

Borough Council Regular Meeting February 23, 2016

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

Pledge of Allegiance.

The following Council Members were present: John Holden, Jason Hunter, Barry Jerley, Pete LaMonaca, Ron Mash, Sonya Pekala, and James Spinos. Fred Oliveros, Borough Manager, Solicitor, Jeffrey Berkey and Mayor Scott Penrod were also present.

Approval of Minutes A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the Minutes of the February 9, 2016 meeting. Motion carried.

Correspondence

1. Minutes from the Windber Area Authority's January 13, 2016 Meeting.
2. Minutes from the Windber Municipal Authority's Meeting on February 2, 2016.

Approval of payroll A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve payroll for February 5 and 9, 2016. Motion carried.

Council convened to an executive session for purposes concerning possible litigation at 7:05 p.m.

Council reconvened from executive session at 8:00 p.m.

Discussion Police Cruiser Mr. Hunter said he received bids from Tri-Star. The first bid is for a Charger, all-wheel drive, white at \$26,467 and the Ford Interceptor SUV, four door, all-wheel drive is \$27,255. He said he also spoke with Stuckey Ford which they would rather you build your own car and then gives you a quote and he did not think council wanted to do that.

Mr. Hunter said Stuckey Ford said Ford has a program where you can lease a car, unlimited miles for four years, one payment a year, and you buy it back for a dollar at the end of the lease. He explained to Mr. Holden it was four years of paying instead of putting the money up front. Mr. Holden said the annual payment was roughly \$8,000 so you're paying \$32,000 over four years instead of paying \$26,000/\$27,000 up front. Mr. Hunter said he did not call Laurel Ford.

Mr. Spinos asked Mr. Hunter if his quotes included tags, fees, and everything. Mr. Hunter said yes. Mr. Spinos said his price from Laurel Ford with fees and everything is \$25,754 for a 2016. It is like \$400 more than what we paid for the 2015. It is just like the 2015, all wheel drive and everything but it will take eight weeks to get it.

Mr. Holden asked Chief Skiles what he found out about the transmission for his car. Chief Skiles said the transmission has an issue but it would not throw a code when he took it to JATS. They said it has some pressure issues with the convertor and there is something going on inside the transmission. He said truthfully he would not do anything until it decides it is going to break.

Mr. Spinos said after JATS changed the fluids Chief Skiles said it was running better. Chief Skiles said it was but it started acting up again this morning, not like it was but a little bit. He said if we have to wait six or eight weeks for a car that is fine because he has been driving for a year like it is now.

**Police
Cruiser**

Mr. Spinos said he spoke to Chief Skiles and they want to get rid of the old tan car and we are going to put the blue car into service to transport back and forth to Somerset. As far as that transmission goes it can last 10 years until we get rid of the car.

Mr. Spinos said right now we have \$25,000 in CD's; we can use the light bar off the blue car which is \$2,500. We need to sit down with Team Force and see what can be used off the tan car for this new one. We could save some additional money. The blue car would still be a car we can use every day if we have to. The only thing missing off it will be the light bar. It still has all the other lights on it.

Mr. Jerley asked council if for \$1,500 more should we go with an SUV. Mrs. Pekala said she thought we said before we should have one. Mr. Jerley asked Chief Skiles what he thought. Chief Skiles said there are pros and cons with both vehicles. They are both all wheel drive, so as far as the way they are going to get around is good. The advantage to an SUV is you have a little more room for gear and for transport purposes. The transport part of cruisers are very difficult. If you have a situation where you have to put a big person in there you have an issue. As far as gas mileage, and performance they are virtually the same.

Mr. Jerley asked Chief Skiles if there has ever been an issue where you need an SUV for height clearance or somewhere you can't take a car. Chief Skiles said if you take the issue they have in Scalp Level Borough back by the old railroad tracks, where the old mine was, in areas like that, you could use an SUV. He said for road purposes these cars have done fantastic, even in the bad weather we have had.

Mrs. Pekala said we have talked about purchasing an SUV in the past and it is not that much of a difference in price, we should purchase it. Mr. Spinos said he did not get a price on an SUV because we said we did not want one. Mr. Hunter said with an SUV you have to put a second cage in. Chief Skiles said you could put a cage unit in the back portion and not necessarily a plexi glass unit. All you are trying to do is to protect anything stored back there from flying up front.

Mr. Jerley said we can have Mr. Spinos get a price on an SUV from Laurel. Mr. Holden asked if that was a Co-Star price. Mr. Hunter said yes. Mr. Mash asked if we lease the vehicle is it covered all the time. Mr. Hunter said no. Chief Skiles said leases are the same as the new Fords the warranty is three years or 36,000 miles but in the first year they used up those miles.

Mr. Berkey told Mr. Spinos to get a price. Mr. Spinos told council this is how it works. The state puts a price on the vehicle. The state price for this car is \$26,882. Then there is a markup they are allowed to go with. Laurel went with a markup of \$1,209 which then brought the price up to 28,091. Then in return Laurel came back and gave us a discount of \$2,600 and that is how we came up with \$25,491.

Mr. Spinos said it is hard to believe we paid \$24,009 for the first set of cars we got. Laurel is not taking much money off us because we bought a truck and a dump truck off of them and they are getting our business.

Mr. Oliveros said Laurel has been highly competitive. Mr. Spinos said they have been the best price out there so far. Mr. Spinos said he would call Laurel and get a price on an SUV then. Mr. Spinos asked if council wanted that in black also. Council said yes.

**Police
Cruiser**

Mr. Holden asked if we can do a phone vote once we get the price from Laurel. Mr. Spinos said we have \$25,000 in CD's to cover the cost of the vehicle but we still need to come up with the money to equip the vehicle. He said Chief Skiles was going to try and get some funding for this but you can only go to the well so many times before it dries up. Mr. Holden said he was more worried about the condition of the vehicles we are taking out of service and the time. Mr. Holden asked if Tri-Star has the vehicle available now. Mr. Hunter said yes, it is in stock. Mr. Holden said if Laurel can get it for us now then we do not have to wait for eight weeks. Mr. Holden said if we can get one from Laurel at the same price or lower then we owe it to ourselves to keep our business in town.

Mr. Spinos said he understands but he doesn't think we have a concern about time. Chief Skiles said no, we are no different now than we were. Mr. Spinos said the tan car is still drivable. Mr. Holden asked if we vote on this at the next meeting will we still be good. Chief Skiles said yes, we can go six or eight weeks. Mr. Spinos said he understands what Mr. Holden is saying. He said if we can do a phone vote, he wants to get it ordered as soon as possible because two weeks is still two weeks. Mr. Spinos said then we have to figure out where we are getting the rest of the money. Mrs. Pekala said she would take a look at the budget.

Mr. Spinos asked Chief Skiles to call down to Team Force tomorrow and get a price. Chief Skiles said he would get a price on everything except the light bar. Mr. Spinos asked if we can still use the light bar on the SUV. Mrs. Pekala asked how much money we think we need to come up with. Mr. Spinos said figure on \$10,000. He said he would want a camera in this vehicle too.

Mrs. Pekala asked if anyone heard about the new machine that is supposed be able to scan and read something on the license plate. Chief Skiles said it costs \$20,000. Mrs. Pekala asked with it being a new piece of equipment with the state are there any grants available for it. Chief Skiles said he got information that there will be ex-amount of money available through the state through a grant system to purchase these readers. He said we are an awful small police department for something like that. The places with the large populous of shopping malls and traffic coming in are probably who you are going to see these grants get awarded to. Mrs. Pekala asked if we can at least try. Chief Skiles said he would certainly try but what this piece of equipment is basically geared for is going through parking lots and reads vehicles. What it does is it does it automatically. Now with the \$20,000 price of the equipment there is a warranty attached for the upkeep and retention of records from it.

Chief Skiles said he thought this was a very poor decision made by the state because if a police department does not have that piece of equipment they have taken our probable cause away to pull that vehicle over. Chief Skiles said the other municipalities are already aware of it. Chief Skiles said when the state sends them the information that there is a grant available he will get it sent in.

Mrs. Pekala said we will probably have to take the money out of the Capital Improvement Fund. Mr. Spinos said we have to watch what we are spending the next couple of years.

Mrs. Gates said the budget is tight. Mrs. Pekala said yes it is. She said there is nothing in the police budget at all.

Speed

Mayor Penrod said a woman had approached him about the on ramp from Route 56 that goes up to 160. She said she has lived there her whole life and there used to be a stop light and a stop sign but there is no reduction of speed from 55 mph to 35 mph onto Route 160. He suggested we petition PennDot to do a study for the ramp and put up some signs for it because its 10 feet from her house and creates a dangerous situation because people are driving 65 mph. Council agreed.

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

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

**Borough
Manager**

Mr. Jerley said a few changes have been made to the offer of employment for Windber Borough Manager, James Furmanchik.

- 1) He will receive three week's paid vacation, 10 paid personal days, and three paid sick days and also be entitled to the 45 extended sick days with physician's certificate with full pay.
- 2) Vacation, personal and regular sick days cannot be carried over from year to year. The extended sick leave may be accumulated until he has received a maximum total of extended sick leave of 130 days.

A motion was made by Mr. Holden and seconded by Mr. Spinos to approve the above noted changes to the offer of employment for the Borough Manager, to James Furmanchik. Roll call vote: Mr. Holden, yes; Mr. Spinos, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mr. LaMonaca, yes; Mr. Mash, yes; and Mrs. Pekala, yes; Motion carried.

**Approval
Traffic
Ordinance**

A motion was made by Mr. Spinos and seconded by Mrs. Pekala to approve Ordinance No. 2016-3 amending Ordinance No. 095-4 that established traffic and parking regulations within the borough. Roll call vote: Mr. Spinos, yes; Mrs. Pekala, yes; Mr. Holden, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mr. LaMonaca, yes; and Mr. Mash, yes. Motion carried.

**Approval
Resolution
PA Dept.
Of Trans.**

Mr. Holden asked what traffic signal this resolution pertains too. Mr. Oliveros said while they are doing their traffic project to replace the medians and etc., they are going to replace the traffic signals at Route 56 and Route 160. He said any time they replace equipment a maintenance agreement has to be signed because we are in charge of the maintenance of that light.

A motion was made by Mr. Holden and seconded by Mr. Mash to approve Resolution No. 2016-2 Authorization of the Borough Manager to submit application for traffic signal approval to the PA Department of Transportation on behalf of the Borough of Windber. Motion carried.

**Appoint.
Secretary/
Treasurer**

A motion was made by Mr. Mash and seconded by Mr. LaMonaca to appoint James Furmanchik as the Borough Secretary/Treasurer, effective February 27, 2016. Motion carried.

**Resolution
Pension
Adm.**

A motion was made by Mr. Spinos and seconded by Mrs. Pekala to approve Resolution No. 2016-3 appointing James Furmanchik as the Plan Administrator for the Non-Uniform Pension Plan, effective February 27, 2016. Motion carried.

**Resolution
Pension
Adm.**

A motion was made by Mrs. Pekala and seconded by Mr. Spinos to approve Resolution No. 2016-4 appointing James Furmanchik as the Plan Administrator and a member to the Police Pension Plan Review Committee, effective February 27, 2016. Motion carried.

**Open
Records
Officer**

A motion was made by Mr. Mash and seconded by Mr. Holden to appoint James Furmanchik as the Open Records Officer, effective February 27, 2016. Motion carried.

**PennVest
Signatory**

A motion was made by Mr. Mash and seconded by Mr. LaMonaca to designate James Furmanchik as the PennVest Signatory effective February 27, 2016. Motion carried.

**Fred
Oliveros**

Mr. Oliveros said with this being his last council meeting, he will be a part of, he wanted to take the opportunity to publicly thank all of those people who have supported him throughout his tenure with the borough.

Mr. Oliveros thanked borough council for hiring him back in 2004 and in showing confidence in him to offer him the position of borough manager in February of 2010. He said their support these past years have made the job a little easier particularly during times of crisis. We have had some ups and downs but the important thing is we continued to move forward and progress.

Mr. Oliveros said he would especially like to thank his office staff for all of their daily efforts over the past 12 years. Robin has given him her unending support since the day he was first hired. Her work ethic is exceptional. She has been his right arm offering words of encouragement and support during difficult times. She is a great asset to this municipality. He thanked Robin for her years of support.

Mr. Oliveros said Cheryl and him were left to fend for themselves over the past couple of years when the former manager and administrative assistant left. She helped him get their priorities in order and to develop our way of managing this office. He thanked her for her daily cheer and words of encouragement during some of the tough days on the job. He said her work for him has been exemplary and he thanked her.

Mr. Oliveros said Dave and the public works crew are the back bone of the borough. They do not often get the credit they deserve but they do a great job. He said he was often complimented by people who do not reside in Windber about the great condition of our roads in the winter and how clean and beautiful the streets looked in the summer. Dave was his eyes out in the community and he handled anything that he asked of him in a professional and courteous manner. He thanked Dave and the crew.

Mr. Oliveros said he thanked Chief Rick Skiles for his backing from the onset of his employment with the borough. He supported him when others had issues with some of the work he was doing. He said he had a good working relationship with Rick and they were able to discuss issues constructively. He thanked Rick.

Mr. Oliveros said he has learned a great deal from Jeff Berkey about the workings of local government, especially the legal aspects. Mr. Berkey has been great to work with and always responded to issues in a timely manner. He kept him from becoming frustrated with rules and regulations at times. He thanked Mr. Berkey for his professionalism and patience with him.

Mr. Oliveros said lastly he would like to thank the many fine citizens of the borough for accepting him into their great community. He has made many fine friendships here and he will always feel like part of this community.

Mr. Oliveros said as his children were growing up they participated in many sports that he ended up coaching. He always told the kids on his team that no matter what talent God blessed you with; if you gave 100% every time on the field or court win or lose you could walk away with your head held high. He said that is how he believes and to his detractors he quotes a line from song back in 1970 by Joe South "before you abuse, criticize and accuse, walk a mile in my shoes."

Mr. Oliveros closed by wishing the best for the Borough of Windber and a bright and prosperous future. Council gave Mr. Oliveros a standing ovation. Mr. Furmanchik thanked Mr. Oliveros for being so gracious the last few days that he has spent with him and he appreciated that.

**Approve
Powers &
Duties
Manager**

Mrs. Pekala said she was submitting for signature the powers and duties of the Borough Manager. She asked Mr. Berkey if she should read the whole thing. He said to read the first paragraph.

Mrs. Pekala read the power and duties of the borough manager. The manager shall be the chief administrative officer of the borough. He will head all departments except for the police department. He shall be responsible to council for the proper administration of all the departments except police. Mrs. Pekala said the rest of it is A through N as written in the code and then for N, the borough manager shall act as borough secretary/treasurer, public works director, zoning officer, floodplain administrator, codes enforcement officer, building codes official, open records officer, fire loss ordinance administrator, chief administrative officer for non-uniform pension plan, and chief administrative officer for the uniform pension plan.

Mr. Furmanchik thanked council for having faith in him and said he will give everything he has.

A motion was made by Mr. Spinos and seconded by Mr. Hunter to accept the proposed power and duties of the borough manager. Motion carried.

Minutes

Mrs. Pekala said there is a part of the minutes of the last meeting that need amended. Under the conditions of employment for the borough manager it should say ten paid personnel days, not unpaid. Mrs. Gates so noted the revision.

Visitors

There were no visitors

**Next
Meeting**

The next council meeting will be held on March 8, 2016.

Adjourn

Meeting was adjourned by Council President, Barry Jerley at 9:05 p.m.

Respectfully Submitted By:



Robin S. Gates