

## **Windber Borough Council**

### Meeting Minutes

May 11, 2010

#### **OPENING**

The meeting of the Windber Borough Council was called to order at 7:00 p.m. on May 11, 2010 by Mr. Turcato, who led council and visitors in reciting "The Pledge of Allegiance to the Flag".

#### **ATTENDANCE**

Council members in attendance were Mr. Anthony Turcato, Mr. George Ledney, Mr. Jim Spinos, Mr. Mike Winas, Mr. Simon Ohler, Mrs. Sonya Pekala, and Mr. James Furmanchik. Also present were Mr. Fred Oliveros, Borough Manager, Ms Tina Wendell, Recording Secretary, Sergeant, Rick Skiles, and Mr. Andy Kondas and Mr. Scott Penrod, borough residents. Mr. Barry Jerley was absent.

#### **PUBLIC COMMENT ON AGENDA ITEMS**

Let the public record reflect there are no public comments on any of the agenda items at this time.

#### **APPROVAL OF PREVIOUS MINUTES**

Mr. Furmanchik made the motion to approve the previous minutes. The motion was seconded by Mr. Ledney. No further remarks, questions, corrections or additions were made. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

#### **CORRESPONDANCE**

A letter was sent by St. Anthony's Church. The church would like approval for closing part of 22<sup>nd</sup> Street down for their annual festival. Officer Skiles made the comment that there is a letter that needs to be signed for approval. Mr. Spinos made the motion, and the motion was seconded by Mr. Winas. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

- **BRIEFING OF DECEMBER, 31, 2009 BOROUGH OF WINDBER AUDIT PRESENTATION**

Kim Dorchak, representing Kotzan CPA & Associates, P.C., gave a brief presentation to pick out some of the financial highlights out of the audit report as opposed to going through the entire audit report. This is an easier way to go through the summary of the report. Ms Dorchak notes that there was a clean audit opinion issued for Windber Borough this year, an unqualified or a clean opinion, which is certainly a positive. Please refer to the financial highlights outlined by Ms Dorchak.

After Ms Dorchak's presentation, Mr. Turcato asked that the council members get the opportunity to review and discuss the information provided and schedule a meeting possibly next Tuesday, May, 18,

2010, should there be any further questions that we could have the manager, Mr. Oliveros convey them to Ms Dorchak.

The question was raised that since we are on a cash basis, is there an advantage creating the depreciation scale for any equipment/vehicles that are purchased. Ms Dorchak replied that there is certainly an advantage in tracking your capital assets they do not have to do it because we are on a cash basis. This was discussed previously. For example, when you buy a police cruiser now, and you spent \$21,000, it is expensed in 2009 and it is gone, you do not see it again, versus if you were on an accrual basis, you would be tracking your capital assets and those would be assets that would be slowly depreciated over the life, you would not expense it all away in the 1<sup>st</sup> year, it would get expensed slowly through depreciation over the life of the asset, such as a vehicle, which is 5 years. There is certainly an advantage to keeping track of your capital assets. Ms Dorchak does not know that you need to so much keep track of depreciation, but it would be easy enough to figure out depreciation if you were keeping track of the assets; if you had the asset, what it was, the year you bought it, and the cost, it would be very easy, if you needed to, down the line you could give it to us and we have a software program that puts them into depreciation to a software program and depreciates them, and all we need to know is what it is so we know how many years, what the life would be, and then the cost and when you bought it, and then you can get depreciation fairly quickly. So, it is certainly worth considering doing maybe a physical inventory of your capital, such as your vehicles, equipment, furniture in the building, etc. Mr. Turcato states the council has explored this in times past with Mr. Kotzan, but the borough never really followed through on it. This takes time. Ms Dorchak states the most accurate way of doing this is to have an appraisal company come in and give you an appraisal of everything, but Mr. Kotzan said also that could be costly. He suggested maybe even for police vehicles or something, maybe if the council could talk to someone in the community, like a car dealer, who could tell you what they are selling for at auction and give you an idea of their value. For police weapons, equipment, and things maybe talk to someone from a gun shop or someone who has experience in that area that could tell you what they are selling for as opposed to getting a formal appraisal. However, a formal appraisal is the most accurate way to go, but it can get costly; if there is another way around it, you could probably still get some good numbers.

## **BUSINESS ITEMS**

### **APPROVAL OF PAYROLL**

- The motion has been made by Mrs. Pekala, and was seconded by Mr. Ledney. There were no further questions or remarks on payroll made. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

## **APPROVAL OF PAYMENT OF BILLS**

- The motion was made by Mr. Furmanchik, and was seconded by Mr. Spinos. There were a few further questions and remarks listed below. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.
- The question was raised by Mr. Spinos regarding street lights and dealings with Barclay Electric. Mrs. Pekala raised the possibility of having a list, like there is for things such as snow removal, and call to see who can do the job for the best price.
- Mr. Spinos makes the statement that every time there is a function down at the community building, council is paying Barclay an outrageous amount to install those cables. The panel boxes are no longer operating properly and are unsafe. We need to install a system where you have a twist-lock system and put a padlock on it. Anybody can plug it in like an extension cord, the borough manager will have the key and, in this regard, we do not have to pay a certified electrician every time there is a function at the community building. Mr. Spinos makes the motion to direct the manager to explore contracting out as well as addressing the boxes down at the parking lot. The motion was seconded by Mrs. Pekala. There were no further questions or remarks. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

## **APPROVAL OF TREASURER'S REPORT**

- The motion was made for approval of the Treasurer's Report by Mr. Ledney and was seconded by Mrs. Pekala. There were a few further questions and remarks listed below. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

## **APPROVAL OF CASH BALANCE REPORT**

- The motion was made for approval of the Cash Balance Report by Mr. Winas and was seconded by Mrs. Pekala. There were a few further questions and remarks listed below. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

## **APPROVAL OF STONYCREEK RIVER WATERSHED STORM WATER MANAGEMENT ORDINANCE 2010-2**

- Mr. Berkey states there is a lengthy document; it is the Storm Water Management Ordinance for the Stonycreek River Watershed, which comes from the commonwealth, relative to assisting in managing future development in and around Stonycreek River Watershed. It has been properly advertised and needs to be adopted by the borough to be in compliance with the state rules and regulations. Please refer to further questions/remarks noted below. The motion was made by Mr. Furmanchik and seconded by Mr. Spinos. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

## **APPROVAL FOR PAYMENT OF BILL FOR ADVERTISEMENT**

- One item on the Stonycreek Watershed Approval was made by Mr. Berkey, who adds that the advertising of the summary was advertised along with other municipalities that they represent. The total advertising cost was \$440.45, the borough's share of that is only 1/7, \$62.92. Mr. Berkey would like approval for payment of this bill. Mrs. Furmanchik made the motion and Mr. Furmanchik seconded the motion. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

## **BOROUGH REPORTS**

Mr. Turcato asked if any standing committee of council had any issues they wish to bring forth at this time.

Mayor Ohler raises an issue regarding the Richland Fire Company. Mayor Ohler is aware that rumor is out there that he has been in secret negotiations with Richland Township over the fire company. Mayor Ohler states the rumors are not true. Mayor Ohler notes he has not met with any of the fireman, with the exception of a few days ago, he met with two of them on his front porch, from the Windber Fire Company. Mayor Ohler is making this statement to cut off any rumors that might be out there. Mayor Ohler states there is no kind of talk, secret or otherwise, with any other municipality and the Windber Fire Company. At the meeting Mayor Ohler had with the 2 people, Aaron and another gentleman, up on his porch, which Mayor Ohler states he does not know if council is aware or not but for the Friday Night Drives and the Windber Day's Celebrations, the Windber Fire Company has been cut out of the beer sales. The question was raised whether the beer sales were part of their fundraising. Windber Fire Company thought it was. Another question was raised whether there is a reason why they are cut out of it. Mayor Ohler explains they went to Scalp Fire Company, and they are going to bring the Scalp Fire Company in here to sell beer to help raise money for the Scalp Fire Company when our fire company is strapped for cash. The question was raised is there a reason for this. Mr. Spinos states that yes there is. Last year, there were 5/9, the first fundraiser they had it did great, the rest of them we had to call the Windber Fire Company to see when they were coming, the very next to the last fundraiser, which every one of them started at 6:00, we called them at 7:00 to ask where they were at, they said they would be there at 7:00, they were told that they have done how many of these and it starts at 6:00, as did all the other fundraisers. A day before the last fundraiser, Mr. Spinos was told that the Windber Fire Department forgot to apply for a liquor license. There are also other issues that Mr. Spinos discussed with the Windber Fire Company. Mr. Spinos states we have been trying to be fair to everybody involving them in these fundraisers. Mr. Spinos also states that there is a lot of work involved in these fund raisers. One of the problems starts with the borough council. There are a lot of people that volunteer a lot of work in this town, nobody appreciates it and everybody takes it for granted. Last year Mr. Spinos and Scott Penrod raised all the money to pay for Thunder in the Valley, it did not cost the tax

payers any money. Mr. Spinosa came to Windber Borough Council last year and presented this to everyone, and he did not get one thank you from anybody on the Windber Borough Council. Mr. Spinosa raised the question whether the Windber Borough Council aware of how much revenue that brings in to this town those two days? Mr. Spinosa has two businesses in this town that supports us on everything that we do, two businesses, everybody else does not want to get involved. The majority of the businesses in Windber reap the benefit from all of this. Mayor Ohler states that everybody on council appreciates what Mr. Spinosa is doing. Mr. Spinosa states that he and his committee will discuss this matter with the Windber Fire Company.

Mr. Turcato asked if Mayor Ohler had anything more to discuss. Mayor Ohler stated that he talked with Chief Bartlett, from Richland Township, today. They are going to make an offer towards the police services. They are not ready to give it yet, they concluded all the studies that they wanted to do, now they have to put everything together and within the next week, perhaps two, they will have a written proposal for Windber to look at. It will be the same system that we are presently with Paint Township, we will have a document to look at and then it will be up to council to do whatever they want. At that time, Mayor Ohler will withdraw from any further negotiations because that is going to be a council decision and not the Mayor's decision.

The statement has been made if Richland would take this service over, the first thing that comes to mind that being an advocate of supporting the local business community, in a situation like this, what might the rippling effect have on our businesses in our community. The first thing that comes to mind is even something as simple as all the towing and accidents that are covered by such as Ray Zimmerman, Jeff Thomas, and Jerley. If that came into play, is this a situation that can come back on the Windber Businessmen in a negative way? Mayor Ohler states that we did this to be competitive; and like he said, that is going to be a council decision, whatever council decides the Mayor, of course, will follow through with. After that part of the decision is reached, the Mayor is going to back off and it is going to be whatever council decides. When it comes down to it, you have to do what is right for the town. Mayor Ohler did not feel the need for an executive session to discuss anything because there is really nothing to discuss. The mayor is just providing to council the information and where we are at with it.

- **MANAGERS REPORT**

Mr. Oliveros has been in talks with the Redevelopment Authority regarding the 2009 entitlement and we are going back and forth and we have come up with a plan. The 2009 monies and that is \$60,000 to complete the previous designed storm sewer on 28<sup>th</sup> Street, which we did the sanitary in 2008 and we ran out of money to do the storm sewer and that has already been engineered and everything is in place for that. In line with that, we would spend \$16,000 for road crew construction on 28<sup>th</sup> Street after everything was installed and we repave 28<sup>th</sup> and 29<sup>th</sup> Streets, and that would leave \$6,974.00 for the demolition for the vacant house on Pomroys Drive. The 2010 money, then we would probably revert back to the Railroad Street area to make these improvements out there.

Mr. Oliveros also would like to discuss the 13<sup>th</sup> Street Railroad Crossing. It was previously mentioned about a commemoration for Art Palumbo, and Mr. Oliveros cleared everything with the railroad and they gave final permission, and they are open to whatever we want to do there. Mr. Oliveros is submitting this presentation to council as an idea he came up with. Mrs. Furmanchik states she likes the presentation. Mrs. Furmanchik asked if the sign was going to be visible coming both ways. It was discussed with the railroad regarding putting a sign on the inbound side as well, and the only stipulation the railroad has is that we cannot block any of the lights on that side. Mr. Spinos suggests that Mr. Oliveros get in touch with Mr. Bob Hovanec from Big City Signs. Mr. Hovanec is a marvelous sign maker, and he will be able to design a sign that would be incredible. This is something that Art put a lot of time in, there was a lot of money that changed hands in order to make it happen, so it is a necessity that it be a first-class job and Mr. Spinos is encouraging Mr. Oliveros to get in touch with Mr. Hovanec in order to do some brainstorming and hear what he has to say in line with the sign already designed. Mr. Spinos gave the phone number to Mr. Oliveros for Big City Signs to get in touch with Mr. Hovanec. Mr. Hovanec has made several different signs already for Windber and he did a wonderful job.

Mr. Spinos remarks he did not realize how bad 28<sup>th</sup>/29<sup>th</sup> Streets were until he took a drive through there after work today, and that situation is bad. Catherine Street is unbelievable. Mr. Oliveros put on the report that he looked at Catherine Street, he does not believe there is a drainage problem there, there is just no road left and that is why there is a problem with puddling up there. So, if it is paved and has a nice crown on it and that should take care of the problem there. As noted before, 28<sup>th</sup> and 29<sup>th</sup> Streets will be paved, and the money left over we could pave Catherine Street as well.

Mr. Turcato asked Mr. Oliveros if there was anything further on his manager's report, asked if anybody had any questions on the manager's report. Mayor Ohler asked the question whether Mr. Oliveros ever found out who or what owns the old Sheetz building on 9<sup>th</sup> Street and Graham Avenue? Mr. Oliveros is working on that matter right now. He believes that it is still Sheetz who still owns it. Mr. Oliveros has sent e-mails to a couple of their executives and they have not responded as of yet. Karen Wozniak states that she believes Sheetz bought that particular property.

- **SOLICITORS REPORT**

Mr. Spinos has a question regarding the old gas station on Graham Avenue, which used to be the old Boron Station, there is glass all through the parking lot and all the windows have been broken out of the little building that sits there, what is the story on this property? The problem with that property there is that the gas tanks are probably still in the ground. Mr. Spinos asks who owns the property, and it is someone from Brooklyn who owns it. We tried to follow up on this matter a couple years back. The building that sits beside this property is a mess as well. This building and the property where the old gas station was is owned by the same person. He is an older gentleman. He has been clearing stuff out of this building; does anybody know what he is planning on doing with it? There is a big mess at this building as well, and they have been cleaning it out for about the past 3 years now and it looks like nothing is happening.

Mr. Oliveros met the owner one time; he came in and said what does he have to do? Mr. Oliveros told him he needed to provide him with a set of drawings and then we could go from there. The question was raised is there any way that the owner could be cited, this building and property are a mess, the kids have been hanging out there and someone is going to get hurt; the windows are all out of the building, there is glass all through the parking lot. There are those wooden shoots coming out of the windows there, should one of those fall out and seriously injury somebody even kill somebody then what? We will take action, and the solicitor will evaluate as to what legal action we need to take so we can get repaid. This needs to be cleaned up. Mayor Ohler made the statement that the gas station shut down because the tanks leaked. Mr. Oliveros states that four years ago he talked to DEP about the gas tanks and they said they were okay. Mayor Ohler made the statement that the tanks leak and that is a guarantee. This is Conemaugh Petroleum. DEP should be called in because those are old tanks that are in there and you are not allowed to have that. Mrs. Pekala states that something needs to be done to clean up the property and the building to make it look better on the outside. Mayor Ohler states that they are paying \$600.00 per year per tank to register them with the DEP, whether the tanks are being used or not, every 5 years you have to have certification that those tanks are good, that is just the law; I have been down this road. Mr. Oliveros will follow up on this matter with Conemaugh Petroleum with a letter of certification.

- **STANDING COMMITTEE**

As far as the property committee goes, Officer Skiles asked Mr. Oliveros if we have made any advancement about what we might be doing with the borough offices. Mr. Oliveros states once we know what our definitive direction will be with respect to police, then we should be able to move, hopefully expeditiously, after all these years.

Mr. Ledney states that he got a call from Rick Huffman, Superintendent of Schools, and he was concerned about moving the tax office out of this building. He did not want to take anything away from council or the borough as far as revenue if we have a place to go. What he wants to do is he will move the office but he wants to move it in June, simply because he has the maintenance staff available, in July a lot of them take vacation and in August they are getting the school year ready to go. They found another spot in Paint Borough Building. There is not anywhere to put the tax office. Mr. Oliveros states Mr. Huffman wanted to know what the status is and he said he would get back to him, but said "let me tell you this, the building is unsafe, there are health hazards and if you have to move in June, I would advise you to go ahead and find another place; if you have another spot, then go ahead and get the ball rolling and go ahead and move." For at least a year it was the understanding that it was going to relocate to the school district somewhere but then they studied the circumstances and it has to be located in a municipal facility, school districts are not considered to be municipal.

Officer Skiles brings up the proposal that Richland is going to make and wants to know if we are comparing apples to apples. Mayor Ohler states there was a meeting with George, we told him what we wanted and that is where it is going to go.

Mayor Ohler got a request for a motorcycle run that has been done for 6 years now, it is for The Fallen. They are planning to host the even on Saturday, August 14, 2010, with a bike ride leaving the Windber Hotel at 12 noon to approximately 4 p.m. They would like Graham Avenue to be closed between the alley behind the hotel to the intersection of Jefferson Avenue for parking of the motorcycles. They are going to have a live band and a clean up, and they want to use the parking lot. Mrs. Spinos made the motion and Mr. Furmanchik seconded the motion. Mr. Turcato asked if there were any other questions or remarks and none were made. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

- **PROPERTY MAINTENANCE**

Mr. Oliveros states in his codes report, he put those reports down into building permits, inspection of property and things, because he believes they are separate issues. Mr. Oliveros recommends that council give him permission to work out a contract with Somerset County Building Inspections to handle the building permits and inspections for the borough. Mr. Oliveros was out there last week on another matter and he stopped in to visit them and he also spoke with Meyersdale about how they were handling property maintenance and he really does not feel that it is a good deal for the borough to have them do property maintenance, they pretty much handle it on a per diem basis. If you need them, they will come. You get billed for their time, their mileage, and like he put in his report, do you want to get a bill for somebody coming in for high grass for one complaint. Mr. Oliveros feels that council should have someone else do property maintenance, who he does not know. Mr. Oliveros mentioned in his report that former codes officer, Tyler Fischer, had offered to do the building maintenance at one time, he has since removed his offer from the table, so that is off the board right now. What we could do in that aspect, Mr. Oliveros does not know, other than trying to find somebody to do this. Mrs. Pekala made the first motion to allow Mr. Oliveros to initiate a contract with Somerset County Building Inspections. Mr. Ledney seconded the motion. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent. Mr. Turcato asked if there were any further questions or comments on this motion. Mr. Turcato asked Officer Skiles if the police department could do property maintenance. Officer Skiles states if it is covered by ordinance and refers the question to Solicitor, Mr. Berkey. Mr. Berkey states we would have to look at the borough's ordinances to see if it comes from designee of the borough; if the borough is allowed to designate someone, they could designate the police department to do it. Mr. Berkey states this needs to be looked at by the next meeting. Mayor Ohler states the solicitor will look at that and then "in the interim" if the police can do it then we can let them do it until we find someone for the position. This is regarding the high grass maintenance that we will be having right now.

- **PART-TIME PUBLIC WORKS LABORER**

Mr. Oliveros reports there were 17 applications and/or resumes for that position, Mr. Oliveros narrowed it down to two that were even close to what we were looking for. Mr. Oliveros had them in for an interview, and he had Dave sit in on the interview because he said he was not part of the last hire, so he

was invited to sit in on the interviews. Mr. Oliveros states that they decided on Robert Keyser, he was formerly employed by Paint Borough Public Works Department, so he did a lot of plowing during the big snow storms, he has mechanical abilities, and he knows how to weld. Mrs. Pekala asked the question if Mr. Kaiser knows how to run the big equipment as well. Mr. Oliveros states he knows how to run equipment, he knows how to plow, etc. The question was raised why he does not work for Paint Borough anymore. Mr. Oliveros stated it was because of money situations. The question was asked how old Mr. Kaiser is, and Mr. Oliveros stated he is in his 20's; legally you are not supposed to ask their age, Mr. Oliveros is just assuming that is his approximate age. He had a very good interview, and he is very well spoken and personable guy. The question was raised if he was being hired at the same rate as the prior maintenance laborer. Mr. Oliveros stated the union starting rate is \$8.25 for permanent part-time. Mr. Turcato asked what council wishes to do. Mrs. Pekala asked how many hours a week he will be putting in. Mr. Oliveros said 32 hours. If he is approved, he will start on Tuesday, May 18, 2010. Mrs. Pekala made the first motion that council hire Robert Kaiser as part-time public works laborer. Mr. Ledney seconded the motion. Mr. Turcato asked if there were any other questions or remarks and none were made. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

- **NEW BUSINESS**

### **SCHEDULE FOR COUNCIL MEETINGS**

Mr. Turcato announces council will have a meeting next Tuesday. Mr. Spinos states he thought council was going to meet every two weeks now. We have the police matter that needs to be addressed as soon as possible. Mr. Turcato will have members of council called either way, whether we are going to have the meeting next Tuesday or the following Tuesday, May 25, 2010. There should have the police proposal here by May 15, 2010, and then a special meeting will be called when this report comes in.

The meetings will be held on the third Tuesday of the month for the three months in the summer. Mr. Turcato states that for June, July and August council meetings will be the third Tuesday of the month. Then, starting in September, council will meet on the first and third Tuesdays of the month. This will have to be advertised. June, July and August will not have to be advertised, just when the meetings are changed starting in September, then this will have to be advertised. Council will have a meeting in a week or two, and all will be notified as to which Tuesday this will be. Mrs. Pekala made the first motion that we advertise the schedule for the fall schedule of the council meetings. Mr. Furmanchik seconded the motion. Mr. Turcato asked if there were any other questions or remarks and none were made. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

### **THUNDER IN THE VALLEY**

Mr. Spinos talked to Mayor Ohler regarding shutting down the streets for Thunder in the Valley. Mayor Ohler already told Mr. Spinos if he needs to shut down any of the streets, he has approval. Mr. Spinos talked to an organization last week called the Big Rubbers Club and what they have are these 4-wheel drive vehicles, and they offered to come in for free. They have their own insurance that they will

provide for us. They will be doing their demonstration on Friday night and all day Saturday but the only downfall is we will have to shut 15<sup>th</sup> Street down after the tracks, we will not disturb Patty's Restaurant, down to the intersection. What they are going to do is they are going to bring in some big rocks and some logs and they are going to do their demonstration on 15<sup>th</sup> Street, in front of the old fire hall. Mr. Spinosa has to talk to Dave Petrunak so that he will be able to get in and out of there. We were made aware that they are not going to damage the road or anything. They are going to rope off the area where they are going to do their demonstration. It is all going to be at a slow pace, where they are going to crawl over rocks and logs. They are a nonprofit organization and any money they make they give to Windber Borough for their Christmas thing. They are having a big show this Saturday up at Gander Mountain. The Star Boys are coming back and also a Harley Davidson Group is going to come with them this year. We are really promoting it this year to bring a lot of people into town. Right now, for Thunder in the Valley, Windber has more things going on than Johnstown as far as performances and things. The vendors are starting to come forward. Mr. Spinosa states, "correct me if I'm wrong, but from what I was told is the cables for power that any borough function the borough does not have to pay for them." The borough bought those cables back for the 100-Year Centennial, we donated them to Wave and for any non-borough activity they have to pay \$100.00 for rental and any borough function we do not have to pay. Every year these cables are damaged and the borough ends up with the bill to repair them through Barclay. Last year, for Miner's Day to Thunder in the Valley the cables were left there and all the ends were smashed and we had to get a certified electrician to come in and fix them. Mrs. Pekala states that since it is a borough function, we should direct the borough manager to contact them regarding those cables. The cables are going to be set up for Miner's Day and Miner's Day is going to pay rental on them and they are also going to pay Barclay to hook them up. We are going to roll these cables up and leave them there for Thunder in the Valley after Miner's Day is over. The cables will need to be inspected after Miner's Day to be sure there is no damage to them before the borough uses them for Thunder in the Valley. Mr. Oliveros spoke to Wave this past week about those cables and we are trying to determine who owns what and so forth. We came to an agreement that they belong to Wave and the borough and they did ask if the borough would be in charge of taking care of the cables and storing them somewhere so we would have a handle on it. Mrs. Pekala suggests that we direct public works to find a safe place to store them so they are not getting stepped on and damaged. Mr. Oliveros stated he already agreed to do that. Mr. Spinosa will keep the borough updated on Thunder in the Valley as it comes closer; we are expecting a big crowd this year. Mr. Spinosa talked to the manager at Sheetz regarding shutting down Graham Avenue for this event and Sheetz does not have a problem with this. They just asked that we give them the times that the street will be closed so they can be staffed for this event. Mrs. Pekala makes the first motion to allow 15<sup>th</sup> Street to be shut down for Thunder in the Valley. Mr. Furmanchik seconded the motion. Mr. Turcato asked if there were any other questions or remarks and none were made. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

### **WINDBER DOG RUN SIGN**

The Windber Dog Run was approved to erect a memorial at the west end of Miner's Park. The Windber Dog Run Committee elected not to use any monies to memorialize themselves; they continued to write those checks to organizations that were in need within the community. The Windber Dog Run is an organization that donated over \$600,000.00 to this community. The only recognition the Dog Run Committee has are the two Welcome to Windber Signs and the neon motorcycle, which were bought, paid and purchased and erected by the Windber Dog Run. It was agreed upon to maintain that sign. That sign today sits in the basement of the borough building. That sign needs to be re-erected again in the vicinity of Crousey's, where the Dog Run roots began, and make it operational once again. The question is where this sign will be displayed. The Windber Borough owes it to the Dog Run Committee and everyone else who worked so hard over the 20 years and donated over \$600,000.00 to the community to put it somewhere and get it operational. Mr. Oliveros will check around to find the best place to hang this sign and make a recommendation to council at the next meeting. The sign needs to be repaired, all the neon was not lighting up on it when it was taken down. The agreement was made that the sign will be repaired and hung back up.

### **FLAGS FOR MINER'S PARK**

Mr. Oliveros stated that Dan Hitechew recommended that we order all new flags for the Miner's Park and Mr. Oliveros told him to go ahead and order them, so all the flags will be replaced and everything will be new.

### **RECOGNITION OF VISITORS**

Mr. Turcato called for recognition of visitors. Mr. Andy Kondas attended an authority meeting last Tuesday and they talked about the cables. There needs to be some sort of understanding between the authority and the borough regarding the cables. Mr. Kondas also stated that at the last borough meeting the Mayor mentioned that when the vice-president of Rosebud was in town he would talk to the truck drivers about cutting their speed down coming through Mine 35. Mr. Kondas agrees that some of the truck drivers are doing a good job with it and some of them are not, some are driving just as fast. Mr. Kondas also expresses that it will be 35 years now that he has come to the borough regarding securing a piece of property on Railroad Street for a playground. Berwind donated 2 acres of ground for a playground on Railroad Street. That playground is about 1/3 utilized, the other part is a dump, and people have been encroaching upon it. Some of the residents are cutting the grass in this area and treating it like it is their ground and it is not. The borough is not maintaining this property. Council made the suggestion for Mine 35 to have some sort of fundraiser to earn money for repairs of the playground and to make it the playground they always wanted. Mr. Kondas stated he did not have the time to do this. Mr. Kondas would like to see the fence that is around the playground removed or repaired, it is falling down and in need of repair. Mayor Ohler made the recommendation to Mr. Kondas to write a list of the grievances and the people who you feel are violating the grievances, sign it and date it and then give it to Mr. Oliveros so Mr. Oliveros can take action on it.

Mr. Scott Penrod has done some research on extending his serving area at the Windber Hotel. What he is going to do is have the area be the parking lot to help with the Fallen Run and also with the Cruz-Ins, if we cannot get enough people with special event permits, Mr. Penrod could cover this with his own license; his liquor liability and his liability will cover all his serving areas. If Mr. Penrod gets this license, legally he can serve anytime he wants in this area but makes the promise that he would only be using it for these special events and not just for serving alcohol at any given time there, it will be with council approval and in cooperation with the police department. For the Fallen Run they have a special event permit where they have to pay \$30.00 for it and the Fallen donates money to them for the sale of beer. They only get a certain amount of special permits per year that they can use and they could possibly make more money now. With the weather being so unpredictable for the Cruz-Ins, just for the commitment to serve alcohol you have to pay \$30.00 for your special permit, use up your permit, plus pay to have the police patrol the area, so that is about \$135.00-\$140.00, and if it is a rainout, that is money that that institution loses. In this case, what Mr. Penrod wants to do is, in case we cannot get those people to sell beer, for the convenience of the people who come to these events, the Windber Hotel will provide the beer sales. Mayor Ohler asks if these beer sales would be outside the Hotel. Mr. Penrod stated yes, and he has his liquor liability insurance already and his hotel liability with go with that. No liquor or distilled spirits will be serviced, only beer in plastic or aluminum containers and draft beer. Mr. Penrod has to go with the PLCB's 49 and needs borough council's written permission to go with it. Mr. Penrod will put everything down in writing for everybody to approve. Again, this is not for the hotel to sale beer arbitrarily out there, but just to help out and for the convenience of the people who come to these events. It will cost Mr. Penrod \$220.00 a year, if approved for the license, plus the hotel will pay for the police support. Mayor Ohler asked Officer Skiles if there would be a problem with this, and he stated as long as he had a document which is related to he is going to prepare a letter, as long as he has it on file. Mr. Penrod needs a letter form council stating that this can be permissible as sort of a sidewalk café but he will not be serving food, just beer. Mrs. Pekala stated that Mr. Oliveros can draw up a letter to that effect. Mrs. Pekala made the first motion for the letter to be submitted to Mr. Penrod in regards to expanding the serving area outside of his establishment, in the parking lot of the community building. Mr. Furmanchik seconded the motion. Mr. Turcato asked if there were any other questions or remarks and none were made. Motion was approved by unanimous voice vote except for Mr. Jerley, who was absent.

**Meeting was adjourned at 8:59 p.m.**

**Respectfully Submitted,**

**Ms Tina Wendell  
Recording Secretary**