

Borough Council Regular Meeting February 26, 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, Pete LaMonaca, Doug Ledney, Joe Pallo, and James Spinos. Jim Furmanchik, Borough Manager, Mayor, Mike Thomas and Attorney, Joseph Green was present. John Holden and Ron Mash were absent.

Approval Minutes

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the Minutes of December 11, 2018. Motion carried.

Visitors

Curtis Morgese spoke to council. Morgese is a councilman from Indian Lake Borough and is seeking election for Somerset County Commissioner. He is 63 years old and a registered republican.

He is the 30-year owner of Oral Renaissance Dental Lab and has served six years on the borough council. He feels with his experience in business and politics, he can help the county. He said he enjoys politics and interacting with people and feels the time is right for him to run for county commissioner.

Morgese said he studied politics during night classes at the University of Pittsburgh at Greensburg because he was interested in the subject and wanted to be more involved in his community. Morgese was born in Wisconsin and joined the Navy in 1973. He started the dental lab in 1986.

He had a cabin at Indian Lake for 15 years, and while serving in the Navy in Maryland spent time skiing at Seven Springs Mountain Resort. Morgese moved permanently to the area around six years ago and brought his business with him.

I just developed a love for the mountains up here, he said. I know the bike and mountain trails better than anybody walking in this area. Morgese said the people in southwestern Pennsylvania are some of the most heartwarming people he's met and he wants to see the area prosper. He added that it's tough to keep young people from leaving the area in search of employment. It is important to him and he will do whatever he can do to make this a better place, keep people working and wanting to live here.

He thanked council for allowing him to meet with them and introduce himself and asked for their support. Mr. Furmanchik thanked him for coming to the meeting and wished him luck in the race.

Visitors

Vicky Hiteshew asked borough council for a donation for "Wine in the Park". The event will take place on Saturday, May 18, 2019. The Windber Fire Department is in the final planning stages of their 7th Annual "Windber Wine in the Park" event. She will be dropping an official letter off soon regarding the donation. Council said they would review it.

Vicky Hiteshew also noted there will be a Windber all Class Reunion this year on June 8, 2019. A \$50 per person fee will be charged and for more information you can go on to the Windber High School Friends page.

Visitors

Jeff Thomas was present with his son Jeff Thomas Jr. whom spoke to council in regards to his father's suspension from towing vehicles within the borough. Mr. Thomas Jr. said all the corrections had been made to the truck and his father's towing equipment is legal. Mr. Thomas said they are asking council to consider allowing his father to continue to serve the borough as he has done all of his life. Mr. Thomas had been suspended from towing from the borough due to the legality of his equipment and pending an investigation by the Pennsylvania State Police.

After discussion with Chief Frear, Mr. Bryan said until we receive notice from the Pennsylvania State Police and as long as Mr. Thomas can provide documentation, that everything is legal with regards to the tow truck and equipment we will remain under the notion "innocent until proven guilty". Mr. Thomas should not be penalized and be able to continue service with the borough.

A motion was made by Mr. LaMonaca and seconded by Mr. Ledney to permit Mr. Thomas to continue service under the agreement with borough council. Two absent, Mr. Holden and Mr. Mash. Motion carried.

Correspondence

1. Minutes of the Windber Municipal Authority's December 18, 2018 and January 15, 2019 Meeting.
2. Windber Area Authority's Minutes of the December 12, 2018 and January 9, 2019 Meeting.
3. PA Municipal Code Alliance Report.
4. Thank you letter from the Vatauvuk Family.
5. Codes Enforcement Officer's Report.
6. Invitation from Southern Alleghenies EMS Council to attend the 2019 Legislative Breakfast Wednesday, April 2, 2019 at Omni Bedford Springs Resort. Guest Speakers and opportunity to meet members and representatives of EMS Agencies.
7. Somerset Count Borough Association Dinner Meeting to be held in Berlin March 21, 2019.

Approval Minutes

A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve the Minutes of January 8, 2019. Two absent, Mr. Holden and Mr. Mash. Motion carried.

Approval Payroll

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve payroll for January 18 and February 1 and 15, 2019. Two absent, Mr. Holden and Mr. Mash. Motion carried.

Approval Bills

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to pay bills for the month of January 2019. Two absent, Mr. Holden and Mr. Mash. Motion carried.

Cash Bal./ Treasure Rpt.

There were no questions on the Cash Balance or Treasurer Report at this time.

**Council
Liaison**

Mr. LaMonaca said the library would be starting their fundraising drive here in the next month or so.

There were no other reports at this time.

**Mayor's
Report**

Mayor Thomas said he continues to work with the Walk Works Program along with Matt Grohal. He met with Joe Kimmel the Superintendent and Glenn Gaye the Director of Education and explained the project to them. They are excited about participating in the project. They had a lot of ideas and were looking for something to do on Earth Day so that may be the kick off date. Information/advertising is being created at this time and will be shipped to the community building along with brochures that will be made available to the businesses.

Mayor Thomas said he continues to work on obtaining the income surveys from 17th Street. We are down to one that we need to obtain yet. We are close to getting enough for the sidewalk project.

Mayor Thomas attended the Windber Fire Company No. 1 banquet on February 3, 2019 along with Mike Bryan, Jim Furmanchik and John Holden.

**Manager's
Report**

1403 & 1407 Midway Avenue - We received serious push back from the State Historical Preservation Office regarding the demolition of 1407. After much "red tape" we have worked through it. The Somerset County Redevelopment Authority has advertised for bids for demolition on February 16th and 20th. They will award the contract on March 5th. We should see demolition take place in the spring.

769 Railroad Street- The situation is at a standstill, waiting for court scheduling

Contract Negotiations - President Bryan has asked John and me to work with him on the negotiating team for the upcoming contract through the Teamsters Union. The first date for negotiations is set for March 7th.

John Holden will now be unable to be part of the negotiating team so President Bryan has asked Doug Ledney to take his place.

24th and 22nd Street Bridges - As I continue to work through this process, with PennDot, we now have all of our preliminary paperwork in order and the DOT will soon begin to evaluate and choose a design engineering firm. I am being told that this action could take until late 2019. EADS has also filed application for a multi-modal grant to assist with the construction on the 22nd Street Bridge.

2019 Police Explorer-The new vehicle is in service as of 1/29/19. The total cost was \$35,447. As previously agreed, payment was made as follows:

- \$20,815 was budgeted
- \$10,000 will come from two CDs
- \$ 4,632 will come from the insurance check

The Windber Area School District will purchase the demolished 2015 Ford Taurus for \$1,200. \$6,535 will be deposited in a money market account, dedicated to the next new police vehicle purchase.

Recreation Park Ballroom - The fascia board from the right-hand side off the structure has separated and the support post in the same area has rotted away, causing that corner of the building to drop. Knowing that the repair was more involved than your typical type of renovation, I contacted Windber resident Todd Weaver, who is affiliated with Johnstown Construction. In the best interest of safety and to prevent further damage, we had to move forward in an expeditious fashion. Due to the nature of the damage they agreed to start on the repair immediately. All repairs were completed over a three-day period with a cost of \$2,360. Please refer to the pictures of the ballroom that are enclosed in your information packet. The funds will come from our recreation account, which was money left over from the sale of the baseball fields, and currently shows a balance of \$17,820.

Oak Pavilion - I became aware of the fact that we had two support posts on the Oak Pavilion deteriorating at ground level and the roof was starting to sag. There are estimates for repairs in your packet.

A motion was made by Mr. Pallo and seconded by Mr. Bryan to approve the estimate by IHG General Contracting to replace four support posts on the one side of the Oak Pavilion in the amount of \$1,814. Money to come from the Recreation Fund account. Roll call vote: Mr. Pallo, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Spinosa, yes. Motion carried.

Community Building Gym Floor- The WMA has approached the Whalley Charitable Trust regarding funding for a new gym floor. I have spoken to the Recreation Director about this and feel that there are certain water infiltration issues, in that building, that should be addressed if that opportunity comes to be.

Community Building Front Entrance Sidewalk-There are a few true tripping hazards at the exterior of the front door that need addressed. They can only be resolved by concrete replacement. Please review the estimates in your packet and we can discuss the situation at our meeting.

Mr. Furmanchik said the contractors gave an estimate for two different options. The first option the contractor would bust out the concrete and haul it away and the second option the borough would bust up the concrete and haul it away. IHG General Contracting gave an estimate of \$1,975 for option one and they will replace all nine sidewalk blocks. As you can see all three contractors addressed the situation in different ways.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve the proposal from IHG General Contracting, option 1, in the amount of \$1,975. IHG will demolish and remove all the concrete outlined in the following attachment, place new form work, expansionary foam, welded wire mesh, and place & finish 4,000 psi concrete to fill this same area. Money to be paid from the Capital Improvement Fund.

Roll call vote: Mr. Bryan, yes; Mr. Pallo, yes; Mr. Holden, absent; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.

Sidewalk at Bottom of Front Steps of Borough Office -A section of brick at the bottom of our front steps need to be reset, as they have created an area where water pools and freezes. This has gotten increasingly worse, over the winter. DiLoreto Landscaping has investigated the situation and states that it could be repaired for approximately \$400. Arrangements have been made to address the situation in the spring.

Assessment Management Plan - I continue to work with Vinnie Paczek, from EADS, to put together a plan for Storm Water and Sanitary Sewer issues.

We have been fortunate that we have not had any serious issues since our latest sanitary sewer replacement project in 2016. It will give us a definitive plan for future replacement projects and if a crucial situation would arise, DEP would absolutely request a plan to review. It is all part of being well prepared.

Grant Opportunities - EADS is in progress of preparing the grant application for Flood Mitigation, which must be filed by May 31. As you remember this is for removal of sediment and other enhancements to the Flood Control Project.

Aspire Grant writers have informed that due to issues with the government shutdown, application for Small Water and sewer grants are currently on hold. As previously mentioned, this funding would be used for a sanitary sewer mainline renewal project near the Windber Medical Center Campus.

Public Works Vehicle Accident - As you saw in an early email, there was a motor vehicle accident on February 11th that was clearly the fault of our employee. The damage to the vehicle, driven by Steven Hudak was \$6,000. I will have more information for you at our February 26th meeting. Please review the letter of reprimand that is included in your packet.

Codes Enforcement Officer - Anson and Cheryl have been working well together to prepare for enforcement of the Rental Property Ordinances. Anson has been busy with property maintenance issues, since his full time status began on January 1st and has won a few court cases. He should have all of his credentials for plan review, inspection and issuing permits ready for late summer, thereby allowing us to move forward with issuing building permits and construction inspection, from our office.

Hotel Initiative - The hope for hotel construction, in Windber Borough, continues to move forward. We have a local corporation showing interest and a great deal of attention has been given by a firm from New York. There was a possible investor's meeting held in the Borough offices on February 22nd.

The Windber Area Economic Development Committee has mailed marketing pamphlets to 250 corporations involved with hotel development on February 21st. We will continue to drive this project to reality.

2019 Street Paving - I have reviewed possibilities for resurfacing and have worked with our local PennDot liquid fuels representative to measure prospective street projects. I will have hard numbers and options for you at our March 26th meeting.

Solicitor's Report

Chippie Matter. The superior court took into consideration the Chippie Matter and he still has not heard back from them.

Maffeo's. Last week he got the briefing schedule for the Maffeo's. The brief is due sometime in April. He was able to talk the appellant's attorney into submitting this on briefs. What that does is he doesn't have to drive out to Harrisburg and argue.

Manager's Ordinance, Rental Ordinance and Tenant Ordinance. These three ordinances are on the agenda tonight for approval.

Hotel Tax. Mr. Furmanchik believes it would be a smart choice to adopt a hotel tax ordinance in the event the hotel comes to fruition here in Windber. A motion was made by Mr. Spinos and seconded by Mr. Pallo to create a Hotel Tax Ordinance for Windber Borough. Two absent, Mr. Holden and Mr. Mash. Motion carried.

Manager Report

Levee – Flood Control Project. Mr. Furmanchik said a good guy from the Army Corp of Engineers spent some time with him about two weeks ago and he has gone out of his way to help us. He is now waiting to hear back from the Army Corp. and DEP to arrange a special inspection. In the fall usually October we have our annual inspection. The things that we have done with decommissioning pipe #13 and applying for a flood mitigation grant. This guy from the Army Corp. has done nothing but good for us and if we have this requested inspection and it comes out favorably then we would be back in the good graces for federal money if the unfortunate would happen.

Manager's Computer – Mr. Furmanchik asked for permission to take his computer with him. Mark who takes care of our computers from Cambria Business Machine said the computer right now is only worth about \$300 and it would be less costly just to take the computer with me than transfer everything onto a lap top. My information will also be put onto Robin's computer. Council discussed using the cloud. They did agree to allow Mr. Furmanchik to take his computer with him.

Approval Alley Closing

A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve the request from Cindy Shawley of the Institute of Molecular Medicine to hold a fundraising event on August 24, 2019, closing the alley behind the building from 7th Street to the entrance of the church parking lot. Two absent, Mr. Holden and Mr. Mash. Motion carried.

Haddad Fire Chief

A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve Robert Haddad as Windber Fire Company No. 1 Fire Chief for the 2019 term year. Roll call vote: Mr. Spinos, Yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. LaMonaca, yes; and Mr. Ledney, yes and Mr. Mash, absent. Motion carried.

Appt. Russo

A motion was made by Mr. Spinos and seconded by Mr. Pallo to Appoint Kristen Russo to the Windber Municipal Authority Board. Term would expire December 31, 2020. Roll call vote: Mr. Spinos, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. LaMonaca, yes; Mr. Ledney, yes; and Mr. Mash, absent. Motion carried.

- Resignation Custer** A motion was made by Mr. Spinos and seconded by Mr. Pallo to accept the resignation of Officer Mark Custer from the Windber Borough Police Department effective February 22, 2019. Two absent, Mr. Holden and Mr. Mash. Motion carried.
- Resignation Davis** A motion was made by Mr. Spinos and seconded by Mr. Pallo to accept the resignation of Officer Robert Davis from the Windber Borough Police Department effective February 1, 2019. Two absent, Mr. Holden and Mr. Mash. Motion carried.
- Approval Ordinance (Manager)** A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve Ordinance No. 2019-1 Amending the Ordinance creating office of the borough manager. Remarks: Mr. Ledney asked for clarification of the ordinance. Solicitor Green said it is allowing the borough manager to live outside the borough limits. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. LaMonaca, no; Mr. Ledney, no; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
- Approval Ordinance (Rental)** A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve Ordinance No. 2019-2 providing for the registration of residential rental housing located within the corporate boundaries of the Borough of Windber. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
- Approval Ordinance (Tenant)** A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve Ordinance No. 2019-3 providing for reporting of occupancy of all tenants of residential rental housing located within the corporate boundaries of the Borough of Windber. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, absent; Mr. LaMonaca, yes; Mr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
- Next Meeting** Council will meet on March 26, 2019 at 7:00 p.m.
- Adjourn** Meeting was adjourned by Council President, Mike Bryan at 8:30 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant