

## **Borough Council Regular Meeting September 11, 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, Pete LaMonaca, Douglas Ledney, Joe Pallo, and James Spinos. Jim Furmanchik, Borough Manager and Attorney, Joseph Green were present. Mr. Holden and Mr. Mash were not present at the opening of the meeting.

**Approval Minutes** A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the Minutes of August 14, 2018 meeting. Two absent, Mr. Holden and Mr. Mash. Motion carried.

**Recognition of Visitors** Mike Thomas introduced himself to council. He said he would like to be considered as the person to fill the vacant mayor's position.

**Mike Thomas** Mr. Thomas said he is a lifelong resident of Windber. He recently retired and he feels it is time for him to give back to the community. He has years of experience in fields closely related to the position. He was the Manager of Security at Conemaugh Memorial Medical Center for 21 years, overseeing a staff of 25 officers. He was also a patrolman for the Windber Borough Police Department for 16 years.

Mr. Thomas said he has kept current his certification necessary to keep a current status as a police officer. He has an Associate's Degree from Penn Highlands Community College in Criminal Justice and he is an FBI Certified Police Negotiator with the Cambria County Cert Team. He has many, many more certifications from training courses too numerous to mention. Mr. Thomas said he was also a former business owner a long time ago.

Mr. Thomas assured council that if chosen he would work with council for the betterment of the borough. He said he has no political agenda. He has lived here all of his life and would like to give back. Council thanked him.

**Tina Wendell** Tina Wendell said she lives at 249 Pomroys Drive. She said the alley behind her house has a lot of ruts in it due to the rain. She is asking if a load of shell could be put down in the alley. She said she knows that will not be a solution because it needs paved.

Ms. Wendell said the second reason she is here is because she is interested in the property beside her house that the borough maintains now. The property is 247 Pomroy Drive. She would like to purchase it.

Mr. Furmanchik asked Ms. Wendell to give him her telephone number and they will research the procedures for that. Ms. Wendell said she spoke to her neighbor who had purchased a piece of property from the borough and it had to be put up for bid. She said she has been waiting for some time for it to go up for bid and that has not happened. She said she would wait for an answer.

Mr. Spinos said the property was torn down with block grant monies. Mr. Furmanchik said he didn't think the borough had any intention to sell it in the past. He said with her request being made he will get in touch with her as soon as he knows exactly how that would happen.

Ms. Wendell said if she would have questions then as to whether she could put a garage on the property or what not. Mr. Furmanchik said that is the easy part we can work through that.

Mr. Furmanchik also told Ms. Wendell that the borough is not in a position to pave alleys. We spent right around \$75,000 this year for paving that was dedicated to streets. The solution he can offer to her though is part of the deal we make when we choose a contractor to pave the streets is that we can keep the millings. The millings are the perfect solution for alley repair. We put it in place and it packs down almost like asphalt. He said there is a chance we may be able to get to that this week.

**Vicki  
Confer**

Vicki Confer said she was speaking to council with a couple of different voices. One as a mom, one as a neighbor, and one as an advocate for people with handicaps and special needs. She said she brought with her tonight her son Matthew and his care giver Dennis Miller. She wanted council to see who the person is she is going to be talking about. Matthew and Dennis Miller then exited building.

Ms. Confer asked council to change their minds on their policy on handicapped parking for residential homes, where people live who have handicaps. When you get a handicapped placard you have to fill out an application from PennDot, go to a doctor and be examined. Once the doctor says you are a handicapped person you are entitled to a handicapped placard you can put in your car or have on your license.

Ms. Confer said where they live on the 1300 block of Cambria there is zero parking. This morning at 7:30 when she woke up there was zero parking on the 1400 block and zero parking on the 1300 block and one parking space on the 1200 block.

Ms. Confer said it is a problem for Matthew who just walked out of here. He is walking and she is really happy about that but there have been years where he has been in a wheel chair. What she is asking council to do is to give her a space in front of her house that is their space. She wants to do things the right way.

Ms. Confer said her street where she lives is terrible. She sometimes has to let Matt out on the street to walk to the house and she has to drive around and look for a place to park. That is not good for him. He is intellectually disabled. He doesn't know what to do when she leaves him off. It is not a good thing, his hips are very bad and he has deformed feet. When we park far away we have to walk on the sidewalks; which some are brick some are dirt, some are all broken up, and some people actually park on the sidewalk. Families have at least one car and most two and some even have three or four that have teenagers. She said it was suggested that she put a driveway in the back yard coming up from the alley but she gets up in the morning and there are people parked there. So she still needs that sign.

Ms. Confer said the step from Metzgar's Office was to come here and ask council to reconsider the idea. Each person is on their own when requesting something like this. Not every person who comes along needs it. A lot of handicapped people use med van or they live on a street that has parking on both sides.

Ms. Confer said she can deal with it but Matt cannot deal with it. Matt walked out of here but he can't walk very far or very well or walk on broken sidewalks. He cannot handle it physically or cope with it mentally. When she has to drop him off in front of the house and drive around and look for a spot he is freaking out.

She read two letters of support one from Sue Graham who is a support coordinator for Matthew. She agreed that it is important for them to have a handicapped parking spot for Matthew for his safety. Matthew has been diagnosed with intellectual disability Down syndrome and other disabilities and it is noted that Matt can become easily confused and because of his diagnosis it is best for Matt to have some structure. She understands he already has the handicapped placard for the car and it would be advantageous to have a handicapped parking space.

An ISP State Report of Matthew's condition read Matthew has limited stranger awareness. He does not have the ability of knowing what someone is giving him or saying to him is okay. So Ms. Confer said she gets nervous when she has to leave him and find a place to park.

Ms. Confer said it does not cost very much to do this and asked Council to change their policy. Mr. Furmanchik asked Ms. Confer if she would be okay if council tabled the decision and discuss it at a later date without making a hasty decision. Ms. Confer said it's pretty clear but if that's what council needs to do what does she have to say to that. Mr. Furmanchik said he understands her position but it is also a condition of past practice and requires a bit of a discussion.

Council thanked her and Mr. Furmanchik will be contacting her.

**Mark  
Portante**

Mr. Portante said he applied for the opening of the Mayor's position. He ran unsuccessfully for Mayor in the last election so he decided to apply now for the empty position.

Mr. Portante said he is a Republican. He has been volunteering in Windber for many years. He has been working with the Museum and with WAVE. He did volunteer work with the Dog Run and the Centennial Celebration.

Mr. Portante said he belonged to a lot of the clubs and bars in town at one time and he actually got the Abruzzi Club to start making sausage way back then and they are still doing the sausage. With council's approve in 2001 he started the decorating at Recreation Park for Christmas when council decided the borough would not decorate there anymore. They did that for about seven years. They collected donations from local organizations to do it. He said when his health started to go bad back in 2007 it basically fell apart.

Mr. Portante said he graduated from Windber High School and he went to the army and spent three years in the NATO Forces. He was in the Pennsylvania National Guard during the "77" Flood and did snow duty in Erie.

Mr. Portante said he is a trained Classic Clown. He has done face painting, skits, and balloon animals and participated in parades. He said he also helped bring the wagon train in around the Year 2000 and he volunteered to clean up the horse droppings.

Mr. Portante said he is in the Guinness Book of World Records for building the planchette that goes on an Ouija board for Blair Murphy. He said Eddie Munster then came to town and that is why he supports Blair Murphy for bringing people to our town.

Mr. Portante said working with the police chief on the budget is the most important thing. He said he would not interfere with the police at all. The chief knows his job as well as the officers. They just deserve the money and support from council. Mr. Portante thanked council for considering him for the position of mayor.

**Charles Wright**

Mr. Wright said he submitted a letter of interest for mayor and sent it in. He said he put on there some of the experience he has in management. He has run his own business for the past 15 years. He said after hearing from these other gentlemen it sounds like they have a lot of more experience than he does. He is not a very political person. Mr. Spinos thanked Mr. Wright for submitting his letter of interest.

**Correspondence**

1. Minutes of the Windber Municipal Authority's July 17, 2018 Meetings.
2. Codes Enforcement Officer's Report.
3. Windber Area Authority's Minutes of the June 13 and July 11, 2018 Meetings.
4. Somerset County Redevelopment Authority Minutes from Public Hearing on August 14, 2018.

**Approval Payroll**

A motion was made by Mr. Mash and seconded by Mr. Spinos to approve payroll for August 17 and 31, 2018. Motion carried.

**Approval Payroll**

A motion was made by Mr. Spinos and seconded by Mr. Mash to approve August 2018 bills. Motion carried.

**Cash Bal./ Treasurer Report**

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

**Council Liaison Reports**

**LaMonaca/ Library**

Mr. LaMonaca said they are having a hard time at the library and they are sending out letters for donations. Their next meeting is on the 19<sup>th</sup> of September.

Mr. Bryan said he had made a request to Melissa Hause, the Director of the Windber Library and he was interested in the statistics they had as far as the members who carried cards and are active at the library. She had provided him information. The library serves about 20 communities. 57.7% of the members who have an active card are from the Windber Community. He then passed out the additional information to council.

**Ledney/ School**

Mr. Ledney said in October the art students are going to be making signs to put in local businesses basically to support the library.

Mr. Furmanchik said he spoke with a Windber native Joan Wisnosky. He said her father operated the Windber Snack Bar back in the day.

She is now a professor in the state of Maryland. He introduced Mrs. Wisnosky and Melissa Hause via email and she has a nice idea that was successful in raising funds in the state of Maryland so those two are communicating and in some point and time Melissa will employ Mrs. Wisnosky's idea.

**Mayor's  
Report**

There were no questions at this time.

**Manager's  
Report**

Police Department Lease Agreement - Mr. Beahr has a copy of the new lease agreement in his possession, with a \$135/month increase, for review and signature.

Grant Opportunities- Again the CFA and DCED grant determination dates are the end of September.

769 Railroad Street and 1407 Midway Avenue - Updates on these issues will be included in the solicitor's report.

Full Time Codes Officer Position- As promised, we have already begun to receive the \$1,500/month to subsidize healthcare and assist in wages for this initiative.

School Resource Officer- Our newest officer Vincent Mock has started in this position and is doing well.

Borough Administrative Office Interior Lighting - The installation of the LED lighting is complete and will prove to be a future financial savings.

1403 Midway Avenue - I will be attending the tax sale for this property on September 25 and will follow the guidelines, as approved by Council at our August meeting.

Hotel Initiative -The press release took place took place on August 21<sup>st</sup>. Contacts have been made with potential investors and there has already been interest. The WAEDC will continue to move forward with this project.

Pickle ball League -There has been interest in this popular recreational activity. The league play would take place at the tennis courts on 17th St. (near the Quemahoning Tower) and the Community Building. To keep communication in the forefront, I have asked those interested in forming a league and the recreation director to attend our October meeting and discuss the future opportunities with Council.

Levee - In our ongoing effort to gain acceptance back into the SWIF, I conducted a site visit with EADS on September 5<sup>th</sup> to move forward with the decommissioning of Pipe #19. Public works will handle excavation and a contractor will pump the grout into 45' of 48" pipe.

Yearly flood Control Project inspection - I have scheduled the inspection to take place on October 4<sup>th</sup>. In attendance will be representatives from DEP, EADS, myself and our Public Works foreman.

Train Derailment - Railroad tie and rail replacement have been completed and train operation is back to 100%. Some crossing repair and cosmetics will take place soon.

Mr. Furmanchik said he prepared a thank you letter recognizing them for their work during the train derailment to the fire department that will be read at their next meeting. The borough clerk posted a thank you to them as well on the borough website.

Congressional Medal of Honor Testimonial - Being that Windber resident Sergeant John Chapman has been posthumously awarded this honor, the office of Congressman Keith Rothfus has contacted me. They are looking for approval to name the Windber Post Office in Sergeant Chapman's honor, with Council's approval. Please let me know your thoughts at our meeting. Discussion took place and will continue once more information is received.

## **Solicitor's Report**

1403 Midway – He will be doing the title search Thursday or Friday of this week.

1407 Midway – He did a title search on it and found an open mortgage on it from 1982 or 1988 and it was foreclosed on and nothing happened as of record or that he could read on the computer so he went to the microfilm department and was able to print off the entire record. It was a Cenwest Bank mortgage. He spoke to the attorney who represents First Commonwealth/Cenwest and discussed briefly with him what was going on and he said he didn't think the bank had much of an interest in it.

Attorney Green sent him a letter and requested in the letter with the bank, to either give us a Quick Claim Deed which would be the cheapest way of clearing that cloud on that title or would they not oppose an Action to Quiet Title which would be more expensive. A Quick Claim Deed is approximately \$300 to \$400. An Action to Quiet Title is about \$2,000. He said he will let us know as soon as we hear back from the Attorney. He said once we get this property we will fix this cloud covering it.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to allow Attorney Green to proceed with his suggestions for the property. Remarks; Mr. Furmanchik said 1407 is the property we already have the signed sales agreement on for \$1. Motion carried.

Albright Property – Attorney Green said Mrs. Albright appealed the Somerset County Courts decision to the Superior Court and then she took the extra added step of filing for bankruptcy. The filing of bankruptcy puts everything on hold. The bankruptcy attorney questioned her power of attorney as to what they are going to do with the property now that it is condemned and the answer was; I don't know; I'm not the bankruptcy attorney. Attorney Green said he has no clue what is going to happen.

Chippie – Attorney Green said they had a junk ordinance violation and he appealed that to Somerset County Court and he was found in violation. Chippie has appealed the violation to Superior Court.

Attorney Green said in the coming weeks he has to write a brief to the Superior Court. He believes he convinced opposing council that they do not have to go to Pittsburgh to argue it. We will just submit our briefs and be done with it.

Maffeo – Attorney Green said he was in Motions Court last week where their attorney was asked to reopen the record and to have a De Novo Hearing before the Court of Common Pleas. He argued that we have a 125 page transcript of those proceedings and he had more

than enough time to get whatever witnesses he wanted or had. That hearing was also continued one time so he had an extra month to do that. Most all of his questions of the judge that day were addressed in the transcript. Judge Rullo did not have a chance to read the transcript at Motions Court. He left us with several dates in October and will read the transcript and make a decision whether he will reopen for the De Novo Hearing or whether he will have them do argument on the merits of the case and be done.

Council convened to an executive session for personnel matters at 8:20 p.m.

Council reconvened from an executive session at 8: 50 p.m.

**Appoint Mayor** A motion was made by Mr. Mash and seconded by Mr. Pallo to appoint Mike Thomas to the position of Mayor. Roll call vote: Mr. Mash, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; and Mr. Spinos, yes. Motion carried.

Mrs. Gates being a Notary Public swore Mr. Thomas into the position as Mayor and the newly elected Mayor Thomas took his seat with council.

**Resignation Officer** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the resignation of Shane Dunn from the Windber Borough Police Department effective September 7, 2018. Motion carried.

**Ratify Approval Officer** A motion was made by Mr. Bryan and seconded by Mr. Holden to ratify the vote August 29, 2018 for Robert Tyler Hayes to be placed on the Windber Borough Police Department roster as a part time officer at a starting wage of \$15.50 as per the union contract. Motion carried.

**Next Meeting** Next meeting will be October 9, 2018 at 7:00 p.m.

**Adjourn** Meeting was adjourned by Council President, Mike Bryan at 8:15 p.m.

Respectfully Submitted By:

Robin S. Gates  
Financial Secretary