

Borough Council Regular Meeting July 11, 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, Pete LaMonaca, and James Spinos. John Holden, Ron Mash and Sonya Pekala were absent. 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. LaMonaca to approve the Minutes of the June 13, 2017 meeting. Three absent, Mr. Holden, Mr. Mash, and Mrs. Pekala motion carried.

Engineers Report

2015 SANITARY SEWER REHABILITATION PROJECT

Construction Status - Construction is 100% complete as of June 12, 2017. A dump site release form was received from R&B on June 28, 2017. R&B's final pay request in being submitted to Council today for approval.

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.

Record Drawings - R&B has completed their as-built survey of the project area. EADS is now in the process of preparing record drawings. Completed record drawings are scheduled to be provided to Manager Furmanchik for review by the end of this week.

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. 14 - See 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. 15:

R&B Pay Request No. 8 {Final} - \$12,500.00

EADS GIS Update - \$494.10

EADS Inspection Services - \$513.90

EADS PennVest Admin. Services-\$244.65

EADS Record Drawing Preparation - \$3,058.89

EADS Construction Admin. Services- \$464.40

Total Pay Request= \$17,275.94

Upon approval from Borough Council, R&B Pay Request No. 8 (Final), in the amount of \$12,500.00, will be executed.

Upon approval from Borough Council, PennVest Pay Request No. 15, in the amount of \$17,275.94, will be executed.

**EADS
Report**

A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve the pay request from R & B Contracting and Excavating in the amount of \$12,500. Three absent, Mr. Holden, Mr. Mash and Mrs. Pekala. Motion carried.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the PennVest pay request Number 15 in the amount of \$17,275.94. Three absent, Mr. Holden, Mr. Mash and Mrs. Pekala. 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. A PRP will need to be completed for Windber Borough's MS4 Outfalls that discharge to the middle section of Paint Creek and to Seese Run, both of which DEP has identified as being impaired by sediment. A proposal for EADS to complete a Permit Renewal Application, Pollutant Reduction Plan, and Progress Report, for Windber Borough, with an estimated fee of \$9,900.00, was approved by Council in May. Preparation of these documents is ongoing.

FLOOD PROTECTION PROJECT

Levee Conduit Repairs DEP and the Army Corps of Engineers are requiring that Windber Borough make repairs to some conduits. in the levee. EADS has reviewed video inspection reports completed by DEP and Roto-Rooter. Roto-Rooter reported a more favorable condition of the levee conduits, and based on their assessment, repairs may not be warranted. EADS is in agreement with the Rota-Rooter inspection report and is in discussion with the Army Corps about this issue. If the requirements are not removed, and Windber Borough does not complete the repairs, federal funding for repairs to levee would not be issued if the levee is damaged. (Unchanged)

BRIDGE NO. 1 (24th Street/Seese Run)

1. The regular bridge inspection conducted in 2016 determined that the bridge guiderail system is substandard and very likely insufficient to properly redirect a vehicle upon impact even at low speeds. Jersey barriers have been put in place as a temporary means to redirect a vehicle from impacting the guiderails. Replacement of the guiderail system or the entire structure is recommended as soon as possible. EADS and Windber Borough are currently working together to obtain project funding. (Unchanged)

BRIDGE NO. 2 (22nd Street/Seese Run)

1. The regular bridge inspection conducted in 2015 determined that the structure was in poor overall condition and replacement or abandonment is recommended as soon as possible. Because this bridge is now posted, interim inspections are now to take place between the semi-annual inspections. An interim inspection was completed on December 14, 2016 and the report has been submitted to Windber Borough.
(Unchanged)

Correspondence

1. Minutes, from the Windber Municipal Authority's Meeting of June 20, 2017.
2. Windber Area Authority Minutes of May 10, 2017.
3. Library's Year to Date Treasurer's Report

Approval Payroll A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve payroll for June 9 and 23, 2017. Three absent, Mr. Holden, Mr. Mash, and Mrs. Pekala. Motion carried.

Approval Bills A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the bills for June 2017. Three absent, Mr. Holden, Mr. Mash, and Mrs. Pekala. Motion carried.

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

Council Liaison Reports

There were no reports at this time.

Mayor's Report Mayor Penrod asked council if they could send a plaque to the people who made the signs for the borough to show our appreciation. He said the people involved in repairing and creating the "Welcome to Windber" sign in Miner's Park were: Pat Jerley, Brian Hunter, Ed Studniary, Brian Jerley, Keith Gindlesperger, Dave Cominsky, and Mike Hunter. Bill Sipco of BCL Manufacturing would also receive a plaque for creating the signs that were placed at the entrances of town.

Mrs. Gates suggested that we send them "Certificates of Appreciation" since there are so many people to thank and that way they can also be hung at their place of business or home. Mr. Furmanchik said that both newspapers are going to do articles on the donations of the signs also.

A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to give those involved in repairing and creating the "Welcome to Windber" signs and the signs at the entrances of town a certification of appreciation from the borough. Three absent, Mr. Holden, Mr. Mash and Mrs. Pekala. Motion carried.

Mayor Penrod said that the Wing-Off's being held at the park have been very successful and urged council and people to attend.

Mayor's Report

Chief Frear said he applied for the Bullet Proof Vest Grant, through the Bureau of Justice Assisted Program. The grant is for \$13,000 but they pay half of the cost of the vests. We are awaiting acceptance of our grant application.

Mr. LaMonaca made a motion to make the alley between 6th and 7th Street by the Polish Falcons a one-way alley. He said people speed through there and he was almost hit, head on by a truck.

Mr. Furmanchik said there have been more than a few phone calls and/or personal visits to the borough about the situation at the Polish Falcons. Some include; late night arguments, loud disturbances, M80's, illegal parking, parking in people's driveways, parking people in, and parking in residents yards. Mr. Furmanchik said he originally asked the bar manager to resolve that situation and he said he would put notifications out throughout the club.

Mr. Furmanchik said a resident on 7th Street called one day and said the alley back there was in deplorable condition and he said he did not want the alley patched because if it is patched they will drive faster up and down the alley.

Mr. LaMonaca said he wants the alley made one-way down to Jefferson Avenue. He said someone is going to get killed or hurt.

Mr. Furmanchik asked Attorney Green if you need an ordinance for an alley or can you just put up a one-way sign. Attorney Green asked if the borough has a street ordinance. Mr. Furmanchik said not that he knows of. Attorney Green said it would be really old. He asked if the road connected to a state road. Mr. Furmanchik said no. Attorney Green said he would be shocked if we do not have a street ordinance.

Mr. Furmanchik said we are in the process of filing the ordinances electronically. The only book we have is older that contains the borough ordinances now and does not include the newer ones.

Mr. Furmanchik said we have a lot of complaints about the club and he was going to talk to the Chief about it tomorrow. Mr. Spinos said he was down that way Friday night and he can understand why those people are upset that live there, what a mess down there. Cars are parked everywhere and he could not even get to the alley. Mr. Furmanchik said there was a complaint about where two challenged individuals live in a house down there and people are parking in their driveway. He said if the police look at that how are they to know if the car parked there belongs to that house or not.

Chief Frear said as far as the parking issues go if someone is parked in front of their driveway or someone is parked in their driveway then we will cite them and have them towed but they have to call the police department and tell us. Mr. Furmanchik said he told two residents that and they are afraid of retaliation.

Council further discussed the one-way alley motion made by Mr. LaMonaca. Mr. Furmanchik asked what if we put speed limit signs up in the alley and monitor it. Mr. Spinosa asked what we are allowed to post it as. Mr. Furmanchik asked if it was legit to post it at 10 mph. Attorney Green said yes, but you would have to have an ordinance for that. He said the borough has to have a street ordinance somewhere.

Mr. Furmanchik said if we have a street ordinance and one-way alleys are included in it would we have to advertise. Attorney Green said yes and you would have to do an ordinance amending the original ordinance. He said the borough can put in speed bumps.

Mr. Furmanchik said that is a good idea we can put two speed bumps in the alley. Mrs. Gates said in the meantime we could research to see if we have a street ordinance. Mr. Furmanchik asked Mr. LaMonaca if there were stop signs in the alley. Mr. LaMonaca said he did not believe so. Mr. Furmanchik said let's try putting in two speed bumps and stop signs.

Mr. LaMonaca's previous motion died for lack of a second. A motion was made by Mr. Spinosa and seconded by Mr. LaMonaca to put two speed bumps and a stop sign in the alley between 6th and 7th Street near the Polish Falcons. Three absent, Mr. Holden, Mr. Mash, and Mrs. Pekala. Motion was carried.

Manager's Report

Little League Fields - The Richland Twp. Zoning appeals board will announce their decision, regarding the variance, at their July 6th meeting.

Mr. Furmanchik said the Richland Township Zoning Appeals Board granted the variance to Mr. Roberts contingent upon council's acceptance of his bid. With that being taken into consideration he asked council to give him the authorization to move forward. That would include calling the engineering firm and having the parcels of ground consolidated and calling the appraiser and having him reappraise the property. Both should be minimal cost because they were both involved before. Once that is put into place he can move forward with the formal advertising of the bid package.

A motion was made by Mr. Spinosa and seconded by Mr. LaMonaca to authorize Mr. Furmanchik, Borough Manager to move forward with contacting the engineer and appraiser and having parcels of ground consolidated and the appraisal done and then once that is complete to advertise the property for sale. Three absent, Mr. Holden, Mr. Mash, and Mrs. Pekala. Motion carried.

25th St. Storm Sewer Project - This project will begin by July 10th.

Route 56 Project - Ongoing with no issues

Police Contract - Contract negotiations will begin on July 11th.

Russo/ Harlow Subdivision Request - The request was unanimously approved by our planning commission and Borough council. The deed is now in the process of being recorded in Somerset.

Flooding on Cemetery Road - I have reached an agreement with Richland Twp. and a private resident to install a storm water catch basin with little or no cost to the Borough.

Manager's Report

24th and 22nd St Bridges - On June 23rd, I met with Penn Dot District Executive Tom Prestash. He again assures me that the situation with these bridges can be resolved through the TIP program. The plan of action includes the following:

Being that the 24th St. Bridge is on the four year plan we could expect total replacement in three years with an expected match of 5%. This would be approximately \$50,000.

The 22nd St. bridge will remain on the Redundant Bridge Program. In doing so, the Bridge would eventually need to be eliminated at a cost which would include a 5% match or roughly \$4,000.

PA State Flagman's Class. All four public works employees attended the PA State Flagman's Class and are DOT Certified. You have to be DOT Certified to flag on a state road.

Christmas for Kids Donation. John Stock and Marge Fahr and their respective bar/restaurants want to have a walk-a-thon July 29, 2017 and the proceeds will benefit the Windber Police Department Christmas for Kids Fund Drive.

Welcome to Windber Sign. Mr. Sipco said to make one of those "Welcome to Windber" sign it costs about \$2,800. He said he would do the third one for us for \$1,800. Mike Hunter said they will make a donation of \$500 to the Economic Development Committee from this year's Dog Run proceeds to go toward that sign.

Mr. Furmanchik said he will also ask the Economic Development Committee to donate \$500 toward the cost of the sign also.

Somerset County Economic Development Council. The SCEDC had a big get together on June 27th referred to as the Allegheny Kick Off Celebration. Mr. Spinosa, Mayor Penrod and Mr. Furmanchik attended.

They found it to be very interesting and it was a great turn out and the driver behind the whole event was networking. A lot of people out there are saying a lot of good things about what is happening in Windber and they want to be involved. There are a couple of businesses interested and looking at Windber.

Cheerleaders/Car Wash. The competition cheerleaders will be holding a car wash on Saturday at the community building parking lot between 10:00 a.m. and 2:00 p.m.

George Ledney. Mr. Furmanchik said if council remembers there was some talk at this table about the Ledney brothers wanting to honor their deceased brother George who was a member of council for quite a few years. What they ended up doing was having these plaques made and the Ledney brothers were in here and we talked about where it would be displayed and it will be hung over by the light switch near the water cooler. The other plaque is going to the public library. The library does not have anyone to install it so Mr. Furmanchik is going to send someone over from our public works department to install it for them.

Solicitor's Report

Attorney Green said the two code violation repeal hearings have both been continued by the judges. The one was continued to get the individual to clean the place up. The second one, there was a conflict with the defendant over the judge. The judge and his law firm used to represent the borough and the defendant did not like that and wanted another judge. He has not received notice on when those dates will be set as of yet.

Council convened to an executive session for personnel purposes at 7:57 p.m.

Council reconvened from executive session at 8:37 p.m.

Approval Donation Fire Co.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the request from the Windber Fire Company for the budgeted donation of \$45,000 for the new fire truck. Three absent, Mr. Holden, Mr. Mash and Mrs. Pekala. Motion carried.

Request Moose

A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve their request to block off 14th Street from Jackson to Jefferson Avenue and for the borough to provide barriers and signage from 10 a.m. to 8 p.m. on August 6, 2017 so they can have their annual picnic. Three absent, Mr. Holden, Mr. Mash, and Mrs. Pekala. Motion carried.

Next Meeting

The next Borough Council Meeting will be held on August 8, 2017.

Adjourn

Meeting adjourned by Council President, Barry Jerley at 8:47 p.m.

Respectfully Submitted By:

Robin S. Gates