

## **Borough Council Regular Meeting November 12, 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. Mr. Furmanchik, Borough Manager was available through telecommunications. Mayor, Mike Thomas was present. Attorney Joe Green was absent.

**Approval Minutes** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the Minutes of October 8 & 22, 2019. Motion carried.

**Recognition Visitors** Matt Grohal, Recreation Manager of the Windber Municipal Authority passed out copies of a proposal to Council for a splash pad for Windber Recreation Park. He said they would like to put a splash pad in where the baby pool is. He and Jeff Heinrich are asking for council's blessing.

**Matt Grohal** He said they are waiting for bid packets. They are expecting the project to be around \$90,000. They currently have \$41,000 in a CD and would be taking another \$11,000 of their regular fund to bring them to \$52,000. They have reached out to First National Bank to finance the rest of it, \$36,000 at a rate of 2.91% tax free. A fixed rate at 60 months would put us at \$649 a month.

Mr. Spinos asked if collateral is needed for this loan. Mr. Grohal said no. Mr. Furmanchik asked Mr. Grohal if they ever contacted DCED about a loan. Mr. Grohal said they are working with Ashley Beener from Aspire. There is a DCNR Grant coming due in the spring and she is working on some other grants to be able to pay the loan back sooner.

Mrs. Gates said whenever the borough goes to acquire a loan no matter what size we have to get approval from DCED. Does it not work the same way for the Municipal Authority? Attorney Thomas said they are a private organization. They are nonprofit, we are chartered by the borough but are independent in that sense. We run it essentially like a business.

Mrs. Gates asked if they were bidding out the project. Mr. Grohal said yes. Mr. Furmanchik asked Attorney Thomas if he saw any problems with this? Attorney Thomas said he spoke with First National and was shocked they were not asking for anything for collateral. He said there is really no downside.

Mr. Holden asked if there would be a lien put on the property due to a loan. Attorney Thomas said no. Mr. Grohal said the loan is ready to go he just wanted permission from the borough. Mr. Furmanchik said if they are not asking for collateral then he doesn't see a problem moving forward on it.

A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve the Municipal Authority to move forward with the addition of a splash pad to Windber Recreation Park. All in favor. Motion carried.

**Matt  
Grohal**

Mr. Grohal said they redid the gym floor and when they did the paving there is no curb by the gym door. That is the back-double doors coming out of the building. There is a drain there, but the drain has risen above the two concrete slabs. That needs to come out, the drain needs lowered and certainly needs done before winter. We need to eliminate the water issue before it comes in and ruins the gym floor again.

Mr. Grohal said Mike Kovatich submitted a quote that was around \$1,800. His understanding was that the borough would pay for it and Mr. Furmanchik's understanding was that we were going to pay for it.

Mr. Furmanchik said it would be in the best interest of the public and is a must have situation. Mr. Pallo said it needs fixed. Mrs. Gates said it would have to come from the Capital Improvement Fund.

Mr. Furmanchik said if there is any involvement from the borough, we would need three quotes. Mrs. Gates said we must have at least three quotes. Mr. Bryan said we are amid finalizing our budget and asked Mr. Grohal to bring back two more quotes and Mr. Grohal agreed.

**Vinnie  
Paczek  
EAD's**

Mr. Paczek said since the last meeting and discussions with some of the residents, he went over and looked at the possibility of diverting some water towards 28<sup>th</sup> Street. Through a collective decision after review of that with cost and effectiveness we are going to stick with the original plan. If for some reason this doesn't give us what we think, we could potentially look at a relief line, where one of the catch basins of the second outlet serve as a relief sewer to the 28<sup>th</sup> Street basin. To divert it there is just adding to the cost of the project.

Mr. Paczek said we are settled in with sticking to our original plan which is upsizing our pipe to 24" and replacing the out fall in the existing location at the bottom of 29<sup>th</sup> Street. The estimated project cost is \$239,140. Mrs. Gates said this is a line item on our agenda for approval tonight.

Mr. Gyurik said he would like us to leave the 28<sup>th</sup> Street option open as an alternate plan. Mr. Paczek said they could look at that only as an avenue on an as needed basis. Mr. Furmanchik asked if EAD's would continue to work with the borough on this project. Mr. Paczek said yes.

Mr. Paczek said we talked about a PA Small Water and Sewer Grant Application for the replacement of sanitary sewers located in the municipal roadway's tributary to Jackson Avenue between 28<sup>th</sup> Street and Village Street. It is due for submission by December 13, 2019. Total project cost would be \$348,950. If awarded the program would cover 85% of the total project cost, resulting in a grant of \$296,607.50 and a local match requirement of \$52,342.50.

Mr. Paczek provided a resolution to Windber Borough for execution to designate President Bryan and Vice President Spinos as the officials designated to sign all documents for the grant.

A motion was made by Mr. Spinos and seconded by Mr. Holden for approval of Resolution No. 2019-4 to apply for the PA Small Water and Sewer Grant in the amount of \$348,950 of which \$52,342.50 would be Windber Borough's match. Mr. Bryan and Mr. Spinos will be designated to sign all documents for the grant. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo yes. Motion carried.

Mr. Paczek said an application for an H2O PA Grant in the amount of \$562,362.50 is in progress. The grant would cover all project expenses, except the estimated \$5,000 budgeted for easements. This grant includes replacement of six conduit pipes and the removal of sediment from the existing debris basin. Total estimated project cost is \$567,362.50. A resolution is provided to Windber Borough for execution to designate President Bryan and Vice President Spinos as the officials designated to sign all documents for the grants.

A motion was made by Mr. Bryan and seconded by Mr. Spinos for approval of Resolution No. 2019-5 to apply for the H2O PA Grant in the amount of \$562,36.50 with a \$5,000 cost to be paid by the borough for easements. Mr. Bryan and Mr. Spinos will be designated to sign all documents for the grant. Roll call vote: Mr. Bryan, yes; Mr. Spinos, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.

**Joe  
Yatsko**

Mr. Joe Yatsko said he had asked about taxes at prior meetings and he sees under business items on the agenda approval of taxes for 2020 in the amount of 17.92 mills. What does that mean? Mrs. Gates said there will be no tax increase for 2020.

Mr. Spinos said we had a budget meeting and we will not be raising taxes. Mr. Bryan said that is the tax millage for this year and will repeat itself next year. It is staying the same. Every year it must be advertised and approved.

Mr. Yatsko asked how the positions are obtained within the borough? Such as manager or codes enforcement officer. Mrs. Gates said council determines the need for the position and the position is then advertised, applicants are chosen to be interviewed by council and from those interviews an individual is chosen for the position. Mr. Yatsko said thank you.

**Mark  
Gyurik**

Mr. Gyurik said most of his questions have been answered and he would just like to thank Mr. Paczek and the time and efforts by council with regards to Jackson Avenue.

**Jeff  
Thomas**

Mr. Thomas expressed his gratitude to council with regards to the recent election. He said he looks forward to working with Chief Frear.

Mr. Furmanchik asked Mr. Thomas if he would be able to remain the attorney for the planning and zoning commissions. Mr. Thomas said he would not be able to continue in that position

## Correspondence

1. Codes Enforcement Officer Report.
2. Windber Area Authority Minutes of September 11, 2019.
3. Windber Area Authority Notice of Water Rate Increase.
4. Windber Municipal Authorities Report of September 17, 2019.
5. PA Municipal Code Alliance Report.
6. Letter from PUC Regarding Railroad Crossing on Graham Avenue
7. Invitation from WASD to the Blue-Ribbon Ceremony on November 21, 2019.

**Approval Payroll** A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve payroll for October 11 and 25, 2019. Motion carried.

**Approval Bills** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the bills for October 2019. Motion carried.

**Cash Bal./ Treasurer Report** There were no questions at this time.

## Council Liaison Reports

**Dr. Ledney/ School** Dr. Ledney said the second grade came and toured the community for their curriculum. They went throughout the community and stopped here. Mayor Thomas, himself and Mrs. Gates did a great job explaining the local government, the hierarchy and what we do, and the police do. He said Mrs. Gates had all the students sign a poster which was up for display.

**LaMonaca/ Library** Mrs. Gates asked Mr. LaMonaca if there was a new librarian at the Windber Library. She said she had seen an article in the paper. Mr. LaMonaca said they are planning a fundraiser next year. Mrs. Gates said she thought they replaced the lady who was in charge there. Mr. LaMonaca said yes, they did. Mrs. Gates asked if he had met him yet. Mr. LaMonaca said no.

**Mayor's Report** Mayor Thomas was invited and participated in the Grand reopening of Windber Woods, formally the Church of the Brethren Home. Although the actual location of the home is in Paint Borough, it adds to the economic footprint of the Windber area. I was treated wonderfully by the new owners and was asked to help with the ribbon cutting.

Second grade students from Windber Area School district, came to the Borough Administrative offices as part of their field trip to downtown Windber. He, Dr. Ledney, and Mrs. Gates welcomed the students and explained our roles in the operation of Windber Borough, and how local government works.

Mayor Thomas rode with Chief Frear on Sat. November 2nd handing out treats to the children who were out trick or treating. He was pleasantly surprised at the large turnout. As you are aware, trick or treat was postponed from Thursday night to Saturday afternoon.

Yesterday, Veterans Day Mayor Thomas participated in the Veterans Day parade and ceremony at the memorial.

**Manager's Report**

**412 5<sup>th</sup> Street CDBG Project** – Hamacek Construction has completed all work and the property has greatly improved the neighborhood. As I have mentioned before, if you know someone with a low-income status, that needs improvements to their home, have them contact the Somerset County Redevelopment Authority.

**Flooding Issues Involving Paint Township** – He was informed that there has been some work completed, by the Township, in the area of Bud and Fern Avenue, as well as areas of Horner Street. We will continue to monitor the situation. I contacted the Somerset County Conservation District, regarding storm water issues from Rambling Hills. They are now aware of the problem and have been in conversation with DEP, EADS and the developer. The District has promised me that storm water issues, from Rambling Hills, will be resolved by Summer of 2020.

Our Public Works Foreman met with DEP at the 2900 block of Jackson Ave., on October 29<sup>th</sup>. There will also be a site visit meeting between EADS and DEP on November 14<sup>th</sup>. EADS has met with residents of the 2900 block of Jackson Avenue. The concept of installing pipe to the 28<sup>th</sup> Street outfall has been removed. The project's best outcome would be as originally proposed by EADS. Our EADS representative, Vincent Paczek will be at the November 12<sup>th</sup> meeting. Proceeding with a stormwater project, on Jackson Avenue will be an agenda item, at the meeting.

**Army Corps of Engineers Inspection** – He spoke to our representative from the Army Corp twice, since our last meeting. Originally, he was concerned that we have not heard anything since our September 4<sup>th</sup> inspection. He was assured a letter was sent to ACE, Pittsburgh Headquarters the week of October 7<sup>th</sup>, again recommending that Windber Borough be reinstated into Public Law 849. We will remain optimistic and patient.

**Railroad Crossing at 17<sup>th</sup> Street and Graham Avenue** – The crossing has been repaired but is not found acceptable by me, Dave Swiokla, PennDot and the PUC. We will move forward to the proper resolve. Please refer to the document that was included in your packet, regarding the latest communication for this effort.

**Police Contracts with Scalp Level and Paint Borough** – Both Municipalities have agreed to our contract proposals for the next three years and this will be part of our newly approved budget.

**Preparation for Winter** – Public Works has our road equipment ready for the upcoming snow and ice removal. He has reached out to all the contractors on our emergency snow removal list and have made sure that they have sent current certificates of liability, to the Borough office. We will stick with our rotating one hour early start for Public Works beginning at the end of November to better serve the school district, businesses and residents, while keeping overtime costs in line.

**Officer Jason Knipple** - The most recent grievance proceeding with myself, Mayor Thomas and Chief Frear, with the Teamsters Union, ended in an impasse.

The Union has elected to go to arbitration. It will take a lengthy amount of time to get an arbitrator to participate. We will stand on our position until we hear from the Teamsters.

We have recently denied an unemployment compensation claim by Mr. Knipple. This led to an appeal and a hearing, where the decision was made that Windber Borough was not liable to support his unemployment claim.

**Borough Website** – Last week we added information for Senior Living Help to our website. This will help Borough residents locate assisted living housing, for their loved ones, across the state of Pennsylvania.

**CDBG Projects** – I have been working with the Somerset County Redevelopment Authority for possible demolitions in the Borough. The list includes two homes on Railroad Street, one on 17<sup>th</sup> Street and one on Graham Avenue. As the construction season winds down, the Authority will have time to research tax and lien issues and hopefully go through the bidding process. We are also working with EADS to put together a storm water project on 17<sup>th</sup> Street as a future possibility.

**Conditional Use Permit** – The Planning Commission will meet, on November 25<sup>th</sup> to review a conditional use permit application for 2400 Jackson Avenue that has been filed by Patrice and Andrew Folmar of 2507 Graham Avenue. They are hoping to operate a bakery in what is zoned General Residential. The Planning Commission will recommend to council for final approval.

**Solicitor's Report**

Mr. Furmanchik said Attorney Green called him this evening and the ongoing case at 769 Railroad Street, property owners name is Maffeo had an ongoing situation for approximately two years with regards to a zoning violation in the borough and as of today their appeal was denied in Commonwealth Court. To the letter of the law they have 30 days to appeal to the supreme court. The commonwealth court system and Attorney Green seem to believe there will be no appeal to the supreme court.

Attorney Green has advised me to have the codes officer starting tomorrow issue a zoning ordinance violation to Maffeo's at 769 Railroad Street in the amount of \$500 a day. Mr. Furmanchik will talk to the codes officer tomorrow about that.

**Manager's Report**

**Trick or Treat** – Mr. Furmanchik said when Mrs. Gates and I spoke about the impending storm that was to take place on trick or treat night he felt it was the absolute right decision to move that to daytime and being an advocate of safety in general he feels it should be something that council takes into consideration to the possibility of changing it to a Saturday afternoon.

**Attorney Thomas** - Mr. Furmanchik asked Council the direction they would like to move in regarding the appointment of another attorney to the planning and zoning hearing boards. Council discussed and agreed to let Mr. Furmanchik solicit law firms for interest in that position.

**Light Up Night** - Mrs. Gates said Light Up Night will be November 29, 2019 at 7 p.m.

- Approval to Planning Commission** Mr. Bryan said that Jeff Haman who currently sits on the planning commission is not pursuing a reappointment. A motion was made by Mr. Holden and seconded by Mr. LaMonaca to appoint Gregory Domonkos to the Windber Borough Planning Commission for a four-year term ending December 31, 2023. Roll call vote: Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Bryan, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
- Resignation Pollino** A motion was made by Mr. Spinos and seconded by Dr. Ledney to accept the resignation of Nathan Pollino as a part-time police officer of the Windber Borough Police Department effective October 31, 2019. All in favor, motion carried.
- Approval Storm sewer Project** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve EAD's proposed improvements to the storm sewer system on 17<sup>th</sup> Street near Baumgardner Avenue and on 29<sup>th</sup> Street. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.
- Tentative Approval General Fund** A motion was made by Mr. LaMonaca and seconded by Mr. Holden to tentatively adopt the General Fund budget for the Year 2020 in the amount of \$1,696,564.73. Roll call vote: Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Bryan, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes and Mr. Spinos, yes. Motion carried.
- Tentative Approval Sewer Fund** A motion was made by Mr. LaMonaca and seconded by Mr. Bryan to tentatively adopt the Sewer Fund budget for the Year 2020 in the amount of \$214,300.00. Roll call vote: Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes and Mr. Spinos, yes. Motion carried.
- Tentative Approval Liquid Fuels Fund** A motion was made by Mr. LaMonaca and seconded by Mr. Bryan to tentatively adopt the Liquid Fuels fund budget for the Year 2020 in the amount of \$129,002.95. Roll call vote: Mr. LaMonaca, yes; Mr. Bryan, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes and Mr. Spinos, yes. Motion carried.
- Approval Advertise Tax Millage** A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve to advertise Ordinance No. 2019-7 Levying a Tax of 17.92 mills for the Year 2020. Roll call vote: Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Bryan, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
- Approval Marsh** A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve Joe Marsh to the part-time roster of the Windber Borough Police Department. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.
- Reappoint Paul Beahr** A motion was made by Mr. Spinos and seconded by Mr. Holden to reappoint Paul Beahr to the Windber Area Authority Board for a five-year term. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.

**Next Meeting** Next meeting will take place on December 10, 2019 at 7 p.m.

**Adjourn** Meeting was adjourned by Council President Mike Bryan at 8:00 p.m.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant