

**Borough of Windber
Borough Council Regular Meeting
August 16, 2011 – 7:00 PM
MINUTES**

Call to order – Council President Anthony Turcato
Pledge of Allegiance
Roll Call - Council President - Anthony Turcato, James Furmanchik, Barry Jerley, George Ledney, Sonya Pekala, James Spinos, Michael Winas, Mayor Simon Ohler, Borough Manager Fred Oliveros, Solicitor – Jeffrey L Berkey, Recording Secretary - Cynthia McCracken
Public comment on agenda – no comment
Reading of the Minutes – <ul style="list-style-type: none"> • <i>Moved and seconded (Ledney/Furmanchik) to approve the minutes of the previous meeting as presented. (Motion Carried)</i>
Correspondence <ol style="list-style-type: none"> 1. Sahlaney & Dudeck Law Office – ProMed Inc. Lease 2. Windber Public Library – Formal Request for release remaining Funds \$7,500. 3. Windber Public Library – Treasurer’s Report YTD 4. Windber Municipal Authority – Proposal for Office Space Occupancy in the Community Building 5. Windber Fire Company #1 – Street closure request Sept 9 & 10 for the DogGone Run Event with permission to sell alcohol. 6. Windber Area High School – permission for school activities some with police escorts on some events. <ul style="list-style-type: none"> • Fri – 8/19 Cheerleading Road Painting – 8:00 am – 3:00 pm • Thur – 8/25 Assistance w/ Traffic at Stadium for Rally – 7:00 pm (Rain location WHS Gym) • Fri – 9/2 Parade through Windber from WHS down Somerset Ave, down 15th, up Graham Ave, down 24th St to Stadium for first Home game and Sr. Night. • Wed 9/21 Dance at Ball Room, w/ bonfire & fireworks at Recreation Park – 7:00 pm • Fri – 9/23 Homecoming Parade 6:00 pm. 7. Comcast 8. American Legion Post 137 – Note of appreciation w/ newspaper article reprint 9. Life Church (Church of God) Thank you note.
Business Items <ol style="list-style-type: none"> 1. Approval of Payroll <ul style="list-style-type: none"> • <i>Moved and seconded (Furmanchik/Pekala) to approve Payroll – (Motion Carried)</i> 2. Approval to Pay bills <ul style="list-style-type: none"> • <i>Moved and seconded (Winas/Ledney) to approve pay the bills. - (Motion Carried)</i> <p>Discussion: Mr. Ledney inquired re: payments on elevator. – 3 yr inspection done.</p> 3. Approval of Treasurers Report <ul style="list-style-type: none"> • <i>Moved and seconded (Ledney/Pekala) to approve Treasurers Report – Spinos/Furmanchik/Jerley opposed (Motion Carried)</i> 4. Approval of Cash Balance Report <ul style="list-style-type: none"> • <i>Moved and seconded (Ledney/Pekala) to approve Cash Balance Report – Furmanchik/Spinos/Jerley opposed (Motion Carried)</i> 5. Approval of early lease termination request from Pro Med Inc. <ul style="list-style-type: none"> • <i>Moved and seconded (Pekala/Ledney) to agree to the early lease termination request from Pro Med Inc. (Motion Carried)</i> • Roll Call vote - Pekala/Y, Ledney/Y, James Furmanchik/N, Barry Jerley/N, James Spinos/N, Anthony Turcato/Y; Michael Winas/Y <i>(Motion Carried 4-3)</i> <p>Discussion: Mr. Furmanchik questioned whether we got a response on the rent increase. No personal contact. Mr. Oliveros sent two (2) certified letters. Mayor Ohler questioned how many months of lost rent. Two (2) months left on the lease.</p> 6. Street closing & alcohol sales permission for Doggone Run on Sept. 9 & 10. Graham Ave from 13th – Jefferson Ave.

- *Moved and seconded (Furmanchik/Spinosa) to approve the street closing with permissions for the Doggone Run on Sept 9 & 10. (Motion Carried)*

Discussion: The Commonwealth does not have a problem if it traverses through a municipality the state has no concerns. Chief Skiles indicated that the road closure is the only approval needed.

7. Street Closing request – Graham Ave from 13th to 15th for Flight 93 10th Anniversary Commemoration Ceremony from 5:00 – 9:00 pm. Sunday September 11. .
 - *Moved and seconded (Pekala/Furmanchik) to approve the street closing for the Flight 93 10th Anniversary Commemoration Ceremony 5:00-9:00 pm (Motion Carried)*

Discussion: Congressman Critz will be speaking.
8. Approval to close 24th St for cheerleaders to paint the street.
 - *Moved and seconded (Spinosa/Furmanchik) to approve the street closing for Cheerleaders street painting. (Motion Carried)*
9. Approval of final disbursement of \$7,500 to the Windber Public Library.
 - *Moved and seconded (Furmanchik/Pekala) to approve final disbursement of \$7,500 to the Windber Public Library. (Motion Carried)*
 - Mr. Ledney thanked Council on behalf of the Library
10. Approval of Memorandum of Understanding with Windber Hall of Fame Committee. (See Article 1 Attached)
 - *Moved and seconded (Pekala/Spinosa) to approve Memorandum of Understanding with Windber Hall of Fame Committee. (Motion Carried)*
11. Discussion: Mr. Ledney stated that the memorandum was reviewed by councils Berkey and Seeger and approved. Mr. Ledney explained the memorandum and asked that the document be read into the record. . (See Article 1 Attached)

Borough Reports

1. **Standing Committees of Council –**
Mr. Furmanchik requested that the Welcome to Windber signs continue to be maintained.
 - *Motion was made and seconded (Ledney/Pekala) that we continue the agreement to maintain the welcome signs. (Motion Carried)*
 - Mr. Oliveros to get a mutual agreement for maintenance of the signs.
2. **Mayor Simon Ohler –** Mayor’s report was accepted as presented.
Mayor received that a citizen complained about the Oak Trees on Cambria Avenue. To be transplanted and replaced with pear trees.
Pushing for rail removal – Mr. Berkey was asked if there is anything the Borough can do with the rails. Mr. Spinosa indicated that those tracks are out of service. Mr. Oliveros indicated that the PUC cannot force him to do anything about it. Mr. Berkey to check out whether we can pave over them due to public safety. Mr. Berkey indicated that this may be a health/safety and welfare issue. Chief Skiles suggested that Paint Township be contacted re: their rail remediation.
 - *Motion was made and seconded (Pekala/Ledney) to direct Mr. Berkey as to the remediation that we may have for the removal of the tracks with the Federal and State agencies with respect to the tracks on 21st Street. (Motion Carried)*

Cemetery on the 20th and 21st will be mowed before Labor Day.
3. **Borough Manager (Fred Oliveros) –** Reported on the following
Estimates for paving of all the poor indicated streets. Lows and highs for both 2011 and 2012. Estimated 2011 - \$827,493.88 as the low estimate and \$959,105.16 if we do 2012 figured in 5% price increase \$867,868. low \$1,007,060. 42 - high. Mr. Turcato indicated that we look into securing funding.
Borough Council directed Mr. Oliveros to look into a loan for the repaving.
 - *Motion was made and seconded (Pekala/Spinosa) to have Mr. Oliveros to seek funding options of paving of Poor condition streets . (Motion Carried)*

Mr. Jerley indicated that we contact Verizon regarding hanging wire as a hazard.
4. **Codes and Zoning Report (Fred Oliveros) –**
Marty Klein – Mr. Spinosa indicated that public works should charge him for the maintenance.
5. **Solicitor’s Report (Jeffrey Berkey) –** Dialogue with Mr. Oliveros for the Deed of the Municipal Building.

Unfinished Business

1. East Hills Engineering Associates: Proposal for HVAC Rooftop Unit Replacement on

Community Building

Approval to advertise for bids per East Hills Engineering Associates specifications for the replacement of the HVAC rooftop unit at the Community Building.

- *Moved and seconded (Jerley/Furmanchik) to authorize the Manager to proceed with advertizing the engineering and bid package for the replacement of the HVAC rooftop unit at the Community Building.*

Discussion: 6 – 8 week lead time for equipment to begin the project.

Bid provides for submission of bids due 10:00 am September 6th.

- *Moved and seconded (Ledney/Winas) to relocate the Borough Offices into the Train Station in Minors Park.*

Discussion: Mr. Furmanchik expressed concerns streamlining the budget in regards to the maintenance budget. He also feels that the Municipal Authority should be contacted to continue negotiations as to the office space available.

Mr. Jerley indicated that we table the issue until the bids come in for the HVAC.

Mr. Furmanchik reiterated that we do not need an independent building for two (2) people.

Mr. Turcato indicated the history of the Buildings. Unique opportunity that we may not get again to utilize a historical building.

Mr. Furmanchik indicated his concern for Sr. Citizen access and parking.

Mr. Oliveros addressed code concerns that it in compliance.

Mr. Jerley indicated that we need to work with the Municipal Authority on the Community Building.

Mr. Ledney reiterated that when Recreation has been in the same building has not worked.

Mr. Spinos indicated that the maintenance issues are an issue.

Mr. Turcato indicated that we need to come up with a maintenance program for all buildings.

Mayor Ohler suggested that we table until 9/6 re-contact Municipal Authority to see what else they have to offer and have another meeting with the Municipal Authority.

- *Roll Call vote Ledney/Y, Winas/Y, Furmanchik/N, Jerley/N, Pekala/Y, Spinos/N, Turcato/Y; (Motion Carried 4-3)*

- *Motion was made and seconded (Winas/Ledney) to direct the Manager to move into the Train station property by the end of October. (Motion Carried) Opposed Furmanchik, Jerley, Spinos.*

2. Approval of early lease termination request from Pro Med Inc.

- Mr. Oliveros to notify ProMed Attorney as to the acceptance of the early lease termination.

3. Sale of Municipal Building.

Discussion: Restrictions to the bid package and the restrictions to the deed. Mr. Berkey indicated that we can reject all bids. Expectation is that the parking lot is a package deal even though it is a separate parcel. Mr. Furmanchik asked where we are going to advertize the building. Mr. Oliveros to look into advertizing options.

- *Motion was made and seconded (Pekala/Winas) to direct Mr. Oliveros to develop with Mr. Berkey the bid package and the deed for advertisement of sale of the Municipal Building. (Motion Carried)*

Mr. Berkey and Mr. Oliveros to continue working on the deed with restrictions for presentation at the September 6 meeting.

4. Borough Council Public Comment Policy

- *Moved and seconded (Pekala/Spinos) to approve Borough Council Public Comment Policy. (Motion Carried)*

Remarks: Public Comment Policy should be posted in Borough Chambers and on the podium.

Recognition of Visitors –

Andy Kondas – Objects to the move to the Train Station in Minors Park. He hopes that the move is only temporary as he feels the access to the building for Sr. Citizens and parking is inadequate.

Next Meeting Date – Next regular meeting would be scheduled for September 6, 2011 at 7:00 pm

Adjourn - Turcato, adjourn 8:10 pm

Article 1

**Memorandum of Understanding
between
Windber Borough
1409 Somerset Avenue
Windber, PA 15963
and the
Windber Area Hall of Fame
P.O. Box 25
Windber, PA 15963**

In 2009, the Windber Area Hall of Fame Committee constructed the **Windber Area Hall of Fame Wall (HFW)** in Miner's Park. Donations, both monetary and in-kind, were received for the construction costs of the HFW.

The HFW was built in Miner's Park, on borough property, with Windber Borough Council approving a motion on March 20, 2007 to support the HFW Project with a final site to be determined. On October 9, 2007, the Hall of Fame Committee approached Borough Council for permission to build the HFW. There was no opposition from Windber Borough Council to build the HFW.

Currently, the Windber Borough (Borough) Public Works Department maintains all grounds in Miner's Park including the grounds surrounding Miner's Park. The HFW is constructed of bricks and concrete and requires minimal maintenance, if any. Mr. Fred Oliveros, Borough Manager, has inspected the HFW and has reported to Windber Borough Council that there are no construction issues with the HFW at the time of this Agreement. Therefore, Windber Borough agrees that it will maintain the HFW.

It is understood that the HFW is built on borough property with Windber Borough's permission, in Miner's Park as are other monuments/memorials. The Windber Area Hall of Fame Committee therefore, relinquishes any ownership rights of the HFW to Windber Borough. As a result, Windber Borough agrees to accept any and all liability associated with the HFW. Furthermore, it is agreed and understood between Windber Borough and the Windber Area Hall of Fame Committee that the Windber Area Hall of Fame

Committee Members are free of any and all liability associated with the HFW.

Finally, The Windber Area Hall of Fame Committee's funds are very limited. Donations and ticket sales are sought to offset the Induction Banquet Ceremony. Any funds remaining after an Induction Ceremony are used to engrave the names of the newly inducted members on the HFW. So that it is fully understood, the Windber Area Hall of Fame Committee is the solely responsible, under this Agreement to choose the inductees that will be engraved onto the HFW. Therefore, Windber Borough grants permission for the Windber Area Hall of Fame Committee to hire an individual/company to engrave the names of future Hall of Fame Inductees, on the HFW, after each Induction Banquet Ceremony.

The foregoing terms and conditions are acknowledged and accepted by the parties hereto, intending to be legally bound hereby this _____ day of _____, 2011.

Anthony P. Turcato, President
Windber Borough Council

Arthur R. Lambert, Chairman
Windber Area Hall of Fame Committee