

Borough Council Regular Meeting April 9, 2019

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, Dr. Doug Ledney, Ron Mash, Joe Pallo, and James Spinos. Jim Furmanchik, Borough Manager was present on speaker phone. Mayor, Mike Thomas and Attorney, Joseph Green were present.

- Approval Minutes** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of March 26, 2019 meeting. Motion carried.
- Ratification Phone vote** A motion was made by Mr. Spinos and seconded by Mr. Mash to ratification of phone vote to advertise Ordinance No. 2019-4 and 2019-5 Amending Ordinances No. 2019-2 Rental Ordinance and 2019-3 Tenant Registration Ordinance. Motion carried.
- Recognition Visitors** Barb Zabloutney, Vice President of Ms. Wheelchair Pennsylvania, Director of Recruitment for Ms. Wheelchair America and Driving Safety and Disability Awareness speaker spoke with council regarding an experience she took place in at Johnstown where a group of community leaders wheeled in some wheelchairs to get the perspective of a person with a disability by trying to navigate throughout the city.
- Barb Zabloutney** Ms. Zabloutney told council she would like to do the same event here in Windber with the help of borough council or the Windber Municipal Authority in order to bring awareness to the community of those with disabilities. She received good press coverage for the experience that took place in Johnstown.
- Mr. Bryan asked how are the wheel chairs supplied? Ms. Zabloutney said she started a United Spinal Support group here in our region because there were no such support groups and it was something we needed. She ended up working with John Latizia from Laurel Medical Solutions. He has offered to supply those wheelchairs for her. Typically, he will supply the ones that most insurances require so then you also get a look at the type of chair that is covered by most insurances.
- Mr. Bryan asked when she was looking to do this? Ms. Zabloutney said anytime that works with council's schedule. Mr. Holden asked her if there was a certain organization that we could perhaps fundraise for by participating in this? Ms. Zabloutney said there is Ms. Wheelchair Pennsylvania or United Spinal Association that she is the Chapter Leader for or even the South-Central Spinal Association. She is going to roll on Capitol Hill in June to represent our Chapter.
- Mr. Pallo asked if a crowd would help? Could it be tied into Miner's Day or something like that? Ms. Zabloutney said it is whatever council would want. She will work with it. Ms. Zabloutney said if council is willing to do this and work with her, they should also be recognized for their participation.

Mrs. Gates said she and Mayor Thomas would work with her on participating in this event. Mrs. Gates said she has Ms. Zabloutney's contact information and will contact her to discuss it further. Ms. Zabloutney said that would be great and we can include other organizations also like the Municipal Authority. In Johnstown the Mayor, Planning Commission, and even PennDOT participated.

Mrs. Gates said we will get together and come up with a date and a route. Ms. Zabloutney said that was great and to contact her. She also said she would always be more than willing to give her perspective on any conditions within the borough that pertains to disabilities.

Mr. Bryan thanked Ms. Zabloutney and said they would want to move forward with this.

**Dave
Maddy Jr.**

Mr. Maddy said a couple of years ago he came to a meeting and we were talking about the Dog Run at the park and the playground they donated. There were a couple of bouncy motorcycles there that were missing handles. He asked what happened to them? Mr. Holden said they tore them out.

Mr. Maddy said he had seen there is some sort of post that goes into the ground and it is made as a swing for those with disabilities and maybe we can check into installing something like that. Council agreed.

Mr. Maddy said at the last council meeting council said they were going to amend the rental ordinance. He wanted to know if they had anything they could look at. He said they would like to see something on paper. Mr. Bryan said it was advertised and it is available. He asked when they could get copies of it. Mrs. Gates said they can have copies after it is approved tonight. It was advertised on April 1st in the public notices and was here in the office for review all last week and yesterday. Mr. Maddy said okay he just wanted to see something on paper and go from there.

**Matt
Scislowicz**

Mr. Scislowicz said he is the President of the Eureka Coal Heritage Foundation and was listening to what Ms. Zabloutney said. He said their parade would be the ideal situation for what she has in mind. He said it will be their 20th Anniversary Celebration this year. They are more than willing to help anyway they can. It will be June 17th the streets will be closed, and it will be perfect timing. Ms. Zabloutney thanked Mr. Scislowicz and said they can talk more about it.

Mr. Scislowicz said we are going to bring some more people into Windber. We are going to be holding a concert at the high school. He said if any of you watch QED the oldies channel, Doo Wop Music, we booked the group the "Fabulous Hub Caps".

Mr. Scislowicz said they gave us a deal. They found out that both of their parents were miners a long time ago. We put this together in a two-month period. We could not use the Arcadia because they have a show. The Fabulous Hub Caps are going to perform the 17th of May. He brought a poster for council. They are having this event in conjunction with the school. They are having some problems with the track and the new stands they have there. They have that portable stand that pulls out and they want to put a movable awning on it, so when they have events like graduation, they can pull that out.

Mr. Scislowicz said they are a non profit organization and they are going to give us the school and we are going to split all the profits. That entire weekend will be backed with the Arcadia show and the Fabulous Hub Caps performing. We already have a bus coming from West Virginia to see them. Restaurants should be packed also that weekend.

Mr. Scislowicz said it is all on their website at ECHF.Org. He said for the car show they are going to be bring cars in from the 50's, 60's and 70's. Cars that have not been here before. He said the kids at the high school are going to participate as ushers and Mr. Kimmel said they are going to have hamburgers and hotdogs for sale. They are also talking about having a shuttle bus.

Mr. Scislowicz said as far as the parade goes this is our 20th Anniversary. We have already invited 47 fire companies. We are expecting a lot. We will have music and are trying to get Kevin Hale to play at the gazebo. He said Friday night we will start with one band and Saturday night we will probably have a disc jockey because we spent a lot of money on bands last year. He said the electrical box is all fixed up and ready to go and we do not have to worry about water getting into the box. Mr. Spinos reminded him the gazebo has the new sound system in it and available for use.

Mr. Scislowicz thanked council and told them if they have any questions to let him know. Council thanked him for the updates.

**Todd
Koehler**

Mr. Koehler said April is Fair Housing Month. He said 51 years ago on April 11, 1968 some people in this country knew there was a housing problem. In fact, Lynden B. Johnson signed the Fair Housing Act also called Title 8 of the Civil Rights of 1968. Pennsylvania Senator, Hugh Scott, Republican Joseph Clark, Democrat voted yes for this bill.

Mr. Koehler said the Fair Housing Act of 1968 prohibits the discrimination concerning the sale, rental and financing of houses based on race, color, sex, religion, national origin, handicapped or family status. Mr. Koehler said the borough's ordinance is in more than way in violation of the Fair Housing Act of 1968.

Mr. Koehler said the borough is asking for a phone number? Maybe one of my tenants do not have a phone number? Maybe it is against their religion to have a phone. He will inform any hearing-impaired person, sorry about your handicap but you can not rent in this town you're not welcome. He has rented to many divorced people, down on their luck people who cannot afford a phone. So, if you can't rent to someone without a phone, he will tell them they are not welcome in this town, and he will also give them the address to the Attorney General where they can plead their case and he thinks the feds will be all over the borough.

Mr. Koehler asked if there were any other ordinances in the borough that require a phone number? He said according to the ordinance if he wants to rent to someone that does not have a phone, you will fine me \$1,000.

Attorney Green said you did not read the ordinance it had been available all week. Mr. Koehler said just like a car a phone is a luxury not a necessity and not required by law. \$500 or a \$1,000 fine is outrageous. How do you justify it? What's next blaming us for litter blowing down the street, or cracks in the sidewalk.

Out of town land lords two states away. How can we live like this? I will tell you; it is called the United States Post Office. It costs one stamp to mail a letter to Paint Township or Alaska. If you have such a big issue with blighted houses go to the court house, the name and the address are on the deed. Send them a letter, if they don't reply to your letter it doesn't matter, they are in Paint Township or Ohio they are just not going to reply.

This out of town landlord thing is just furthering a hidden agenda. Like it or not if we landlords would not have bought or maintained the many houses in this town, what would have happened to them? Who would've bought those houses? Where would we be now? Registration is a deterrent to any rental owned buyer.

Mr. Kohler said he is thinking about selling out. He said you saw the ages of the landlords that were here last week. A lot of them are not too young. Do you think the next generation is going to take pride and work as hard and put as many hours in as we have in these houses? You chased them away with your ordinances and hidden agendas.

Mr. Koehler said last time before the other meeting council got up and went into the other room and in five minutes you struck more than half that ordinance down. He asked them to do the same when he is done speaking and strike it all down.

Mr. Koehler said blaming the landlords for blight and not paying taxes is just a scapegoat for the real problem. There is not real problem. Registration, he does not like that word. It brings on some sort of an agenda. The word registration means it is either going to cost money or it is an attempt to control the people. The bottom line the people who blame the landlords for blight and unpaid taxes are not looking for real solutions. They are simply furthering their agenda. That will surely be money out of his pocket.

Mr. Koehler said you use the word blight to describe Windber rental properties on the front page of the newspaper. That hurts him deeply. Black eye for everyone who lives in this town. Is this new ordinance really about the little old lady being safe or is it more about finger pointing and a hidden agenda? Mr. Kiss's road is full of pot holes it's a good thing there isn't a rental property at the end of the street because surely the rental property would be to blame.

**Engineers
Report
EADS**

STORM AND SANITARY SEWER SYSTEMS

Flood Protection Rehabilitation Project - Includes replacement of Pipe 3, Pipe 8, Pipe 10, Pipe 15, and Pipe 20 through the existing levee. These pipes were identified as "minimally acceptable" during the 2014 Levee Conduit TV Inspection. The project also includes removal of approximately 3,000 cubic yards of sediment from the existing debris basin, management of Japanese Knotweed growth along the levee, and the completion of a hydraulic analysis of the entire Flood Protection Project. Total estimated project cost is \$500,000.

Project Funding- Preparation of an application for a Flood Mitigation Program Grant through the PA DCED is in progress. Application is due by May 31, 2019. If awarded, the grant would cover 85% of the project, leaving a local match requirement of \$75,000.

2019 Levee Conduit TV Inspection -TV Inspection of all the conduit pipes through the flood levee will need completed this year. This is required to be completed every five years by the Army Corps.

Municipal Separate Storm Sewer System (MS4) NPDES Permit- Expires on March 15, 2023.

Stormwater Management Program Manual - Serves as a document to provide guidelines on how Windber Borough is complying with the 6 minimum control measures (MCMs) of the MS4 Permit. Must be maintained and implemented by Windber Borough as a requirement of the MS4 Permit.

Pollution Reduction Plan Implementation - Project requirements:

- a) **Street Sweeping** - A minimum of 25 times per year in the Paint Creek and Seese Run drainage areas. Estimated Yearly Operation Cost is \$10,300.
- b) **Solids Removal** - Yearly solids removal of catch basins in the Paint Creek and Seese Run drainage areas. Estimated Yearly Project Cost is \$12,250.
- c) **Vegetated Swale along S.R. 0056** - Conversion of storm pipe to open channel between S.R. 0056 and Hillside Ave, which must be completed by March 15, 2023. Estimated Project Cost is \$12,000.
- d) **Paint Creek Stream Restoration Project** - Stream restoration project to prevent channel and bank erosion in the upper section of Paint Creek, which must be completed by March 15, 2023. Estimated Project Cost is \$35,500.

2019 Annual Status Report- Due for submission to PA DEP by September 30, 2019.

Asset Management Plans - An agreement was provided to Manager Furmanchik on March 26, 2019 for the preparation of asset management plans for Windber Borough's storm sewer and sanitary sewer systems. The agreement included a cost of \$45,000 and is open for approval by Borough Council until May 31, 2019. The proposed asset management plans would include the following key components:

- a) Creation of a geographic information system (GIS) database and GIS mapping including both systems, which could be utilized and updated by Borough and/or EADS personnel after completion.
- b) An assessment of the condition of all components of each system.
- c) A determination of all operation, maintenance, capital, and regulatory costs that are required to keep both systems functioning properly and in compliance with regulatory agencies.
- d) Development of a prioritized list of capital improvement projects for each system, so that future funding opportunities can be properly utilized.
- e) Development of a financial strategy for each system, utilizing all known sources of potential income, such as grants, loans, and user rates.

MUNICIPAL BRIDGES

- 1) **24th Street Bridge Improvement Project** - Replacement of the 24th Street Bridge. This project has been included in PennDOT's Transportation Improvement Program with a total estimated cost of \$1.5M. Required local match will be \$75,000 or 5% of the total project cost. Preliminary Design to begin in 2020. Construction start estimated for 2024. Engineering consultant to be selected this fall.
- 2) **South 22nd Street Bridge Improvement Project** - Improvement of the 22nd Street Bridge. This project has been included in PennDOT's Transportation Improvement Program with a total estimated cost of \$175,000. Required local match will be \$8,750 or 5% of the total project cost. Preliminary Design to begin in 2020. Construction start estimated for 2024. Engineering consultant to be selected this fall.

Correspondence

1. Codes Enforcement Officers Report.

Approval Payroll

A motion was made by Mr. Spinos and seconded by Dr. Ledney to approve payroll for March 29, 2019. Motion carried.

Approval Bills

A motion was made by Mr. Spinos and seconded by Dr. Ledney to approve bills for March 2019. Motion carried.

Approval Ordinance 2019-4

A motion was made by Mr. Bryan and seconded by Mr. Holden to approve Ordinance No. 2019-4 Amending Ordinance No. 2019-2 providing for registration of residential housing located in Windber Borough. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Approval Ordinance 2019-5

A motion was made by Mr. Bryan and seconded by Mr. Holden to approve Ordinance No. 2019-5 Amending Ordinance No. 2019-3 providing for the reporting of occupancy of all tenants of residential housing located in Windber Borough. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Cash Bal./ Treasurer Report

Mrs. Gates said that council will receive a copy of the audit report at the next meeting.

Council Liaison Reports

Mr. Holden said the Windber Hall of Fame banquet is this Saturday. There will be 17 esteemed residents and former residents to be inducted.

Mayor's Report

Mayor Thomas said on April 3rd he attended the legislative breakfast sponsored by Southern Alleghanias EMS council. The meeting was held to bring elected officials up to date on SR6. He had a copy with him if anyone was interested in looking at the information. What this is, is a resolution they put together in Harrisburg with committees to study the problems with EMS, fire and all

emergency responders. There is a real crisis right now between not being able to get staffing for their departments, staffing for EMS etc. It is numerous. It is also online if you'd like to read it. Mayor Thomas said the problem with this is there is no money, and they want local governments to pick up the tab and we all know that is not possible.

Mayor Thomas said this also gave him the opportunity to meet and speak with some of the legislators and county commissioners.

Mayor Thomas said he agreed to pick up and write the articles for the Windber Spirit that Manager Furmanchik had done in the past. He said council members are welcome to write one or give any suggestions.

Mayor Thomas said the WalkWorks Initiative is moving along smoothly. Signage should be placed at the park this week and printed materials have arrived. He passed a sample of the brochure around to council.

Mayor Thomas said the school is willing to participate with this and will get the kids involved in this. We will have a kick off date on June 5th with a rain date of June 6th. Windber Medical Center will also be participating in the event. We will be meeting on Friday.

Manager's Report

1403 & 1407 Midway Avenue - The demolition is moving along well with no issues. The contractor has informed me that the project should be complete by April 15th.

CDBG Home Rehabilitation - As I have mentioned in the past, I am working with the Somerset County Redevelopment Authority regarding home rehab for low income residents, within the Borough. There were a few applicants and the home of John McCune was chosen. Mr. McCune resides at 412 Fifth Street. He meets the income requirements and has been under the watchful eye of our Codes Enforcement Department. Improvements to the property will take place throughout the Summer.

Ordinance# 2019-2 and 2019 -3 - I have been receiving nothing but positive feedback, since Council has chosen to amend the ordinance.

2019 Street Paving- Due to the closeness of our March and April meetings, there is not enough time to advertise for paving, for the April meeting. With that in mind, we will advertise for bids as soon as possible and will open bids at our May 14th meeting.

Asset Management Plan -As I mentioned at the last meeting, this plan would help us evaluate our sanitary and storm sewer system for replacement projects and would also be beneficial to our MS4 program. Our representative, from EADS, will be at the May 14th meeting.

Spring Clean Up - There were only two hauling contractors that turned in pricing for Spring Clean Up and once again Yonish Hauling was the lowest amount. There will need to be a motion for approval, at the next meeting.

Borough Website - At our last meeting there was discussion about improvements to our site including updating minutes and adding ordinances, for public review. The minutes have been brought up to date and Cheryl will begin to add all the pertinent ordinances.

Spring Cleanup A motion was made by Mr. Spinos and seconded by Mr. Holden to approve Yonish Disposal as the disposal company for spring cleanup at a cost of \$140/ton and no charge for the man hours or land fill fees. Date for spring cleanup will be May 13-15. Motion carried.

14th on Graham Bakery Kelly Maris and her husband owners of the 14th Street Bakery on Graham Avenue asked Council for permission to set up a maximum of (3) tables directly outside the bakery during the spring, summer, and fall months.

Mrs. Maris passed out a diagram of the area in question. The tables would go right outside in front of the window. It would not be more than 8 feet from the window and that would leave 7’10” for the PennDOT right of way and would not aped on the PennDOT right of way.

Mr. Furmanchik said Kelly pointed out PennDOT’s right of way which is 60 feet so that is 30 feet from center, and they are well beyond that point. It is a similar situation to Mimo’s Restaurant. It will be another attraction to the community and serve their business well. There is plenty of room for pedestrian traffic including those people with disabilities. He supports their initiative.

A motion was made by Mr. Spinos and seconded by Dr. Ledney to approve Mr. and Mrs. Maris owners of the 14th Street Bakery on Graham Avenue to set up three tables and chairs during the spring, summer and fall months weather permitting in front of the bakery window. Motion carried.

Next Meeting Next meeting will be May 14, 2019 at 7:00 p.m.

Adjourn Mr. Bryan, Council President adjourned the meeting at 7:56 p.m.

Open Meeting Mr. Bryan, Council President reopened the meeting at 7:56 p.m.

Council convened into an executive session for personnel issues at 7:57 p.m.
Council reconvened from executive session at 8:40 p.m.

Approval Non-Uniform Contract A motion was made by Mr. Spinos and seconded by Dr. Ledney to approve the Non-Uniform Contract for five years beginning January 1, 2020 through December 31, 2024 with the correction of the Financial Secretary changed to Administrative Assistant on page 13. Roll call vote: Mr. Spinos, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, yes; and Mr. Pallo yes. Motion carried.

Meeting Adjourned Meeting was adjourned by Council, President, Mike Bryan at 8:45 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant

