

Borough Council Regular Meeting August 14, 2018

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

Pledge of Allegiance.

The following Council Members were present: John Holden, Pete LaMonaca, Douglas Ledney, Ron Mash, Joe Pallo, and James Spinosa. Mike Bryan was absent. Jim Furmanchik, Borough Manager and Mayor Scott Penrod were present. Attorney, Joseph Green was present.

Approval Minutes A motion was made by Mr. Mash and seconded by Mr. Pallo to approve the Minutes of July 10, 2018 meeting. One absent, Mr. Bryan. Motion carried.

Recognition of Visitors There were no visitors at this time.

Correspondence

1. Minutes of the Windber Municipal Authority's June 19, 2018 Meeting.
2. Codes Enforcement Officer's Report.
3. PA Municipal Code Report.
4. Letter from Windber Fire Company No. 1 asking for a donation/sponsorship from the Borough for the Oktoberfest fundraiser at the park.

A motion was made by Mr. Holden and seconded by Mr. LaMonaca to sponsor the event in the amount of \$250. One absent, Mr. Bryan. Motion carried.

5. Letter from Taylor L. Swires, Chapter Road Captain PA 22-4 for the Combat Veterans Motorcycle Association asked council for permission to close the road on 15th Street from Graham Avenue to the tracks. They are holding a motorcycle run that benefits local veterans and will be stopping at the Windber Hotel August 25th from 3:30 p.m. to about 4:30 p.m.

A motion was made by Mr. LaMonaca and seconded by Mr. Ledney to approve the Combats Motorcycle Association's request to close half of 15th Street for their stop at the Windber Hotel from 3:30 p.m. to 4:30 p.m.

Remarks; Mr. Holden asked if they were going to contact the fire department and the police department to make them aware of the event. Mr. Furmanchik said he spoke to them and made them aware of that. He also talked to the fire company and they were going to put a fire truck on one end to block the street. All you would need then is a barrier at the top. Mr. Spinosa said the fire truck may become a hazard and would not want to see someone run into it. Council agreed to eliminate the use of the fire truck and put signs up. One absent, Mr. Bryan. Motion carried.

Approval Payroll A motion was made by Mr. Ledney and seconded by Mr. Holden to approve payroll for July 20, and August 3, 2018. One absent, Mr. Bryan. Motion carried.

Approval Bills A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve bills for July 2018. One absent, Mr. Bryan. Motion carried.

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

Council Liaison Reports

Holden/Hall of Fame Mr. Holden said Ron Mash and he had a few meetings with Art Lambert, and Joe Felix to kind of resurrect where they ended the Hall of Fame Committee in 2012. They are planning for events next May of 2019. Mr. Lambert has created a Facebook page for nominations. In creating that facebook page along with past nominations he said they have close to 60 people to consider for the next Hall of Fame induction.

Mrs. Gates asked what the Facebook Page was called. She said they can put a link to it on the borough's website. Mr. Holden said he believed it was just Windber Hall of Fame. He said they talked about linking it to the borough's site.

Mr. Holden said Joe Felix also talked about writing an article in the Windber Spirit. Mr. Furmanchik said he also talked to Joe about that today and let him know when the article had to be in.

Mr. Spinos said both of his parents were inducted and it is a very nice event. Mr. Ledney agreed saying his brother also was inducted and it was a very nice event. Mr. Spinos said the interesting part of it is when the nominees are inducted and tell their story about their life in Windber and what they had accomplished throughout their life.

Mr. Holden said they are also looking at three years later and holding that induction with the 125th Anniversary of Windber.

LaMonaca/Library Mr. LaMonaca said the library has a meeting tomorrow night and he will be attending.

Mayor's Report Mayor Penrod read the following letter: Dear Borough Council; Due to relocating to Paint Township, I must regrettably resign my position as Mayor of Windber effective immediately. It has been a great privilege and honor to serve the town.

I would like to thank my council members, the police force, public works, office staff and all the people that had elected me to this honorable position. This has been one of the greatest experiences of my life. No matter where the future takes me, I will always support my town of Windber and wish everyone the best of luck in the continuing task of making Windber one of the best places to live. Sincerely, Scott M. Penrod.

A motion was made by Mr. LaMonaca and seconded by Mr. Holden to regretfully accept the resignation of Scott Penrod as Mayor of Windber Borough effective August 14, 2018. One absent, Mr. Bryan. Motion carried.

Chief Frear said he spoke to Robin today. They received some monies from the Cambria County District Attorney's Office from the forfeiture fund. The amount is around \$2,600. The monies have to be used for drug related expenditures such as evidence kits and bags, gloves and drug test kits. The money also has to be put into a separate forfeiture account and it cannot go into any other account.

Chief Frear said everything regarding the derailment of the railroad cars went smooth. The officers and the fire department were already on scene when he got there and had set up their command center. They received help from Richland, Cambria County, Portage, and Scalp with lights, signage and fire police. The news teams were receptive and did whatever we asked them to do. Everything went very smooth. Most of the roads were open within a five hour period.

Mr. Furmanchik said he would like to be able to thank everyone for their contributions and aid during the incident. Chief Frear said we can do that during a press conference with the media.

Manager's Report

Police Department Lease Agreement - As I mentioned at the last meeting, Mr. Beahr is seeking a \$135 a month increase and has offered the building for sale at a price of \$400,000.

Gazebo Speakers - The wiring for the speakers is complete and the mixing board has been ordered and is in hand. In the very near future there will be a tutorial for those wanting to know how to operate the new audio system.

769 Railroad Street - ongoing..... pending court action.

Twist Lock Connections on Event Power Cables- The project has been completed at a cost of \$590.

Grant Opportunities - Both the CFA grant and the DCED grant will have a determination date of the end of September.

1815 Graham Avenue -Anson and I did an inspection of this property including an aerial view. It is in a severe state of disrepair. We met with the property owner, Robert Yench on July 26th. He has agreed to demolish the property. An October 31st deadline is in place.

1407 Midway Ave. - I have made arrangements with the property owner, from Golf Mills, PA, to purchase the property for one dollar. Attorney Green has the signed sales agreement and is moving forward with the transaction. As I have been working with the county redevelopment authority, some issues have developed with the DCED regarding demos. It will be much easier to use CDBG funds for the demolition if the property is in the Borough's name.

1403 Midway Ave. - The deceased property owner's family has given me a letter that states they would turn over the property to the Borough. Discussion with Attorney Green has led to a more fool proof approach where we could take advantage of a purchase from a tax sale that is slated for the fall of this year. With Council's approval we could move forward, planning to demolish the two properties, thereby relieving blight in the downtown area and creating substantial public parking for downtown business and events. Again, we have \$30,000 allotted to us from CDBG funding. I will meet with the Somerset County Commissioners on August 13th and will lobby for additional funding for the project.

A motion was made by Mr. LaMonaca and seconded by Mr. Holden for approval for Mr. Furmanchik to attend the Tax Sale and give him permission to bid no more than \$5,000 for the property located at 1403 Midway Avenue. Payment for the tax sale bid would come from the Capital Improvement Fund. Roll call vote: Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Bryan, absent; Mr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes, and Mr. Spinos, yes. Motion carried.

2020 Census -The office staff and I continue to work on preparation for this event.

Full Time Codes Officer Position - Working to make this possibility a reality, I have met with Rosebud Mining and asked for their special consideration in this matter, as they are an integral part of this community . They have agreed to donate \$1,500 per month starting in August of 2018 to move this forward. Yearly health care costs would total \$16,000/ year. On a yearly basis, that would leave an additional \$2,000 to subsidize wages.

School Resource Officer- Chief Frear and I have met with the school superintendent regarding the SRO position. A proposed agreement for the upcoming school year was approved by the school board at their August 7th meeting. Please examine a copy of the new proposed agreement that is enclosed in your packet. This warrants discussion at the August 14th meeting.

Borough Administrative Office Interior Lighting - To help reduce operating costs I would like to replace the fluorescent bulbs in the Borough Building with LED bulbs. This would involve removing the ballasts from each fixture as well. Total costs would be \$1075.

Council convened into an executive session for personnel and contractual purposes 7:45 p.m.

Council reconvened from an executive session at 8:10 p.m.

**Solicitor's
Report**

Maffeo Case. Attorney Green said he is going to file the petition to get into Argument Court. Thursday or Friday he will file the petition.

1407 Midway. Attorney Green did a title search on the property. He found two outstanding mortgages from the 80's and that was about three owners ago. He also found a Windber Area Authority Municipal Claim on the property. He said we can probably get that taken care of. He said he drove up to the Prothonotary office to see what was going on with those mortgages and they were out for scanning and should be ready this week. He feels that maybe a foreclosure happened and then maybe a tax sale happened.

1403 Midway. There was never an estate opened for the Dembinsky's mother and father so there is really no way to get title to that property without spending a good bit of money. We could open an estate for them if they wanted us to but would cost an additional \$3,000 to \$5,000. A tax sale isn't a guarantee but at least we would have a chance at it.

Attorney Green also requested that council have him do a title search on that property too because you never know what is going to be there. He said he would get the title search done before the tax sale takes place.

Bishop McCort A motion was made by Mr. LaMonaca and seconded by Mr. Ledney to approve the request from Bishop McCort Catholic High School to paint the town Teal to promote ovarian cancer awareness. All decorations will be removed once the event is over. One absent, Mr. Bryan. Motion carried.

Approval Non-Uniform MMO A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve the MMO for the Year 2019 for the Non Uniform Pension Plan in the amount of \$18,998. One absent, Mr. Bryan. Motion carried.

Approval Uniform MMO A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve the MMO for the Uniform Pension Plan for the Year 2019 in the amount of \$53,614. One absent, Mr. Bryan. Motion carried.

Discussion Donation A request for a donation in the amount of \$500 was sent to us from the Somerset County Sheriffs Tactical Search Team. They are raising funds to acquire a rapid deployment thermal imaging drone that would aide in search and rescue missions.

Mr. Furmanchik said he spoke with Windber Fire Company and a member of the fire department is a pilot and he has a very sophisticated drone that if by some chance we need one in this community all we have to do is seek him out. Also Mr. Furmanchik said it is that time, the end of the year with our budget.

Approval Officer/SRO A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve Vincent Mock as a part-time officer on the Windber Borough Police Department Roster and as the School Resource Officer for Windber Area School District. Starting wage according to the police contract will be \$15.50 an hour. Roll call vote: Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Bryan, absent; Mr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Approval SRO Contract A motion was made by Mr. Mash and seconded by Mr. Ledney to approve the School Resource Officer Contract for the 2018/2019 school year with Windber Area School District. Roll call vote: Mr. Mash, yes; Mr. Ledney, yes; Mr. Bryan, absent; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Approval Install LED Lights A motion was made by Mr. LaMonaca and seconded by Mr. Mash to approve purchase/ installation of LED lights in the borough building to be paid from Capital Improvement Funds in the amount of \$1,075. Roll call vote: Mr. LaMonaca, yes; Mr. Mash, yes; Mr. Bryan, absent; Mr. Holden, yes; Mr. Ledney, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

- Approval Payments Street Sweeper** A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve making payments for the street sweeper from the Sewer Fund instead of the Liquid Fuels Fund. Roll call vote: Mr. LaMonaca, yes; Mr. Pallo, yes; Mr. Bryan, absent; Mr. Holden, yes; Mr. Ledney, yes; Mr. Mash, yes; and Mr. Spinos, yes. Motion carried.
- Approval Police Station Rent** A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve the rent increase of \$135 for the police station beginning January 1, 2019 with Shade Enterprises Inc. Roll call vote: Mr. LaMonaca, yes; Mr. Pallo, yes; Mr. Bryan, absent, Mr. Holden, yes; Mr. Ledney, yes; Mr. Mash, yes; and Mr. Spinos, yes. Motion carried.
- Approval Curb Cut** A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve a curb cut for Nathan Balko 702 Somerset Avenue. Remarks; Mr. Furmanchik said their issue was due to parking and they were informed that it had to be put in, in a manner that was pedestrian safe. The curb will actually stay intact and the tree will come out. They will be putting a garage in the next year or so. One absent, Mr. Bryan. Motion carried.
- Approval Curb Cut** A motion was made by Mr. Holden and seconded by Mr. Pallo to approve a curb cut for JWF Industries at the corner of 17th Street and Veil Avenue. Remarks: Mr. Furmanchik said the reason they are requesting that is that it has been a contingency issue back there with trucks coming in off of the 21st Street Exit onto Stockholm. The fellow that runs the car wash and Thomas Feed Mill along with two other residents that live in the area have complained about trucks driving over their property in making the turn.
- Mr. Furmanchik spoke with folks from JWF to try to come up with a better plan to get those trucks to the facility. Again they are working on a five hundred million dollar contract which will last quite a few years.
- Mr. Furmanchik said the way we bring those trucks in there is up 21st Street, left at D'arcs, turn by the Town Tavern and go up 17th Street to Veil Avenue. It is too tight to turn onto Veil Avenue. If you have a curb cut in there they will actually pull into their property back the truck around and back right onto the dock. One absent, Mr. Bryan. Motion carried.
- Next Meeting** The next council meeting will be September 11, 2018.
- Adjourn** Meeting was adjourned by Council Vice President, James Spinos at 8:45 p.m.

Respectfully Submitted By:

Robin S. Gates
Financial Secretary

