

Borough Council Regular Meeting August 13, 2019

The regular meeting of Windber Borough Council was called to order by Windber Borough Council Vice President, James Spinosa at 7:15 p.m.

Pledge of Allegiance.

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

Approval Minutes A motion was made by Mr. Spinosa and seconded by Mr. Pallo to approve the Minutes of July 19, 2019. One absent, Mr. Bryan. Motion carried.

Comments Mr. Furmanchik said he wanted to commend Chief Frear and the Windber Police Department for exemplary work over the last couple of weeks. If you have seen the media, they have been exceptionally busy, and they continue to press forward for best interests of this community.

Ben Faas EADS Engineering Mr. Spinosa said before the visitors from the audience speak, he is going to allow our engineer and Codes Enforcement Officer, Anson Bloom to speak first. He feels they will touch on a lot of questions the residents may have.

Ben Faas from EAD's engineering is filling in for Vinnie Paczek this evening. Ben passed out the engineer's report:

STORM SEWER SYSTEM

1. **Asset Management Plan** - Development of the GIS database is approximately 95% complete. Field mapping is complete, and we are now utilizing as-built information to supplement the field data. Preparation of the plan will proceed after completion of the database.

Municipal Separate Storm Sewer System (MS4) NPDES Permit - Expires on March 15, 2023.

1. **Stormwater Management Program Manual** - Revisions to the SWMP Manual, as required by the MS4 Permit, should be completed after completion of the Storm Sewer System AMP.
2. **Pollution Reduction Plan Implementation** - Implementation of the PRP is ongoing.
3. **2019 Annual Status Report** - Due for submission to PA DEP by September 30, 2019. Scheduled to be completed in August.

Potential Storm System Improvements - We recently met with Windber Borough staff to discuss potential solutions to alleviate flooding problems occurring within specific areas throughout the borough. A preliminary cost estimate for the potential solutions that were discussed is attached for budgetary purposes. Although we do believe that these solutions would be an improvement over existing conditions for the problem areas, we recommend further evaluation to determine the capacities of downstream facilities, etc., before proceeding with a project. The storm sewer system mapping that is being finalized as part of the AMP will need to be utilized for this evaluation

Mr. Spinos said the next day after the flooding the borough contacted our engineering firm. They responded immediately and assessed the area. They are presenting a proposal of how we may be able to fix this problem and bring relief to those affected.

Mr. Paczek met with borough representatives and evaluated the areas that were affected and heavily hit by flooding to come up with some fixes. These fixes are spot repairs. He said with stormwater, people tend to want a catch basin over here or over there. That can tend to improve a situation for a very specific area but have other impacts downstream. Although we are not recommending against it, we would like the opportunity to study this further.

Mr. Faas said Vinnie did a cost estimate based on the investigations done after the flooding and for those repairs attached is a preliminary cost report. The repairs discussed come with a price tag of approximately \$300,000.

Mr. Spinos said we are trying to get Paint Township to work with us. Paint Township has also agreed to use EADS Engineering. With EADS working with both municipalities we are hoping to come up with a solution.

Mr. Faas said Windber Borough approved the steps to allow EADS to continue with an asset management plan. The field work is complete. They are now connecting the dots and filling in some of the blanks. Windber Borough is an old community and we can locate service features and try to anticipate where those connect by looking at the location of pipes. There are a lot of lines that do not have junctions that you can't view from the surface, so they are reviewing as belts to fill in the blanks.

Having even just the field work and the mapping is going to put us in a very good position. Further study in these problem areas will give us an idea where the drainage area is, and see what is there, and what is adequate to serve that area for storm water, and make any intentional repairs in that portion of the drainage area and what impact that has downstream.

Mr. Spinos said Windber Borough and the Windber Area Authority are both involved. It is just like GPS. We identify where everything is, and it will be on a database.

Mr. Holden said you can make all the improvements you want but what matters most is what is affected downstream. It seems like our problems from the last rain came from Paint Township, the water runoff from Ramblin Hills and Baumgardner Heights. Are they seeking a plan, or have they developed a plan to address that runoff because we can do all we want downstream but if they don't fix what is happening up above it will not be as effective?

Mr. Bloom said everyone thought Phase III was approved for Ramblin Hills and it was not approved. They have intentions of putting in retention ponds that he told them about this last time. There are new guidelines, stricter guidelines when you start dealing with stormwater and stormwater runoff and how you plan for that.

Mr. Bloom said the new Paint Township plan that must be approved, has to have three significant retention ponds in it, and is more than adequate for any rain fall we normally get. Mr. Holden asked if those retention ponds will address phase I, II and III. Mr. Bloom said yes. He said when that is approved to move forward, they must do that. There is no way around it.

Mr. Panetti asked if we can afford the whole ball of wax to address the flooding and have it done or do, we have to do it in steps. Mr. Faas said a report came out from the National Weather Service and it has been the wettest on record. We are seeing problems now we have never seen before.

Mr. Panetti asked if three retention ponds were going to be enough? Mr. Faas said stormwater calculations are based on historic (past) rains. We design for the 2, 10, 25, 50- and 100-year storm. We are seeing 25-year-storms 4 times a year now. We are seeing 50-year storms twice a year and 100-year storms every year. Mr. Faas said over the year in the borough a vast majority of the work has been dedicated to sanitary sewer. We are trying to get the water to the plant. Stormwater projects, there have been a few mostly through the community development programs. The way CDBG works with those projects are very localized.

Mr. Holden asked him what term was used regarding the last storm flooding incident. Mr. Faas said that storm was between a 25- and 50-year storm. Mr. Holden asked if the retention ponds would be able to handle one of those storms and how long would it take to mitigate that water to capture another storm? Mr. Faas said there is no easy answer. You design storm water features for the facilities that it is protecting. The collector is usually a 5-year storm.

Mr. Gyurik said fourteen years ago, we got flooded and we got in excess of 4 inches of rain in a couple of hours. If you do the math on that 80-acre development that was in excess of 8 million gallons of water just coming off that development, not surrounding area. At that time and it is still that way today if you go up in that development other than the houses that were built and the roads that were paved there is no stormwater control. There are no silt nets or retention ponds or catch basins. All that water comes off that development and picks up silt and ends up in our neighborhood. Mr. Gyurik said now in 14 years' time don't you think there should have been some provisions all the times we've been flooded that something would have been done. That is 8 million gallons of water just from that development.

Mr. Serrian said he was around for that flood and it was a perfect storm. The developer was in a stage of the construction process with an open ditch and pipes were being constructed and he did not have them plugged and surcharged the sanitary system and everything and he understands the plans back then had stormwater on them and no one can really figure out where it is.

Mr. Gyurik said every development has huge or numerous retention ponds. This guy at Ramblin Hills has never complied. How are they getting away with it.

Mr. Furmanchik asked if the study included new catch basins on the east end of Baumgardner beyond 19th Street. Mr. Faas said yes, one. Mr. Furmanchik said on the east end of 19th Street there are no catch basins in Baumgardner at that area. A lot of the stormwater runs off Baumgardner down the hill onto Catherine down the alley and impacts the situation the residents have in the area of Hillside and 17th Street. That was part of the study.

Regarding the situation with Paint Township, he has been in communication with them and a lot of things were to be handled. As of last Friday, the catch basins on Fern and Bud were still not cleaned out. He was told it would happen this weekend. About what happened in Ramblin Hills he was originally under the impression that Phase III was approved but now we know it was not approved. He finds it hard to believe anyone would consider approving Phase III when it is obvious Phase I and II are not functioning properly at any rate.

Mr. Furmanchik said he thinks stormwater is one thing and his heart goes out to those people but we have people on the 2800 and 2900 blocks of Graham and the area of Jackson Street dealing with waste matter and toilet paper in their yards. There is no way any borough resident should have to deal with that.

In order to try to expedite anything the township is going to do or consider doing he is wondering if council would approve the solicitor being involved by penning a letter with a closed end agreement of some sort to put some added pressure on them to make these adjustments or carry these projects out so our residents do not have to suffer. Mr. Holden said it needs to be by a certain date. Mr. Furmanchik agreed. He said we try to be good neighbors to our adjoining municipalities but if they are not carrying the ball on their end it is not going to make a big difference on our end. We need to do everything we can to have them comply.

A motion was made by Mr. Spinos and second by Mr. Holden to direct solicitor Green to write a formal letter with a deadline for them to address these issues. One absent, Mr. Bryan, motion carried. Mr. Green said he will contact Mr. Furmanchik for specifics this week and write a letter to their solicitor.

Mr. Furmanchik said the alley that runs parallel to Baumgardner Avenue between 17th and 19th Street, is borough property. We own it, we maintain it, we plow it. It is his understanding that stormwater issues really began to be a problem six or eight years ago. There was a sewer inspection of a sanitary sewer main. That sanitary sewer main would be on the Paint Township side of that alley. They had a different contractor handling the sanitary sewer back in that day and have a totally different one now.

What he believes happened is, back in the day, when that was terracotta pipe, stormwater entered that ditch area and water is like everything else and follows the easiest course, so even that virgin ground that is 15 feet or more away from it had an impact from the stormwater that went into that ditch. The ditch was maybe eight years old but was still soft and at that time you probably had I & I or water infiltration. You may not have had a stormwater problem because a lot of it ran off got into the ditch line and was absorbed through the sanitary. When that line was removed which was plastic that is not happening anymore, so you are getting the runoff.

Mr. Furmanchik said his conversations with Paint Township due to the fact they relined that is that they are responsible for it. He asked our public works foreman to go up there and walk

the area between 17th and 19th. He found some residential issues that he believes are a factor and contributing to stormwater management issues.

Mr. Furmanchik arranged a meeting between our public works foreman and Paint Township's chairman to have a site meeting there to discuss some of those areas. Right now, we are being as proactive as we can, but we need to put some teeth in along with that.

Mr. Serrian said regarding the toilet paper in the yards they were directed by Paint Township to look into metering contracts. To get the lines from Paint Township into the borough metered so we can attempt to qualify and follow back with the I & I they are getting. The last project they did he does not believe they pressure tested any of the prior work.

Mr. Furmanchik said his understanding is that when the previous supervisor left, he did not leave any information or notes and the most recent contractor who handled the sewer maintenance parted ways and they have now contracted with Laurel Management from Johnstown. He said last year there was an address on rear Graham Avenue and we took a sample of that and took it to the lab, and it was found to have massive amounts of fecal matter which proved that it was sewage. The contractor was doing some work up there including pressure testing and cameraing and whatever happened to that no one knows.

Mr. Holden said Mr. Bloom mentioned three retention ponds to be put in for Phase III. What if Phase III is not approved? Mr. Bloom said Phase III was initially declined several times because it did not include retention ponds. They are working with EAD's as well to add retention ponds to the plans to get approved.

Mr. Serrian questioned that if they were not compliant with Phase I and Phase II how it got this far. There is a law that says they must have all these retaining ponds. How did it get this far? Who is governing that? Who are their engineers and who is overseeing their engineers? Mr. Faas said it was not them. Mr. Serrian said whomever signed off on that should be liable. Mr. Rugg said EAD's is now. Mr. Serrian said they should've have known what to do to be compliant.

Mr. Faas said they must go through the conservation district for stormwater and they did and there has always been this intention that the stormwater that was designed was never built and EADS made an issue with that this time around. Mr. Rugg said they did not do Phase I or Phase II how many times do we have to go through this?

Mr. Spinos said Mr. Faas is answering on our behalf at this meeting. He is not responsible for what happened up there. Mr. Serrian said his concern is that EADS is our engineer and Paint Townships engineer. Mr. Spinos said no, they were not then. He said you have to understand the engineers do the design, but the municipality and inspectors have to approve it. Mr. Serrian asked if the inspectors are state inspectors? Mr. Spinos said he does not know how Paint Township handled that.

Mr. Holden asked if there was some type of legal action taken years ago regarding the residents of Jackson Avenue versus Ramblin Hills Estate. He asked what the result was of that? Mr. Gyurik said there was a financial settlement that no where near covered the cost of their expenses.

Mr. Gyurik said 14 years ago they sustained damage to 10 households and money received did not cover the damage done. Mr. Holden said he only asked about that because Mr. Faas was not aware of that and he is here to help us. They have come up with a plan to help us and we're trying to get Paint Township moving and we are moving in the right direction.

Mr. Spinos said we want you to know we are not sitting idle anymore. Mr. Holden said none of us want to see sewage in our yards and we certainly do not want to see you with sewage in your yard.

Mr. Faas continued his report:

SANITARY SEWER SYSTEM

1. **Asset Management Plan** - Development of the GIS database is approximately 95% complete. Field mapping is complete, and we are now utilizing as-built information to supplement the field data. Preparation of the plan will proceed after completion of the database.

FLOOD PROTECTION PROJECT

Flood Protection Rehabilitation Project - Includes replacement of five conduit pipes, removal of sediment from the existing debris basin, management of Japanese Knotweed growth along the levee, and the completion of a hydraulic analysis of the entire Flood Protection Project. Total estimated project cost is \$500,000.

1. **Project Funding** -An application for a Flood Mitigation Program Grant through the PA DCED was submitted in May. If awarded, the grant would cover 85% of the project, leaving a local match requirement of \$75,000.
2. **CCTV Inspection** – Roto Rooter has completed a CCTV inspection of the levee conduit pipes and we are currently awaiting the inspection report.
3. **Army Corp Inspection** – The next U.S. Army Corp of Engineers inspection of the Flood Protection Project is scheduled for September 4, at 8:00 a.m. A determination will then be made as to whether the current “Unacceptable” rating can be removed after the now completed grouting of abandoned levee Pipe 19.

MUNICIPAL BRIDGES

1. 24th Street Bridge Improvement Project – Replacement of the 24th Street Bridge. This project has been included in PennDOT’s Transportation Improvement Program with a total estimated cost of \$1.5 Million. Required local match will be \$75,000 or 5% of the total project cost. Preliminary Design to begin in 2020. Construction start estimated for 2024.
2. South 22nd Street Bridge Improvement Project – Improvement to the 22nd Street Bridge. This project has been included in PennDOT’s Transportation Improvement Program with a total estimated cost of \$175,000. Required local match will be \$8,750 or 5% of the total project cost. Preliminary Design to begin in 2020. Construction start estimated for 2024.

**Anson
Bloom**

Mr. Bloom said he did meet with Vinnie and walked around to all the hot target areas and there is a good plan that has been laid out and that is for council to decide.

As far as code enforcement goes it has been busy. It is not an overnight operation and while there is 80% cooperation there is 20% that ride it out as far as they can. You get an initial notice and whatever that time frame is for compliance and then you get a secondary notice and whatever that time frame is for compliance and then you get a citation. Some people comply before the citation, some people are content paying citations and I am content writing them.

Some of these cases are a yearlong, some are six months long, everyone has a right to appeal so even if they are found guilty by a magistrate and they are clearly guilty they can appeal. Some take everything as high as they can. There are cases that have gone to the supreme court level. It is not a case of codes is not doing anything some people who like to ride it out and have six or seven citations and continue paying them or until they are thrown into jail and that is not for him to decide either. It is not always overnight. If someone presents an issue, he will address it.

**Tom
Panetti**

Mr. Panetti said he does not have any issues with what Mr. Bloom is saying. He said before he had mentioned the issue to Jim twice and the grass was cut. He asked the Mayor if he gave a form to Anson in July? Mayor Thomas told Mr. Panetti he would talk to Mr. Bloom and tell him about it, and he did.

Mr. Panetti suggested the borough talk to the solicitor and put some teeth into it so these people can't keep dragging it out. Your rehabbing a house and it is the best thing that ever happened at that end of town. It started a lot of people doing improvements in the neighborhood. It is a shame that it is right across the street from property that hasn't been cut all year. Mr. Furmanchik said that rehab was well deserving of the person who lives there, and it helped raise everyone's property values.

Mr. Bloom said it is everyone's constitutional right to fight it. If they want to pay \$150 citation the first time and \$300 the next time and \$500 the next time. Mr. Panetti said to change the numbers the borough is hurting for money anyway. Mr. Bloom said the magistrate sets the fine not the borough. Mr. Furmanchik said one thing that has left a bad taste in his mouth since being manager is the Judicial System and the way it is drug out. We know its wrong the magistrate knows it is wrong, but we have to wait until it is drug out to Somerset County Court and we even have one at the Supreme Court. It is a constant battle.

Mr. Panetti said he doesn't understand how nothing can be done. Mayor Thomas said he is doing something; he must go through the process.

**Mark
Gyurik**

Mr. Gyurik said he had Anson down on Jackson Avenue because they have habitual codes violations down there and he is fighting it tooth and nail. We have had a junk car sitting in a back yard on blocks unregistered which is a violation along with the garbage and everything that goes with it. Anson came down through the neighborhood and it was then like a beehive of activity. Not on one of the houses he pointed out but the whole street was being addressed. At the other end they were removing brush and garbage.

Mr. Gyurik said he is with Mr. Panetti in that some serious jail time or fines need to happen. Mr. Furmanchik said the person who sets the fine is the magistrate. Mr. Gyurik said this house is so bad and it drags down his property value. Now this person is in the process of buying the house next door. His house needs torn down he virtually broke code when he put an addition on his house, he put a full basement under a structure in the floodplain and you are only allowed a crawl space 18 inches above ground.

Mr. Gyurik said he appreciated everything Anson has done, and it can only get better with him being on fulltime. Mr. Furmanchik said he stands behind Anson and our policy is if a complaint comes to our office, we investigate it that day. Mr. Panetti told council to look at 412 Graham Avenue and see how bad it is.

Mr. Palko asked what is going to happen to the blue house across 56 in Baumgardner on the corner of Hillside. He said he looked into buying it but after talking to Somerset County there are \$22,000 of back taxes on the house and there is a \$50,000 lien on it.

Mr. Bloom said once the structure becomes dilapidated it can be condemned. Once a structure becomes condemned there is a two-year hold. They have two years to make the structure right or tear it down. After the two-year mark we can go in and knock it down. He said everyone thinks you should condemn houses but once you condemn them, they can sit there for 2 years. Condemning a house costs the taxpayers money and the borough money so we try to work with the owners and have them bring the property into compliance. If they do not comply, they can turn it over which makes the process easier or it can be condemned for up to 2 years and everything must follow the perimeters of the law.

Mr. Palko said the house has been empty for a long time. Mr. Bloom reminded him that he is also playing catch up and has only been here less than a year on a full-time basis. Mr. Bloom said in a years' time he has approximately 30 to 40 dilapidated structures to work with. Mrs. Palko said the borough is cutting the grass there. Mr. Bloom said when the borough decides to cut the grass that is to appease the residents so to speak and then a lien is placed on the property for the amount owed for cutting the grass.

Mr. Spadone said his neighbor lives at 587 and he spoke to Anson in March and was told he had 60 days to comply its been about 120 days. The porch is caved in and the 585 side the foundation is falling in. Mr. Bloom said he has put in a 45-day emergency demolition order.

Jackson Avenue

Mr. Spinos said we had a public hearing with the Somerset County Redevelopment Authority right before our council meeting to discuss our CDBG Funds. CDBG funds are grant monies awarded to the local governments with populations of 4,000 people and counting. We told them about the sink hole at 29th street and we found that the pipe caved in. We replaced 15 feet of pipe there. We are afraid of it corroding down the road. We also have a similar situation on Old Park Avenue.

Mr. Spinos gave the three residents from Jackson Avenue an income survey form. The reason for that form is that the residents affected by the area to be repaired must fill out an income survey and the area must meet the income guidelines in order for the project to be funded with CDBG Funds.

Mr. Spinos asked the three residents to please let their neighbors know that this form will be coming to them and ask them to please fill out the form. If a resident does not fill out the form, they are automatically put in at the highest level of income. Mr. Furmanchik said please be 100% honest with your income information. That information is not given to anyone else and is destroyed once the project is finished.

Mr. Gyurik asked what caused the sink hole on 29th Street? Mr. Spinos said the pipe deteriorated and caved in. Mr. Gyurik asked how long it is or where it comes out. Mr. Spinos said we are checking on that. Mr. Gyurik said back when they were paving that John Rugg brought it up that the pipe was ruptured. Ray DiBattista said to pave over it that it would divert the water. What it did was divert the water under the road and undermined the road and it collapsed. 29th Street needs completely repaved. In the past two weeks since the flooding the whole road is crumbling.

Mr. Furmanchik said that any of the projects where pipe replacement is done also includes total repaving of the road. Mr. Gyurik said the whole alley needs paving also. When we get water problems, he gets it from all four sides. On 29th he gets it from D'arcs lot. Jackson is literally a river running down and by the time it reaches his property, his property slopes in so he gets 3 inches of water, 75 feet into his lot. He also gets it from the alley coming off of Windber Builders. He gets it from all four sides. There is literally with that pipe that ruptured a river going down the alley and with no paving to divert the water a percentage of that goes into the ground and ends up on his property. His electric bill last month was \$275. His sump pump runs constantly, he has two dehumidifiers, and ceiling fans in all the rooms, widow vents and box fans just to try and air some of that moisture out.

Mr. Furmanchik asked Mr. Gyurik if we tried to repair that alley would it aide in his situation. Mr. Gyurik said it would be a quick fix but with this block grant money project you are trying to do adding a couple of catch basins in the alley is what is needed. Paving it would redirect that water and take it down to 28th Street and Jackson. All the repairs will be useless unless you address where it is coming from.

Mr. Bloom said when Vinnie and he were up there today, 28th and 29th Street swallowed that volume of water coming off. The target areas on 29th and your neighbor's house would be to put a deep basin in there and then changing the pipes and the basins on perspective side of the road on 29th. We talked about potentially putting a basin in the alley behind your house too. What they want to do first is make sure if we put bigger basins on this side, are we impeding the water on the downside and getting enough water from the top side.

Mr. Gyurik said he videoed the water with his cell phone. He followed the trail of water. He went the whole way up Jackson and through the alleys. Four or five manholes were breached because the sanitary sewers were just over capacity. He followed up Graham past Jim Serrian's house and he had a lake in front of his house. He went the whole way up Graham, up to Horner Street and made the turn up into Ramblin Hills. He did not go up through the development that day but there was a trail of muddy water coming off the hillside, down Ramblin Road down Graham Avenue in front of Jim Serrian's house and then down to his property.

Mr. Bloom said the last rain we had they walked Ramblin Road and he showed Petrunak where the dirt was running down the road right by his office.

He said on the left-hand side of the road was a catch basin full of rocks and the ditch is not wide enough for rainfall. We pointed out that he had to ditch that and clean the catch basin out, so that was addressed as well.

Mr. Gyurik said what amazes him is where his office is. You have his office then two bare lots and during a steady rain, not even a significant rain, the water coming off his office actually becomes a waterfall. He has it on video. He has stones stacked up to divert the water away from his office and all that muddy water comes out on the road. He has three or four cones set up on the base of the hillside. Everything is eroded. According to DEP the minimum you must have is silt fence along there. Believe it or not the creek that runs on the opposite side of Jackson Avenue is a freshwater stream and was cleaned up. There are trout in that stream. If EPA got aware of all that silt going into that freshwater body what do you think the repercussions would be? Mr. Bloom said he agreed.

Recognition Visitors

Tom Panetti Mr. Panetti had no further comments at this time.

Kevin Spadone Mr. Spadone asked if the mine still had a street cleaner. He said he has not seen one on Railroad Street in a few months. Mr. Furmanchik said he would call Rosebud tomorrow and ask them about it.

Isabella D’Arcangelo Mrs. D’Arcangelo asked how she finds out where the borough ordinances are at. She has questions about the storm sewers. She said many years ago anyone who had rain spouting had to channel their water to go out to the road. When she called the borough they said if it goes into a storm sewer it is okay but how do you find out if it is going to the storm sewer? She said her neighbor’s looks like their rain spouting goes into the ground. After that rain she had she spent two hours sweeping water down the sewer, it was coming in like a spring. She asked her neighbor if he got any water in his basement and he said no. She wants to know if it is because their rain spout is going into the ground and coming into her basement. How do you find out where that water is going? Is there a test we can do?

Mr. Furmanchik said he would have the public works foreman stop down and take a look at it. Mrs. D’Arcangelo said she spoke to Dave and he said he would look at it. Mrs. Gates said Dave is aware of it and he has been waiting for it to rain so he can check on it. Unfortunately, we did not get the heavy rain today until late afternoon but that is what we are waiting on. Mrs. D’Arcangelo said if it is her problem, she will do whatever is necessary to fix it.

Dave Palko Mr. Palko said on 17th Street across from the towers people are parking their cars there and it is a hazard for anyone driving up or down. There is another spot, people are parking on the corner of Graham Avenue between the corner and the railroad tracks. There is a bush there also and you must pull way out to see if a vehicle is coming.

Mr. Palko asked if the borough could put a no parking sign across from the towers on 17th Street and on the corner of Graham Avenue and the Town Tavern. Mrs. Palko said they can park in the parking lot or on the side. She said she always drives slow past there but the one day a nurse was getting out and looking at her phone and almost stepped out in front of her.

Mr. Furmanchik said he would have the Chief of Police and our public works foreman look at both issues. Graham Avenue is a state route so you would have to contact PennDOT. Mr. Furmanchik gave Mr. Palko PennDOT's phone number.

Mr. Palko asked how he can get a copy of bylaws. Mr. Furmanchik said the borough operates under the guidelines of the Pennsylvania State Association of Borough's.

**Jim
Serrian**

Mr. Serrian passed out photos to council regarding the recent flooding. He said these pictures will show you that the water is not coming off 29th Street or Jackson Avenue that it is coming from behind our home. He feels this is coming down from Village Street behind all their properties and running straight down Jackson and off the street. He said he asked him, and he came down and they are putting a storm catch basin in and a 12 inch discharge into the stream. He said he is sure it will alleviate a lot of the problem and he is sure it will not take care of all of it. He hopes that by the borough going after Paint Township that it turns into the snow blower that you never have to use.

Joe Yatsko

Mr. Yatsko asked who determines how much taxes increase or decrease and is council planning on increasing taxes. Mr. Spinos said we raised taxes last year, the first time in six years. Mr. Yatsko asked how it is looking for this year? He asked who over sees that? Mrs. Gates said council. He asked if anyone checks for the sufficiency of funds? Mr. Holden said we balance the budget. Mr. Yatsko asked if anyone takes a critical look at or a fiscal policy of the Borough of Windber? Do you have an advisor or someone who checks on your fiscal accountability? Mr. Spinos said we are audited every year.

Mr. Yatsko said prior to audit does someone watch what your spending? Mrs. Gates said yes, she does. That is her job. Mr. Furmanchik said Robin is our fiscal assistant, that is one of the main areas of her job. Mr. Yatsko asked what would be the information that would provide that would tell you to increase or decrease taxes this year.

Mrs. Gates said every expense and income has a line item that has a budget. Every month council receives a cash balance and treasurer's report which shows the percentage at which that line item is at according to its budget figure. In October we will begin budget discussions. At the end of the year we will see how much money we didn't spend and how much money we need for our expenses next year compared to the income that comes in. Mr. Yatsko asked how we are looking right now. Mrs. Gates said right now our budget for this year is where it should be.

Mr. Furmanchik said everyone who is sitting in these seats on council does not want to see a tax increase. That is always the last alternative. If it is something you want to review before it is passed, it is advertised for public review before it is passed. Mr. Holden said we do not arbitrarily decide to raise taxes. There must be cause. Mr. Yatsko said he was just wondering because he was thinking of running for council. Mr. Holden said we look at the budget for next year and we have to see if we need money or do not need money to proceed with covering services for the residents of this town.

Mr. Furmanchik said the police department is the largest impact on this budget. Mr. Spinos said that is one service we do not want to eliminate. We are very lucky to have two officers on patrol 24/7.

Mr. Palko said why is it when you talk to a policeman here, they say they do not work for the borough. He said on 17th Street you put the 25 mph signs there. When you say something to a police officer about there being painted lines there and people flying up and down there and we have grand kids and other kids riding their bikes, all we ever hear from the officers is that they don't work for the borough they work for the Mayor. Mayor Thomas said that is not true. Council said those officers work for this borough. Mayor Thomas asked for the officer's name and Mr. Palko said he did not get a name.

Mr. Furmanchik said if this continues, we can move in the direction to have the Chief put a car up there more regular basis and he is sure the Mayor would agree. Mr. Palko said since a week or two ago since they had an incident on Hillside there was a lot more police presence up there and he was glad to see it. Mr. Spinos said if anyone feels the officers are not around enough in their area should bring it to our attention. Mr. Serrian said they are the opposite there are regular patrols on Jackson Avenue more than there has ever been.

John Rugg

Mr. Rugg said we spoke a lot about stormwater but what we haven't talked about was stormwater in the sewer lines. Paint Township asked Vinnie to give them a cost estimate on some monitoring devices.

His understanding was at that meeting they were not interested in doing that at 29th or 28th on Jackson and to him that is important. He said they feel it is the borough's problem as far as I & I. They did not say it directly, but they were like we did that eight years ago. In any case it is just as important that goes in at 28th and 29th Street.

Mr. Rugg said other facts not stated clearly, he has lived on Jackson since March of 1995. It wasn't until 2005 that the stormwater was induced into the sewer line. We had no streams of water in our backyard or flooding. We had none of that. Ever since 2005 we have had nothing but that. Paint Township has already had to dig up part of the sewer line at Ramblin Hills and they still have issues up there. There is a list of 30 some items put together that updates Phase I and Phase II that was to be fixed and went by the wayside. Just like stormwater for Phase I and Phase II. Why don't we get the stormwater issues fixed for Phase I and Phase II and then go to Phase III. Phase I we had flooding in our basements, Phase II they will fix all the problems. Nothing was done. Mr. Spinos said it got worse. Mr. Rugg agreed. We have a stream of water going down along the back of our properties we never had before. January 1996 was the worst he had ever seen the creek in his back yard as far as coming over the bank. It has never reached that since but in the meantime the streets are flooded the back yards are flooded and it is unbelievable. We must wait for Phase III? What happened to Phase I and II?

Mr. Rugg said we can't keep worrying if every time it rains are we going to find feces or toilet paper in yard. Borough council and the Paint Township Supervisors need to come out and look at it some time.

Mr. Holden said unfortunately we can only do so much within our boundaries. We are taking steps here. Mr. Furmanchik mentioned there are a couple of other agencies which could speed things up, but we are taking action. Mr. Rugg said this is the first time we spoke about involving a solicitor, but it has to be quick, decisive and to the right man. No one should have to go through this.

Mr. Spinos said it does not only affect Jackson Avenue but also Graham Avenue. His mother had water in her basement, and he was pumping it out all night that night. Carol Berkey and everyone on that side had it. He said we understand and are trying to get to the bottom of it and correct it.

Mr. Furmanchik said we are as proactive as any community out there, but we also have to be concerned with how we spend that money because it is your money. His first thought was to get EADS involved and get us a cost projection because we are not an engineer and so rather than take educated guesses, we want to move forward with a plan that has the greatest impact for the best interest of our citizens. That is what we are doing, and we have some issues to look at and we have some hard numbers to consider and continue to move forward. We know this situation has had caused hardships for many and everyone at this table realizes that also. Mr. Spinos said he grew up in that neighborhood and he is behind everyone and will do everything he can.

Mr. Holden said when Ben mentioned the price tag no one at the table batted an eye. Everyone is sitting here thinking about how we can come up with the money to fix this. Mr. Spinos said in responding to Mr. Yatsko's questions earlier we now have to take this into consideration every year, \$300,000 that was not budgeted. Why and how do we determine this. All of us here are responsible for 4,000 people in this community and that is how we also determine the taxes.

Mr. Holden said there are ways to get the money such as a grant or CDBG Funds etc. Mr. Lehman said no one wants to see taxes raised but he remembers at the one meeting hearing that the borough has over \$300,000 in delinquent taxes. He said you have the old lady over here that pays her taxes and then someone over here that doesn't and it's not right.

Mr. Spinos said he is correct. He said we are on our Commissioners in Somerset County because they oversee the delinquent taxes. It is not only Windber Borough that is losing taxes but the school district and the county. Mr. Furmanchik has been up there a few times to speak to the commissioners to have some sort of action taken to go after these people. There has been some action taken because they are realizing that they are losing money also. Somerset County is behind with their tax laws. Mr. Spinos said this was one of the other reasons we had to raise taxes last year because of delinquent taxes in this town. Mr. Lehman said it is kind of heart breaking because we are paying out taxes and someone else is not.

Mr. Furmanchik said he spoke to the chairman of the commissioners right before the spring election and he wanted to know why Cambria County advertises their delinquent people in the Tribune Democrat why doesn't Somerset County do that. He also told them they should be posting those in the Tribune Democrat, Daily American and the Windber Spirit. We all know a lot of people in Somerset County subscribe to the Tribune Democrat. Their answer was they were going to talk to the tax office and see if it was permissible. He believes that would put pressure on those that are delinquent. Mr. Furmanchik said if we would have had all the taxes owed to us last year that increase would not have happened.

**Mark
Gyurik**

Mr. Gyurik said they are not here to bash council. They are appreciative of the mayor, council, public works, Anson, the police force, fire department and everyone who is doing a stellar job and he would not want to be in their position. He said they have all been dealing with this for 14 years and it's not your fault but unfortunately it is part of your problem.

The main problem is Paint Township and Ramblin Hills and it has to be addressed. We have to stop it at the source.

Mr. Gyurik said they are appreciative and feels we are going in the right direction in getting the borough solicitor involved. He said he is going to the Paint Township meeting next week.

Mr. Gyurik said in his neighborhood in dealing with Ramblin Hills and a habitual codes violator it is sheer arrogance. They think they are above the law and do not have to answer to anyone and are going to do whatever they want and get away with it. We all comply with the law and we look out for our neighbors and community. A couple of bad eggs is taking this community down. Everything you are doing with trying to bring in a hotel and industry. That is all great for bringing in tax revenue and other residents in that will benefit the community, but you will never accomplish any of those things unless you clean up these long-term problems that we have.

Mr. Spinos said we are working hard to remedy that. Mr. Furmanchik said everyone in this room appreciates all his hard work and if he looks around the town in the past few years you will see we are moving forward. We are held in high esteem by the Somerset County Economic Development Council as a benchmark for resurgent and development in the county and have asked us to speak to other municipalities about what we have happening in regards to attracting businesses, building store fronts and having economic development studies done. There is a good vibe in the community, and it is that we are on our way back.

Mr. Furmanchik said he appreciates everyone in attendance this evening and he appreciates the fact that everyone here cares enough about their community to attend. Please come to meetings once or twice a year and you will be pleasantly surprised what is happening. Mr. Spinos also thanked everyone for attending.

Anson said one thing that was talked about here was perspective and he works very well with Officer Balderas and in the last two weeks we tagged 67 vehicles as being unregistered, unlicensed or in violation of the ordinance. If you take everything that he does that is only 10%. Things happen maybe not as fast as you would like but they are happening.

Correspondence

1. Codes Enforcement Officer Report and Certifications
2. Windber Area Authority Minutes of June 12, 2019
3. Windber Municipal Authorities Report of June 18, 2019.
4. Thank you card from Officer Keim family. (Death of Mother)
5. Letter from Mrs. Joann Stevens concerning Seese Run Creek.

Mr. Furmanchik said in regard to Joann Stevens concern about trees and limbs near the creek, the only way we could clean that area up is if we brought the same company in that we used before to clean that up. Mr. Spinos said he thought we were not allowed to touch anything in the creek. Mr. Furmanchik said you're not.

A motion was made by Mr. Holden and second by Dr. Ledney to get an estimate to clean up the problem area on Seese Creek. One absent, Mr. Bryan. Motion carried.

Approval Payroll A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve payroll for July 19 and August 2, 2019. One absent, Mr. Bryan, motion carried.

Approval Bills A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve bills for July 2019. One absent, Mr. Bryan, motion carried.

Cash Balance & Treasurer Rpt.

There were no questions at this time.

Council Liaison Reports

There were no reports at this time.

Mayor's Report

WalkWorks- as part of our agreement with the WalkWorks program, we have posted the information regarding the program on the borough's web site. The administrators in Pittsburgh approved the content and were happy with the way that it was presented.

I attended the 20th anniversary celebration of BCL manufacturing. This was a great opportunity to interact with some of our local representatives, including Rep. John Joyce, and staff members from Senator Pat Toomey's office. I was able to obtain contact information, and they were open to possibly assisting the borough with whatever they could.

In Chief Frear's absence tonight, a few things regarding the police department. Officer Pollino, who is the new hire, will be starting on Thursday. All necessary paperwork, etc. has been completed and is in order.

The computer in the one car has been installed and is about ready to go. It should be operational next week. The fee for the wireless system will be approximately \$40.00/ month, but at least for the first year will be paid by funds from the grant that paid for the computers.

There were 2 drug arrests in the borough this month along with a search warrant being served on another residence, with possible charges pending. The police department, along with the State AG's office have been doing a good job in cooperating to eliminate drug houses/dealers in Windber. We hope to continue to do this, to make drug dealers know that they aren't welcome here.

Manager's Report

2019 Street Paving – Due to train derailment clean up and Rosebud Mining agreeing to subsidize total resurfacing (\$45,000) of the Community Building parking lot, paving has been detained. Currently, I expect that project to begin mid-September.

2019 Abandoned Vehicle Round Up - I have asked Chief Frear to schedule an officer, for a few days in August, that will be solely dedicated to the removal of these types of vehicles. I believe this activity is something that should become an annual event, as it proved to be exceptionally beneficial last year.

Train Derailment Property Repairs and Expenses – Property repairs are currently in progress and expenses are being paid directly by Rosebud Mining. Total amounts to be disbursed are \$140,945.55.

24th and 22nd Street Bridges – President Bryan, Vice President Spinos and I have concluded a collaborative effort to complete a worksheet, consisting of nine consulting engineering firms for the bridge replacement projects. We have based our selection to reveal that the Borough's choice would be EADS Engineering. Hopefully, Penn DOT agrees with our opinion.

Pickleball Courts – As of this writing, the pickle ball court project should be completed in the next day. I have examined courts in this area, reviewed information on the internet and have asked the Recreation Director to purchase nets that are acceptable by the what research has revealed. The courts should be available for use soon.

MS4 Annual Report – I have been working with Vinny Paczek, from EADS, regarding our annual report to DEP. I believe that together, we have made great advancements in our MS4 compliance, over the last few years. Completion of our Asset Management Plan will speak volumes about meeting our MS4 requirements.

Administrative Office Restrooms – Prisoners from SCI Somerset have painted the restrooms and my old office at our facility. Robin has Barclay Electric installing new lights in the restrooms and I have arranged for the floor tile in those areas to be replaced, as well. This is all part of keeping our properties attractive.

Striping Community Building Parking Lot – I have made arrangements with M & M Asphalt Maintenance to mark the lot after it has been paved. I have specified that there be two code compliant parking areas for handicapped parking. These areas will be able to handle those who need van accessibility. The cost will be \$725, with approval to be made to take the money out of our Capital Improvement account.

A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve \$725 from the Capital Improvement Fund to M & M Asphalt to mark the Community Building parking lot after it is paved. Roll call vote: Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Bryan, absent; Mr. Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

412 5th Street CDBG Project – The rehabilitation of this property is ongoing.

Possible Storm Water Management Projects – EADS will present possible projects, along with cost projections at our August 13th meeting. These are issues that came to light after the July 7th torrential rains.

Flooding Issues Involving Paint Township – I have spoken with Commissioner Dave Zeglin about issues that involve the 2800 and 2900 Block of Graham Avenue as well as Jackson Avenue. As our Emergency Management Coordinator, Anson has had a site meeting with him, also. The issues in question not only involve storm water, but sewage as well. I have directed Anson to meet with him again, to see if anything has been accomplished. There will be more discussion at our meeting.

29th Street Sinkhole – Excavation of this area reveals that the corrugated steel storm line in that area was corroded to the point where approximately seven feet of the top of that pipe was nonexistent. Public Works replaced eleven feet of the 12' diameter pipe and is working toward permanent hard restoration in that area. Possible total renewal for that area includes three hundred feet of replacement and should be considered for 2019 CDBG allocation.

There was a similar situation that developed on Park Avenue, near the intersection of 9th Street. Public Works has replaced a section of piping there by slip lining. This too, should be given consideration for a CDBG project.

Army Corp of Engineers Inspection – As you are aware, we have not been in the good graces of the Army Corp since getting an unacceptable rating on our yearly flood control inspection in 2012. Remember, not having their approval leaves us in a position where the Borough would not be in a position for funding, if the Flood Control Project would overspill its banks. There have been many debates over the Army Corps’ film footage of the levy piping and those that our contractor has done. EADs and I have been lobbying to get the ACE’s approval by addressing issues and concerns over the past three and a half years. With council’s approval we have been moving constantly forward.

Vinny and I have formed a strong relationship with Nathan Rohrabough from the ACE. He realizes what accomplishments have been made and has lobbied those above him to grant a “special’ inspection. That has finally been granted and the inspection will be scheduled by month’s end. If successful we should be accepted back into what is formally known as PL 849 a.k.a. Public Law 849. This would bring us back into a position where we would receive federal finding, if the unfortunate would happen.

SRO and Special Events – The SRO Agreement is being discussed this evening along with Special Events. We will follow up with the SRO Agreement next month.

Pickleball – Part of the bid was that the borough would buy the material ourselves so we would not have to pay taxes. The material came from Sealmaster incorporated in the amount of \$2,878.23. That brought the total cost of the project to \$11,989.40, leaving the recreation account zeroed out and a short dollar amount of \$1,708.76. A motion would be necessary to pay the additional \$1,708.76 from the Capital Improvement Fund.

A motion was made by Mr. Holden and seconded by Mr. LaMonaca to pay the balance for the pickleball court in the amount of \$1,708.76. Roll call vote: Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Bryan, absent; Mr. Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinosa, yes. Motion carried.

Special Activities – Mrs. Gates asked council to approve changing the fee from \$24 to \$26 an hour for Special Activities or Events the officers work. The school is approving that increase tonight on their end.

A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve the increase for Special Activities and Events fee from \$24 an hour to \$26 an hour. One absent, Mr. Bryan, motion carried.

Barb Zablony - Ms. Zablony is still interested in obtaining representation for an event called Wheel in my Shoes, where Council and other community figures would use wheelchairs to navigate through our town and experience the day to day challenges of a person with disabilities. Council said they were still interested and asked Mrs. Gates to talk to Ms. Zablony to see if they could to the event on a weekend day.

- Solicitor's Report** Maffeo's Case – Still awaiting word from the Commonwealth Court.
- Approval Non-Uniform MMO** A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve the MMO Budget for 2020 for the Non-Uniform Pension Plan in the amount of \$19,040. One absent, Mr. Bryan, motion carried.
- Approval Police MMO** A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve the MMO budget for 2020 for the Police Pension Plan in the amount of \$60,163. One absent, Mr. Bryan, motion carried.
- Agreement Resolution CDBG** A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve the Cooperation Agreement between the County of Somerset, Windber Borough and the Redevelopment Authority of Somerset County and the 2019 Entitlement CDBG Application. One absent, Mr. Bryan, motion carried.
- Approval Donation** A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve the budgeted payment to the Windber Fire Company No. 1 in the amount of \$45,000 as payment for the new rescue truck. One absent, Mr. Bryan, motion carried.
- Approval Nathan Pollino** A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve the phone vote taken July 17, 2019 approving Nathan Pollino to the part-time roster of the Windber Borough Police Department. One absent, Mr. Bryan, motion carried.
- Bishop McCort Request** A motion was made by Mr. Holden and seconded by Mr. Pallo to approve the request of Bishop McCort to paint the town teal to promote awareness for Ovarian Cancer. One absent, Mr. Bryan, motion carried.
- Resolution EOP Plan** A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve Resolution No. 2019-3 approving the Emergency Operations Plan for 2019. One absent, Mr. Bryan, motion carried.
- Next Meeting** Next Council Meeting will be September 10, 2019 at 7:00 p.m. There will be a 6:00 p.m. public hearing with the Redevelopment Authority with regards to the CDBG Allocations for 2019 and a 6:30 p.m. hearing regarding an Intermunicipal Liquor License transfer.
- Adjourn** Meeting adjourned at 9:30 p.m. by Council Vice President, James Spinos.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant