

Borough Council Regular Meeting February 13, 2018

The regular meeting of Windber Borough Council was called to order by Windber Borough Council President, Mike Bryan at 7:00 p.m.

Pledge of Allegiance.

The following Council Members were present: Mike Bryan, John Holden, Pete LaMonaca, Douglas Ledney, Joe Pallo and James Spinos. Ron Mash was absent. Jim Furmanchik, Borough Manager was present. Mayor, Scott Penrod and Attorney, Joseph Green were absent.

Approval Minutes A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve the Minutes of January 9, 2018 meeting. One absent, Mr. Mash. Motion carried.

Recognition Visitors Patrick Meese owner of Sustainable Advantage, Inc., a grant writing and development Service. He said currently he is the State Regional Director for the Strategic Early Warning Network. They provide turn around consulting work for manufacturing base throughout the commonwealth.

When a company or manufacturer gets in trouble he goes in with a team and CFO's and sits down, and takes a look at what is going on financially within the organization. That in turn creates a critical path to help them walk through the steps they need to walk their way out of whatever trouble they may be in. They also work with them operationally to help fix whatever core issues they may have within the business so they can become healthy and survive. Mr. Meese said this is a Department of Labor position. He works with them and DCED and the Department of Agriculture. He is regularly in touch with those people to accomplish goals for certain regions.

From a grant writer prospective he began writing grants about six or eight years ago, just out of a pure need/necessity to help certain groups move forward and help regions with strategic initiatives.

Mr. Meese has a boutique firm. It is much focused and is a development consultancy firm. He specializes in economic and organizational development. He said they are full service from the very front right on through. He is very particular about projects he works with, specifically because of their market positioning. What is the value of proposition this project brings? Is it competitive and will it hold up at the state level.

Mr. Meese has worked extensively in economic and community development at the state, regional and local levels and he is committed to the well being and sustainability of the communities where he lives, works and raises his children. He supports this principle by creating value through grant writing, capacity building, organizational development, and strategy development work.

Mr. Meese has an 80% to 85% success rate in obtaining grants over the last six years. He passed out information regarding his qualifications and experience to council.

Common grant research and writing service provided include the following: Concept development and positioning; grant proposal & preparation; analytical and statistical research; proposal writing review/critique and editing; corporate and foundation consulting; executive opportunity summaries and recommendations for potential funding opportunities; management services.

Mr. Furmanchik asked about his fee structure? Mr. Meese said he charges an hourly rate. There are ethical components in that depending if you want him to do research all the time. That would be one thing, or do you have a study list of ideas you would like him to work on that would be an hourly rate.

Mr. Spinos asked Mr. Meese if he is able to give them an estimate of the hours it would take to write a particular grant. Mr. Meese said yes they will sit down and talk through the scope of it together and the possible strategies we can use for a particular grant. Mr. Holden asked if there was a retainer fee. Mr. Meese said an hourly fee is fair.

Mr. Spinos said we have the Municipal Authority, the Water Authority and the Fire Company here tonight. They are all interested in what Mr. Meese can offer. Mr. Meese said they are all different strategies. Some are straight forward and some more complicated. It all depends on what they are trying to accomplish.

Mr. Holden said Mr. Meese has probably seen every type of grant out there so he probably has some type of idea how many hours it would take to do it. Mr. Meese said he knew a majority of them.

Mr. Furmanchik said that it was important to him to hear Mr. Meese say how important his brand is to him and his reputation is his most prize possession.

Mr. Furmanchik said he mentioned to Mr. Meese before the meeting that we would address our needs on a case by case or project by project basis. Council is well aware of the fact of the sediment increase in Paint Creek and that has to be removed in order to facilitate our good standing with the MS4 Program and part of our flood control revitalization. Through Mr. Furmanchik's own research he found a DCED Act 13 grant that came out the first of this month and will be due May 31st. It is split up into several categories and one is flood control protection and the other is water shed restoration. He thinks we could find a way to work that grant to address one of those areas.

Mr. Furmanchik asked Mr. Meese if we decided to strike a relationship with him and asked him to prepare that grant (which is a 15% match) how long do you think before the May 31st deadline would you want to know from us to start working. Mr. Meese said he would want to start working right away. If there is an open period to submit we want to start working on it right now.

Mr. Spinos asked if the earlier we get it in the better. Mr. Meese said he had not reviewed the grant but he would need to do that right away.

A motion was made by Mr. Holden and seconded by Mr. Spinos to move forward with Mr. Meese and his company Sustainable Advantage, Inc. to write a DCED Act 13 Grant. One absent, Mr. Mash, motion carried.

Mr. Furmanchik asked Mr. Meese if he would be okay using his office to answer some questions from the Municipal Authority, Water Authority, our engineer and the fire department. Mr. Bloom had to leave on a call and may return. Mr. Meese said yes.

Josh Miller, Director of the SCEDC said that Mr. Meese had come very highly recommended to him and is very knowledgeable about state and local and federal government. He has proven experience.

Correspondence

1. Minutes of the Windber Municipal Authority’s December 5, 2017 meeting.
2. Minutes of Windber Area Authority Meeting on November 8, 2017.
3. Letter from the Secretary at Windber Fire Company No. 1 noting Fire Chief Robert Haddad has been re-elected and sworn in for his fourth term as fire chief and they are asking Borough Council for their written approval for his 2018 term.

A motion was made by Mr. Holden and seconded by Mr. Ledney to approve Chief Robert Haddad as Windber Fire Company No. 1 Fire Chief for the Year 2018 term. One absent, Mr. Mash, motion carried.

Approval Payroll

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve payroll for January 6 and 9 and February 9, 2018. One absent, Mr. Mash, motion carried.

Approval Bills

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the bills for January 2018. One absent, Mr. Mash, motion carried.

Opening Park

Mr. Furmanchik said he received three submittals for paving of the park roads.

Paving bids

	<u>Contractor</u>	<u>Bid</u>	<u>Bid Bond</u>
1.	Laurel Asphalt	\$97,616.00	Yes
2.	Quaker Sales/Service	\$72,242.50	Yes
3.	LTM Paving	\$78,147.28	Yes

Mr. Holden asked if these were the same specs, same everything? Mr. Furmanchik said he bid this the same way we bid our street paving with PennDot by tonnage not by the job. It gives you a better quality of workmanship and provides for more spirited bidding. Everything will be pretty much as it appears at the park except for the paved area at the pool for handicapped parking. Matt Grohal and he measured it off and it will be big enough to hold two handicapped accessible vans, paint and marked and signs put up.

Mr. Furmanchik said if you picture when you come off the state road into the park, and you make that sharp 90 degree right it puts you on the perimeter road on the outside of the park. As soon as you make that right hand turn there is a path or a lane that connects that road and the road that goes to the road in front of the ballroom. For as long as he can remember that has been a road but it is not paved. This road will be included in construction. It will have base and top with aprons on that section of property. Mr. Furmanchik said that will give you an inch and a half of height difference. Mr. Spinos asked if it will all be crowned for water runoff. Mr. Furmanchik said it will be crowned as best as it can.

Mr. Furmanchik said the stipulation is that the paving needs to be done one week before the park opens. Mr. Holden asked if anything would be done with traffic control after it is paved because of the newly paved roads, people will be speeding.

Mr. Furmanchik said he does not think signage is the answer. We talked about speed limit signs in the park years ago. If you pollute the park with signs it will take away from the natural beauty of the park. He said we could have the police department up there more often.

Mr. Holden said he was thinking about speed bumps. Mr. Furmanchik said speed bumps are not part of the bid package. Mr. Holden asked about the possibility of bolt-ins. Mr. Spinos said now you have people walking there and we have the risk of someone tripping over them.

Mr. Furmanchik suggested leaving well enough alone because it has been there forever and everything seems normal as it always has been. Mr. Holden asked how about signs "Walk at Your Own Risk". Mr. Furmanchik agreed to ask the borough attorney for his opinion and get back to council.

A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve the bid of Quaker Sales and Service in the amount of \$72,242.50. One absent, Mr. Mash, motion carried.

**Discussion
Codes Ofc.**

Mr. Furmanchik said they received four applications. He advertised in the Tribune Democrat, the Daily American, and Monster.com. He said we will discuss this more in executive session when we discuss personnel.

Mr. LaMonaca said we discussed at the last meeting about Scalp Level Borough wanting to use one of our officers to enforce their abandoned vehicle ordinance. He said that the borough should not pay for that officer to go to court if it is for Scalp Level. Mr. Furmanchik said he agrees with that.

KOZ/KIZ

Mr. Furmanchik said he received a phone call from business owner Barry Jerley. Mr. Jerley said he had just signed the sales agreement with Windber Medical Center to purchase the property known as the Eureka Coal Heritage Building. Once the property is closed there will be interior construction to house a restaurant on the first floor and two companies with office space on the second floor. With all that taken into consideration Mr. Jerley is seeking the opportunity to have either a KOZ or a KIZ. Back in the day JWF was granted a KOZ.

Mr. Furmanchik asked Mr. Miller to enlighten us on what a KOZ and KIZ are? Mr. Miller said a KOZ is a Keystone Opportunity Zone. In Somerset County there are 23 parcels in the KOZ program for a total of about 750 acres. There are two parcels designated in Windber; one is owned by the Berwind Corporation of about 42 acres and the other one is owned by Steinbeck in the amount of 43 acres. They are located in Paint Township.

Mr. Miller said he would have to verify to see if this building would be eligible. He does not know if it is in a KOZ currently. He does not know if it can be pulled into that. Mr. Spinos asked if the building was tax free when it was the Coal Heritage Museum.

Mr. Miller said there is a bit of a misunderstanding; they had talked about a Keystone Innovation Zone. The Borough here in Windber is slated as a Keystone Innovation Zone. That is a different program.

Mr. Miller said KOZ's are through credits, waivers and broad based tax abatements. Total taxes on all economic activity and KOZ's are reduced. Laurel Highlands Business Park in Somerset County is designated a KOZ. There is 10 years left in that KOZ. If a company was to move in there they would have 10 years of tax free status. There is an actual tax abatement process for the State of Pennsylvania.

What taxes are waived, Mr. Miller said? State taxes, corporate tax, individual income tax, sales and use tax, neutral thrift institution tax, bank and trust company, Sheriff Tax, insurance premium tax, earned income tax, that profit tax, business gross receipts, business occupancy, business privilege and mercantile tax, sales tax and property tax. All the taxes are essentially waived in a KOZ. It is a brilliant terrific program and the main tool to attract businesses to come into this area. If they can he will check into seeing if a KOZ is possible.

Mr. Miller said what he did find out is that we are in a KIZ. KIZ is a Keystone Innovation Zone. A KIZ is more of a tax credit program. That is around specific industry targets for new business startup such as advanced manufacturing, innovation technology or bio technology. It is a tax credit based on revenue. So for example; say from today till the end of the year they make \$10,000 in sales and in 2019 they make 210,000 in sales that is an increase of \$200,000 in sales. They would be eligible for a \$100,000 tax credit or 50% of the sales increase. If they do not have any tax liability they can sell the tax credit back for approximately .90 on the dollar. That is the KIZ Program.

Mr. Miller said this is what he had communicated to Mr. Jerley. It was different back in the day and things have changed. He will get a better understanding of what Mr. Jerley's business objectives are and look into the programs.

Mr. Holden said a KOZ is more designed for business parks? Mr. Miller said KOZ can be slotted as an open parcel of land. Mr. Holden asked if you can designate one building as a KOZ. Mr. Miller said he will definitely check into and if we can pull it into a KOZ we definitely will. He said he will get back to Mr. Furmanchik and council.

**Cash Bal./
Treasurer
Report**

There were no questions on the Cash Balance or Treasurer's Report.

**Mayor's
Report**

There were no questions on the Mayor's Report at this time.

**Manager's
Report**

Hotel Initiative - The Windber Area Economic Development Committee decided, at their January 16th meeting, to move forward with an economic feasibility study for possible hotel construction in Windber Borough. I have been in contact with six consulting firms that specialize in these studies. They are in the process of submitting proposals. The WAEDC has also approved sending a representative to Minneapolis, Minnesota on March 11th and 12th to attend the Cobblestone Hotels National Convention where they are expecting an attendance of over three hundred people including investors,

developers and municipalities that are considering construction. Of the four hotel chains that were under consideration, Cobblestone showed the most interest in our community.

Mr. Furmanchik asked council for their permission for him to attend the conference and to use \$129 out of the managers expense line item in the budget for the cost of one night's stay at the hotel. A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve Mr. Furmanchik to attend the Cobblestone Hotels National Convention in Minnesota and to use \$129 for hotel expense. One absent, Mr. Mash, motion carried.

Snow and Ice Ordinance #0954-4 - I have had the Somerset Daily American publish an article in the Windber Spirit addressing the fact that property owners are responsible for clearing ice and snow from their sidewalks and those in front of their property. There has also been communication to the business community regarding this concern as well.

Full time Police Officer - I met with Teamsters Union representative Rick Keller, Dan Croyle and Bob Davis to negotiate a starting wage for the new full time officer position. We agreed on a yearly salary of \$34,500. The line item in the 2018 budget for this position is \$36,000.

Code Enforcement Officer - At this time, we have four applicants with two being true contenders for the position

Grant Writer - Patrick Meese, from Lebanon, Pa has been highly recommended to me and will make a presentation to council at this month's meeting. I have also contacted the WMA, Windber Authority and the Windber Fire Department asking them to attend and hear his presentation.

Public Works - In order to cut overtime costs, better serve the public and ease confusion for the police department (regarding call out), I have instituted a 6:00 AM start, with a weekly rotation of two employees at a time. It is working out well.

Recreation Park Road Paving - We will be opening bids at our upcoming meeting. Advertising was done based on tonnage of material rather than just the flat rate of the job to facilitate a better quality of installation and more competitive bidding.

CDBG Demolitions - While working with the Somerset County Redevelopment Authority and property owners, I have four pending agreements for demos in the near future. In the last fifteen months this type of collaboration, with property owners, has yielded seven demos that have aided our fight against blight and has been of no expense to the Borough with the exception of the property we purchased behind our office.

Windber Public Library - Please consider being appointed as a trustee, as an appointment will need to be made at our February meeting.

Mr. Bryan appointed Pete LaMonaca as a trustee to the Windber Public Library.

DCED Grant Act 13 - Grant application filing runs from February 1st through May 31st and I would like to move in this direction, in order to subsidize sediment removal from Paint Creek in the area of 17th St.

Donation for the Somerset County Economic Development Council - This will be on the agenda for the February meeting and I strongly encourage this donation as Executive Director Josh Miller and his group has been extremely helpful in so many regards while working with them. They are touting Windber Borough as the model for economic development and blight control to all communities in Somerset County and are planning a meeting with 23 communities in the near future.

A motion was made by Mr. Holden and seconded by Mr. LaMonaca to donate \$500 to the Somerset County Economic Development Council. Roll call vote: Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Ledney, yes; Mr. Mash, absent, Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Levee - I continue to work with EADS to have the flood control project removed from its unacceptable rating that was bestowed upon it during the 2014 DEP inspection. We need to move forward on this because of our responsibility to our citizens. If the community is involved a flood, in the future, residents would not be able to take advantage of government funding to rebuild.

The priorities should be as follows:

- Fill pipe #19 with grout (pipe measures 65'x40" and this process would cost approximately \$10,000 which I believe could be subsidized through the sewer fund. This would decommission that joint of pipe and I would lobby DEP for an inspection to possibly have us removed from unacceptable status.
- Remove sediment from Paint Creek (This would also place us in to DEP's good graces in regard to our MS4 permit.)
- Spray knotweed that has accumulated on the banks of the levee.

All of the above with the support of DEP Chief Andy Orlovsky, who was born and raised in Windber, along with lobbying legislators, could put us in line for a total rehabilitation of the flood control project within the next ten years. I consider this to be of the highest priority.

A motion was made by Mr. Pallo and seconded by Mr. Spinos to decommission #19 pipe by filling it with grout as per DEP recommendation. One absent, Mr. Mash, motion carried.

769 Railroad Street - The property owner has been sent a certified letter addressing the fact that they are in violation of the Borough's Zoning Ordinance regarding the immeasurable amount of livestock on their property. A land survey reveals that their property is zoned general residential. Thursday February 8th is the last day they can appeal the Borough's order to Cease and Desist.

1809/1811 Graham Avenue - The Borough has won an appeal in the Somerset County Court of Common Pleas regarding violations of the International Property Maintenance Code.

I have negotiated an agreement with their attorney that we not pursue the penalty associated with this and in return they would not continue with their appeal in Superior Court (this would save the Borough more than a few thousand dollars.) The defendant will also prepare a letter to the Borough stating that they would allow the Borough to demolish the structure. This funding would come through the Somerset County Redevelopment Authority.

Public Works Truck Bids – Mr. Furmanchik was able to get five bids for a new public works truck. All dealers were asked to prepare a bid with the following specifications: 3/4 ton, 4x4, regular cab, red in color, preferably vinyl interior, gasoline V8 motor, automatic transmission, snow plow package, all terrain tires, heavy duty alternator.

1. Bedford Ford - \$27,937
2. Memorial Highway Chevrolet - \$30,000
3. Town and Country Ford - \$26,603
4. Shultz Ford - \$27,775
5. Laurel Ford - \$24,759

Bids were also sought for a new snow plow and are as follows:

1. Hercules Equipment - \$5,500
2. Walsh Equipment - \$5,623
3. Laurel Ford - \$6,500
4. J & J Truck Bodies - \$5,100

We would purchase the truck from the Sewer Fund as that vehicle would be used for sewer repair work. The current balance of that fund is \$431,753. We average a monthly income from the sewer fund of approximately \$17,000. The plow could be purchased from a \$5,500 CD.

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the bid from Laurel Ford for the purchase of a truck in the amount of \$24,759. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the bid from J & J Truck Bodies in the amount of \$5,100 for a snow plow. Roll call vote: Mr. Spinos, yes, Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Ledney, yes; Mr. Mash, absent, and Mr. Pallo, yes. Motion carried.

Mr. Furmanchik said the old truck will be put out for sale.

Council convened to an executive session at 8:50 p.m. for personnel.

Council reconvened from executive session at 9:30 p.m.

**Approval
Officer**

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to place Dwight Keim as a part-time police officer on the Windber Borough Police Department roster. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.

- Approval WMA** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve Jim O'Hara to be placed on the Windber Municipal Authority Board, Term to expire December 31, 2018. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
- Full-time Officer Salary** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the salary for a full-time officer at \$34,500. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
- Donation Easter Egg Hunt** A motion was made by Mr. Spinos and seconded by Mr. Ledney to approve a donation of \$100 to WAVE for the annual Easter egg hunt. One absent, Mr. Mash. Motion carried.
- Misc.** Mr. Bryan appointed Mr. Ledney as the Liaison for the Windber Area School District. Mr. Ledney accepted.
- Next Meeting** The next meeting will be February 27, 2018 at 7:00 p.m. Council will interview for the Codes Enforcement Officer position on that night and approve a full-time officer.
- Adjourn** Meeting was adjourned by Council President, Mike Bryan at 9:45 p.m.

Respectfully Submitted By:

Robin S. Gates
Financial Secretary