

**Borough Council Regular Meeting
August 8, 2017**

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

Pledge of Allegiance.

The following Council Members were present: Mike Bryan, Barry Jerley, John Holden, Pete LaMonaca, Ron Mash, Sonya Pekala, and James Spinos. Jim Furmanchik, Borough Manager and Mayor, Scott Penrod was present. Attorney, Joseph Green was present.

**Approval
Minutes**

A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of July 11, 2017 Meeting. Motion carried.

**Engineer's
Report**

2015 SANITARY SEWER REHABILITATION PROJECT

Construction Status - Construction is 100% complete as of June 12, 2017.

Project Permit Close-Out - The Notice of Termination for the NPDES Construction Permit and the .Post Construction Certification for the Water Quality Management Permit have been submitted to the Somerset Conservation District and to PA DEP. Project inspections will be scheduled as part of the close-out process. We are still awaiting project inspections from PA DEP and the Somerset Conservation District.

Record Drawings - A draft set of record drawings have been provided to Manager Furmanchik for review in July.

GIS Map Update -A draft GIS map of Windber Borough's sanitary sewer system was provided to Manager Furmanchik for review in May.

PennVest Pay Request No. 16 - Refer to Page 3 for a summary of the pay request and Page 4 for a draft copy of the pay request. The following is included in PennVest Pay Request No. 16:

EADS G/S Update - \$69.90
EADS Inspection Services - \$128.48
EADS PennVest Admin. Services -\$262.13
EADS Record Drawing Preparation - \$1,072.50
EADS Construction Admin. Services - \$534.60
Total Pay Request= \$2,067.61

Upon approval from Borough Council, PennVest Pay Request No. 16, in the amount of \$2,067.61, will be executed.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve PennVest Pay Request No. 16 in the amount of \$2,067.61. Motion carried.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT

2016 DEP Inspection - DEP conducted an inspection of the Borough's MS4 Program on June 20, 2016. DEP required the preparation of a written plan of action to address recommendations. EADS submitted Windber Borough's MS4 Action Plan to DEP on September 20, 2016. (Unchanged)

2017 Permit Renewal Application - The current five year permit term is ending on March 16, 2018. Permit renewal applications are due on September 16, 2017. In addition to the permit renewal application and a progress report, a Pollution Reduction Plan (PRP) will need to be completed for Windber Borough's MS4 Outfalls that discharge to the upper section of Paint Creek and to Seese Run, both of which DEP has identified as being impaired by sediment.

Pollution Reduction Plan Public Comment Period - The PRP is now available for public review between August 7 and September 6. A public notice was published to notify the public of the review period and notifying the public that Windber Borough will also accept public comments during today's public meeting. Written comments will be accepted until the end of the public comment period on September 6. Upon completion of the public comment period, EADS will work with Windber Borough to address any comments received and to revise the PRP as necessary.

Pollution Reduction Plan Proposed Alternatives - Within the draft PRP, six (6) alternatives have been identified for Windber Borough to implement to meet the DEP required 10% reduction in sediment to Seese Run and Paint Creek. Refer to Page 5 for description and estimated cost of these alternatives.

FLOOD PROTECTION PROJECT

2017 DEP Inspection - DEP conducted an inspection of the Windber Flood Protection Project (FPP) on July 25, 2017. DEP stated that the Windber Borough FPP is currently second on the list of unassigned DEP rehabilitation projects. DEP provided the following comments as a result of the inspection:

- a. Monitor pipe deficiencies until rehabilitation is completed
- b. Seek restoration of the project through the System Wide Improvement Framework {SWIFJ Program
- c. Monitor concrete deteriorations
- d. Establish the spray program to better control vegetation along the levee
- e. Repair the bare spot on the levee and put crossing barriers for ATV traffic
- f. Remove the sediment from the drainage structures
- g. Submit an updated Emergency Action Plan for approval and acceptance

Correspondence

1. Thank You Note from Sam Pcola for the Borough's Donation to WAHS Technology Dept.
2. Windber Area Authority Minutes of July 18, 2017.
3. PA Municipal Code Alliance Report.

4. Request from Bishop McCort to Paint the Town Teal to promote Ovarian Cancer awareness.

A motion was made by Mr. Bryan and seconded by Mr. LaMonaca to approve the request from Bishop McCort High School to Paint the Town Teal. Motion carried.

5. Letter from Nick Pascovich and Nicole Turman asking permission to close the alley located at 314 14th Street for two to three days in order to put a dumpster there for a contractor to tear the old materials off the roof and discard in the dumpster.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve closing the alley and the bank entrance from the alley for not more than five days for the contractor to remove the materials from the roof and discard into a dumpster. Motion carried.

**Approval
Payroll**

A motion was made by Mr. Bryan and seconded by Mr. Spinos to approve payroll for July 7 and 21, 2017. Motion carried.

**Approval
Bills**

A motion was made by Mr. Bryan and seconded by Mr. Spinos to approve bills for July 2017. Motion carried.

**Unfinished
Business**

Mr. Furmanchik said at the last meeting we discussed the situation at the Polish Falcons. Speed bumps and signage have been installed in the alley way. He said it is legit to put them on a municipal road. They have to be marked and painted and there has to be signs on both sides of them. He said it took a couple of days to get the signs but now everything is in place.

Mr. Furmanchik said he has only had one complaint about them from a gentlemen who said it made it harder for him to get into his garage. He showed him how he could get into his garage without running over a speed bump.

Mr. LaMonaca said it is making a difference already. Mr. Furmanchik said one of the signs wasn't up for a day and was run over but it is back up.

Mr. Furmanchik said we have a very detailed motor vehicle and traffic ordinance which addresses everything from speed limits to one-ways, skate boarding, snow and ice and things like that. It basically says that alleys should be 15 mph and all the streets that are not state roads are 25 mph.

Mr. Furmanchik said he also talked to the president of the organization, the bar manager and they are concerned also and have been easy to deal with. They are going to address the patrons and take steps to make a better situation for the residents.

**Cash Bal/
Treasurer
Report**

There were no questions at this time.

Council Liaison Reports

- Bryan/
Fire Co.** Mr. Bryan said the “Back Yard Bash” event held by the Fire Company was hindered by the weather the second day. He has not yet heard how well they made out but the preliminary reports are they were at least pleased with the cash flow at the time. He should have more information for the next meeting.
- LaMonaca/
School** Mr. LaMonaca said the kids will be going back to school on August 23, 2017.
- Mayor’s
Report** Mayor Penrod said Campbell, Thomas and Company is an Architectural Preservation Community and Transport Planning Company and they are doing a feasibility study for potential routes for the 911 Trail. It starts in New York and goes to Washington D.C. and comes up to the Flight 93 Memorial. They want to extend the trail to Johnstown and all these potential routes will travel through Windber if this does happen.
- Mayor Penrod said some of the route will follow smaller roads and rails to trails programs and will run through Windber. We may have potential for income for our area from the people coming through biking, hiking and potential motorcycle trails.
- Manager’s
Report** **Little League Fields** - The Richland Twp. Planning Commission will need to approve the variance on August 8th. It will then go before the Township Supervisors on August 21st. With approval from these two bodies we can advertise afterwards. I have prepared the bid packet information and it has been approved by Attorney Green.
- 25th Street Storm Sewer Project** - I have been working closely with the Redevelopment Authority, as construction still has not started. The contract expires on August 4th. From that point forward there will be daily penalties levied. Again, the contractor is Whitehorse Construction from Berlin.
- Speed Bumps** - They have been installed in the alley which is in close proximity to the Polish Falcons.
- Police Contract** - We have reached a tentative agreement. The bargaining unit will supposedly vote on its approval before our August 8th meeting. I have included a copy, of the agreement in your packet for review.
- School Resource Officer Agreement** - Chief Frear and I met with the School Superintendant regarding the agreement for the 2017/2018 school year. Outstanding points include the SRO position being changed to part time status (39 hours) and the SRO will cover both the elementary and high school/middle school. A copy of the agreement has been included in your packet.
- Levee Inspection** - Myself and our Public Works foreman participated in a walking inspection, of the flood control project, with DEP, on July 25th. Revealed deficiencies with the 2014 inspection left us removed from the SWIF program.

I have been working with EADS and the Army Corp. of Engineers to work through problems with their findings regarding the 2014 inspection.

Working with EADS, we will submit a plan to the Army Corp. to be reinstated in the SWIF. Currently DEP has elevated us to a #2 status on the list of unassigned projects, where all improvement costs would be absorbed by the Commonwealth.

Route 56 Project - Ongoing with a few issues involving the Borough

Cemetery Road Flooding - Conditions involving two Borough resident properties will now be alleviated. While lobbying Richland Twp and support from our Public works department, 127' feet of 12" drain pipe was installed along with a catch basin with a cost to the Borough of \$214,320.

Graham Ave. Abandon Gas Station -As you may have noticed the covers for the dispensers are deteriorating. Arrangements have been made with Bill Bahorik to have them replaced.

Christmas for Kids. Stock's 56-Pac and the Town Tavern held a charity walk and ended up donating \$1,034 for the Windber Christmas for Kids.

Railroad Crossing Renewal and Rail Replacement. They are about 75% done and have two more crossings to do. Once they get past 15th Street they will be replacing rail the whole way back of 17th Street.

Council convened to an executive session at 7:45 p.m. for personnel matters.

Council reconvened from executive session at 8:10 p.m.

**Approval
Police
Contract** A motion was made by Mr. Holden and seconded by Mr. Spinos to approve the five year Police Contract effective January 1, 2018 through December 31, 2022. Roll call vote; Mr. Holden, yes; Mr. Spinos, yes; Mr. Bryan, yes; Mr. Jerley, yes; Mr. LaMonaca, yes; Mr. Mash, yes; and Mrs. Pekala, yes. Motion carried.

**Approval
SRO
Agreement** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the School Resource Officer Agreement with Windber Area School District beginning August 23, 2017. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Jerley, yes; Mr. LaMonaca, yes; Mr. Mash, yes; Mrs. Pekala, yes; and Mr. Spinos, yes. Motion carried.

**Slovak Club
Request** A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve the request from the Slovak Educational Club to close the alley that runs through their parking lot for their annual picnic on August 27, 2017. Motion carried.

**Resolution
EM Plan** A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve Resolution No. 2017-4 adopting the Emergency Management Plan and Promulgation of the plan. Motion carried.

Misc. Mr. Furmanchik said he was contacted by an individual who is interested in obtaining one property probably a duplex and he will have one tenant in each unit that is challenged or handicapped and there will be a 24 hour care giver with them at all times.

They will be under federal guidelines and any property used for this type of use will be inspected by the government and have to be kept according to the zoning ordinance and property codes.

He said the nice thing about it is since it has to be kept up according to government specifications it might help us in aiding against blight in Windber. Attorney Green said he does not see a problem with it. He said if it was a group home with several people that would be different.

Next Meeting

The next Council Meeting will be September 12, 2017.

Adjourn

Meeting was adjourned by Council President, Barry Jerley at 8:20 p.m.

Respectfully Submitted By:

Robin S. Gates