

**WINDBER BOROUGH COUNCIL
MINUTES: JANUARY 12, 2010
REGULAR MEETING – 7:00 PM.**

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 Borough Manager Casey Durdines, and Solicitor Jeff Berkey.

Public Comment on Agenda Items

Durdines read the agenda for this meeting. Turcato stated that he will make the appointments to the Committee Chairs at next week's meeting. There were no other comments.

Minutes of previous meeting

December 1, 2009 – Furmanchik made a motion to approve the minutes. Seconded by Pekala. Turcato asked that the approval of Gail Ankeny Gao be rescinded by Council due to the fact that the Charter of the Municipal Authority allows for a maximum of five (5) members. Gao's appointment would have given them more than five members. The appointment will be rescinded until the Authority amends their charter to allow for additional membership. Pekala noted that a correction should be made to the name of Wessel on page three to Russell.

January 4, 2010 – Ledney asked that the record show that he declined the nomination for both President and Vice-President of Council in consideration of Turcato and Pekala who wished to continue in those respective offices.

Minutes were approved by unanimous voice vote.

Ratification of payment of bills and payroll

Ledney made a motion that was seconded by Pekala to approve the payment of bills and payroll. Motion passed 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. Spinos noted a discrepancy on the balance in the Events Fund. He asked if the bank charged some type of fee. No one had an answer. He also questioned check no. 25326 to the EADS Group. Pekala explained that it was for the needs study for a new building. Furmanchik remarked that we have people locally who are capable to perform such a study and we should patronize the local businesses. A short discussion took place regarding engineering & architectural firms. Spinos questioned the entry under the line item for Administrative Assistant. Pekala noted that it was the severance

package paid to the former Administrative Assistant. The money came from the General Fund. Jerley questioned the payment to Kotzan CPA in October & December. Durdines explained that those were the costs to have Kotzan do the work that the former Administrative Assistant performed in the past. Furmanchik added that the bottom line is that the Borough paid out \$3,900 in one month to pay for services that were performed by a former employee. Motion to approve the Treasurer's Report passed by a voice vote of 4 to 3. Furmanchik, Jerley, and Spinos voted no.

Reports

Mayor's Report

There weren't any comments. The Mayor's Report was approved.

Manager' Report

Durdines voiced a couple of announcements. KU Resources the firm who will be administering our brown fields grant will be holding a public informational meeting on Tuesday February 9, 2010 at 6 PM. prior to the regular Council meeting. They hope to educate the public regarding the grant and the work to be performed.

Union contracts expire at the end of this year. Durdines along with the Personnel Committed would like to begin work on new contracts and hopes to have things in place by the beginning of summer.

The Manager's Report was approved.

Spinos asked the Manager to report on the outcome of the inquiries to DEP regarding the truck traffic on Railroad St. DEP feels that the truck traffic is in compliance as well as the air quality along the route. Durdines feels that all avenues have been pursued and that he considers the matter closed.

Codes/Zoning Report

Jerley noted that the Timko Building is being sold. Codes Officer Fred Oliveros indicated that he is scheduled to meet with the buyer next week to review what needs to be done to bring the property into compliance and what the plans are for the building. Jerley said that the buyer is a professional person and feels that something good will happen here. Furmanchik questioned the completion date for work on the 13th and Graham railroad crossing. Oliveros remarked that originally work was to be completed by the end of the year, but the weather did not cooperate. He feels that it should be done in around two weeks.

The Codes/ Zoning Report was approved.

Solicitor's Report

The Sheetz Land Development process has been closed. Following a final inspection and approval of all public improvements by Oliveros, the Letter of Credit has been released.

Berkey has been working with the Borough staff assembling the documentation for the Tax Anticipation Note and they will be signed this evening.

The Solicitor's Report was approved

Durdines requested that if Council has any items for the agenda for any meeting that they are to be submitted to him the Thursday before the scheduled meeting.

Thunder in the Valley & Cruise In

Spinosa made note of Council's commitment of \$2,000 to support these events. Last year the event committee was able to garner enough financial support that they did not need the \$2,000. He asked Council to commit that same amount of money for this year's events in case the committees would run short. Spinosa would like Council to approve the committees for both events. Furmanchik made a motion that was seconded by Jerley to approve the same agreement for the two events, both committees, and the \$2,000 support funds. Motion passed unanimously by voice vote.

Resolution 2010-02 Recreation agreement with the Municipal Authority

Berkey explained that the resolution formally acknowledges that the Windber Borough Council and the Windber Municipal Authority will enter into an agreement stating that the Authority will take over the administration and development of the Recreation program of the Borough. The Resolution has been prepared and is ready for consideration. The approval of the Resolution would allow both parties to proceed to work out an agreement for the operation of the Recreation program. *Berkey reads Resolution 2010-02.* Pekala made a motion that was seconded by Winas to adopt the Resolution 2010-02. Spinosa questioned Berkey as to what were the financial ramifications to the Borough with this agreement. Roll call vote for approval. Yes: Ledney, Pekala, Turcato, and Winas. No: Furmanchik, Jerley, Spinosa. Motion passed 4 yes, 3 no.

There was a brief discussion as to the substance of the agreement. The deed states that the park must remain a public park.

Vacancy of the Office of Mayor

Turcato stated that the latest that Council could appoint a Mayor is Friday January 15, 2010. The closing date for applicants is January 14th at 4 PM. We have two applicants thus far. Durdines stated that Council can appoint a vacancy board which would garner an additional 15 days to appoint, however it is left in the hands of two people. If the vacancy board can't decide, the court would appoint someone. Furmanchik feels that the next Mayor should be determined by Council. Ledney made a motion that was seconded by Pekala to advertise a Special Meeting of Council on Friday January 15, 2010 at 4 PM. to interview and appoint a candidate to fill the Mayoral vacancy. Motion passed unanimously by voice vote.

A brief discussion took place regarding salting and plowing of roads.

Recognition of Visitors

Noretta Haydu

- WAVE is soliciting volunteer help for the Winter Wonderland at the Park. It did not open this year.
- Wanted continued representation of Borough Council at WAVE meetings.
- WAVE would like to purchase five new 8 foot tables for the Ballroom.
- Need a clean up fee included in ballroom & pavilion rentals.
- Use of the Community Building for a couple of winter dances.

Andy Kondas

- Regionalization of the area police forces.
- With passage of a new health bill, the Borough should be able to get competitive pricing for benefits.
- Complaints regarding coal trucks speeding and dust on Railroad Street.

An extended discussion took place regarding the measures taken to alleviate the problems with the coal truck traffic. State authorities stated that the trucks are in compliance. Durdines stated that nothing further can be done. A heated exchange took place between Durdines and Kondas regarding the measures taken by the Borough. Durdines challenged Kondas to take some initiative and pursue the matter himself if he feels that the Borough has not done enough.

State Representative Frank Burns

- Representative Burns pledged his support for Recreation Park and the Recreation program in the Borough and the area.
- Promised hands on assistance in attendance of pertinent meetings regarding the Recreation Park.

With no further comment from the audience Turcato adjourned the meeting at 8:07 PM.

Respectfully submitted,

Fred Oliveros
Borough Secretary