

Borough Council Regular Meeting January 8, 2019

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, Doug Ledney, Ron Mash, Joe Pallo, and James Spinos. Jim Furmanchik, Borough Manager, Mayor Mike Thomas and Attorney Joseph Green were present.

Approval Minutes A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the Minutes of December 11, 2018. Motion carried.

Visitors There were no visitors at this time.

Correspondence

1. Minutes of the Windber Municipal Authority's November 20, 2018 Meeting.
2. Windber Area Authority's Minutes of the November 14, 2018 Meeting.
3. PA Municipal Code Alliance Report.
4. Windber Public Library Treasurer's Report for 2018.
5. Codes Enforcement Officer's Report.
6. Dog Officer's Report.

Approval Payroll A motion was made by Mr. Spinos and seconded by Mr. Mash to approve payroll for December 21, 2018 and January 4, 2019. Motion carried.

Approval Bills A motion was made by Mr. Spinos and seconded by Mr. Mash to approve bills for December 2018. Motion carried.

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

Council Liaison Reports

Hall of Fame Mr. Holden said the Hall of Fame awards ceremony is scheduled for April 13th. He asked if the borough had been contacted for a donation. Mr. Furmanchik said no. Mr. Holden said there are 15 inductees. He believes they have all been contacted. Mr. Bryan asked where the ceremony was going to be held? Mr. Holden said the American Legion.

Mr. Holden said the next induction after this year's will be held in conjunction with the 125th Anniversary.

Mayor's Report

Mayor Thomas said Walks Work is progressing. Tuesday is the next meeting in which they will discuss signage and brochures.

Mayor Thomas said he participated in Christmas for Kids, which was a success.

Mayor Thomas said the County Incident Stress Management Teams are now up and running. If anyone is involved in an incident and needs psychological counseling for themselves or employees they are available. A mental health professional goes along with each team.

Mayor Thomas said he is still working hard to get the income surveys completed on 17th Street for a sidewalk project.

Manager's Report

1403 & 1407 Midway Avenue - Both properties are now in our name and currently no taxes are owed in accordance with the Somerset County Tax Claim Bureau. We can now move forward with the demolition process. Anson and I have prepared documentation to support the demolitions and presented our information to the Somerset County Redevelopment Authority. An inspector from the redevelopment authority will examine these properties at the beginning of January and the bidding process will follow. I am hoping to see the project begin by early 2019.

Fire Department Training -The Windber Fire Department has approached me about using 1403 &1407 Midway Avenue for developmental training. I checked with our insurance carrier to see if it was allowable, through our coverage, and it was approved for use. I have also notified the fire department that a certificate of liability is required, from their organization, before training begins.

Borough Garage Roof- The Borough Garage was constructed in the year 2000 and recently has developed a slight leak. As a form of preventive maintenance, council may want to consider having the roof replaced sooner than later, possibly when construction season arrives.

Maddy Construction	Shingle Roof Timberline Shingles \$12,000 and/or Owens Corning \$13,400	
Keystone Roofing	Shingle Roof Owens Corning Shingles \$14,000	Metal Roof \$12,250
Guy Roofing	Shingle Roof Timberline Shingles \$8,440	

A motion was made by Mr. Holden and seconded by Mr. Spinosa to approve the estimate from Guy Roofing in the amount of \$8,440 to complete the refurbishment of the public works shed roof. Cost to be paid from the Capital Improvement Fund. Roll call vote: Mr. Holden, yes; Mr. Spinosa, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; and Mr. Pallo, yes. Motion carried.

769 Railroad Street- The situation is ongoing, while waiting for court scheduling

Full Time Codes Officer- As approved by council, Anson will begin his position January. He has again been made aware of expectations and reviews at six months and one year. I am sure this will serve as huge benefit to the Borough.

Rental Property Ordinance – This involves the licensing of rental property owners and be followed up by for Tenant Registration. Solicitor Green has prepared the Rental Property Ordinance. In addressing the fee structure it will be \$50 for up to four rental property units and \$50 for every four additional units after.

Solicitor Green said in regards to fines he said if you're not a resident of Somerset County or a contiguous county you must name a registered agent. Someone we can call if there is a problem and something needs addressed. This will address property issues in a timely manner.

Solicitor Green reviewed parts of the ordinance with council. Section Five – Failing to Register – Once Mr. Bloom notifies the landlord they have to register the unit they have 30 days to comply. If they fail to comply in the first 30 days it is a \$100 fine. If they fail to comply in the next 30 days it is a \$250 fine and if they fail to comply in the next 30 days it is a \$500 fine. A total of \$850 can be fined to them per calendar year.

Solicitor Green said if someone should change ownership then it has to be reregistered. If someone inherits it, it has to be reregistered. The codes enforcement officer will have to keep all those records. If someone calls and asks if a property is registered we are allowed to say yes or no.

Section VII Retaliatory Eviction Prohibited. If a tenant would call and say hey I have had no heat for the last three months and the landlord retaliates against that tenant then we can go to court of law.

Solicitor Green asked council when they want this to start and if they want it to be \$50 per four units and \$50 for every four units after that? He said the ordinance includes definitions and there are some exceptions from residential rental unit such as travel trailers, recreational vehicles, transient occupancy such as a hotel, motel or other similar lodging, a group home or federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal or local housing authority.

Mr. Furmanchik said they would want to start as soon as they can get the ordinance advertised and approved. The driver behind this is to give us some teeth with regards to our fight against blight and number two; our tenant registration will aid in the vast amount of tax dollars we are losing. Solicitor Green said tenant registrations would be the same and carry a fine if they do not register.

Mr. Spinos said there are a lot of residents in the borough that are not paying their per capita tax and this is one of the reasons we had to raise taxes because there are residents that do not pay their taxes and it is not fair to those who abide by the laws and pay theirs. Mr. Holden agreed.

Mr. Spinos asked if we should do the landlord registrations and tenant registration ordinances at the same time. Council agreed to do both at the same time.

A motion was made by Mr. Spinos and seconded by Mr. Holden to advertise the Rental Ordinance and Tenant Ordinance to be approved at the February meeting. Motion carried.

Financial Secretary Title Change - The Teamster's union is agreeable with changing Robin's title to "*administrative assistant*". A letter of memorandum is being prepared. This needs to be done because her title appears as "*financial secretary*" in the contract. The change will need to be approved by motion at our January 8th meeting.

A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve the Memorandum of Agreement with Local Union No. 110 reclassifying the position of Financial Secretary for Robin Gates to Administrative Assistant. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, no; Mr. Ledney, no; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.

Contract Negotiations -As previously discussed, we will address the public works employees' contract early. I still expect a proposal in the middle of January and hopefully we can start negotiations by the end of that same month.

Christmas Street Lights. - Mr. Furmanchik said a couple of years ago Dan Hiteshew brought up the condition of the old street lights and had asked council to offset the cost of those lights minus the donation amount raised to replace them. Dan was able to raise all the money to replace two of the bad street light decoration with no cost to the borough.

Mr. Hiteshew said the poinsettia and candle street decorations we currently use now are our oldest ones. When it rains the lights on these decorations are continuously going out because the water is getting into the old wiring and GFI connections. The options are either to replace all the wiring or replace the old decorations.

Mr. Hiteshew contacted Releighs Outdoor Lighting our dealer for outside decorations and lights. Dan would like to replace the poinsettias and candle street decorations with a new candle and a light of presents (photo given to council). The cost is \$5,688 and with shipping it would come somewhere around \$6,200 to \$6,300. All lights in these decorations are LEDs. The order would have to be made by the middle of February to take advantage of the sale price. We would have until July or August to pay the bill.

Mr. Hiteshew said two years ago we were able to replace the street decorations by fundraising and the borough's commitment to pay the balance after fundraising from the borough's capital improvement fund. All decorations were fully paid for and the borough did not have to pay anything after the fundraiser.

Mr. Hiteshew is asking council for the same commitment as before and he would then begin fundraising immediately for the new decorations.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to commit to pay the balance not raised through fundraising for new street decorations 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.

Intercom System - Mr. Furmanchik said he was able to get an intercom system basically for free with a \$75 installation fee. This will be used during the meetings once Mr. Furmanchik moves to Ohio.

Police Cruiser – Mr. Furmanchik said the situation with the wrecked police cruiser is that it was totaled. There was \$8,400 damage to the vehicle. They rate the value of the vehicle to be \$11,610.50. Originally his thoughts were to buy the vehicle back for \$1,643. That would bring us to \$9,967.50. He asked Jerley Auto Body to put the car on the rack and give him an estimate for repair. Their estimate was \$6,268.91. That would leave us with a balance of \$3,698.59. When he talked to Jerley's today, they told him that Stoystown Auto Wreckers has a front clip from a Taurus and this would save an additional \$1,500 which would bring us to a balance of \$5,198.59. All works out pretty well.

Mr. Furmanchik said our new police vehicle is at the body shop now having the doors painted white. We are supposed to have the vehicle back Friday morning to go to Team Force to be outfitted.

We are not in a position to buy a second new vehicle. Mr. Furmanchik talked to Chief Frear about our options along with Mrs. Gates. There is no way we can purchase another vehicle. Mr. Furmanchik said he is also against buying something that he can't touch or see.

This would have been a nice alternative, to buy back the wrecked vehicle but when you buy it back after it is totaled it is branded an R Title. Mr. Furmanchik said he has had R Titles before and has not had a problem with them. He didn't see anything wrong with them because after they are branded R Title they go through an enhanced state inspection. Chief Frear said that is not an acceptable method of transportation in the police business so now we have to back pedal and readjust

Mr. Furmanchik said a few meetings ago we approved the sale of our 2014 Taurus, which was going to be replaced by the new police vehicle. We were going to sell it to the school. He met with the school superintendent today and told him about the situation we are now in with the wrecked 2015 cruiser. The Superintendent said he was not concerned with the car having an R Title. They talked about selling them the 2015.

Mr. Furmanchik said we would have the vehicle repaired and sell it to them for \$4,500 and we would keep the 2014 and drive it for two years. The next scheduled replacement for the 2014 would then be in two years. Both vehicles have almost identical mileage on them. It would help them out by a savings of \$500 and it would put us in a situation where we would still have a car acceptable for use for police patrol. Monies left over would be put aside and earmarked for a new cruiser in 2021. The superintendent is going to take this to the school board at their meeting tonight.

After council discussion a motion was made by Mr. Spinos and seconded by Mr. LaMonaca to purchase the wrecked 2015 cruiser back from the insurance company and have it repaired and sell it to the school district for \$4,500 pending the approval by the school board. Motion carried.

Police Chief Frear said we have suspended Thomas Amoco from towing for now due to some legality. We will update at the next meeting. We do have another towing provider filling in his route at this time.

Solicitor's Report **Maffeo** – Commonwealth Court will be scheduling a briefing schedule in the next 60 to 90 days. He is going to attempt to speak to their attorney and see if he thinks we should just submit these on briefs if not he will ask if a telephone argument can be done. He does not want to have to charge the borough by going to Harrisburg.

Chippie – Solicitor Green has not heard anything. A panel of the Superior Court reviewed briefs on December 31, 2018. He should get an opinion in 15 days.

Approval Officer A motion was made by Mr. Spinos and seconded by Mr. Ledney to place Dan Schrader on the police department roster in a 32 to 39 hour position. Roll call vote: Mr. Spinos, yes; Mr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.

Next Meeting Next meeting will be February 12, 2019 at 7 p.m.

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

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant