

Borough Council Regular Meeting December 12, 2017

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, Ron Mash, and James Spinos. Jim Furmanchik, Borough Manager and Mayor, Scott Penrod were present. Attorney, Joseph Green was present. John Holden, Barry Jerley and Sonya Pekala were absent.

Approval Minutes A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of November 14, 2017 meeting. Three absent, Mr. Holden, Mr. Jerley and Mrs. Pekala. Motion carried.

Correspondence

1. PSAB Seminar “Boot Camp for Newly Elected Officials”
2. Minutes of the Windber Municipal Authority’s November 7 and 21, 2017 meetings.
3. Minutes of the Windber Area Authority’s Meetings on September 13 and October 11, 2017.
4. Letter from the Pennsylvania Family Council regarding legalizing casino in the Commonwealth.

Approval Payroll A motion was made by Mr. Spinos and seconded by Mr. Mash to approve Payroll for November 10 and 22, 2017. Three absent, Mr. Holden, Mr. Jerley and Mrs. Pekala. Motion carried.

Approval Bills A motion was made by Mr. Spinos and seconded by Mr. Mash to approve bills for November 2017. Three absent, Mr. Holden, Mr. Jerley, and Mrs. Pekala. Motion carried.

Cash Bal. Treasurer Report There were no questions on the Cash Balance or Treasurer’s Report at this time.

Council Liaison Reports There were no Council Liaison Reports at this time.

Engineers Report **2015 SANITARY SEWER REHABILITATION PROJECT**

1. **Construction Status** - Construction is 100% complete as of June 12, 2017.
(*Unchanged*)

2. **Permit Status Close-Out** - The Post-Construction Certification for the Water Quality Management Permit No. 5615401 was submitted to PA DEP on July 11, 2017. NPDES Permit PAG02005615002 was successfully terminated on September 21, 2017. *(Unchanged)*
3. **Project Records** - A full set of project inspection records and record drawings was submitted to Windber Borough on November 14, 2017. *(Unchanged)*
4. **GIS Map Update** - A draft GIS map of Windber Borough's sanitary sewer system was provided to Manager Furmanchik in May. *(Unchanged)*
5. **PennVest Pay Request No. 18** - Refer to Page 3 for a summary of the pay request. Pay Request No.18, in the amount of \$2,119.96, is to be approved by Windber Borough Council for submission to PennVest.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve Pay Request No. 18 in the amount of \$2,119.96. Three absent, Mr. Holden, Mr. Jerley, and Mrs. Pekala. Motion carried.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT

1. **2016 DEP Inspection** - DEP conducted an inspection of the Borough's MS4 Program on June 20, 2016. DEP required the preparation of a written plan of action to address recommendations. EADS submitted Windber Borough's MS4 Action Plan to DEP on September 20, 2016. *(Unchanged)*
2. **2017 Notice of Intent** - The current five year permit term is ending on March 16, 2018. A Notice of Intent (NOI) for coverage under the DEP General Permit was submitted to PA DEP in September, including a draft Pollution Reduction Plan (PRP), for review and approval by DEP. Minor comments on the PRP have been received by DEP, and are currently being addressed.

FLOOD PROTECTION PROJECT

1. **SWIF Program** - A Draft Letter of Intent (LOI) for conditional extension of Public Law (P.L.) 84-99 (rehabilitation eligibility) while a System Wide Improvement Framework (SWIF) is being developed for the Windber Flood Protection Project was submitted to PA DEP and the Army Corps of Engineers for review and approval on December 1, 2017.
2. **Real Estate Documentation Request** - The Army Corps of Engineers has requested (by letter dated October 31, 2017) that Windber Borough provides copies of all instruments by which Windber Borough acquired the necessary real estate interests (deeds, easements, condemnation orders, title evidence, ownership maps, and legal descriptions) for the Flood Protection Project. EADS is currently working to obtain the requested information for submittal.

BRIDGE NO. 1 (24TH STREET/SEESE RUN)

The regular bridge inspection conducted in 2016 determined that the bridge guiderail system is substandard and very likely insufficient to properly redirect a vehicle upon impact even at low speeds. Jersey barriers have been put in place as a temporary means to redirect a vehicle from impacting the guiderails.

Replacement of the guiderail system or the entire structure is recommended as soon as possible. The 24th Street Bridge is expected to be placed on the PennDot Transportation Improvement Program (TIP) for funding. (*Unchanged*)

BRIDGE NO. 2 (22ND STREET/SEESE RUN)

The regular bridge inspection conducted in 2015 determined that the structure was in poor overall condition and replacement or abandonment is recommended as soon as possible. Because this bridge is now posted, interim inspections are now to take place between the semi-annual inspections. An interim inspection was completed on December 14, 2016 and the report has been submitted to Windber Borough. (*Unchanged*)

Mayor's Report

Mayor Penrod said the Christmas for Kids Event will take place next Tuesday the 19th at the Windber Community Building at 6:00 p.m. He invited council members to attend.

Chief Frear said the two newest officers we hired are now on the street and working.

Manager's Report

Little League Fields - I was contacted by Rick Roberts on Monday 12/11. His bank has told him that we might be able to close on the property this week.

17th Street Storm Sewer Project - Permanent restoration is complete and has been subsidized by Rosebud Mining in the amount of \$2,800.

25th Street Storm Sewer Project - The property owner of 403 25th Street, is threatening legal action against the Somerset County Redevelopment Authority, James Excavating and Windber Borough. He is upset that his property was used as a staging area, for the pipeline project. I disagree, as our maps indicate that the project was entirely in our right of way.

Railroad Replacement and Crossing Project - It is at a standstill for the winter. There is a small amount of work left in the area of 17th St. that will be completed in the spring.

Grant Writer Possibilities - As previously approved by council, Aspire has started to work on the "PA Small Water and Sewer Program" grant through DCED. As of this writing I am waiting on a return call from Jon Wahl with Somerset Planning and Engineering to schedule a meeting.

Engine Brake Restriction- PennDot has completed their study in an area of Railroad Street and 17th Street. The results of the study conclude that the Engine Brake Retarders may be restricted between Somerset Avenue and 105 Railroad Street.

An Ordinance would have to be advertised and adopted and signage would need to be purchased and installed. The projected cost would be approximately \$900.

Code Enforcement Officer - I plan to advertise for the part time position in January, with interviews to be by council.

Borough Boards and Commissions - There will be six reappointments and one appointment that needs to be completed by motion at our December 12th meeting.

Community Building Shed Roof - The project is complete. Again, the invoice amount is \$2,930 and that will be split with the Windber Municipal Authority.

Traffic Counters - PennDot will be installing traffic counters at 24th St. and Route 56 along with Somerset Ave. and 9th Street during the months of January and February of 2018. The counters will be utilized to gather information for future possible safety improvements by the Commonwealth.

Solicitor's Report Attorney Green asked Council to approve Resolution No. 2017-7 in regards to the sale of the Windber baseball and softball fields.

Approval Resolution A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve Resolution Number 2017-7 that the Borough of Windber sell the aforementioned Real Estate to Flood City Elite, Inc. pursuant to the terms and conditions as contained in the Sales Agreement entered into and executed by the parties. Three absent, Mr. Holden, Mr. Jerley and Mrs. Pekala. Motion carried.

Council convened into an executive session for legal matters at 7:20 p.m.

Council reconvened from executive session at 7:45 p.m.

Approval General Fund Budget A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the General Fund Budget for the Year 2018 in the amount of \$1,568,332.27. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent, Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.

Approval Sewer Fund Budget A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Sewer Fund Budget for the Year 2018 in the amount of \$217,450.00. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent, Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.

Approval Liquid Fuels Fund Budget A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the Liquid Fuels Fund Budget for the Year 2018 in the amount of \$129,602.63. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent, Mr. Mash, yes; and Mrs. Pekala, absent. Motion carried.

Approval Tax Ordinance A motion was made by Mr. Spinos and seconded by Mr. Mash to approve Ordinance 2017-8. Ordinance of the Borough of Windber, Somerset County, Pennsylvania, Levying a Tax for General Fund purposes at the rate of 15.42 mills for each \$1,000 of assessed valuations and setting the penalty of failure to pay on time ten (10%) per centum of the face amount of the taxes charged for the Year 2018. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.

- Approval Resolution Prohibiting Casinos** A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to Approval Resolution Number 2017-6 Prohibiting Category 4 casinos located within the Borough of Windber. Three absent, Mr. Holden, Mr. Jerley and Mrs. Pekala. Motion carried.
- Approval Pay Raleigh Outdoor** A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve paying Raleigh's Outdoor Decor for LED light bulbs for street lights in the amount of \$3,713.34 from the Capital Improvement Fund. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, absent, Mr. Jerley, absent; Mr. Mash, yes; and Mrs. Pekala, absent. Motion carried.
- Approval Lapinsky Zoning Board** A motion was made by Mr. Spinos and seconded by Mr. Mash to reappoint Alex Lapinsky to the Zoning Hearing Board for a three year term to expire December 31, 2020. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.
- Approval Borischak Zoning Board** A motion was made by Mr. Spinos and seconded by Mr. Mash to reappoint Lori Borischak to the Zoning Hearing Board for a three year term to expire December 31, 2020. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.
- Approval Burgess Planning Commission** A motion was made by Mr. Spinos and seconded by Mr. Mash to reappoint Richard Burgess to the Planning Commission for a four year term to expire December 31, 2021. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.
- Approval Sciotti Planning Commission** A motion was made by Mr. Spinos and seconded by Mr. Mash to reappoint Sandy Sciotti to the Planning Commission for a four year term to expire December 31, 2021. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.
- Approval Maddy UCC Board** A motion was made by Mr. Spinos and seconded by Mr. Mash to reappoint David Maddy to the Uniform Construction Code Appeals Board for a three year term to expire December 31, 2020. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, **Appeals** absent; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.
- Approval Winas IPMC Board** A motion was made by Mr. Spinos and seconded by Mr. Mash to reappoint Mike Winas to the International Property Maintenance Code Appeals Board for a three year term to expire December 31, 2020. Roll call vote: Mr. Spinos, yes; Mr. Mash, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Jerley, absent; Mr. LaMonaca, yes; and Mrs. Pekala, absent. Motion carried.
- Approval Hanik WMA** A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve Tom Hanik to a five year term on the Windber Municipal Authority Board to expire December 31, 2017. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Jerley, absent; Mr. LaMonaca, yes; Mr. Mash, no; and Mrs. Pekala, absent. Motion carried.
- Next** The next meeting will be the Reorganization Meeting on January 2, 2017 at 7:00 p.m.

Meeting

Adjourn Council President, Mike Bryan adjourned the meeting at 7:55 p.m.

Respectfully Submitted By:

Robin S. Gates