curb cut and on the Grove Avenue side there would be a 16' curb cut. He said he does not see issues with it and recommends allowing the curb cut to facilitate the new construction.</p> <p>A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the two curb cuts for Mr. Kozar's property at Grove and 12th Street. Motion carried.</p>
Advertise Fire Works Ordinance	<p>Mr. Furmanchik said this was brought to his attention by Anson Bloom, who is our Emergency Management Coordinator. This ordinance was borrowed from another municipality and we changed the names and so forth for us. It was changed from consumer fireworks to commercial fireworks and display fireworks. Those types are used at shows like the one that will be held over Miner's Weekend. It will provide protection to the borough and keep the event safe.</p> <p>Mr. Holden said this does not include regular fireworks you purchase from Phantom? Mr. Bryan said he went into Glitter Fireworks and Phantom Fireworks and asked them what commercial and display fireworks are.</p>

He said the measurement of the grains designates what is a commercial shell. Commercial shells you can only get from ATF or a special license. You have to have all your certifications to get that.

A motion was made by Mr. Holden and Mr. LaMonaca to approve to advertise Ordinance No. 2018-1 regulating the display of Fireworks within the borough limits of the borough without a permit. Motion carried.

**Approval
Purchase
Capital
Improve.**

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve to pay \$379.05 for an air conditioner for council chambers from the Capital Improvement Fund. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.

**School
Resource
Officer**

Chief Frear said he spoke to Mr. Kimmel today about the fee for the SRO. He said it has been \$30 an hour for a couple of years now. Mr. Ledney said he is working on a grant for the next school year and it has been \$30 for a while now and he needs to know if it is going to stay at \$30 or increase. Mr. Furmanchik said his recommendation would be to go to \$32 an hour as a cost of living and inflation increase.

Mr. Spinos asked Chief Frear if he was okay with that figure. Chief Frear said he is assuming there will not be any benefits with the position. Mr. Ledney said no. Mr. Spinos asked Chief Frear if he had any candidates for the SRO position. Chief Frear said yes, Jason Knipple is interested. He is going to meet with Mr. Kimmel for an interview in the near future. Mr. Spinos asked if he would be going for training. Chief Frear said yes.

Chief Frear said Officer Kyle Wirick has accepted a position with the City of Johnstown. He would like to stay in a part time position with the borough.

A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve to increase the expense of the School Resource Officer to \$32 an hour. Motion carried.

**Discussion
Engineers**

Mr. Furmanchik said he was contacted by Lehman Engineers from Hollidaysburg PA. They wanted to talk to him about our bridges. He said Mike Bryan and he sat down with them and he was pretty much floored by the statements they made.

Mr. Furmanchik reminded council that the 24th Street Bridge is on the Tip Program for construction in 2019. There is a match that goes with that he believes is around \$70,000. Lehman Engineering said they would take care of that with a grant with no charge to the borough and have the bridge on 22nd Street reconstructed through grant funding with no charge to the borough.

Mr. Furmanchik said so basically we have two bridges. They will cover the 24th Street match to the grant and there are basically two different types of grants for the 22nd Street Bridge. One is a dirt and gravel road grant being that it is a low traffic bridge it would qualify for the dirt and gravel road grant and a multi-modal grant.

Scott Klingenberg from Windber who is a partner with Lehman Engineering wanted to come and speak to council but was unable to do so tonight.

We thought it was only fair to bring this to the borough engineer's attention. We have a superior relationship with EADS especially Vinnie Paczek who is also a Windber boy and has gone above and beyond for us. Vinnie took this to his managers and they basically said they would match Lehman's proposal.

Mr. Furmanchik said the funny part about it is multimodal grant is always a 30% match and Vinnie said his research showed him this year, 2018, the multimodal grant match is 0%. The kicker is the multimodal grant has to be submitted by the end of July. He said we may have to have another meeting this month to discuss this.

Council agreed to have a second meeting in order to have the grant prepared on time and submitted by the end of July they will listen to Lehman's proposal along with EAD's and make a decision.

**Miner's
Weekend**

Mr. Furmanchik said that Eureka Coal Heritage Foundation has agreed to have Northern EMS on site during the Miners Day Weekend Event.

**Next
Meeting**

Next meeting will be held on June 26, 2018 at 7:00 p.m.

Adjourn

Meeting adjourned at 8:30 p.m.

Respectfully Submitted By:

Robin S. Gates
Financial Secretary