

**Borough of Windber  
Borough Council Regular Meeting  
February 15, 2011 – 7:00 PM  
MINUTES**

<b>Call to order</b> – Council President Anthony Turcato
<b>Pledge of Allegiance</b>
<b>Roll Call</b> - Council President - Anthony Turcato (AT), James Furmanchik (JF), Barry Jerley (BJ), George Ledney (GL), Sonya Pekala (SP) absent late 7:12 pm, James Spinos (JS), Michael Winas (MW) Mayor Simon Ohler (SO), Borough Manager Fred Oliveros (FO), Solicitor – Jeffrey L Berkey (JB), Recording Secretary - Cynthia McCracken
<b>Public comment on agenda – no comment</b>
<b>Reading of the Minutes</b> – <ul style="list-style-type: none"> <li>• <i>Moved and seconded (Ledney/Furmanchik) to approve the minutes of the previous meeting as presented. (Motion Carried)</i></li> </ul>
<b>Correspondence</b> <ol style="list-style-type: none"> <li>1) Windber Care and Mrs. Smutko – letters of appreciation for donation in honor of Mayor Smutko</li> <li>2) Mr. Keilman – Requesting Council to resurface 26<sup>th</sup> Street Mr. Spinos asked if a developer responsible for the damage of the road. There is not a requirement of weight restrictions. The School district did the paving originally. Solicitor Berkey stated that we need to have weight restrictions on the road to protect the roads. An engineering study will be needed to put weight restrictions on public roads. Mr. Furmanchik asked if someone would approach the developer to voluntarily prepare a bond for the road. If not receptive to a bond, it would be advisable to have an engineering study done for weight restriction. Directed the Borough Manager to make the necessary contacts. 29<sup>th</sup> Street is in desperate need of paving.</li> <li>3) Humane Society of Somerset County Request for donation</li> <li>4) PASB Borough Mgmt Caucus Newsletter</li> <li>5) PASB Update</li> </ol>
<b>Business Items</b> <ol style="list-style-type: none"> <li>a. Approval of Payroll <ul style="list-style-type: none"> <li>• <i>Moved and Seconded (Furmanchik/Ledney) to approve Payroll – (Motion Carried)</i></li> </ul> </li> <li>b. Approval to Pay bills <ul style="list-style-type: none"> <li>• <i>Moved and Seconded (Furmanchik/Ledney) to approve pay the bills - (Motion Carried)</i> <i>Remarks – Mr. Turcato wanted to know what the boiler insurance covers.</i> <i>Mr. Spinos – Riley’s Outdoor decorations figurines bill and subsequent check to be voided.</i></li> </ul> </li> <li>c. Approval of Treasurers Report <ul style="list-style-type: none"> <li>• <i>Moved and Seconded (Ledney/Winas) to approve Treasurers Report – Furmanchik/Spinos/Jerley opposed (Motion Carried)</i></li> </ul> </li> <li>d. Approval of Cash Balance Report <ul style="list-style-type: none"> <li>• <i>Moved and Seconded (Pekala/Ledney) to approve Cash Balance Report – Furmanchik/Spinos/Jerley opposed (Motion Carried)</i></li> </ul> </li> <li>e. Consideration for adoption of Ordinance 2011-3 Amending an Ordinance of the Borough 095-4 Dated 12/11/1995 Providing for parking restrictions within the Borough <ul style="list-style-type: none"> <li>• <i>Moved and Seconded (Furmanchik/Spinos) to table the adoption of Ordinance 2011-3. Amending an Ordinance of the Borough 095-4 Dated 12/11/1995 providing for parking restrictions within the Borough. (Motion Carried Unanimously)</i> Mr. Berkey - The courts decided that the Borough cannot ban large vehicle parking. The court consideration is what is a rational and reasonable period of time? You have to strike the balance of the property owner and public safety. Mrs. Pekala indicated that Mr. Oliveros work with Mr. Berkey to investigate at different solution</li> </ul> </li> <li>f. <i>Parking for High School event parking. Mr. Oliveros to research the Restricted parking ordinance for the High School. Mr. Oliveros to email School superintendent.</i></li> </ol>
<b>Borough Reports –</b>
<b>Standing Committees of Council –</b> <ol style="list-style-type: none"> <li>1) Properties (Ch Furmanchik – Winas – Spinos) – No report</li> <li>2) Mayor Simon Ohler –Mayor’s report was accepted as presented.</li> <li>3) Borough Manager (Fred Oliveros) – Reported on the following</li> </ol>

- a) Fire Dept Partnership
  - b) Tax Anticipation Loan
  - c) Sewer Fund
  - d) Pro Med Lease
  - e) Borough Events Procedures
  - f) Community Bldg & Municipal Authority – Meeting went well and there is more dialogue to be done regarding expenditures. Capital vs. maintenance. They have to have some responsibility for maintenance but we would help on capital expenses.
  - g) Unvented Gas Heaters
  - h) Meeting with DEP report – accepted as presented.
- 4) Codes and Zoning Report (Fred Oliveros) –  
 Mr. Furmanchik has asked about condemnation regarding owner access. Mr. Jerley asked if there is a time limit on how long a property can be condemned. Mr. Oliveros indicated that there is an ordinance in place to remedy the situation at the Boroughs cost.  
 Mr. Berkey indicated that you would put a lien on the real estate, with the realization that payment would be in the order of priority of bills per the laws of the Commonwealth of PA.
- 5) Solicitor's Report (Jeffrey Berkey) – Mr. Berkey working with the Borough Manager, the Tax anticipation loan, the Pro med lease, the Events committee regarding the liability, non uniform contract, parking ordinance issue, dialogue relative to the private use of the public especially the Gazebo. Spoke to the Solicitor in Meyersdale regarding the Meyersdale ordinance as it pertains to rental structures. There have not been any challenges to date on these ordinances. We must take into account the equal protection argument as it applies to the resident being a tenant or property owner as to the rational relationship to the legislation adopted.  
 There have been no challenges to the ordinance as of this date. The legislation is in place in Somerset County.
- 6) Public works Non Uniform contract needs signature. Mr. Ledney explained the process
- 7) Discussion regarding the rental of the Gazebo – It was decided to stay out of the rental business. Certificates of insurance are needed to be attained.

**Unfinished Business**

- 1) Windber Medical Center ER Project grantee has an application. There will be some responsibility for the Borough, the final audit is an example. This is a cooperative project.

**New Business**

- Tenth anniversary of Flight 93 – to plan an event to honor the bravery of the individuals involved with Flight 93. Mr. Spinos to look into combining with the Dog Gone Run opening ceremony.

**Recognition of Visitors**

- Jack Torquato – regarding the sewer line water coming up into his basement along with run off water. Needed to get the flow correct. Requesting the Borough's help in solving the problem. Mr. Turcato asked if he was the only one or are others having the same problems. Mr. Turcato asked if Mr. Ledney if the Library was having a problem? Mr. Ledney indicated that it has happened.. Graham Ave to 18<sup>th</sup> Street is caving in. Mr. Furmanchik indicated that we should have someone look into this problem with the equipment to see what is going on. We need to address the tracks and Mr. Torquato's request. . Mr. Spinos indicated that there are issues that need to be addressed before the Commonwealth paving project starts.

**Next Meeting Date – Regular Meeting scheduled for March 1, 2011 at 7:00 pm**

**Adjourn - Turcato, adjourn 8:15 pm**