

## **Borough Council Regular Meeting November 13, 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, Ron Mash, and James Spinos. Mr. Ledney arrived at 7:30. Jim Furmanchik, Borough Manager and Mayor Mike Thomas were present. Attorney, Joseph Green was absent. Mr. Pallo was absent.

**Approval Minutes** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of the November 13, 2018 meeting. Two absent, Mr. Ledney, and Mr. Pallo. Motion carried.

**Recognition Visitors** Jerry Smith from Compassion House spoke to council. He told council that he had been visited by the property maintenance officer regarding all the items in front of the store. He said he was told he could not have anything on his dock. He said he gets so much stuff in at times that he cannot handle it. Does this mean he needs to throw it away as soon as he gets it?

Mr. Smith said no one knows more than he does how cluttered it can become. He has to piece it out and sell a piece of furniture to move another one in. He keeps a pile of scrap iron on the side of the building and when he gets a nice size he takes it to Johnstown and sells it for \$150 which helps to provide more fuel or lights to someone in the community.

Mr. Smith said he doesn't know what to do. He tries to do his best to get everything out from in front of the store but by Monday he has more furniture and stuff sitting there. The only solution he has is to put an overhead door on the dock.

Mr. Smith asked Mr. Furmanchik to help him out with the permit application for PA Municipal Code. Mr. Furmanchik told Mr. Smith if they bring the permit application into him he would sit down and fill it out with him. Mr. Smith said PA Municipal Code told them they would need a drawing done by an architect. He asked how much will that cost and why do they need a drawing of a garage door by an architect? Mr. Furmanchik said PA Municipal requires commercial properties to have the drawing done.

Mr. Smith said he can't afford much. He has given thousands of dollars back to the community for fuel and money and giving people free things that they need. If he is backed up against the wall to where he can't accept anything anymore then he will shut down. This store is run from what he gets from people and he can't tell them not to bring stuff anymore.

Mr. Furmanchik said the borough codes enforcement office has been exceptionally gracious in handling this affair that he presented to council. If it was an average resident, citations would've been issued a long time ago. We know you are a church affiliated organization that provides service to those in need.

Mr. Furmanchik said the person he has been conversing with at Compassion House had been Diane Sulosky. Mr. Smith said she is the secretary. Mr. Furmanchik said he thought he had an understanding through Diane. First of all he called everyone except one garbage hauler and contractors. Unfortunately no one can you give you a dumpster there and give you free service. Mark Easterbrook who is a very Christian man himself said he would absolutely do what he could do to help you out at a very reduced rate. Mr. Furmanchik said he knows Mark and Diane have had various conversations but he does not know where it went from there.

Mr. Smith said that was not his problem he has a garbage man who does a great job and takes three or four couches without any problem. He said he brings all the small stuff into his store but he can't bring the big stuff in. Mr. Furmanchik said he has had that conversation with Mr. Smith before and it is ok to have stuff out in the day time if he brings it in at night. He said Mr. Smith told him that he doesn't have any room in the building.

Mr. Furmanchik said he has to be aware of the fact that he needs to keep the front of the building tidy. It is bad enough the back is in disarray but the front is most visible and you are right in the middle of town. He said they are trying to do everything they can to work with him. He said he told Diane Sulosky when they talked about putting up the garage door. They would have to have a building permit and that would come from PA Municipal Codes Alliance in Somerset.

Mr. Furmanchik said he talked to PA Municipal Code and he asked them if there was a way they could get a discounted rate on the permit being they are run by a church and provide a community service. They said they would see what they could do. Mr. Furmanchik said he would help Mr. Smith with filling out the application and he would call and talk to PA Municipal tomorrow regarding the drawing.

Mr. Furmanchik said as long as we see progress up there the citations will be held at bay. Mr. Furmanchik asked Mr. Smith to put a sign up that says drop offs are made by appointment only and the building is under video surveillance anyone caught on film dropping off merchandise will be prosecuted to the fullest extent of the law. Mr. Smith said they have video surveillance and it is literally impossible to make appointments for drop offs because people work.

Mr. Bryan said he appreciates the fact that the signage is there and the understanding that this organization does worthy work. We want you to know we encourage and embrace that. People take advantage of locations such as yours and others everywhere. If people can drop off stuff there and we're not saying everything is junk, but people use it as such. We do not want to hinder your business or your operation or what you trying to do. We want to work with you but we know this will never stop 100% but we hope to abate that.

A lady from the audience with Mr. Smith told council that he is 70 years old and he needs help. He moves the furniture himself and labor is what they need help with. Mr. Smith agreed to meet with Mr. Furmanchik to fill out the permit and move forward from there.

## **Correspondence**

1. PA Municipal Code Alliance Monthly Report, for September.
2. Property Maintenance Officer, Anson Blooms Report.

3. A Windber Home Decoration Event that will be sponsored by the Community Foundation for the Alleghenies and the citizens of Windber. It will take place this holiday season. Families can apply by calling the borough office at 814-467-9014. The Borough of Windber, Paint Township, Paint Borough, Ogle Township and Scalp Level Borough will be judged on the appearance of their homes. There will be cash prizes for the top ten most outstanding displays. Judging will take place December 14 and 15, 2018.

**Approval Payroll** A motion was made by Mr. Holden and seconded by Mr. Spinos to approve payroll for October 26, 2018. One absent Mr. Pallo, motion carried.

**Approval Of Bills** A motion was made by Mr. Mash and seconded by Mr. Holden to approve the bills for October 2018. One absent, Mr. Pallo, motion carried.

**Approval General Fund Budget** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the General Fund budget for the Year 2019 in the amount of \$1,687,909.84. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Ledney, yes and Mr. Pallo, absent. Motion carried.

**Approval Sewer Fund Budget** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the Sewer Fund budget for the Year 2019 in the amount of \$217,775.00. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, absent. Motion carried.

**Approval Liquid Fuels Fund Budget** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Liquid Fuels Fund budget in the amount of \$131,453.70. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; and Mr. Pallo, absent. Motion carried.

**Approval Ordinance 2019 taxes** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve Ordinance No. 2018-2 levying a tax of 17.92 mills for the Year 2019. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; and Mr. Pallo, absent. Motion carried.

**Ratification Phone Vote** A motion was made by Mr. Spinos and seconded by Mr. Mash to ratify the phone vote on October 26, 2018 to purchase a salt machine to be paid from Liquid Fuels Fund in the amount of \$4,950 less the trade-in of \$1,500. Total cost \$3,450. One absent, Mr. Pallo, motion carried.

**Landscaping 12<sup>th</sup> St. Exit** Mr. Furmanchik said in July or August we received a quote from DiLoreto Landscaping to construct a flower box beneath the “Welcome to Windber” Dog Run sign at the 12<sup>th</sup> Street Exit. Initially DiLoreto Landscaping said the amount would be \$1,315.00. Council agreed to pay that amount. There is now an adjusted figure on that because it had to be made a little bit bigger in order to look square. The new total is \$1,513.00.

A motion was made by Mr. Mash and seconded by Mr. Holden to pay DiLoreto Landscaping the adjusted amount of \$1,513.00 for the work done at the 12<sup>th</sup> Street Exit. Invoice to be paid from the Capital Improvement Fund.

Roll call vote: Mr. Mash, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.

**Cash Bal./  
Treasurer  
Report**

There were no questions at this time.

**Council  
Liaison  
Reports**

There were no reports at this time.

**Mayor's  
Report**

Mayor Thomas said he will be representing the borough in the Walk Works Initiative sanctioned by the University of Pittsburgh Center for Public Health. Additional information will be provided as he receives it.

Mayor Thomas said he also participated in the Veteran's Day Celebration. He will also be attending the final orientation meeting on November 20<sup>th</sup> regarding the CISM Teams that were trained in September. Teams will be available county wide for any critical incident that may occur. He will give an update in December.

**Manager's  
Report**

**Police Department Lease Agreement** - The document has been signed and is in effect until December 31, 2023.

**Grant Opportunities** - I am working with Aspire for the next round of Small Water and Sewer Grants and am seeking council's permission to apply for the next round of the Flood Mitigation Grant employing EADS as the grant writer. There were issues with Patrick Meese in the past and the quote that he gave me for resubmission was the same as his initial invoice amount of \$2,471. EADS would resubmit at a much lower dollar amount

A motion was made by Mr. Spinos and seconded by Mr. Holden to move forward with the EADS Group on the next round of Small Water and Sewer Grants. One absent, Mr. Pallo, motion carried.

Also.....A meeting with Representative Metzgar and Senator Stefano has been arranged for December 10<sup>th</sup> to lobby on the Borough's behalf to use their influence for facilitating the grant process regarding Flood Mitigation funding.

**Pickleball League** - The American Legion has made a \$200 donation to subsidize the purchase of nets for the pickleball courts. The Recreation Director will work with the interested parties to reconfigure the tennis courts next spring.

**Levee** - Our annual Flood Control Project inspection, from DEP, again yielded an unsatisfactory rating. Hopefully our next submission for Flood Mitigation Grant funding will be successful and we can move toward the best interest of our citizens.

**1815 Graham Avenue** - This property was inspected by Anson and myself in early September and was condemned that day. Once again, by working with the property owner, the building was demolished at no cost to the Borough

**Snow Emergency-** I have made arrangements with eight contractors and made sure their certificate of liability is on file in the Borough office. We will be ready if the unfortunate happens.

**New Salt Spreader** - As approved by a phone vote, a new salt spreader has been ordered due to mechanical issues with a currently eight-year-old piece of equipment. I expect it to be in service shortly. Again, that funding will come from Liquid Fuels.

**Public Works Early Start** -As initiated last year, Public Works will start two employees one hour early beginning November 18th. This will be on a weekly rotating basis and was proven to be effective, last winter, as it provides better service and helps control overtime costs.

**1403 & 1407 Midway Avenue** - I am waiting for the deed to 1407 to be returned with the owner's signature and Attorney Green will report on the latest status of 1403. As previously stated, I would like to see these properties go out to bid, for demolition, as soon as possible.

**769 Railroad Street** - I will have complete information for you at the meeting. The judge ruled in favor of the borough.

**State Correctional Institution Inmates** - Clearing of the Levee banks has been under way for the past two weeks and is now complete.

**Public Works Contract** - I have been approached by the Teamsters Union to begin early negotiations for the contract, which is slated to expire at the end of December 2019.

**Paving 2019** - I have assembled a list of priorities for paving. I will discuss this with the new Manager and offer instruction on how to proceed, next spring.

**Welcome to Windber Sign** - The third matching welcome sign, donated by BCL Manufacturing, is under construction and will be ready to install in the spring.

**Walk-Works** - Through my involvement with the Southern Alleghenies Planning and Development Commission, we have applied for consideration to be part of the Walk-Works initiative. Sanctioned by the University of Pittsburgh Center for Public Health, the objective is to promote walking for health and well-being. There were many applicants and Windber and Mount Union were the only new recipients to the program. The Borough will benefit with signage that Windber is part of the Pitt initiative along with formal positive press releases and helping steer our residents to a healthy lifestyle. I have spoken with the Recreation Director, the Windber Medical Center and Mayor Thomas about working together to make this all happen. Mayor Thomas has agreed to take the lead, on behalf of Borough Administration. Preliminaries will begin shortly with the formal start up slated for spring.

**New Police Cruiser.** The issue with the new Explorer is if you didn't have a 2019 ordered by September you basically have to wait and order a 2020. They will be taking those orders now and the 2020's will not be on the ground until the summer of 2019. There will be a \$4,000 to \$5,000 price increase on those. He spoke to four Co-Star dealers and only one has access to a

vehicle similar to the two Explorers we have now. The specs were sent to them and it has all the options we have now and one extra option that we do not have now which cost \$157. The vehicle is on site now and the Co-Stars price on that vehicle at Tri Star is \$29,545.

Mr. Furmanchik said in the past we were able to purchase vehicles from a local dealership and they let us pay them the first of the year. He proposed to Tri-Star if they would consider sending it for up fit to Team Force and still keep that title to the vehicle in their name and by the time it is up fitted it will be the end of the year. We can then bring it back and do the paperwork, have the doors painted, and lettered then it's ours.

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the purchase of an Explorer for the police department from Tri-Star at cost of \$29,545. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, absent. Motion carried.

**Solicitor's Report** There was no report at this time.

**Approval CDBG Agreement & Res.** A motion was made by Mr. Spinos 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 authorize the resolution for 2018 Entitlement CDBG applications to be submitted by the Redevelopment Authority of Somerset County. One absent, Mr. Pallo. Motion carried.

**Approval Officer** Mr. Furmanchik said his concerns are to decrease spending because it is the end of the year. Chief Frear said he could put that person on line until the beginning of the year at zero dollars. That individual has agreed to pay for his psychological test which is around \$200 and then once we turn into the new budget year we can reimburse him for that. Chief Frear believes we are in the position to outfit him with the uniforms we have now. Chief Frear said this is all pending that this officer passes the physical and psychological test.

A motion was made by Mr. Holden and seconded by Mr. LaMonaca to place this officer (James Meilus) on the roster pending passage of the physical and psychological exams.

Council convened to an executive session for personnel matters at 8:30 p.m.

Council reconvened from an executive session at 9:25 p.m.

**Next Meeting** The next Council meeting will be December 11, 2018 at 7:00 p.m.

**Adjourn** Motion to adjourn the meeting by Mr. Holden and seconded by Ron Mash. One absent, Mr. Pallo. Motion carried. Meeting adjourned at 9:30 p.m.

Respectfully Submitted By:

Robin S. Gates  
Financial Secretary