

Borough Council Regular Meeting March 8, 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: Jason Hunter, Barry Jerley, Pete LaMonaca, Ron Mash, Sonya Pekala, and James Spinos. James Furmanchik, Borough Manager, Solicitor, Jeffrey Berkey and Mayor Scott Penrod were also present. Absent was John Holden.

**Matt
Scislowicz**

Mr. Scislowicz introduced himself as the new president of the Eureka Coal Heritage Foundation. He said he took over the position from Sandy Pritt who was Chairperson of the organization for 16 years.

Mr. Scislowicz said they noticed over Christmas time that the miner is not lit up and that it was never lit up or the wall. He took it to his board and proposed to them to put lighting on the miner and the wall. He said they have the funding and they put it out for bid. He said they wanted to make sure everything was okay with the borough before they proceeded further.

The proposal they received from the gentlemen was they would run two new circuits. Everything would be changed down here; they would replace the bricks and put everything back to normal. It will give us another box out here for whoever would need it.

Mr. Scislowicz said they will accept the cost and liability policy and anything else to light the miner up. It will use LED lights and be on day and night. It is low voltage. He asked if council ever saw the one in Mine 40. He said that lighting system costs them \$8 a month. He said to get the statute lit up will cost \$1,648 to complete. That includes all the wiring, the boxes, and everything else. Mr. Spinos asked him who got their bid. Mr. Scislowicz said the company is Gardner Plumbing and Electric out of Claysburg. He said he would give council a copy of the bid.

Mr. Spinos asked if they were coming off the light pole with the power. Mr. Scislowicz said no, it states on the bid where they will come off and they will be putting two new circuits on the panel here at no cost. Mr. Spinos said he does not have a problem with doing this but he would like Mr. Scislowicz to get with Dan Hiteshew before everything is finalized. The reason being is that Dan has everything set up for when he does all the Christmas lights and etc. Mr. Scislowicz said Dan Hiteshew knows all about it, he is on their board. Mr. Spinos said okay, as long as Dan is fine with it, then it is fine. Mr. Scislowicz said yes, Dan has been down here with him and they went over everything.

Mr. Scislowicz said if you remember we had a really difficult time with the plaques falling off the wall and Dan and himself went out and found this glue, called Gorilla Glue, and it works. He said the other thing that was brought up was the bricks and they don't know how to light those up unless they would put a robe light on the steps but they were worried about kids messing with a robe light. He said they did not even ask for a bid for the bricks.

Mr. Scislowicz said the bid for the wall was more expensive than the miner. It was \$1,834. He said he will give council a copy of both bids. He said they will hold a special ceremony on Friday night during Miner's weekend to light it up and have the Oyler family there because the miner is Pap Oyler.

Mrs. Pekala said she would like to see it lit up anytime there is a special occasion in town. Mr. Scislowicz said he would like to have it lit all the time like they have the one at Mine 40.

Mr. Scislowicz said what they would love to do, and talked to the school superintendent about was to put a miner out there at the new football field. We have to have recognition somehow about Windber. He said there is a pavilion down there now and they are interested in purchasing picnic tables and make that the parenting place to be. It could be an area where you can have a small party or put your food there and they would like to call it Miner's Park. He said they are still waiting to hear from the School Board.

Mr. Scislowicz said if there is something else you would like to see done please let us know. He said the Arcadia Theater they still take care of and the shows that come there are booked for the next two years and they get a good turnout.

A motion was made by Mrs. Pekala and seconded by Mr. Spinos to approve the Eureka Coal Heritage Foundation to light the "Miner's Statue" and Miner's Walls at Miner's Park. One absent, Mr. Holden, motion carried.

Approval of Minutes A motion was made by Mr. Spinos and seconded by Mrs. Pekala to approve the Minutes of the February 23, 2016 meeting. One absent, Mr. Holden. Motion carried.

Correspondence

1. Minutes and Treasurer's Report from the Windber Municipal Authority.

Approval of bills A motion was made by Mr. Spinos and seconded by Mr. Mash to approve payment of bills for February, 2016. One absent, Mr. Holden. Motion carried.

Unfinished Business Mrs. Pekala said the excess money for the police vehicle is going to have to come out of the Capital Improvement Fund because we do not know where else it would come from and that would be the easiest. She said she is hoping that we can come up with half from the General Fund Budget and half from the Police Budget to pay that back to the Capital Improvement Fund by the end of the year.

Mayor Penrod feels that if gas prices stay low they will be able to do that by the end of the year. She said she does not want to see us deplete the Capital Improvement Fund. She said they will be better able to judge at the end of the year where we can pull money from. Mr. Spinos agreed.

Mr. Furmanchik told Mr. LaMonaca, Mr. Mash and Mr. Hunter that we bought six new vehicles in the past three years. You have to have them but never before have we been in a situation like this. Mrs. Pekala said a good bit of the money was from Capital Improvement and we cannot keep taking it out of there.

Mr. Hunter asked if this new SUV police vehicle was going to be a line car. Mr. Spinos said yes.

Mayor Penrod said we want to keep the vehicle mileage spread apart because we do not want all four cars having high mileage at the same time. Mr. Hunter asked if we rotate the cars through shifts. Mayor Penrod said no, not the way we have it now. He said one car is for the SRO right now to keep the mileage low on it and we want to try and keep a good separation if possible.

**Police
SUV**

Mrs. Pekala said she would like to keep the SUV at the school with the SRO to keep the mileage down. Mayor Penrod said they only have one car nearing 100,000 miles, the second black and white has 8,000 miles and the blue car around 60,000 miles. He said there are two cars there we have to figure out. We are going to paint the SUV, so they are all black and white. Mr. Hunter said were not going to strip the door on the blue care are we? Mayor Penrod said no. That car will be available if we need it to go to court or take prisoners to Somerset.

Mrs. Pekala asked what two vehicles are used on the street. Mayor Penrod said the two black and white Fords. The old one was out today but it is still leaking transmission fluid. Mrs. Pekala said the blue car can be used in place of the other if we have trouble.

Mr. Spinosa said the police committee needs to get together and decide what all we are putting in this new SUV. He said the decision has to be made here soon so we can get a final estimate. He said he agreed with Mr. Hunter's suggestion that we do not need to put a light bar on it. We will put the interior lights on the visor, so it will light up with the visor lights and the lights in the turn signals and that will save us about \$2,500. He said Chief Skiles told him they can take the divider out of the tan car and use it, all they have to do is buy different brackets but we still have to buy another cage for the back which will be a wire cage. We are still looking at around \$9,500 because he still believes we should put a camera in. These days you need to have a camera and they cost \$5,000. Mr. Spinosa said he thinks they should get some input from the officers too because some of them came to him and made some suggestions because they are the ones who spend all their time in the cars.

**Cash Bal.
Treasurers
Report**

There were no questions on the Cash Balance or Treasurer's Report

Council Liaison Reports

**Fire dept./
Hunter**

Mr. Hunter said Engine One is out of service. That is the 1991, 1,000 gallon tanker. The motor is gone. To rebuild the motor would cost between \$20,000 and \$25,000. A crate motor is \$30,000 and the truck is valued at \$22,000. They are stripping the truck down to put it on the other one to make it the first out. They are not coming to us for money but going after different avenues and ways to come up with funding. A new truck will cost between \$425,000 and \$450,000.

Mrs. Pekala asked if there were any grants available. Mr. Hunter said they are looking at grants and looking at used trucks.

Mr. Hunter said their fundraiser schedule is as follows: March, Gun Raffle, April; Vera Bradley Bingo, May; Windber Wine in the Park, June to August Iron Horse is letting them run a concession stand out there during tournaments and July is their festival.

**Fire dept./
Hunter**

Mr. Hunter said they are doing okay financially. They are having a new heating system put in which is gas instead of oil and will save them about \$9,000 a year.

Mr. Hunter said they applied for two grants one we know about is for radios and gear. The ISO he said is important. It is the fire rating insurance. Right now we are at five and they are hoping for it to go down. It dropped in Paint Township. If it dropped in Paint Township it will drop here in the borough because we have hydrants. A four is a very good rating for a volunteer fire department and a three is unheard of. The guys at the hall are excited about a three and if they can do that, it is outstanding. This would also help homeowners with their insurance.

Mr. Hunter said they are doing well. Mrs. Pekala asked him what year the other truck is. Mr. Hunter said the ladder truck is a 2013, the tank is a 1993 it was used but is in real good shape. The second engine which is out of the first engine out is a 1995, so within five years they will have to replace two engines. Hopefully in five years the building will be paid off, because of the circumstances, they had to refinance it but they are doing well and they are holding their own.

There were no other Council Liaison Reports at this time.

Mayor's Report

Mayor Penrod said he had a meeting with the police officers today. They are happy with how the schedule has been going.

Mayor Penrod said when he went to look at the new SUV one of the officers who is also an EMT told him that none of the cars had first aid kits in them. Mayor Penrod said he was not aware of that. He said he will speak with Chief Skiles when he returns from vacation about purchasing first aid kits. He said as a first responder they should at least have a basic first aid kit. Mrs. Pekala said Sam's Club has nice ones for \$19.99.

Mr. Jerley asked Mayor Penrod if the cars all had fire extinguishers in them. Mayor Penrod said yes. Mrs. Pekala said to make sure they have a first aid kit at the police station also.

Manager's Report

Mr. Furmanchik said there were a lot of things going on right now and he would expand on that.

Old Boron Gas Station. Mr. Furmanchik said the old Boron Gas Station has some money tied up there at this point and time. The canopy is down as of today. The small office booth will be soon to follow. He talked to Chip who works for Mountain Industries and they will do the dispenser removal. The dispensers themselves, if you remember him approaching council in the past said, that Bill Bahorik would take those dispensers.

Mr. Furmanchik said the next thing after those dispensers are removed, if council is interested, is the removal of the islands that the actual pumps/dispensers sit on top of. They are the oval shaped elevated areas. The dispenser removal cost is \$4,975. If council wishes to precede with the island removal the cost is \$3,620. When he asked Chip if you had to be certified for the island removal he adamantly said no but suggested their company do it only because of the electric lines and the tubing lines for the gas tanks underground and so on and so forth.

Mr. Furmanchik said it is up to council if they want to proceed with the island area. It all depends on which way council wants to go. Do you want to utilize that area for parking or do you want to plant grass there. Mayor Penrod asked if you remove the islands will there just be a dirt surface there. Mr. Furmanchik said underneath the islands as he understands it is first, pea gravel and dirt underneath that. The advantage to letting them do it is they will check for readings while they are there. Mr. Spinos said there are plastic sumps underneath each dispenser that contains any spill.

Old Boron Station

Mr. Spinos said we probably will not be able to open that up for parking because Somerset County owns that and they will not want the liability of something happening. His suggestion is that if Somerset County would permit us we could get some top soil and spread it out on there and plant some grass. Mayor Penrod said DEP may have to be contacted because we are not allowed to improve the lot.

Mr. Furmanchik said you could just leave them in and spread top soil and plant grass. Mrs. Pekala asked if they were allowed to do that.

Mr. Furmanchik said to keep in mind if council wants the islands removed the price only holds because they will be there removing the dispensers. If you want to bring them back later it will be an inflated cost. Mr. LaMonaca said we should remove the islands. Mrs. Pekala said she is afraid if we do and there are readings there that are high we are going to get into a lot more than we want too. Mr. LaMonaca said if we don't remove them now and they have come back it will cost more. Mrs. Pekala said we do not own the land Somerset County does.

Mr. Spinos said the question is, are we allowed to remove the islands? Mr. Berkey said they would have to inquire with the folks at DEP. Mr. Berkey asked Mayor Penrod if that was a characterization of improving the property by taking the islands out? Mayor Penrod said if you take the islands out you will have a quicker obstruction of the pavement around it which has been protected for years. The black top will crumble quicker with ways for the water to get into it. Mayor Penrod said you can take them off but doesn't think you can put anything on top of it.

Mrs. Pekala asked if there are cracks there and there is leaking underground, will removing the islands cause that to come up through the cracks to where we will have to pull the tanks out and fix it. Mayor Penrod said you can't stop the macadam from cracking that is just nature.

Mr. Furmanchik told council worst case scenario just leave it as is. It still looks 100% better than what it did. He said his opinion is to leave it the way it is and save \$3,600. Council agreed.

Mrs. Gates said we need a motion to remove the dispensers. We never made a motion to have those dispensers removed and the monies have to come from the Capital Improvement Fund. A motion was made by Mr. Hunter and seconded by Mr. Spinos to have Mountain Research remove the dispensers at a cost of \$4,975 to be paid from the Capital Improvement Fund. Roll call vote: Mr. Hunter, yes; Mr. Spinos, yes; Mr. Holden, absent; Mr. Jerley, yes; Mr. LaMonaca, yes; Mr. Mash, yes; and Mrs. Pekala, yes. Motion carried.

Muscatello Property-308 11th Street. Mr. Furmanchik said he asked public works to go down there today and make sure there is not any gas, nails or debris in the alley behind that property or on the front street.

Police-SUV. Mr. Furmanchik said the new police SUV is here and is currently being housed in the police garage.

Recreation Park Property-Little League Fields. Mr. Furmanchik said the property was advertised last Monday and only one person has picked up a bid package today. There are some issues and a telephone conference will take place tomorrow morning between the interested party, Mr. Berkey and himself to discuss those issues.

Sewer Line Replacement Project. Mr. Furmanchik said it is pretty much self-explanatory and all the paper work has been sent into DCED. Mrs. Gates and he have been communicating with Brad Steinbiser regarding the paperwork for the PennVest loan.

24th Street Bridge- Mr. Furmanchik said this is kind of a contentious situation right now. Originally EAD's sent him a letter saying that it would not be acceptable to put Jersey Barriers on the bridge. Upon further review Mr. Furmanchik met with two fellows from EAD's yesterday at 4:30 for about an hour and a half on the 24th Street Bridge and the 22nd Street Bridge. EAD's has made us an offer to do a study on that bridge that would allow it not to be posted with a weight restriction. Normal cost to do the study would be \$800 and they said they would do that for \$500.

Manager's Report

Mr. Furmanchik said if that is approved we can put the Jersey Barriers on the bridge. We would have to position them in such a way that you would have tapered barriers on the end or you would have to get Jersey Barriers and cock the end because you cannot have a blunt end.

He said in regards to the 22nd Street Bridge it is approaching a point where it is not structurally safe. The area where it is the absolute worst, and he was under both bridges with these fellows, is where the sidewalk is adjacent to the road surface on the bridge. You can see the tire marks on the sidewalk where people have been driving on the sidewalk which is the worst part of the bridge. In order to keep that safe what we need to do is put in some, what we call "ball bats". You've seen them before on the highways. They look like a baseball bat and are flattened out on the end and have reflectors on top. Those have to be bolted to the concrete.

Mr. Furmanchik said with all that being said he contacted four contractors today; Straw Construction, New Enterprise, Berkebile Brothers and our local demolition/excavation contractor Frankie. They are all supposed to give him some estimates on bringing in Jersey Barriers, and installing the reflectors or ball bats on the 22nd Street Bridge. Most importantly of all on the 24th Street Bridge the steel super structure on the sides of it is deteriorating to the point of almost 80% unsafe. What you need is someone down there with a machine big enough to lift that steel up and to lift the Jersey Barrier. The Jersey Barrier weighs about 2,500 lbs. It would be a one day operation. You would either have to sling that steel super structure or chain it to probably a track-hoe, because a full size backhoe would not have enough power to lift that up or a Jersey Barrier, and then cut that off with a torch. There is almost nothing to cut off because upon examination there is hardly anything holding it on. You would then take it off, set it on the flatbed trailer, set the Jersey Barriers in place on that side and move over to the other side and do the same.

Mrs. Pekala asked if the Jersey Barriers are just a temporary fix. Mr. Furmanchik said it is a temporary fix. The fellow from EAD's said it would buy the borough a couple of year's time until we have funding. Mrs. Pekala asked Mr. Furmanchik if he has seen any grants out there. Mr. Furmanchik said he hasn't really had a chance to look it to but he did talk to Commissioner Vatauvuk and he said he would see what he can find out.

Mr. Furmanchik said at least if we can do this it will make the bridges safe. He said right now he would concentrate on the 24th Street Bridget only because of the amount of traffic that goes over it and students that travel over it.

Worst case scenario if the 22nd Street Bridge would be deemed unsafe for traffic, we could always close the bridge. Your dead end would be at the end of 22nd Street at the bridge and the folks on South 22nd Street could always access that off 24th Street, Stadium Drive.

Bridges

Mr. Furmanchik said anything we do to that bridge after we get the final report will take an engineering study and any engineering study will cost \$5,000 to \$10,000. Mrs. Pekala asked if there is any way this can turn around and bite us like it is worse than we thought and would force us to do something sooner than we need to. Mr. Furmanchik said when they were underneath the 24th Street Bridge yesterday they told him that he has their word we should be good for two decades. They pointed to one part in the middle where there is just a little bit of concrete exposed but they said structurally it is sound.

Mr. Spinos said right now the bridge is classified as a four as you go up in numbers is when you have to start putting weight restrictions on it and then the structure part of it.

A motion was made by Mrs. Pekala to proceed with the study by EAD's for \$500. Remarks: Mr. Spinos said he would like to add one of the guys from EAD's talked to the President of the School Board about the Safe Route to School Grants. He said now that the school owns the stadium, that road is a school route down to the stadium. The possibility is there that there may be some grant money out there. The school might have to put sidewalks in now down to the stadium. Mrs. Gates said we spoke to a couple of different people and the thing is if you apply for a grant they are going to want an engineering study done.

Mr. Furmanchik said originally he asked can't we just remove the super structure on the side and put in guide rails. He said how many bridges have you been on where you have seen guide rails? EAD's told him that even to do that you still have to have an engineering study done. Mr. Spinos said the reality is PennDot will not help local municipalities with bridges. Mr. Furmanchik said they are having a hard enough time getting the bridges they need fixed. Mrs. Pekala asked if we should bypass this study. Mr. Furmanchik said no in the pecking order this would be first.

Mr. Furmanchik said he consulted Straw Construction first because they are already in town working on the school and they said they would have a figure for him Monday. Frankie had no problems either in supplying a figure. Those will be the two competitors because of the machinery needed. Mr. Spinos seconded the motion. One absent, Mr. Holden. Motion carried.

Public Works Truck. Mr. Furmanchik said we currently have six trucks in public works. The white dump truck which is a 2000 F550 currently does not have any brakes on it. He said we have four people and six trucks. His position is lets advertise it and sell it. You're not going to get much for it if anything. It has about 68,000 miles on it. Mr. Jerley said the body is shot. Mr. Spinos said the good thing about it is that it has a Thiele aluminum body on it and those things are still pulling in some good money.

Mr. Jerley asked if we were still going to keep the old white truck on the streets. Mr. Furmanchik said the white truck is used for cold patching and hot patch. Mr. Furmanchik said if we can keep from getting all the other trucks slopped up then so be it. Mr. Spinos said we were all in agreement that we would keep them on the road until something happened to them like the dump truck.

Mrs. Pekala asked if we had to get the blue book value on it before we sell it. Mr. Berkey said not necessarily. If you think it will be more than \$1,500 then you have to advertise for bids. Mrs. Pekala said we should put a small ad in and ask for bids. Mr. Furmanchik said that is fine.

A motion was made by Mrs. Pekala and seconded by Mr. LaMonaca to place a classified ad asking for bids to sell the white Ford F550 dump truck. Remarks: Mayor Penrod asked if we can put it in the Trader's Guide/Truck Trader. Mr. Berkey said yes. Mr. Jerley asked if we should put a minimum on it. Mr. Berkey said you can have a minimum in mind but don't put it in. Mr. Spinos said we approve the bid before we sell it. Mr. Berkey said you have the right to reject the bids. One absent, Mr. Holden, motion carried.

Manager's Report

Mr. Furmanchik said we are going to be cleaning up around the public works shed. There are two salt spreaders and two plows all in deplorable condition. Before they are turned into scrap it would be in our best interest to advertise those as well. He said if it is okay with everyone he will advertise everything together. Council agreed.

Mrs. Pekala and Mr. LaMonaca amended their motion on the advertising the truck to include the salt spreaders and the two plows. Motion amended. Motion carried.

Mr. Furmanchik said at the last meeting Mayor Penrod imposed a general question from a taxpayer on Hillside Drive about the situation where you come off of Route 56 and go onto Route 160 towards Central City. We were told cars were coming off of 56 like NASCAR cars out of a pit area. When he spoke to PennDot about it they said they did not have any speed limit signs below 40 mph but they said to go ahead and put a speed limit sign up there that says reduce speed ahead 35 mph. Mr. Furmanchik said when he drove up there; there was already a 35 mph hour sign there. He said the only thing he thought was maybe one should have been closer to the ramp but we were advised that there are distances they have to be placed at too. The only thing you can do is post your speed limit signs there and have your police department enforce it.

Mr. Furmanchik said we started yesterday with cleaning up Graham Avenue and Ninth Street and some of the major roadways. Also some of the sidewalks were swept. This was not just for spring cleaning but also in preparation for the Easter Egg Hunt.

Mr. Furmanchik said he looked at the grass cutting equipment and a couple of the mowers are in bad shape. We are going to have to purchase two new push mowers before grass cutting season. He said he had two prices. A Husqvarna 22 inch walk behind self-propelled power is anywhere between \$300 and \$319. When he spoke to the person at Rays they were trying to sell the X-Mark commercial grade 21 inch walk behind mower at \$776 apiece.

Mr. Furmanchik recommended the Husqvarna mowers. He said the way the guys have to cut the levy is hard on a mower. The one thing he didn't like also was they said the X-Mark was especially heavy and they said one person could not lift it from a truck by themselves. That is not an issue because we have trailers but the issue is with them mowing the levy it could be hard to handle and increase the chance of an injury.

A motion was made by Mr. Spinos and seconded by Mrs. Pekala to purchase two Husqvarna push mowers. Mr. Holden was absent, Motion carried.

Mr. Furmanchik said he spoke to the Army Corp of Engineers and is waiting for their response about getting someone to clean out Seese Run.

Mr. Furmanchik said he gave everyone information from Charlene McCoy from Somerset. She is involved with FEMA and this is in regards to NIMS training. NIMS stands for National Incident Management Systems Implementation Strategy.

Basically that is how we handle emergency situations. Upon further review it says that all municipal elected officials and emergency management coordinators should have a minimum of these classes: IS100, IS700, IS800 and IS200. He said he went back and forth with her and FEMA and that is wrong. Everyone does need to take two though, the IS700 and IS100.

Manager's Report

Mr. Furmanchik said he looked at these courses online and they say they are three hours and he is here to tell you there is a lot to do in three hours. Mrs. Pekala said they made them take these before. Do we have to take them again if we took it? Mr. Furmanchik said he can research it for her if she would like to see which one she took. He said these tests are lengthy. He said you can take it online and there is a 25 question review after reading the information.

Mr. Furmanchik said he spoke to Bob Haddad and he is going to their meeting tomorrow night where they will talk to him more but he is pretty sure that they can find a way that all of us can go through the testing procedure and help us so it is easier for everyone. Ms. McCoy said that is fine. She said if our local fire company can assist us just make sure we have our accreditation.

Mr. Spinos said basically from what he understands if a major event would ever happen and we do not have these trainings we cannot be involved. Mr. Furmanchik said that is correct. He said he would think our incident commander would be our emergency management coordinator. He said he would address that with the fire department. Mr. Spinos said when we had that snow storm and the governor declared a State of Emergency Haddad was in charge of everything. He was in charge and he took over.

Mr. Furmanchik said he also spoke with Greg Guy of Guy Roofing and when he has some free time he is going to come down and take another look at the roof.

Mr. Furmanchik said a year ago we all swore we would do what we could to address the blight issues in the borough. He said he knows this is part of his job assignment but he would like council to consider the possibility of hiring a property maintenance officer, part-time, one day a week, eight hours for eight months. If you crunch the numbers and add a laptop for \$300 you are looking at about \$4,100. He said there may be an occasion where he might go to court. You may take in some revenue as well. Revenues are not the driver behind this but the driver behind this is to get the town cleaned up.

Mrs. Pekala said she knows this is important but right now the budget is so tight and we just spent how much money tonight on extra stuff. She would like to hold out, just to make sure the budget is okay before we do it.

Mr. Furmanchik said we are waiting also for the bids from garbage contractors for spring clean up. A lot of those issues have been addressed in the past by the property maintenance officer who is able to persuade those people to purchase the clean up sticker and clean up the properties.

Mr. Furmanchik said November, December, January and February we do not have many property maintenance issues because we are too busy dealing with other things but once you get into March and the very latest April that is the direction we want to go.

Mrs. Pekala asked for one more month. She said think about how much money that we do not have in the budget that we spent tonight. It was probably over \$20,000 with the excess with the car and etc.

Mrs. Gates said we will be saving some money with Mr. Furmanchik not having health insurance taken out. Mr. Spinos said yes, that was already budgeted too.

**Property
Maintenance**

Mr. Furmanchik said when Clem Merlot from the Somerset County Codes Group solicited council we automatically awarded that to him. He said he didn't know if it would be possible but he already took the liberty and talked to Tyler Fischer. He is someone with experience, worked for the borough, and even knows who the habitual abusers are. Would it be possible if this was approved by councilmatic action to offer the job to Tyler on a part-time basis? Mr. Berkey said he did not feel they needed to advertise.

Mr. Hunter asked if Mr. Furmanchik was talking about weeds and debris around the home, everything that falls under borough ordinance. Mr. Spinos said yes, property maintenance. Mr. Spinos said we have been addressing this issue for the last seven years and we are not following through. The list was the same over and over and over at every meeting. It takes effort to do this and someone dedicated to it and that is all they do. He said this Sunday he went to church and it was probably the first time he went to church in five years where people came up to him and complimented him and council on the decisions being made and the progress moving forward in town during the last couple of weeks. They said they also hoped we continued on the property maintenance and everything else. Mr. Spinos said he told these people we have a lot of plans and hope we can follow through with everything and property maintenance is one of the biggest complaints he receives everywhere he goes.

Mr. Spinos said we are all proud of our town and this is something we need to concentrate on. A lot of times these issues will go to court and the revenue from that helps us and the citizens that are taxpayers. You have to feel for the people who are maintaining their property and their next door neighbor just doesn't care. That is not right. That is why, we, the elected council members have to act on this.

Mr. Furmanchik said his final word is that we all agreed as a team effort we would push forward to clean up the town. We spent serious money at the 308 11th Street property and the old Boron Gas Station. He said keep in mind he negotiated a deal with Bill Bahorik to take those dispensers and he will make a donation. He said he knows the situation with the budget. Unfortunately we had to bite the bullet on that cruiser but to him that \$4,000 would be well spent to make a firm foot hold on what we are going to do, to clean up the town.

A motion was made by Mr. Spinos to hire Tyler Fischer as the property maintenance officer for the amount of \$15.00 an hour, eight hours a week for eight months with the purchase of a lap top. Mr. Spinos said we have to move forward, this is our town. Remarks: Mr. Hunter said he understands that and no offense to anyone here but when he worked this borough it was part of the job of the police department.

Mr. Hunter asked Mr. Berkey if when you hire this man, will he be part of codes enforcement. Mr. Berkey said yes. Mr. Hunter asked if he will have the authority to file the ordinance. Mr. Berkey said yes, he should have the authority to file the citation and to go to the magistrate.

Mr. Hunter said they are having an issue right now with Paint Township filing the sewer ordinances for lack of connection they are coming to his office because that person does not have the authority to file. Mr. Seger will not accept them. Mr. Berkey asked him what Mr. Seger is saying. Mr. Hunter said he wants the DA to approve the summary offensives and law enforcement file.

Mr. Berkey asked Mr. Hunter if what Mr. Seger is saying is that a codes enforcement office/property maintenance officer does not have the authority to issue a citation. Mr. Hunter said yes, they are filing private criminal complaints.

**Property
Maintenance**

Mr. Berkey said that is news to us because Mr. Oliveros is the one who filed complaints, and Tyler did it before him and whoever was in the position before Tyler did that. Mr. Berkey said we have not done it in a while. Mr. Hunter may have more information than we do. He said it has been two years since Mr. Oliveros did an actual citation. We went through this with Mr. Oliveros on the property on Railroad Street with junk cars and abandoned vehicles and all that and we went to the magistrate several time on that with Mr. Cannoni. If Magistrate Seger is not then we need to investigate that and examine that to see what his position is.

Mr. Hunter said Mr. Seger requested the citation be filed by law enforcement and attaches the ordinance. Mr. Berkey asked him if he wants the citation to be filed by the police department. Mr. Berkey said we have ordinances to do that.

Mayor Penrod said so if someone has high grass you have to have a police officer go. Mr. Hunter said you have to have someone who has the ability to file a citation or ordinance on it. Mr. Hunter said when he worked here in the 80's each officer had a list of the streets he had to take care of and it was that officer's responsibility to take care of that street. We would give them a 10 day notice to fix whatever was wrong and after those 10 days a citation was issued.

Mr. Spinos said what was explained to him was for example if there is an abandoned car on the street that is a police issue. If it is an abandoned vehicle on the property that is the borough's responsibility because we created the ordinance and have to enforce the ordinance. Mr. Hunter said the police department can enforce the ordinance.

Mrs. Gates said if we get a high grass complaint we send a letter out to them explaining the ordinance and they have to cut it or they get fined. Mr. Hunter said if they do not cut then you file a municipal ordinance violation and a municipal police officer can file the ordinance. Mrs. Gates said no, we have never had to do that.

Mayor Penrod said if you have an unregistered car on your property can the police department come tow it off your property. Mr. Hunter said if you have an ordinance that says you cannot have unregistered vehicles on your property and you give them so many days to get it off then you cite them and then you can cite them every day after that again and again. Mr. Furmanchik said we have that ordinance and the police department goes around looking for uninspected vehicles. Mayor Penrod asked if you can do that with high grass. Mr. Hunter said yes if you have an ordinance.

Mr. Berkey said he feels confident that we have that ordinance in place. He said to the extent we need to review that ordinance based on Magistrate Segers thinking we have to do that and maybe the motion can be contingent on the borough concluding that it has efficient authority to do that.

Mrs. Pekala said she can see why the cops would do that because they are traveling over the streets. She said that is a good use of their time.

Mr. Furmanchik said Mr. Fischer was the first codes enforcement officer we ever had to his recollection. Mr. Hunter said as long as there is an ordinance law enforcement can file.

Mr. Berkey said he thinks law enforcement has filed and the borough got away from that and went to a specific codes enforcement officer for a while, which was Mr. Fischer then Mr. Allison and then finally Mr. Oliveros. Mrs. Gates said she believes it became too overwhelming for the police.

Property Maintenance Mr. Berkey agreed. He said the borough has not done anything differently than it has done in the last 15 years but to the extent that would not be efficient for Mr. Seger we would need to double check that. Mr. Spinos withdrew his motion until we further investigate because we do have ordinances in place. Mr. Berkey said the question is can someone else other than the police issue and process a citation. He said we should look at the ordinances and speak with Mr. Seger.

Economic Develop. Mr. Furmanchik said there were bumper stickers in front of council that is a byproduct of our economic development committee. We formed a relationship with the school district. Judge Klementik donated \$1,000, and the IT Department and the Art Department came up with the logo that says "Why Not Windber". Council will see these on kid's cars and they will be making T-Shirts and other things. The phrase "Why Not Windber" is so people will talk and say why not Windber? Why can't we start a business here in Windber? It is all a part of the marketing ploy for economic renaissance in this community. Mr. Spinos said there is a facebook page started also. Mr. Furmanchik said yes, and he was told it is getting rave reviews and responses.

Mayor Penrod said there was also an article in the Windber Spirit about how we are getting the school and the community involved. We are trying to let the community know what is available to lease or buy. We have a good business district down town and we are just trying to spread the word to others what we have to offer.

Manager's Office Mr. Furmanchik said since he has taken this position, he was always of the opinion that the borough manager should be accessible. That is why he cleaned out what once was a junk room with a table in there and moved his office into there. He said all the renovations were done by him and his wife help him. They had over 30 hours there last weekend. He said he bought the desk and when he leaves someday he will donate that desk. He said basically the reason he bought the desk was because his legs were too long to fit under the desk Mr. Oliveros had. He said the paint, he bought out of his pocket and he cleaned the entire room. He is all about making a good impression.

Mr. Furmanchik said the only thing he would ask permission for is the windows there, if you are dealing with a disciplinary issue, or a grievance procedure, or meeting where you don't want to be bothered, you want to be able to pull the blinds down. These are pretty big windows on the front of the office. He is asking for \$300 to purchase blinds for the front windows. This was the best deal he could find.

A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve \$300 for blinds for windows in the office. Remarks; Mr. Spinos said we now have a table in the back room available to us for when we go into executive session. Mr. Furmanchik said he moved all the filing cabinets to the back room so you have one filing room and he moved the table back there in case you ever have to spread plans out or have an executive session. One absent, Mr. Holden. Motion carried.

Solicitor's Report Mr. Berkey said Mr. Furmanchik has already taken care of the Old Boron Station and the Muscatello property.

1800 Graham Avenue. Mr. Berkey said the deadline for filing objections to the private bid has come and gone. No one has filed an objection. The Tax Claim Bureau is in the process of filing the deed to the new buyer Andrea Zeglin. If anyone knows her, ask her to respond to the Tax Claim Bureau to let them know how she wants to take title to the deed so they know how to prepare the deed. Mr. Furmanchik said he talked to her today and she is moving forward.

Sale of the Little League Fields. As Mr. Furmanchik mentioned there will be a conference call tomorrow as to some issues or concerns he has relative to the bid package. It has been advertised for bids to be in on March 22, 2016.

PennVest Loan. Mr. Berkey said Mr. Paczek from EAD's can report a little bit on the progress for the PennVest loan and construction for the sanitary sewers. The notice and attempt of award was mailed to the low bidder and he has responded and provided the necessary bonding and he adjusted his insurance certificates to provide what is required on the specifications.

As Mr. Furmanchik reported one part of the project the DCED LUGUDA proceedings have been submitted to the DCED folks and we are awaiting response to that. Mrs. Gates said we got that back with their approval. Mr. Berkey said that is generally one of the things that takes the longest so having that back will accelerate the submission for the PennVest Loan.

Mr. Berkey said he had a conference call today from Cindy Rabish who is guiding the submission to PennVest.

Mr. Berkey asked Mr. Paczek if he had anything else to add. Mr. Paczek asked council to award the contract the 2015 Sewer Project to R&B Contracting and Excavation. Motion was made by Mrs. Pekala and seconded by Mr. Mash. One absent, Mr. Holden. Motion carried.

Mr. Paczek said PennVest closing will be on April 26' and construction is still scheduled for May 9 and to be completed by October 6.

Mr. Berkey said since the last meeting all the rights-of-ways have been executed and recorded. He has the originals in his possession for the borough for when they close the transaction. He provided them to Mr. Paczek today to submit them.

Mr. Spinos asked Mr. Paczek if they worked anything out with the contractor about them starting at the stadium first, since the kids will still be in school. Vinnie said they had conversations with them and gave the reasoning for them to start there and every indication they gave was that it was a good idea and that is what they planned to do. Mr. Skerl the Director of the Housing Authority said he would direct his folks at Stadium Terrace to comply.

**Resolution
Police
Pension**

A motion was made by Mr. Spinos and seconded by Mrs. Pekala to approve Resolution Number 2016-5 adopting the Master Plan & Trust administered by PSAB/MRT for the Windber Borough Police Pension Plan effective March 8, 2016. One absent, Mr. Holden. Motion carried.

**Donation
Easter
Egg Hunt**

A motion was made by Mr. LaMonaca and seconded by Mrs. Pekala to approve a \$100 Donation to WAVE for the Annual Easter Egg Hunt on Saturday, March 12, 2016. One absent, Mr. Holden. Motion carried.

**NHS
Easter Egg
Hunt** Ms. Pecola said the NHS is holding an Easter Egg Hunt at the Windber Recreation Park on Sunday, March 13, 2016 from 1 p.m. to 3 p.m.

**Recognition
Visitors** Mr. Scott Malisko from the Windber Municipal Authority said Councilman Holden recommended he come in and ask if anyone had any questions about anything involving the Recreation Park or the Community Building. He said he has been on the board for one year and appreciates the working relationship they have had with council.

Mr. Mash asked Mr. Malisko if the Municipal Authority purchased a \$14,000 truck. Mr. Malisko said no, there was a motion but that is not going to happen. Mr. Mash asked if everyone was back to work. Mr. Malisko said Angie is back and Marisa is back.

Mr. Furmanchik asked Mr. Malisko if the Municipal Authority bought the truck. Mr. Malisko said no. However, we are possibly interested in a truck. He said there was a lot of discussion regarding the purchase of a truck. We felt it was fiscally irresponsible at this point to purchase a \$14,000 vehicle basically to haul garbage and do the routine maintenance needed at the park. He said they are going to need a truck though because the one now is in very deplorable condition.

Mr. Malisko said they also have a continuing issue with the pool liner. It is a continuing issue they have had for the last several years. He said they are looking into addressing it and he believes there was representation at the last meeting here. He said they will be receiving closed bids that should be available for council's next meeting.

Mr. Spinos said we were going to give the Municipal Authority one of our used trucks but that truck was being used at the time. He said he spoke to Mr. Grohal about the white dump truck but there are too many issues with it and you will just have another issue like you had with the brown truck. Also for those kids to be driving a big dump truck around it could cause a lot of damage up there. Mr. Furmanchik said he wouldn't let a kid drive a dump truck because you have to have a knack for backing up with using the mirrors and you cannot see behind you. Mr. Malisko said they found some sellers in the \$2,000 range. There may be a potential there to purchase one.

**Approval
Street
Closing
Miner's Day** A motion was made by Mr. Spinos and seconded by Mr. Pekala to approve the list of roads to be closed for the 17th Annual Miners' Memorial Day Weekend Celebration. Remarks: Mr. Spinos said Mr. Oliveros would help them in the past with the paper work. Mrs. Gates can probably help them because information has to go out to the state for their permission and it takes about 30 days. One absent, Mr. Holden. Motion carried.

**Next
Meeting** The next meeting will be held on March 22, 2016.

Adjourn Meeting was adjourned by Council President, Barry Jerley at 8:45 p.m.

Respectfully Submitted By:

Robin S. Gates

