

**WINDBER BOROUGH COUNCIL
MINUTES: FEBRUARY 16, 2010
REGULAR MEETING – 7:00 PM.**

Council President Anthony Turcato asked that Council and those in attendance observe a moment of silence in memory of John P. Murtha.

The meeting was called to order by President Anthony Turcato at 7:00 PM. and led the Pledge of Allegiance to the flag.

Attendance

The following council members were in attendance: James Furmanchik, George Ledney, Barry Jerley, Sonya Pekala, James Spinos, Anthony Turcato, and Michael Winas. Also in attendance were Mayor Simon Ohler and Solicitor Jeff Berkey. Borough Manager Casey Durdines was absent.

Public Comment on Agenda Items

There wasn't any public comment on any of the agenda items.

Minutes of previous meeting

There were four sets of minutes to approve from the following meeting dates: regular meeting of Dec. 22, 2009, a special meeting January 12, 2010, a regular meeting of January 12, 2010, and a special meeting of January 15, 2010.

Ledney asked that the last bulleted item on page 2 of the special meeting on January 12, 2010 be corrected to indicate an amount of \$14,336.85 as the 2009 profit for basketball. Pekala made a motion to approve the minutes. Motion was seconded by Spinos. Minutes were approved by unanimous voice vote.

Appointment of Council Committees

President Turcato passed out a list of appointments to Council Committees. Two new committees have been added this year; they are Economic Development and Contract Negotiations. The 2010-2011 committees and their members are:

Public Works: Jerley, Chairperson; Spinos and Furmanchik

Finance: Ledney, Chairperson; Pekala and Furmanchik

Personnel: Pekala, Chairperson; Ledney and Turcato

Recreation: Winas, Chairperson; Jerley and Turcato

Codes/Zoning: Spinos, Chairperson; Winas, and Jerley

Properties: Furmanchik, Chairperson; Winas, and Spinos

Building: Turcato, Chairperson; Furmanchik, and Ledney

Contract Negotiations: Ledney, Chairperson; Pekala and Jerley

Ratification of payment of bills and payroll

Ledney commented that there is an outstanding amount owed to Thomas Amoco for worked previously completed on one of the Borough trucks. Ledney made a motion to

approve the payment of bills. Motion was seconded by Winas. Motion was passed by voice vote 5 yes and 2 no. Furmanchik and Spinos voted no.

Pekala made a motion to approve the payroll. Motion was seconded by Ledney. Motion passed by unanimously by voice vote.

Approval of the Treasurer's Report

Ledney made a motion that was seconded by Winas to approve the Treasurer's Report. Motion to approve the Treasurer's Report passed by a voice vote of 4 to 3. Furmanchik, Jerley, and Spinos voted no.

Appointment of Pension Plan Administrators, Uniform and Non-Uniform

Turcato indicated that Council needs two administrators, one for uniform and one for non-uniform employees. Turcato asked for volunteers. There weren't any volunteers for either appointment. Turcato indicated that the appointment would be tabled for the present and he would make the appointments at the next meeting. Rick Skiles stated that in the past the administrators of each plan were made up of a member of council and a citizen at large.

Appointment of a Representative to Council of Governments (COG)

There weren't any volunteers and Turcato agreed to accept the appointment. Ledney made a motion to approve the appointment of Turcato. Motion was seconded by Pekala. Motion passed unanimously by voice vote.

Approval of Committee Meeting Dates & Times

Ledney made a motion that was seconded by Pekala to have the Committees of Council meet on Tuesdays between the hours of 10 AM to 8 PM. Motion passed unanimously by voice vote.

Approval of Weinzierl Subdivision

Surveyor Jerry Thomas appeared on behalf of the Weinzierl's to explain that the lot was being divided to separate the commercial building from the residential structure. Jerley made a motion that was seconded by Spinos to approve the subdivision. Motion passed unanimously by voice vote.

Increase of the fee of the School Resource Officer

Officer Skiles met with School Superintendent Rick Huffman and both agreed that due to escalating costs with regard to the program the reimbursement fee for the Resource officer should be raised from \$13.00 per hour to \$14.00 per hour effective at the start of the new school year on July 1. Furmanchik made a motion that was seconded by Ledney to approve the increase. Motion approved unanimously by voice vote.

Approval of Resolution 2010-3 waiving Police Pension Plan Contributions

Pekala made a motion that was seconded by Ledney to approve Resolution 2010-3. Motion was passed unanimously by voice vote.

Discussion of the Municipal Building

Ledney remarks

Ledney reported on discussions held regarding the purchase of the Windber Coal Heritage Building. All terms were agreed upon with one exception, and that was the stipulation that the building must continue to be used as a museum. The Borough was unable to change their minds and the talks ended. The building has since been purchased by Rosebud Mine. We have several options left:

- To look for another available building
- To renovate the current building. He spoke with Representative Burns office to see if there was any available funding. There is nothing out there. There is a capital loan program through the state with a ceiling of \$50,000.
- The Borough can continue to look for money or we can take out a loan.
- Look for a buyer for the Municipal Building with the stipulation that the Borough offices remain in the building.

Ledney felt that the costs to renovate this building would be out of control.

Spinosa remarks

- Why can't we break the renovations down into stages? The first stage would be to completely gut the basement. We can move the Police department into the basement. Officer Skiles could come up with a plan for his needs in the basement. The basement could be zoned separately for heat
- The second stage to gut the second floor. Put council chambers on this floor. Close the rest of the building off to save money on heat. There are enough offices on this floor to take care of the staff and Mayor.
- At this time, we need to get some cost estimates for the necessary work. Windows, roof, basement etc. We have to step forward and make a decision. At this time we are in violation of the code. We cannot keep putting this matter off. We have to come up with some numbers to repair the building and then decide where we are getting the money.

Remarks

Spinosa made a motion that was seconded by Ledney to obtain cost estimates for the various needed repairs. Solicitor Jeff Berkey indicated that since any cost estimates were probably going to be more than ten thousand dollars (\$10,000.00) the Borough will have to advertise for bids for the various phases of renovations. Berkey added that if it is thought that any phase of the repairs was to be under ten thousand dollars, the Borough could then solicit quotes from contractors.

Mayor Simon Ohler stated that the first priority should be to get rid of the asbestos and the mold, and until that is accomplished you have a problem. Spinosa that new construction is too costly and to rent space off of someone else is ridiculous since we own this building. Pekala stated that the Borough would have to take out a loan to make the needed repairs. It should be a larger loan rather than a lot of smaller loans. She added that at this time we should concentrate on the basement. Turcato added that in the recent past we had one estimate for the abatement of the water in the

basement, roofing, gutters etc. for \$100,000. Ohler commented that the matter should be turned over to the Property Committee to study and make recommendations. Codes Officer Fred Oliveros indicated that unless you stop the infiltration of the water which is the most serious problem and probably the most costly; everything else is moot.

Turcato asked if council would entertain a motion to authorize the Property Committee to meet to prioritize the codes violations and to approve subsequent advertising for bids. Pekala made the motion which was seconded by Ledney. Motion was passed unanimously by voice vote. The Property Committee will meet this coming Tuesday at 5:00 PM.

Mayor Ohler asked Council for a motion to lift the Snow Emergency Declaration. Pekala made the motion that was seconded by Winas. Furmanchik asked when the Declaration was made and why did it take so long to make it. Mayor Ohler agreed that it should have been done a day earlier. He didn't understand the procedure at that time and he handled it poorly. The cost for snow clean up were \$11,240.00. Furmanchik questioned as to where the money was coming from. Ohler stated that if the federal government declares the state of Pennsylvania a disaster area, all of the costs for snow removal for a 48 hour period could be reimbursed. For the time being we could take the money from the Sewer Escrow Fund. Ohler added that if the Borough downgrades the budget 2.5%, it would yield an addition \$35,500. We could put the money back into the sewer fund and have some left over. We have no back up plan built into the budget. Furmanchik noted that this situation illustrates that the Borough cannot operate its household without any additional revenue. Ohler also indicated that we could re-open the budget and raise taxes by one mill.

Council questioned as to the whereabouts of the Borough Manager both during the past week and this evening. There were also questions as to the snow cleanup practices of the public works department.

Reports

Mayor's Report

Mayor Ohler indicated that he has concerns about the working environment in the Police Department with regards to the mold and asbestos issues in the building. Furmanchik stated that we should not allow our employees to work in this type of environment. Any type of construction or renovation could aggravate the problems. Ohler indicated that he may move the Department out of their office with or without approval of Council.

Manager' Report

The Manager was not present. Turcato indicated that the Brownfield's public meeting was cancelled. Turcato explained the process to have the accounting firm digitize the signing of the checks and direct deposit of the payroll checks. Furmanchik made a motion that was seconded by Ledney to authorize the account to pursue the direct deposit of payroll checks should the employee

so desire. Motion passed unanimously by voice vote. Solicitor Berkey noted that the Council and Mayor are public officials and not employees.

Codes/Zoning Report

Codes Officer commented on the renovation plans for the old Timko Building. He indicated that the owner is planning to undertake complete renovations of the structure and the Borough should be pleased. Ledney requested that the old traffic signal poles from the Sheetz project be removed.

Ohler indicated that there are no parking restrictions with regards to a snow emergency. He will work on that. Officer Rick Skiles stated that he had no problems with the contractors who removed the accumulated snow. They worked without taking breaks.

Solicitor's Report

Berkey referred to the Ordinance and resolution turning over the Recreation program to the Municipal Authority. The Ordinance and supporting documentation will be advertised for consideration at the next council meeting. After Council approval the documents will be sent for review and approval by the Pennsylvania Department of State. Berkey stated that he tried to make the agreement as simple and all inclusive as possible. He asked Council for a motion to advertise the proposed Ordinance 2010-1 and resolution transferring the Recreation Program to the Municipal Authority for consideration at the next council meeting. Pekala indicated that the loan amount should be changed from \$35,000 to \$45,000. Motion was made by Winas and seconded by Pekala.

Remarks

Spinis questioned as to where the Borough is coming up with the \$45,000? There is \$8,000 in repairs needed on the pool. Ledney indicated that the money will probably come from the General Fund. Spinis noted that the Municipal Authority went up to speak to East Hills without permission of Council. Furmanchik questioned as to why some members council weren't given the information as to the plans of the Municipal Authority?

Citizen Scott Penrod made several comments regarding the Community as a whole and the recreational opportunities and venues throughout the surrounding area. He touted the accomplishments of the East Hills Recreation Commission and what they have done in their area. Spinis stated the advantages of working with a recreation commission and regionalization. They don't want to work with an Authority, but a council. Ohler noted that when you work with an authority rather than an elected council, you eliminate the politics from the equation. Jerley added that there are people on this council who received perks associated with Recreation Park and never paid for them. He also added that the Municipal Authority is going to employ correction department inmates to work at the park. Would you want to take your kid there?

Vote on the motion to advertise Ordinance 2010-1 transferring the Recreation Program to the Municipal Authority. Voting Yes – Turcato, Winas, Pekala, and Ledney. Voting No – Furmanchik, Jerley, and Spinosa. Motion passed 4 yes, 3 no.

Turcato recessed the member for council to go into executive session on the matters of personnel at 8:33 PM.

Council returned from executive session at 9:28 PM and the meeting was reconvened.

Recognition of Visitors

Kelly Cerwinsky (Comments)

- A large coal truck is parking in front of her house on Railroad Street and hogging the front of the property and sticking out into the street creating a bottleneck with traffic coming in the opposite direction.
- She checked with PennDot and they told her that the local municipality enforces local parking restrictions.
- She is requesting that council adopt an ordinance restricting commercial parking on Railroad Street.

Officer Rick Skiles stated that it would create enforcement problems because other commercial vehicles parking there and we would be selective in our enforcement if we single out commercial vehicles. Mayor Ohler assured Mrs. Cerwinsky that he would contact the company that owns the truck and see if something can be done.

Christine Sadlon

- She complained that the road crew has plowed all of the snow on S. 22nd Street in front of her property limiting her access. She provided pictures to council.

Council members assured her that the problem would be taken care of tomorrow. Oliveros would speak to the Public Works Department.

Beth Gustkey

- She complained that the large piles of snow at the intersection of 22nd Street and Somerset Avenue are limiting visibility in this area.
- A large volume of school traffic use this area

Oliveros agreed to add this to the list of Public Works cleanup.

Due to the late hour, Turcato recessed the meeting at 9:45 PM. until Friday February 19, 2010 at 5 PM.

**WINDBER BOROUGH COUNCIL
MINUTES: FEBRUARY 19, 2010
RECONVENE RECESSED MEETING OF
FEBRUARY 16, 2010**

Council President Anthony Turcato reconvened the recessed meeting at 5:00 PM.

Attendance.

The following council members were in attendance: James Furmanchik, George Ledney, Barry Jerley, Sonya Pekala, James Spinos, Anthony Turcato, and Michael Winas. Also in attendance were Mayor Simon Ohler and Solicitor Jeff Berkey. Borough Manager Casey Durdines was absent.

Following roll call, council went into executive session on personnel matters at 5:01 PM

Council returned from executive session at 5:15 PM.

Ledney introduced a list of five (5) separate motions for Council's consideration. They are as follows:

1. **1st Motion** – After much thought and consideration, Windber Borough and Casey Durdines have determined that it is in the best interest of both parties that Mr. Durdines no longer fill the position of Borough Manager for Windber Borough. Accordingly, I move that effective immediately, Mr. Durdines be released from his duties and responsibilities as Borough Manager. Pekala seconded Ledney's 1st motion. Roll call vote: voting Yes, Ledney, Pekala, Furmanchik, Jerley, Spinos, Turcato and Winas. Motion passed unanimously; 7 yes, 0 no.
2. **2nd Motion** - Further, I move that Mr. Durdines be paid his normal wage through Friday, February 19, 2010 and be compensated for seven (7) unused vacation days and not for any unused sick or personal days. Spinos seconded Ledney's 2nd motion. Roll call vote: voting Yes, Ledney, Spinos, Furmanchik, Jerley, Pekala, Turcato and Winas. Motion passed unanimously; 7 yes, 0 no.
3. **3rd Motion** - Further, I move that Mr. Durdines' medical insurance coverage, as paid by the borough, end on April 30, 2010 and that he be given the opportunity to remain in the borough's medical insurance policy by paying his own premiums, as required by law. Pekala seconded Ledney's 3rd motion. Roll call vote: voting Yes, Ledney, Pekala, Furmanchik, Jerley, Spinos, Turcato and Winas. Motion passed unanimously; 7 yes, 0 no.

4. **4th Motion** - I move that Mr. Fred Oliveros be appointed as Windber Borough Manager & Zoning Officer effective immediately at an annual salary of \$40,600.00 which is a \$1,000/month increase and that he retain his current benefit package regarding medical insurance, vacation, sick days and personal days. Pekala seconded Ledney's 4th motion. Roll call vote: voting Yes, Ledney, Pekala, Furmanchik, Jerley, Spinosa, Turcato and Winas. Motion passed unanimously; 7 yes, 0 no.

5. **5th Motion** - Furthermore, I move that Mr. Oliveros will not serve as Codes Enforcement Officer for the Borough. The Borough will explore any and all alternatives and options to fill those needs. Winas seconded Ledney's 5th motion. Roll call vote: voting Yes, Ledney, Winas, Furmanchik, Jerley, Pekala Spinosa, and Turcato. Motion passed unanimously; 7 yes, 0 no.

Ledney added that he composed a letter to Mr. Durdines to be signed by Council president setting forth the motions and commentary to each.

Pekala asked council if she could contact the only person who submitted a resume for the Borough Secretary position. Berkey commented that the Manager may serve as the Borough Secretary. Furmanchik added to clarify the point that the Borough Secretary position is not a full time Borough position.

13th Street Railroad Crossing

Furmanchik applauded the efforts of the late Mayor Art Palumbo regarding the recently completed train signals at the 13th Street railroad crossing. He feels that council should commemorate the crossing in some way, shape or form to Art Palumbo. Maybe some type of signage that would make reference to Art Palumbo Crossing. Furmanchik expressed this wish in a form of a motion. Motion was seconded by Pekala. Fred Oliveros indicated that any type of signage will probably have to be cleared with the PUC and PennDot. He will find out what is acceptable. Motion passed unanimously by voice vote.

Remarks

Mayor Ohler addressed a problem with the one-way traffic on 7th Street from Washington Avenue to Jefferson Avenue. It seems that in this block some vehicles are not observing the one way restrictions. He indicated that all parties involved have been informed and that new signage would be installed. Ohler also stated that the problem with the coal truck parked on Railroad Street has been resolved with a call to the trucking company who promised to rectify the matter.

Spinosa mentioned that the snow pile issue in front of the property on S. 22nd Street has been taken care of by the Borough crew. He also added that the area around the high school at 23rd, 22nd and 21st Streets merits our attention because of the school time traffic in this area. He also advocates odd/even parking during snow emergencies. He

would like the manager to attend the first public works committee meeting to discuss some of these issues.

WAVE thanked council having the snow cleared from the doors of the Community Building for Sunday's dance.

Spinosa indicated that East Hills Recreation is still interested in a joint recreation program with the Borough. If an agreement were reached it would take approximated 4 to 6 months to implement, possibly 3 if the matter was pushed. Furmanchik stated that he would like not to leave any stone unturned with regards to the Recreation program, and we should continue to explore working with East Hills. Spinosa noted that East Hills did meet with Municipal Authority member Ray DiBattista. Turcato felt that if a meeting is set up, it wouldn't do any harm to talk. Turcato is concerned that when East Hills builds a five million dollar facility in Richland; will they guarantee that they won't walk away from Recreation Park and the Community Building? Spinosa indicated that the facility was three years down the road.

Jerley advocated seeking current proposals for the outsourcing of the code enforcement department. Oliveros noted that even though the code enforcement department is being outsourced he would like to renew his certifications for emergency purposes. Oliveros indicated that as manager his door would always be open to the public.

Turcato adjourned the meeting at 6:42 PM.

Pekala made a motion that was seconded by Furmanchik to reopen the meeting to approve the funding request of the Fire Department. Motion passed unanimously by voice vote. Turcato immediately reopened the meeting. The Fire Department would like the first installment of the budgeted funding to be used to pay their insurance premium. Pekala made a motion to give the Fire Department fifteen thousand dollars (\$15,000.00) in order that they may pay their liability insurance premium with the stipulation that a receipt from the insurance company be provided to the Borough. Motion was seconded by Furmanchik. Motion passed unanimously by voice vote.

Meeting was adjourned at 6:47 PM.

Respectfully Submitted

Fred Oliveros
Borough Secretary