

Borough Council Regular Meeting September 8, 2020

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

Pledge of Allegiance.

The following Council Members were present: Mike Bryan, Pino Gallina, John Holden, Dr. Doug Ledney, Joe Pallo, and Jim Spinosa. Ron Mash was absent. James Furmanchik, Borough Manager was present through telecommunications. Mayor, Mike Thomas, and Attorney Joe Green were present.

Approval Minutes A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve the Minutes of August 11, 2020. Mr. Mash was absent. Motion carried.

Recognition Visitors Mr. Kiss said he has not seen any movement on his last complaints; regarding the jake brake restrictions and speed restrictions on Route 56 and 21st Street.

Mr. Furmanchik said he had not heard anything from PennDot since his last phone conversation with Mr. Kiss. They still do not have all their people back to work. They replied about a jake brake study on Railroad Street but there is nothing new as to them addressing Route 56 and 21st Street.

Mr. Furmanchik said he was contacted by PennDot a couple of days ago and the area near the bridge on 21st Street next to Stocks 56 Pak will be milled to reduce the bump in the road.

Mr. Kiss said there was an accident on Route 56. A vehicle ran right up into the middle of the guard rails. He said the fire department was out there directing traffic and the person directing traffic was almost hit by a vehicle. The intersection is terrible there. Chief Frear said in all seriousness the accidents that occur there are minimal. It is not a major traffic accident point. 24th Street and Route 56 is far worse. Mr. Kiss recommends a left turn signal be placed going North and South.

Mr. Bryan told Mr. Kiss he understands his frustration but feels that Mr. Furmanchik has been holding up his end with regards to a communication standpoint. Mr. Furmanchik does not dodge or skirt something. If you want to check in to say you have not heard anything to see if we heard anything, we understand that, and you have been given an explanation.

Mr. Kiss asked about the hidden driveway sign for his neighbors. Mrs. Gates said it is there. Mr. Furmanchik said it was installed last Thursday.

Mr. Furmanchik said regarding the left turn signal recommendation that would all fall under our request for researching the safety of that intersection and possibility of re-engineering it.

Mr. Furmanchik told Mr. Kiss we had a meeting; we contacted our legislators and wrote letters to the Department of Transportation. At this point in time there is nothing more we can do. He does not like waiting anymore than Mr. Kiss does but that is where we are.

Mr. Kiss said his neighbor had a gas line installed and the road was cut to put it in. Two months ago, he called the gas company to fix it and it was not addressed. Mr. Furmanchik said he spoke with the public works foreman about it. It is the gas coop's responsibility. We asked the coop to put stone in the sunken ditch and they did that. Again, permanent restoration will not be done until they have a few jobs for the contractor to take care of. They are not going to pay a contractor to come up and do one job. If you think the ditch line has sunk, we will contact them and have them apply more stone. Hopefully, they will take care of it before the asphalt plants close in November.

Mr. Kiss said last year the road was paved, partially. The other two sides, every time it rains it washes more of the road down. They need paved, both sides. Mr. Furmanchik said it is too early in the game we will evaluate the roads, and which has the greatest priority next February 2021.

Mr. Kiss said the street sweeper in the spring comes as far as Sciotti's and turned around and never came back. The eastern part of Hillside Avenue; every time it rains washes the road down on both sides. It never gets addressed. Mr. Furmanchik said if you have an issue call the borough office and it will be addressed.

**Bob
Lehman**

Mr. Lehman said he is having issues with speeding on 17th Street. He said something to one of the individuals and they got smart with him.

Mr. Lehman said the borough spoke before about closing 19th Street halfway and if that happens you could have a lot more speeders on Hillside and 17th Street.

Mr. Furmanchik said a lot of people come up over Trooper Sepp Bridge to cross Route 56 and shoot across Hillside Avenue and use that as a short cut to access Route 56. He agrees if PennDot would be agreeable to doing something with the 19th Street (Hillside Exit) it would be a great help to everyone who resides in the neighborhood.

Mr. Furmanchik said as far as the speeding on 17th Street we put speed limit signs on 17th Street. Speeding is happening everywhere.

Mr. Furmanchik asked Chief Frear if he could monitor it? Chief Frear said yes. Mr. Lehman said he has seen Chief Frear following the school bus because there is a bus stop there. Chief Frear said he has been up there, but he has not seen any speeding while he was there. Mr. Furmanchik said they will do what they can to keep this under control.

Correspondence

1. Minutes from the Windber Area Authority July 8, 2020 Meeting.
2. Windber Municipal Authority Minutes of July 21, 2020.
3. Public Hearing Date for CDBG Programs for Windber Borough, 2:40 p.m. on Tuesday, September 8, 2020.

**Approval
Payroll**

A motion was made by Mr. Holden and seconded by Mr. Bryan to approval payroll for August 14 and 28, 2020. One absent, Mr. Mash. Motion carried.

Approval Bills A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve the bills for August 2020. One absent, Mr. Mash. Motion carried.

Cash Bal., Treasurer Report Mrs. Gates said she has begun working on the budgets and we will probably have our first budget session next month.

Council Liaison Reports

WMA/Pallo Mr. Pallo said there are some trees in the park that need taken care of, but he believes it is already in the works.

Mr. Furmanchik said public works removed everything they could. We made an agreement to split the \$800 fee with the Windber Municipal Authority to remove a large tree at the park. We are just waiting on the contractor.

Mayor's Report Mayor Thomas said not much has been going on during the last month. He did participate in first public hearing of the Redevelopment Authority with regards to our CDBG funding and CDBG-CV Funding.

Manager's Report **710 Graham Avenue** – The deed has been transferred into the new owner's name and a total of \$1,000 will be deposited into the Capital Improvement Fund.

Grievance with Officer Jason Knipple – There are no new developments.

Rail Crossing DOT 529- 067-X – We have passed the August 13th deadline that was issued to the property owner by the Public Utility Commission, but repairs were made to the crossing on September 1st. It seems that there are still some issues with PennDOT and the PUC, but for now the road surface is much improved.

PA Small Water and Sewer Grant Application – In a letter dated August 19th, we were advised by Commonwealth Finance Agency Executive Director, Carol Kilko, that our grant application has been denied. Again, this project was to take place in the alley parallel to Graham Avenue, from 28th Street to Village Street. Refer to your information packet for a copy of the correspondence.

Vacant Structure Ordinance – As approved by council, the ordinance was advertised and there will be a public meeting at 6:30 PM, before our September 8th meeting. The ordinance will be on the agenda for approval, at our upcoming meeting.

Railroad Street Engine Brake Retarder Study – In a letter from PennDOT, which was prepared on August 10th, we have been informed that they will conduct a study within the next four to six weeks. If the study warrants a prohibition for engine brake retarders, in the area from 769 Railroad Street to 428 Railroad Street, the Borough will be responsible for signage and enforcement.

769 Railroad Street – The residents, Cindy and Bobbi Maffeo continue to keep goats on their property and Attorney Green is preparing a petition to the court to enforce an order, to deal with this matter. To date, the Borough has spent \$6,123 in legal proceedings, on the Maffeo case. The solicitor will offer further comment in his report.

Hidden Driveway Sign – As discussed at an earlier public meeting and our August meeting, a warning sign, of this nature, will be erected by public works on Route 160. The sign was ordered and will be installed by our September meeting.

1210 Graham Avenue – At this time final cleanup and backfill is taking place. The contractor has been notified that final excavation needs to meet a street level grade and include planting grass.

H2O Flood Mitigation Grant – On August 20th, we received word that our project to remove sediment from the retention basin, within the flood control project, will not be funded. Only two municipalities in Somerset County were awarded, but none in our House District (69).

I am already working with EADS to pursue an opportunity through the Army Corp of Engineers known as Section 313 South Central Pennsylvania Environment Program. I am hoping to bring in Carl Walker-Metzgar, to possibly get his assistance. I have also approached EADS about a Building Resilient Infrastructure and Communities and Flood Mitigation Assistance grant, from FEMA, that recently become available. It requires a 25% match, with the deadline for application of 1/29/21.

Mr. Furmanchik asked council's permission to get moving on this as quickly as possible. The Building Resilient Infrastructure Grant requires a 25% match. 25% match on a \$500,000 grant is \$125,000 or you can go with a 15% match under the 313 South Central Pennsylvania Environment Program which would be \$75,000. He has spoken with FEMA and they said it could be as simple as addressing a letter.

If you look further in this report, you will see the application for the H2O Grant only cost \$340. Any flood mitigation grants we go forward with in the future is basically the same as our past submittal, so most of the work has already been done.

Mr. Furmanchik said he is asking council to either enter a situation where we can move forward with a grant application that is a 15% match or enter a relationship where we file for a grant application with a 25% match. This is extremely important to the entire community. Resources tell him the retention basin is beginning to accumulate more now than even a year and a half or two years ago.

Mr. Holden asked where our match would come from? Mr. Furmanchik said our match could come from the sewer fund. There has also been conversation with Vinny at EADS about the possibility of filing for a PEMA Grant which would cover our match. The Building Resilient Infrastructure and Communities and Flood Mitigation Assistance Grant from FEMA would be a 25% match. There is a possibility we could get in with the Army Corp of Engineers Section 313 Program with a match of 15%. Mr. Holden said then we have two options in which to apply.

Mr. Furmanchik said yes, he is asking council to proceed if it is going to cost us 15% or to proceed up to 25%. There is a possibility it may not cost us anything. We need to move expeditiously to one of those directions.

Mr. Furmanchik said he also spoke with Vinny about a possibility of getting involved in a relationship with the Paint Creek Regional Watershed Association (PCRWA). Moving in the direction there where some or all our MS4 reduction requirements should also make the project more appealing to FEMA. In speaking to a consultant of PCRWA it sounds like they might already be planning to apply for a Growing Greener Grant Funding and if that project does meet the criteria those funds could also potentially be used as a match.

Mr. Furmanchik said there are many options and it sounds confusing, but he is trying to put together a way to make this happen because it is so important to the entire community.

Council discussion took place. A motion was made by Mr. Pallo and seconded by Mr. Holden for the borough manager to explore all options pertaining to a project with regards to removal of sediment from the retention basin within the flood control project with a grant application of 15% match or a grant application with no more than a 25% match. Grant matches will be taken from the Sewer Fund. Council also gives permission to explore avenues with PCRWA. Roll call vote: Mr. Pallo, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash absent, and Mr. Spinosa, yes. Motion carried.

Police Service to Central City Borough – I have had two conversations with representatives from this community, regarding purchasing police service from Windber Borough. My comments included problems with logistics, staffing, and budget. My final word was that I don't believe it would be a good fit for Windber Borough, but informed them that if they wanted to pursue the issue further, I would be more than happy to set up a meeting with the Mayor and the Chief of Police. I spoke with Mayor Thomas and Chief Frear and both agreed that it would not be a good path to follow, for the Borough.

Security Cameras at Borough Office – Recent incidents and today's situation with civil unrest, have led me to have extended conversation with borough employees and prompted me to solicit proposals for the possible installation of security cameras at our office. Copies of proposals are included in your packet.

Mrs. Gates said the police have been called at least three times and with Christmas coming up we will have some new Christmas decorations in Miner's Park this year that we do not want to see damaged.

Mr. Furmanchik said one of the last incidents that took place, rocks were being tossed from around the borough building onto Graham Avenue and over to the sidewalk of the bank. In today's world it is something we need and should have.

Council discussion took place as to whether cameras could be added on to the network of cameras in each proposal. With review of the proposals all proposals look as though they could extend additional cameras if necessary.

Mr. Furmanchik will also check in with our insurance carrier as to whether we will receive a discount on our insurance with the installation of security cameras.

Insurance Refund – Apparently there was overcharge, in our insurance coverage, over the last year and we have been issued a check for \$7,000 that was deposited into the general fund.

Annual Abandon Vehicle Round Up – This yearly undertaking, by the Windber Police Department, was put on hold because of the pandemic. It continues to be a vital part of our program and my conversation with Chief Frear leads to this taking place at the beginning of October.

Borough Planning Commission – A meeting was held on August 24th to review a Conditional Use Permit application for 227 Jefferson Avenue, from Chelsea and Joshua Smith. The Commission gave their approval with a stipulation regarding parking and permitting. This item will be on the agenda of the September 8th meeting for approval by Borough Council.

The Following is a Summary Of EADS Engineering Efforts on Recent Grant Applications:

- 2019 Jackson Avenue Small Water and Sewer Sanitary Project - \$304.40
- 2019 H2O PA Flood Remediation - \$340. Please note that some effort that would have been required to prepare this grant application was already completed during preparation of previous grant requests for the same project. A lot of supporting information is normally requested for flood projects typically increasing the required effort for application.
- 2020 Blight Remediation - \$801.25

Pickleball Court – It came to my attention on August 17th that there was a group of adolescents that had been playing hockey on the pickleball court (wearing athletic shoes, not skates). I asked Chief Frear to assess the court damage and his facetime video revealed several scuff marks on the playing surface. Temporary signs, made by the Borough office stating that the court was only for pickleball, were installed and torn down the next day. New permanent signs were made by RPM signs, stating that the court was for pickleball only and listing court rules. They were installed by Public Works. Previous signs at the court specified...no bicycles, skates, or skateboards.

My position on this is simple. We spent a great deal of money preparing a facility for senior citizens to recreate and socialize. To have the playing surface damaged is intolerable. There are plenty of other courts for this type of activity in the Borough. The Police Department will monitor the situation.

Road Repairs to 21st and Graham and 17th and Somerset – PennDOT has been planning to accomplish this for approximately ten months. The pandemic has naturally affected their productivity and has left us in a bad situation. My conversations with Rosebud Mining about these worsening conditions, have led them to step up and have the repairs completed by Petrunak Paving. These areas of concern were milled and resurfaced on August 21st.

SRO Agreement 2020-2021 – In the spirit of cooperation, during these strenuous times, I offered the upcoming SRO agreement, with the Windber Area School District, to mirror last

year's agreement @ \$27 hour including a \$500 stipend. It will be on the agenda for your approval at our September 8th meeting.

2020 Census – The most recent report shows Windber Borough with a 76.7 % completion rate. Please encourage everyone to participate.

Council Meeting Attendance – Members of Council are reminded to please notify the Council President, myself, or Robin if they will not be able to attend a meeting. Our August meeting had only four members in attendance and it would be an extremely embarrassing situation if we did not have a quorum present when the meeting is to begin. Thank you in advance for extending this courtesy.

CDBG Public Hearing – Mayor Thomas, Robin, and Mr. Furmanchik took place in a zoom meeting this afternoon with the Somerset County Redevelopment Authority. The CDBG-CV funding is an additional funding to address the problems caused by the pandemic. This does not take away from our original CDBG funding. What we are focusing on with the CDBG-CV funds is something that will help the Windber Fire Company out and the Somerset County Association of the Blind.

Mrs. Gates said there are approximately 175 people/children from Windber Borough that receive assistance from the County Association of the Blind. Mr. Furmanchik said he was blown away by how many residents from Windber are helped by the Association of the Blind.

Engineering Report **Asset Management Plan** – Draft will be available shortly for review.

2020 MS4 Report – Due at the end of month. EADS working with Borough Manager.

24th & 22nd Street Bridges – Survey work has been completed. If any property owners ask about One Call marks or flags on their property, they can be removed at this time.

Solicitor's Report **Maffeo Property** – Residents alerted the borough there were goats back on the property in late July. The codes officer went out and counted 35 goats. They were given 30 days to get rid of the goats. On August 30th he went back out, both cars were there. He knocked on the door they did not answer. Went out another time knocked on the door they would not answer. He then took it upon himself to go up in the woods and got pictures of the goats coming out of the house.

Attorney Green and Mr. Furmanchik went back and forth on what action to take. They were citing her at the magistrate \$500 a day and the magistrate did not want to do that anymore. Attorney Green filed a petition for contempt of court. He asked for immediate removal of the animals and that either Windber Police or Codes Enforcement must have the opportunity to not only inspect the exterior of the house but the interior of the house and the interior of any locked sheds. He has also asked for attorney's fees. The hearing will be September 24th. The problem is how do we know if they got rid of them for sure and that is why we must get into the house.

Albright Property – Attorney Green is working on letter for the code's enforcement officer.

**Codes
Report**

1. Request from Lush Salon (425 Park Place) to host a small craft show in their parking parking lot on October 4th from Noon until 5pm. This is a low impact, low volume event, I see no issue with it, would need council approval.
2. Planning Commission met on August 24, 2020 - Planning Commission approved the Conditional Use Permit for Mrs. Chelsea Smith. The Conditional Use Permit allows her property at 272 Jefferson Avenue to be used as a Sole Proprietor Hair Salon. Commission Approved 5 Yes - 0 No. Approved with conditions that Building Permits/ Zoning Permits/ Drive-Way Permits will be applied for and adhered to if necessary. Owners are to work diligently with the Codes office.
3. Maffeo's is an ongoing saga, working with Solicitor Green on the issues.
4. 319 22nd Street has been cleaned up and remains in compliance. Property owner and tenants advised that there will be no more warnings, future violations will result in an immediate citation.
5. Marie Barr has been granted access to her property on 21st Street. She is to be cleaning the property up and working towards compliance with codes. Property will be inspected every thirty days for compliance, boards will remain removed unless violations go uncorrected or there is failure to adhere to the terms and conditions of inspections.
6. Over 150 property issues dealt with, only 8 remain active and open. The next main objective is the ratification of the blight in the borough. Multiple properties have been tagged as priority for demolition, several others have been placed on the ratification list with low to moderate priority.
7. EMA Funding Reimbursement - awaiting funding from local level to determine request amount from state level. No closing date/end mission date has been established. Will finalize the reimbursement request when a closing date is given and/or funding is received from the county level.
8. For the Borough Car (Old 897) to have Emergency Lighting the registration would need to say Windber Fire. Nothing would change other than the registration. Would remain a Borough Owned and Operated Vehicle but would allow for Emergency Lighting in the Borough Vehicle. As of now it is registered as a Borough Official. No need to decide now, just something to consider for future.

Permits to Date:

Zoning - 19

Demolition - 3 Land Use - 16 Special Use - 3 Floodplain - 1

Residential - 8

Commercial – 1

**Approval
Lush Salon
Request**

A motion was made by Mr. Holden and seconded by Mr. Pallo to approve the request from Lush Salon to host a small craft show in their parking lot October 4, 2020 from noon to 5 p.m. One absent, Mr. Mash. Motion carried.

- Approval Conditional Use** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the Conditional Use Permit for Chelsea Smith to operate a hair salon at 272 Jefferson Avenue as approved by the planning commission with conditions that building permits/zoning permits/drive-way permits will be applied for and adhered to if necessary. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
- Ordinance No. 2020-2** A motion was made by Mr. Pallo and seconded by Mr. Holden to approve Ordinance No. 2020-2 requiring registration and maintenance on abandoned real property within the Borough of Windber. Roll call vote: Mr. Pallo, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.
- Appoint Gyurik IPMACB** A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve Mark Gyurik to the International Property Maintenance Appeals Code Board. Term ending December 31, 2021. Roll call vote: Mr. Bryan, yes; Mr. Pallo, yes; Mr. Gallina, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.
- SRO Agreement** A motion was made by Dr. Ledney and seconded by Mr. Bryan to approve the School Resource Officer Agreement with Windber Area School District for the 2020/2021 school year. Roll call vote: Dr. Ledney, yes; Mr. Bryan, yes; Mr. Gallina, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
- Quote Security Cameras** A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve the quote from Barclay Electric in the amount of \$3,325.00 for security cameras for the borough and coverage of Miner's Park. Roll call vote: Mr. Pallo, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Gallina, yes; Mr. Holden, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.
- Next Meeting** Next meeting will be October 13, 2020 at 7:00 p.m.
- Adjourn** Meeting adjourned at 8:20 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant

