

## **Borough Council Regular Meeting October 9, 2018**

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, Douglas Ledney, Ron Mash, Joe Pallo, and James Spinos. Jim Furmanchik, Borough Manager, Mayor, Mike Thomas and Attorney, Joseph Green were present. Mr. Holden was not present at the opening of the meeting.

**Approval Minutes** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of the September 11, and 26, 2018 meetings. One absent, Mr. Holden, motion carried.

**Recognition Visitors** Vicki Hiteshew told council that, she has had some changes in her life, including a new job along with family commitments. She is approaching a different chapter in her life. She said 12 years ago she joined the Windber Municipal Authority and they were in a totally different position. They had no money and there was no money to pay anyone to be a recreation director. It was a hands on, grass roots working board.

Mrs. Hiteshew said aside from that there is nothing that her husband Dan and herself have ever asked for and was denied ever. Their history with the borough began over 20 years ago and she wants council to know how appreciative they are.

Mrs. Hiteshew said she started here with council when she was appointed to the Municipal Authority and here is where she will end. She said the time has come to move towards other pastures. She and her husband wear a lot of hats and with the new job they are double the volume. They feel it is time for her to prioritize the things in her life. She said she will continue the things she has already started and follow them through. Mrs. Hiteshew thanked council for their donation with the Halloween parade.

Mrs. Hiteshew said she and her husband have brought up their daughter to be involved in the community and her family will continue to be involved with activities and assist council and the borough when able and needed.

Mr. Furmanchik thanked Mrs. Hiteshew for being so dedicated and the willingness she and her husband have put forth in this community. He said it is people like her and her husband who help Windber to continue to move forward in a progressive fashion.

Mr. Furmanchik thanked Mrs. Hiteshew on behalf of himself and council and wished her luck in her future endeavors. Mrs. Hiteshew thanked council.

**Barbara Shark** Barbara Shark along with Marie Chippie and Judy Pruchnic spoke to council about having a pickle ball court at the Delany Field. Mrs. Shark said they had already spoke with Matt Grohal about having a pickle ball league at the Windber Community Building and he is on board. Now they are asking council for permission to use the Delany Tennis Courts in the summer months.

Mrs. Shark said a pickle ball court is similar to a tennis court but the net is smaller. Paddles are used along with a waffle ball. Maria Chippie said it has become very popular at East Hills Recreation. They want to be able to expand to the Windber Community Building.

Mrs. Shark said the American Legion is donating one of the nets and the Abruzzi Club is going to donate the other. Mr. Grohal said he is in support of them and pending council's approval the courts would need to be painted and he is willing to help with that.

Council discussed allowing the group to have use of the Delaney Fields or the Park Courts. Discussion led to the conclusions of painting separate colored lines for the pickle ball courts inside of the tennis court lines so that the courts could be used for both pickle ball and tennis.

Mr. Furmanchik said he finds that it is not only for exercise but a big social event too and feels it would benefit the community.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to a joint venture with these folks and with the donations from the American Legion and Abruzzi Club move forward. Remarks: Mr. Furmanchik said he wants to make sure the Delaney Courts are in shape and there are no tripping hazards. Mrs. Shark said some of the cracks could stand to be filled in. Suggestion was made to contact Petrunak Paving and see if they could donate time and material to fill the cracks on the court. Mr. Bryan asked how many courts we are talking about. Mrs. Shark said there would be one tennis court and one pickle ball court. Mr. Bryan suggested painting the courts for both tennis and pickle ball.

Mr. Furmanchik asked how they would feel about making the tennis courts the pickle ball courts and the recreation park courts the tennis courts. They said there are some ladies that use the Delaney tennis courts and they would not want to take that away from them.

Mr. Bryan said would it make sense to dedicate two courts and stripe them for both. Mrs. Shark said that would work. There would be orange lines for pickle ball and white lines for tennis.

Mr. Bryan asked the ladies if they would be open to trying the pickle ball at the Delaney courts before we move up to the park. It would be a shared activity with tennis. Petrunak's will be contacted to see whether they would repair the court. The three ladies agreed. Motion was carried.

**Sam  
Buckovich**

Sam Buckovich, President of Big Rubbers Custom 4 x4 Club said they have been doing a lot of different community events over the years. Big Rubbers Custom 4x4 Club Inc. will be hosting their "Fall Crawl" event at their private property in Paint Township. The band "Madison Rising" was booked to play music for the event. Big Rubbers Custom 4x4 Club would like to share the music with the townspeople of Windber Borough. The band plays "Patriotic Rock Music". We are raising money for the Veterans Leadership Program of Western Pennsylvania out of Pittsburgh, PA as 100% of our donations go to helping Veterans and not administrative fees or salaries.

The event will start at 8 a.m. at Big Rubbers private property and go until 4 p.m. then dinner. After dinner around 6 p.m. we would like to use the Community Building parking lot to put this concert on, similar to how the For the Fallen does it.

Big Rubbers would like to block the Community Building parking lot on Saturday October 13<sup>th</sup> from 3 p.m. until Sunday at 12 a.m. We would like barriers placed across the entrances so no vehicles get into the parking lot. The event will take place October 13, 2018 in the evening. We would love to have police escort us from our private property to the parking lot of the Community Building where we will be parking our 4x4 vehicles in a row along the Community Building side and up around where the stage will be set in the left rear.

The Big Rubbers Custom 4x4 Club Inc., agrees to abide by all Borough requirements which includes obtaining a Certificate of Insurance for ourselves and any sponsors. Big Rubbers indemnifies and holds harmless the Borough of Windber and any claims or damage from or acts or omissions of the sponsor, its officers or agents.

Mr. Buckovich said they already have their Emergency Action Plan written up by Mr. Bloom and Mr. Grohal is allowing them use of their stage. Mr. Furmanchik said they have provided us a certificate of liability insurance.

Mr. Spinos asked if there would be alcohol involved. Mr. Buckovich said there will not be any alcohol involved. If someone wants alcohol they will have to go to the Windber Hotel and will not be allowed to leave their premises with alcohol.

Mr. Spinos asked if they were aware we have a curfew? Mr. Buckovich said yes, 11 p.m. He said they will start the concerts at 6 p.m. They hope to have three bands lined up. Mr. Spinos asked if they were going to have everything fenced off like the For the Fallen Run. Mr. Buckovich said yes.

A motion was made by Mr. Spinos and seconded by Mr. Ledney to approve the request from Sam Buckovich, President of Big Rubbers Custom 4x4 Club to use the Community Building parking lot to hold their fundraiser to benefit the veterans. Motion carried.

Mr. Furmanchik said for everyone's general knowledge there will be two events in down town Windber that night. At the Midway Hotel there will be a Halloween themed event called Draculacon. The Windber Fire Department will be participating in that event.

## **Correspondence**

1. Somerset County Borough's Association Dinner.
2. Letter from Vicki Hiteshew regarding donation for Halloween Parade. Mr. Bryan said she was asking for us to up the donation from \$200 to \$500 next year. Mrs. Gates said she had told Mrs. Hiteshew that we already had our budget next year laid out. We did give her the \$200 for the Halloween Parade this year.

## **Approval Payroll**

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve payroll for September 28, 2018. Motion carried.

## **Approval Bills**

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve bills for September 2018. Motion carried.

**Opening of bids**

Council President opened bids for 247 Pomroy Drive which is currently owned by the borough. Council received one bid for the property from Tina Wendell in the amount of \$100.

A motion was made by Mr. Mash and seconded by Mr. Spinos to accept the bid from Tina Wendell in the amount of \$100. Roll call vote: Mr. Pallo, yes; Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; and Mr. Pallo, yes. Motion carried.

**Rescind Motion**

A motion was made by Mr. Holden and seconded by Mr. Spinos to rescind the approved motion on September 25, 2018 to terminate the agreement with PA Municipal Code Alliance. Roll call vote: Mr. Holden, yes; Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.

**Cash Bal./ Treasurer Rpt.**

There were no questions at this time.

**Council Liaison Reports**

**Holden/ Municipal Authority**

Mr. Holden said the Municipal Authority had their OcktoberFest last Saturday. He said that attendance wasn't bad considering the weather.

**LaMonaca/ Library**

Mr. LaMonaca said the library is trying different things to raise money for their cash flow problems.

**Mayor's Report**

Mayor Thomas said he attended a three day class last week. It is called Critical Incident Stress Management sponsored by the Southern Alleghenies EMS Council. This is training to put teams together to deal with officers and first responders after a critical incident happens. Southern Alleghenies is trying to put a team together for each county.

Mayor Thomas said it is a very good class. It is just trying to give psychological aid to first responders that have been to a bad accident or incident.

Mayor Thomas said he went along with the borough manager and the road crew supervisor to inspect the flood control project. He went along just as a way to get information on the project with regards to maintenance.

Mayor Thomas said he also met with Chief Frear about two weeks ago to get familiar with the police department operations.

Chief Frear said the police department will also be passing out candy this year for Trick or Treat on October 31, 2018.

Chief Frear said Somerset County received a grant and will be giving us three of either I-pads/surface pro/or lap tops with docking stations for the cars and the station. It will allow the officers to access everything from the cars, including e-citations. Along with them includes three years of connectivity.

**Manager's Report**

**Police Department Lease Agreement** - I am still waiting on Mr. Beahr's signature on the new agreement.

**Grant Opportunities** - Both the Small Water and Sewer Grant and the Flood Mitigation Grant were not acted on in our favor by the Commonwealth Financing Authority. I have spoken with both grant writers and asked them to address the situation to the Commonwealth. We will need to consider reapplying for the next round.

Mr. Furmanchik said he is waiting to hear from Patrick Meese to find out how much he will charge to resubmit a grant for the next round. He feels we need to move forward with these grants because it is a small price to pay for a grant worth a half a million dollars. When he spoke to Aspire who wrote the other grant they said there are so many entities out there applying for the same thing. They will make some changes to make the application for the grant more attractive and possibly given more consideration for approval.

Mr. Furmanchik said he would need council to make the decision on whether to move forward with reapplying for both grants.

**1403 Midway**-The Borough had the winning bid at the Somerset County Tax Sale on September 25th. The amount paid for the property is \$4,212.22. It will take approximately thirty days to move through the proper channels and then attorney Green can move forward with closing on the property.

**Hotel Initiative** -The WAEDC is currently working with 1st Team Advertising to attract developers for the project. Future plans include marketing the community.

**Pickle ball League** - A representative from the party interested in forming a pickle ball league, along with the Recreation Director, will be at our October 9th meeting.

**Levee** - In the past I have conveyed to you the importance of decommissioning Pipe#19, in the Flood Control Project, to satisfy the DEP. Local contractors gave estimates between six and eight thousand dollars. The project was completed the week of September 23rd, by Public Works, at a cost of \$1,552 for material.

**Congressional Medal of Honor Testimonial** - Because of its contentious nature, the office of Congressman Keith Rothfus has advised me that the idea of naming the Windber Post Office in honor of Sergeant Chapman is not under consideration, at this time.

**12th Street & Route 56 Intersection** - I have recently attended a Transportation Improvement Committee meeting and asked that the flashing light, in that area, be replaced with a traffic light for the safety of all motorist that travel that area.

**1800 Graham Ave.** - This property has been on our radar for years and I am currently working with the new property owner. Plans involve a first floor opening of an arcade, similar to the Dave & Buster's franchise, and rental properties on the above floors. The project is currently on hold to resolve permitting issues.

**Snow and Ice Management Training**- Penn DOT's Local Technical Assistance Program (LTAP) will offer training for snow and ice management on October 23rd. I have made arrangements for the training to take place at Windber Place, within the Windber Medical Center. I have also enrolled all four Public Works employees. It is a perfect situation to take LTAP's free training.

**NIMS Certification** - Mayor Thomas is already certified through the NIMS program and copies of his certificates have been sent to the Pennsylvania Emergency Management Association for filing.

**Handicapped Parking** - President Bryan and I met with Vickie Confer on October first. Ms. Confer was receptive to our new policy and agreed to all terms and conditions. I believe it was a step in the right direction and helps solidify service to our residents.

**12th Street "Welcome to Windber" Sign** - In July, Council approved payment for installation of a flower bed beneath the sign that was donated by the Dog Run. Weather conditions have hampered the contractor's efforts and he promises to have it completed before winter arrives.

**Winter Storm Preparation** - Once again I have been in the process of making arrangements, with contractors, for emergency snow removal if the need would arise. As always liabilities are always an issue and all contractors will submit current certificates of liability to be filed at the Borough office.

**769 Railroad Street**-The solicitor's report will include the current status of this issue.

**Levee Inspection** – Army Corp of Engineers are completely receptive to what we are trying to do.

**Robert Yench Property** – Anson and he condemned the property and sought out an emergency demolition for the property because of the conditions of the roof and foundation. Mr. Yench has been nothing less than compliant and easy to work with. He just received an application for a demolition permit and he expects to see that property demoed by the end of the month.

**468 Railroad Street** – this duplex has one owner from Ohio and is in danger of collapsing, severe water leakage, and amounts of huge mold infestation. Anson was in the property and had to put on a fresh air apparatus to walk about inside the building. The property owner has been contacted by Mr. Bloom through email.

Mr. Furmanchik has already touched base with the Department of Health, DEP and EPA. The owner has been made aware of that and is supposed to be in town to talk to us about it.

Mr. Furmanchik said his position is; there is nothing to talk about. He has thirty days to clean it up, fix it or demo it.

## **Solicitor's Report**

**769 Railroad Street.** About a month ago the Maffeos presented a motion to Somerset Court requesting that they be permitted to add additional testimony and information. Argument was had in front of Judge Rullo. We got an opinion back.

Unfortunately Judge Rullo had not read our findings of fact or our conclusions of law. The report back basically said we gave them ample opportunity, everything they wanted. Our findings of fact included their thoughts and our fears. He has another argument on whether the cease and desist order should stay. That is October 26, 2018 and its limited to the Maffeos trying to show how the Zoning Hearing Board abused its discretion.

Solicitor Green said as he got into his car tonight and came down here he received an email from the Maffeo's Attorney that he found very offensive. The email read; Dear Mr. Green, We continue to be concerned that our client has been repeatedly singled out for the enforcement of the ordinance and harassment of members of the community on the basis of our client's sexual orientation and their children's race. (Solicitor Green said right there he is offended.)

Solicitor Green said the second part of the email says, however, in an effort to amicably resolve this matter his client has instructed him to extend the following settlement offer. Solicitor Green said right before the zoning hearing board meeting, he had made them an offer. He told them to take it down to three animals.

The next paragraph from their attorney says; his client will agree to bring the number of animals down from 50 to 18, totally enclose the property, and eliminate any smell from the property. (Solicitor Green said he is offended again because that number was not 50 it was 80). They admitted to 80 in court.

They are saying they are keeping the settlement offer open for seven days. He would like council to give him the authority to tell them he is offended by the tone of their settlement offer and their settlement offer in its entirety.

A motion was made by Mr. Spinos and seconded by Mr. Holden to give Solicitor Green the authority to tell them he is offended by the tone of their settlement and their settlement offer in its entirety. Motion carried.

**1407 Midway Avenue.** Solicitor Green said this was the property that had two mortgages from like 2002 and has changed hands like four times. Solicitor Green wrote the banks attorney a letter defining the situation last month. He got a message from him this afternoon and he wants him to call him. He believes we will get a favorable decision.

**247 Pomroy Drive.** Solicitor Green said he will draft the deed. He will attempt to go online and get a copy of that deed.

**Chippie Property.** Solicitor Green will start writing his brief to the Superior Court.

## **CDBG Money**

Mr. Furmanchik said we have close to \$30,000 of CDBG money dedicated to demolition. The Somerset County Redevelopment Authority bids those jobs out. It might be a case where we may have to dip into our capital improvement money to get the jobs finished. Due to the electric wire close to the proximity of the property makes the cost higher. He feels we may be able to get permission and go behind the first property to get to the Dembinsky property. Once it is leveled we can pick away at the second property. We are trying to keep the cost down.

**Approval Proceed w/ Grants** Mr. Bryan asked council if they would like to reapply for the two grants we were turned down for. A motion was made by Mr. Holden and seconded by Mr. LaMonaca to revise and resubmit the applications for the small water and sewer grant and the flood mitigation grant. Roll call vote: Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinosa, yes. Motion carried.

**Approval Close Street** Mr. Bryan said we received a letter from Peter Keys asking for approval to close Midway Avenue for a video project on October 20, 2018.

A motion was made by Mr. Spinosa and seconded by Mr. LaMonaca to close Midway for a video project on October 20, 2018. Motion carried.

Mr. Furmanchik said he would let the proper authorities know the street will be closed.

Mr. Spinosa said Doltyn Snedden who is a film and commercial director currently living in Nashville Tennessee has been touring with Rock Legends Lynyrd Skynyrd. Doltyn was born and raised in the Forrest Hills area. This is a short film which doubles as a music video for Peter Keys the pianist for Lynyrd Skynyrd. The film will be submitted to multiple national film festivals. The story is set in the late 1960's and proceeds will be donated to "Music Cares" a nonprofit organization that fights to stop drug addiction and distribution and aides in the process of rehabilitation.

**CBS News & Youth Football** Mr. Mash said that CBS News was in town today and interviewed Brian Oleksa and members of the youth league for a story on safety in football. They toured parts of Windber and ended at the track. It should air in four to six weeks.

Council convened to an executive session at 8:12 p.m. for personnel matters.

Council reconvened from an executive session at 8: 45 p.m.

**Manager Position** A motion was made by Mr. Bryan and seconded by Mr. Ledney to advertise for the Borough Manager's position and not to exceed \$500 for advertising.

**Next Meeting** The next council meeting will be October 23, 2018 at 7:00 p.m.

Council budget session 9:10 p.m.

**Meeting Adjourned** The meeting was adjourned at 9:30 p.m. by Council President, Mike Bryan.

Respectfully Submitted By:

Robin S. Gates  
Financial Secretary

