

## **Borough Council Regular Meeting November 10, 2020**

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

Pledge of Allegiance.

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

**Approval Minutes** A motion was made by Dr. Ledney and seconded by Mr. Gallina to approve the Minutes of October 13, 2020. Mr. Holden and Mr. Pallo were absent. Motion carried.

**Recognition Visitors** Ivor Thomas said he is one of the people who founded the Windber Area Alumni Association. He has created a network for those who lived in Windber. The network is being used to create interest in our town and it will hopefully have or create a positive impact on the economy.

### **Correspondence**

1. Veteran's Day Itinerary.
2. Minutes of September 15, 2020 Meeting.

**Approval Payroll** A motion was made by Mr. Gallina and seconded by Dr. Ledney to approve payroll for October 9, & 23, 2020. Two absent, Mr. Holden and Mr. Pallo. Motion carried.

**Approval Bills** A motion was made by Dr. Ledney and seconded by Mr. Gallina to approve the bills for October 2020. Two absent, Mr. Holden and Mr. Pallo. Motion carried.

**Definition Borough Vehicle** Mr. Spinosa said there were some questions/concerns at the last meeting with regards to use of the code's enforcement vehicle. Mr. Furmanchik said if council read the highlighted paragraph in the minutes of October 13, 2020 it answered the question as to a definition of a borough vehicle use by the Codes Enforcement Officer.

Mr. Furmanchik read the paragraph as follows: The Codes Enforcement Officer was given permission from council because he is the Emergency Management Coordinator for Windber Borough and if he had to respond to an emergency, he was permitted by councilmatic action to use that vehicle in that situation. It saves on time if he must move into that status with regards to moving his stuff from one vehicle to the other. He is aware of the fact, that he cannot use the vehicle for personal use.

Mr. Furmanchik said Mr. Bloom knows he cannot use the vehicle for personal use, but he can use it for 911 alarms.

**Cash Bal.,  
Treas. Rpt.** There were no questions at this time.

## Council Liaison Reports

There were no reports at this time.

### Mayor's Report

Mayor Thomas completed the 4-day PSAB Conference the 2<sup>nd</sup> week of October. This was held in lieu of the in-person conference that was scheduled for Gettysburg. There were some interesting topics discussed to help guide Boroughs through these rough times.

Mayor Thomas was invited to join the emergency management group being assembled by the Windber School District. The next meeting is Thursday, November 19<sup>th</sup>. He has accepted the invite and feels that with his previous experience he will have something to add to this group. Anything that happens in the school district usually affects things in the borough.

### Manager's Report

**Security Cameras at Borough Office** – The cameras were installed on October 29<sup>th</sup>. A few adjustments were made, the next business day and everything seems to be operating well. A monitor in the Borough office, yields viewing activity for the past two weeks. Remote video access was given to the police department and our Council President.

**Abandon Vehicle Roundup** – As of this writing, there have been 38 vehicles in violation of the Borough's Abandon Vehicle Ordinance. Within the next few days, Railroad Street and 17<sup>th</sup> Street will be addressed, as they are the only areas that have not been covered. Chief Frear stated that 20 more vehicles have been added to the list for a total of 58.

**Funding for Sediment Removal** – EADS is hastily working on the grant submittal, which must be filed by November 18<sup>th</sup>. In this situation, the grant application is more complex than past attempt for sediment removal funding. If EADS cannot meet this month's deadline, for submittal, we will apply in 2021. Be aware, that this grant application will first be filed through PEMA and after reviewing it will be submitted to FEMA, in January.

**USDA Grant for Police Vehicle** – There is no submittal date, for this grant. Robin has been assisting EADS, as financial information needs to be provided, as well as making application for a System Award Management number.

**Veteran's Day Observance** – This will be a modified event, like what was conducted for 2020's Memorial Day ceremony. It will be short and to the point, lasting approximately 15 minutes. WPD and Public works will assist the Veterans group, with traffic control.

**Police Training Video** – On October 15<sup>th</sup> I spoke with Chief Frear about a training video, for police officers, entitled "Duty to Intervene". The \$129 video training endeavor is a training method that hopefully eliminates situations revolving around the George Floyd incident. This training session will be mandatory for all Borough officers. I believe it is a proactive approach, for the department and the Borough.

**Final Restoration at 29<sup>th</sup> Street and Jackson Avenue** – I negotiated an agreement between James Excavating and Laurel Asphalt. Laurel's invoice of \$5,310 will be deducted from the retention fund, that is owed to James, in the amount of \$16,800.

Both contracting firms will receive payment and the project will now be considered closed, with a three-year guarantee on workmanship.

**Face Masks** – With the rise of COVID cases in PA, I am issuing a directive that all Borough employees **MUST** wear a mask upon exiting a Borough vehicle to conduct business with the public, or at any time the situation requires one. I have purchased 25 masks @ \$40 to be distributed to all police officers, codes officer and public works.

**Codes and Zoning Officer** – Anson had a follow up visit, with his doctor, and saw a neurologist. He is now undergoing physical therapy. He will be released for work, under a modified work program, on Friday November 6th. Since he does not have a physically demanding position, I believe he will be fine.

**Cutting of the Levee's Banks** – Under normal operation, we have prisoners from the Somerset Correctional Institute handle this task during the month of October. Due to the prison being on lock down, because of the pandemic, that activity will not take place in 2020.

**Engine Retarder Restriction** – I received a phone call from PennDOT, on October 30<sup>th</sup>, stating that two areas of Railroad Street and part of 17<sup>th</sup> Street have met the criteria for Engine Brake Retarder signage and enforcement, with formal notification to follow. The signs have been ordered and will be installed by Public Works.

**Light Up Night** - This event will take place, at the Gazebo, on November 27<sup>th</sup>, at 7:00 PM. Weather permitting, children will visit with Santa outdoors, after the ceremony. If there is inclement weather, Santa will accept visitors in the Community Building. Naturally, we advise that participants wear masks and practice social distancing, is followed, to make the event safe.

**Christmas for Kids** – The Windber Police Department's annual event will be held on December 16<sup>th</sup> at 6:00 PM, at the Community Building. Again, the program will proceed with a unique approach, following guidelines for participants safety.

**GIS Mapping Training** – As I previously stated, our Asset Management Plan (AMP) and our MS4 Storm Water Management Plan (SWMP) will be completed by the end of November. These plans will include Geographic Information Systems (GIS) mapping technology. This system allows the user to create and interact with georeferenced data and displayed information. While working with EADS, I have arranged for a training session, to be conducted by Vincent Paczek, for Borough employees.

**Marketing the Borough** – Somerset Daily American Director of Advertising, Becky Flyte will present a power point presentation, at our November 10<sup>th</sup> meeting. To achieve this goal, I will prepare an article that will appear in the Windber Spirit, regarding this effort. After a few weeks, I will generate a letter to the business community seeking donations to support the initiative. The letter, as included in the mailings, will be prepared by members of the Windber Area economic Development Committee. A short time afterwards, members of Ms. Flyte's staff will reach out to members of the Business community by phone.

**Officer Greg Hall** – On November 4<sup>th</sup>, Mr. Hall dropped off documents, at the Borough office stating he was able to return to work. Mr. Hall also contacted me by phone and my comments to him were that his situation is under review and he will be contacted when deemed necessary. After reviewing the paperwork, Attorney Green feels that the paperwork is insufficient. Copies of Hall’s paperwork is included in your packet. Attorney Green and I agree that we will go into executive session on November 10<sup>th</sup> and discuss the situation.

**IT** - Mr. Furmanchik said he has been without emails for seven days now and he sought out the assistant of a computer technology support firm from Ohio. To his surprise they have accounts across the United States. They can remotely take control of your machine if there is a problem. We are going to get a proposal from them to utilize our own domain. The police department already has their own domain.

Almost everyone in the office has had issues with our email. He did also when he was seated here in the borough office. Sometimes these issues go on for more than a day. If we have our own domain that means we would have our own email host and those problems would most likely be gone. Knowing that we are a progressive community so going in a direction to have this type of support and keeping our files safe is the right thing to do.

**COVID-19** – Since the COVID-19 situation continues to move as we see it taking a hold on the throat of the United States, we will be having serious discussions. That discussion will take place at our department head meeting on Thursday about the possibility of moving our meetings to a virtual meeting’s once again.

Mr. Furmanchik spoke with Councilman Ledney about this and over the course of months Mr. Furmanchik has participated in ZOOM Meetings and ZOOM seems to be a more friendly platform and the image on the screen is easily 100 percent better. He asked Dr. Ledney if we move in that direction if he would be able to assist other council members with that. Dr. Ledney said yes.

**Solicitor’s Report**

Attorney Green said Mr. Bloom sent out a letter to Joan Albright regarding her Graham Avenue property. We have not received her response back, but it has not been 30 days. If we do not get a response back, he will have a recommendation to council at the next meeting.

**Codes Officer Report**

**1809/1811 Graham Ave. - Albright Property:** Letter attached; certified mail was signed for by Miss Albright, on the 3rd of November. December 3, 2020 is the drop-dead date to receive correspondence from Miss Albright if no action is made the property would be subject to demolition December 4, 2020.

**2804 Graham Ave (Windber Builders)** - The property is being monitored for compliance. I was contacted by Frank Diloreto, He has been hired to keep the property maintained and will be working on it. The owner was advised that legal action will be halted if compliance of borough ordinance is maintained, failure to do so will result in further legal action.

**Rear 2208 Graham Avenue** - The owner will be receiving a certified letter, the property has been condemned for two years, the COVID-19 time provision has past, and therefore a plan for renovation must be submitted to the borough within thirty (30) days of receipt, failure to do so will result in legal proceedings and a demolition order.

**Eureka Store** - Petrunak has been quite easy to work with and has been in constant communications with me. He has a plan to renovate the structure and as you can see, is prepping the building for paint.

**Jerley's Lot** - Barry gives me a weekly report on what is going in and out of the lot. He is operating within the guidelines of borough ordinance. The vehicles are either waiting for insurance adjusters, open shop space, or the scrap yard. The Campers on site are all registered, again, I get a weekly report.

**Thomas Lot** - Jeff is currently working on a two-part project and will begin cleaning up his lot. The first project is going to be a permitted building expansion, adding storage space to his building. The second is a cleanup of the grounds, and the exterior of the building. Jeff is another one that is in constant communication and understands he must comply with borough ordinance.

**Mansion** - The Mansion is currently being issued a certified letter for failure to comply with previous agreements. The Mansion is currently in violation of four borough ordinances and thirteen international code violations. Previous charges were dropped in exchange for a renovation plan, they have failed to keep up on the agreement, the next move is to request immediate demolition.

- Several buildings within Windber Borough are undergoing renovations, all are permissible projects, have been in contact with me, and have been approved and/or permitted. St. Mary's Catholic Church, Windber Church of the Brethren, the Anderson Building, Verizon Building, and Rock-Solid Storage.
- Reminder that Windber Borough Codes has an approved ORI from PSP. My Office, Computer, Car, and File Cabinet will be restricted access only. Access to information involving legal issues, case information, or parties involved will be restricted to the solicitor and/or those with PSP Approval. ORI- PA05602VS
- Since the beginning of my terms of employment I have worked diligently to ensure my office and positions were fully accredited in all areas. I have fulfilled that obligation and have received all associated accreditations from Labor & Industry, International Code Council, Pennsylvania State Police, and Pennsylvania Emergency Management.
- 175 cases have been handled via the Codes Office, only 12 remain open and monitored for compliance.
- Permits YTD: Zoning - 22, Demolition - 3, Land Use - 15, Special Use - 3, Floodplain - 1, Building Permits - 7, Commercial Building Permits - 1. Pending Building Permits - 4, Commercial Permits - 3.
- EMA - Funding reimbursement for COVID-19 related expenses is still be tallied, requests have been submitted to Somerset County, as well as PEMA for reimbursement.

I would anticipate additional COVID-19 sanctions and restrictions being implemented soon.

Council convened to an executive session at 7:25 p.m. for personnel matters

Council reconvened from an executive session at 7:40 p.m.

- Resignation Mock** A motion was made by Dr. Ledney and seconded by Mr. Gallina to approve to accept the resignation of Vincent Mock from the position of Part-time police officer/SRO for Windber Borough Police Department. Two absent, Mr. Holden and Mr. Pallo. Motion carried.
- Appoint To WMA** A motion was made by Dr. Ledney and seconded by Mr. Gallina to appoint Jill Campitell to the Windber Municipal Authority. (Term ending 12/31/2022). Roll call vote: Dr. Ledney, yes; Mr. Gallina, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Zoning Hearing Borischak** A motion was made by Mr. Gallina and seconded by Dr. Ledney to reappoint Lori Borischak to a three (3) year term as an (Alternate) member of the Zoning Hearing Board. Term ending 12/31/2023. Roll call vote: Mr. Gallina, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Maddy Uniform Appeals Board** A motion was made by Mr. Gallina and seconded by Dr. Ledney to reappoint David Maddy to a three (3) year term on the Uniform Construction Codes Appeals Board. Term Ending 12/31/23. Roll call vote: Mr. Gallina, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Winas Uniform Appeals Board** A motion was made by Dr. Ledney and seconded by Mr. Gallina to reappoint Mike Winas to a three (3) year term on the Uniform Construction Codes Appeals Board. Term Ending 12/31/23. Roll call vote: Dr. Ledney, yes; Mr. Gallina, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Winas IPMC Appeals Board** A motion was made by Dr. Ledney and seconded by Mr. Gallina to reappoint Mike Winas to a three (3) year term on the International Property Maintenance Code Appeals Board. Term Ending 12/31/23. Roll call vote: Mr. Gallina, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Hazard Mitigation Plan** A motion was made by Mr. Gallina and seconded by Dr. Ledney to approve Resolution No. 2020-9 Municipal Adoption of Somerset County 2020 Hazard Mitigation Plan. Roll call vote: Mr. Gallina, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Tentative Approval General Fund** A motion was made by Mr. Gallina and seconded by Dr. Ledney to tentatively approve the Year 2021 General Fund Budget in the amount of \$1,734,422.41. Roll call vote: Mr. Gallina, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.

- Tentative Approval Sewer Fund** A motion was made by Mr. Gallina and seconded by Dr. Ledney to tentatively approve the Year 2021 Sewer Fund Budget in the amount of \$225,291.12. Roll call vote: Mr. Gallina, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Tentative Approval Liquid Fuels Fund** A motion was made by Dr. Ledney and seconded by Mr. Gallina to tentatively approve the Year 2021 Liquid Fuels Fund Budget in the amount of \$148,651.51. Roll call vote: Dr. Ledney, yes; Mr. Gallina, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Approval Advertise Millage** A motion was made by Mr. Gallina and seconded by Dr. Ledney to approve to advertise Ordinance No. 2020-3 Levying a tax of 18.92 mills for the Year 2021. Roll call vote: Mr. Gallina, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Approval Fochtman (Police)** A motion was made by Dr. Ledney and seconded by Mr. Gallina to approve to hire Brian Fochtman to the position of part-time police officer/SRO for Windber Borough Police Department. Roll call vote: Dr. Ledney, yes; Mr. Gallina, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Spinos, yes. Motion carried.
- Next Meeting** Next meeting date will be December 8, 2020 at 7:00 p.m.
- Adjourn** Meeting was adjourned by Council Vice President, James Spinos at 7:45 p.m.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant