

Borough of Windber
Borough Council Regular Meeting
November 9, 2010– 7:00 PM
MINUTES

Public Meeting – Rosebud Mine – Jim Barker 6:00 pm – 7:00 pm

Call to order – Council President Anthony Turcato

Pledge of Allegiance

Mr. Turcato welcomed the citizens of the Borough as it relates to the mining concern between Mines 35 and 42. Mr. Turcato asked that their remarks be cordial and limited to five (5) minutes. Mr. Turcato warned that if anyone becomes disruptive they will be removed from Council Chambers.

Mr. Turcato welcomed Mr. Barker, Executive Vice President, Rosebud Mining to the meeting. 11 citizens addressed the Council and Rosebud Mine representative Jim Barker.

A Summary of their complaints and concerns follows:

- The trains pull in and idle at 2:00 am. The trucks are speeding and using the jake brakes all day long. The noise is unbearable. Driving over the centerline. The turn at 17th street is dangerous as they are over the centerline. The truck drivers are talking on the cell phones; is there not an ordinance against this?
- The trucks are not always tarped. The filth is unreal. There is a strong possibility that lung issues are increasing in the community and existing conditions are exacerbated by the coal dust and diesel fumes
- Trains running all night. Is it necessary to blow their horn in the wee hours of the morning. Sitting in idle. The trains are vibrating and there is no quiet time.
- Trucks starting their runs earlier and continuing to run late in the day. Speeding.
- The amount of truck traffic speeding and excessive coal dust.
- Are the trucks tarped both directions to cut down on the dust and if not can they be required to do so?
- Are the trucks following local ordinances and federal laws? The trucks are driving above the speed limit and using both sides of the road. There is barely enough room for two cars to pass let alone a speeding coal truck hogging the road.
- Numerous complaints about the coal dust and diesel fumes and oil coating their houses and lawns. There are concerns over toxic air and ground pollution with not only the coal dust but the diesel fumes from both trucks and trains.
- There is a higher incidence of allergies and health problems resulting in the reopening of the mine and the opening of the cleaning plant.
- Workers at the cleaning plant are speeding when leaving the plant.
- Where is the police presence?
- Questioned who approved the Cleaning plant? Were they aware of the amount of truck traffic involved?
- Why are they coming through the community when there is an alternate route to the plant?
- The residents of the area were told that an alternate route would be built or that can be used. Is there an alternate plant able to be utilized since the trucks are coming from Cambria and Indiana County mines
- The residents were assured that the mine and cleaning plant would not work at night or on Saturday. Yet they are working at night. Front loaders are coming on the road. The street sweeper is working at night but not using water or surfactants to keep the dust from being redistributed into the atmosphere.

Mr. Barker responded to the residents' concerns regarding a few of their issues.

- Indicated that they cannot speak for Norfolk Southern. If he had been informed he would have requested a representative be present. Rosebud prefers to load trains in daylight hours.
- The company is working to reduce the problems. They are meeting with the DEP to set out the indicators.
- The screens and a surfactant are being used to decrease the amount of dust.
- In the near future, the company is putting in a truck wash, to keep the trucks out of the coal as much as possible
- All unloading areas will eventually have cement runs.

- Indicated that he would investigate the alternate road Mayor Palumbo indicated the state proposed as the alternate route.

Mr. Harry Baldwin – Mrs. Rhonda Seibert - Diane Hockins - Sally Keri - Pauline Virginock - Helen Marcinko - Mr. Andy Kondas - Philip Chippie - Sharon George - Linda Virgenock

In summary the residents would like to know what is going to be done about promises not kept.

The residents would like to be able to have a complete night's sleep.

The residents would like to be able to walk play and travel safely in their neighborhood.

The residents would like to have a clean environment in which to live.

The residents would like not to have to worry about health issues increasing.

A resident indicated that she would accept an offer to be relocated to a different area of Windber

Mr. Turcato

We will summarize your concerns. We will do our best to formulate a course of action and take whatever action legally within our jurisdiction as the governing body of Windber. Can't make any promises. We understand this issue goes back 15 years or longer. We have met with countless individuals and various regulatory bodies to try to expedite the concerns of the residents. We will expedite sitting down again with Norfolk Southern, DOT and DEP. Mr. Turcato thanked the residents for coming and expressing their concerns and Mr. Barker for attending

Adjourn until 7:10 pm

Call to order – 7:10 pm Council President Anthony Turcato

Roll Call - Council President - Anthony Turcato (AT), James Furmanchik (JF), Barry Jerley (BJ), George Ledney(GL), Sonya Pekala (SP), James Spinos (JS), Michael Winas (MW)
Mayor Simon Ohler (SO), Borough Manager Fred Oliveros (FO), Police Chief - Rick Skiles (RS), Solicitor – Jeffrey L Berkey (JB) absent, Recording Secretary - Cynthia McCracken

Public comment on agenda

Mr. Furmanchik as a citizen would encourage Rosebud Mining Company to find an alternate route.

Mr. Spinos felt that Mr. Barker was not aware that this would be a question and answer period.

Need to sit down with everyone involved and help facilitate the use of the alternate route.

Mr. Ledney indicated that the mileage is cost prohibitive for the truck drivers. He indicated that the proposed route would result in lost trips per day and more weight of product.

Mr. Turcato indicated that the Borough will contact all the parties involved. We have tried historically and we will not quit.

Reading of the Minutes –

- Moved and seconded (Ledney/Furmanchik) to approve the minutes of the previous meetings. Windber Borough Council Regular meeting of October 19, 2010, as presented. – (Motion Carried)

Correspondence

- 1) Patricia Russell Resignation member of Municipal Authority effective Dec 2, 2010
Motion to accept her resignation (Pekala/Ledney) - Motion carries
- 2) Ryan D. Chiodo Resignation as Windber Borough Police officer effective November 13, 2010
Motion to accept his resignation (Spinos/Furmanchik) - Motion Carried
Mr. Furmanchik indicated that it would be appropriate to write a letter thanking him for his service and wish him luck in his continued service with the State Police.
- 3) Teamsters Local 110 – Mr. R. Keller meeting request
- 4) Municipal Retirement Trust – Mr. Chris Cap
- 5) Comcast notice
- 6) Eureka Coal Heritage Foundation - donation acknowledgement
- 7) WESN Newsletter article – Library eAccess

- No comments on Correspondence

Executive session – Matter of personnel and contract negotiations- 7:05 pm to 7:40 pm

Business Items

- a) Approval of Payroll
 - Moved and Seconded (Ledney/Furmanchik) to approve Payroll – Motion carried
- b) Approval to Pay bills
Mr. Spinos questioned the light bulb expense and the Payroll service of \$71.74 and the rest of the reports will be lower than \$18,000 next budget.
Phone lines indicated where are they directed to. The Borough has two lines and the 7519 is the shed. Chief Skiles is moving the police phone numbers as of December 1. Police cell phones reimbursement will not appear on our bills.
- c) Mr. Furmanchik asked what the total cost of Herbert CPA is \$15,900 Mr. Ledney indicated that the recreation deficit and outsourcing the accounting services \$62,042.37

- Moved and Seconded (Pekala/Ledney) to approve pay the bills. – Mr. Winas opposed (Motion carried)
- d) Approval of Agreement with Capital Tax Collection Bureau
 - Moved and Seconded (Furmanchik/Jerley) to approve agreement. - Motion carried
- e) Approval to continue to provide local share to Cambria County Transit Authority in the amount of \$2,126.16.
 - Moved and Seconded (Pekala/Winas) to provide local share to CCTA. - Motion carried
- f) Mr. Furmanchik to Approval to retain Herbert CPA for bookkeeping services and payroll for 2011. A motion was made and seconded (Furmanchik/Spinis) to reinstate Robin Gates at the same salary and benefits.

4 opposed Mr. Turcato/ Mrs. Pekala/ Mr. Winas/Mr. Ledney – 3 in favor – Mr. Furmanchik/ Mr Spinis/ Mr. Jerley – Motion denied

 - Moved and Seconded (Ledney/Winas) to retain Herbert CPA.services for the year 2011. Motion carried 4 in favor Mr. Turcato/ Mrs. Pekala/ Mr. Winas/Mr. Ledney – 3 Opposed – Mr. Furmanchik/ Mr Spinis/ Mr. Jerley – Motion Carried
- g) Approval of Regional Recreation Study Grant Resolution 2010-6 for Municipal Authority.
 - Moved and Seconded (Winas/Ledney) to approve Regional Recreation Study Grant Resolution 2010-6 for Municipal Authority. - Motion carried
 - Mr. Furmanchik asked for clarification that we can be assured that we are the only municipality holding the bag should anyone else not participate.
- h) Approval to forgive the Recreation Fund Deficit.
 - Moved and seconded (Pekala/Ledney) to approve forgiving the deficit amount of \$65,926.05 in the Recreation Fund - Motion Carried

Borough Reports

- **Finance** (Ch Ledney – Pekala – Furmanchik) Mr. Ledney indicated that Fred Oliveros is doing an excellent job keeping ahead of the questions. It is the smoothest process that Mr. Ledney has been through.

Unfinished Business

No unfinished business

New Business

- a) Mr. Spinis requesting a formal thank you note to BCL for donation of steel and laser cutting.
- b) Requested that during the lighting ceremony we proceed to the crossing for a dedication of the Palumbo crossing. Coordinate with WAVE for the dedication. Mr. Turcato to say a few words. Possible to have Mrs. Palumbo and Mr. Sipko there for the dedication.
- c) Museum asked for the release of \$500 to help defray costs of heating oil. Motion was made and seconded (Ledney/Furmanchik) to approve the release of funds. Motion Carried

Recognition of Visitors

Next Meeting Date – Budget workshop November 23, 2010 - 6:00pm
Regular Meeting November 23, 2010 - 7:00 pm

Adjourn - Turcato, adjourn 7:41 pm