

Borough Council Regular Meeting April 14, 2020

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, Pino Gallina, John Holden, Dr. Doug Ledney, Joe Pallo, and James Spinos were all present via WebEx. James Furmanchik, Borough Manager, Mayor, Mike Thomas and Chief Andrew Frear were present via WebEx. Attorney, Joe Green, Robin Gates, Administrative Assistant and Codes Officer, Anson Bloom were present at the Borough office.

Approval Minutes A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the Minutes of March 10, 2020. One absent, Mr. Mash. Motion carried.

Recognition Visitors John Venzon said he was on WebEx and here as a member of the Windber Economic Development Committee to hear the opening of the Feasibility Study Bids for the Ballroom.

Cody McDevitt, Reporter for the Daily American was also on WebEx.

There were no other visitor comments at this time.

Correspondence

1. Windber Area Authority Minutes of February 12, 2020.
2. Windber Municipal Authorities Report of February 18, 2020.
3. Codes Enforcement Officer Report.
4. Client Letter from EAD's Group regarding Covid-19 Response

Paving Bids There was only one bid received for paving: Quaker Sales Corporation of Johnstown, PA with a bid of \$74,646.25. Attorney Green reviewed the bid and said the bond was included and everything was good. A motion was made by Mr. Holden and seconded by Mr. Spinos to accept the paving bid from Quaker Sales Corporation in the amount of \$74,646.25. Roll call vote: Mr. Holden, yes; Mr. Spinos, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent, and Mr. Pallo, yes. Mr. Mash was absent, Motion carried.

Feasibility Study Bids

ENGINEERING FIRM NAME	BID
1 EAD's Engineering	\$14,900
2. H. F. Lenz Company	\$28,400
3. UpStreet Architects	\$8,550

4. CJL Engineering	\$4,800
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Attorney Green said it appears CJL Engineering is the lowest bidder, however, if you are going to vote on this tonight he would like it to be premised on his approval so he can actually review these and make sure we are comparing apples to apples.

Mr. Venzon said the only thing he notices is the discrepancy between the bids. We have to make sure that everything we asked for is provided in the lower bids. If they are provided, he does not see any reason not to go with the lowest bid.

Mr. Bryan said based upon the bids and what was advertised we can make the motion contingent that they meet the specific terms and conditions and if the lowest bid we select did not meet that criteria we have the opportunity to revisit it to make sure the terms and conditions are met. That will go through Attorney Green. Mr. Furmanchik agreed.

Mr. Furmanchik said UpStreet and CJL Engineering showed a lot of interest. They were extremely excited about the project and are in a position where they believe they can help get funding for the project.

Mr. Furmanchik said originally 11 parties showed interest and we had four submittals. He said both low bidders are extremely capable and have a good background and list of references. He said he would be completely comfortable with either one.

Mr. Bryan asked members of council and the economic development committee if they had any questions. Mr. Spinos asked Mr. Venzon if he wanted to review the bids with Attorney Green. Mr. Venzon said he did not have a problem with that but if Mr. Furmanchik talked to these people and they showed great interest and their bid includes what we asked them to do then he see knows reason why we should not go through one of those. Now if there is something in the bid that throws up a red flag then his suggestion would be to move on to the next low bidder.

Mr. Gallina asked if the Chairman or Recreation Director from the Windber Municipal Authority had any comment as to whether their needs were met. Jeff Heinrich and Mr. Grohal were both on WebEx. Mr. Grohal, manager of the Windber Municipal Authority said from his standpoint whatever Mr. Furmanchik decides or council decides they are good with on their end.

Mr. Furmanchik said UpStreet architects are involved with East Hills Engineering. There are Windber natives working at both UpStreet Architects and CJL Engineering that are very excited about the project and opportunity. It is a great project and has an outstanding future and is a true reality. Mr. Venzon asked when you spoke to these companies did, they say if they could help with funding for the project. Mr. Furmanchik said yes, they did.

A motion was made by Mr. Bryan that we accept the bid of CJL Engineering in the amount of \$4,800 with the provision they meet the requirements of the bid process that was brought up as concerns. Motion was seconded by Mr. Spinos. Remarks: Attorney Green asked if they would make that motion contingent on the proposal meeting the requirements of the job.

Attorney Green said in order to make this, so we do not have to meet again, what if we made a motion to accept the lowest responsible bid that meets the requirements of the bid package. Mr. Bryan said he would go on record that he would like to make a motion to accept the lowest possible bid that will meet the requirements set by the Economic Committee and borough council.

Question on motion. Mr. Spinos asked what happens if the lowest bids do not meet the requirements and we only have a grant of \$10,000? If we must go with a higher bid amount do, we have the money for that? Mr. Furmanchik said we would but then the Economic Committee would be tapped out. Both Mr. Furmanchik and Mr. Venzon agreed H. F. Lenz would be totally out of our ballpark. Mr. Spinos said the motion should be for review of the two lowest bids to be reviewed for requirements of the bid package. Mr. Bryan said that would work.

Mr. Spinos asked what happens if we do not spend the whole \$10,000? Mr. Furmanchik said we are not required to spend the entire amount of money on the study as long as it is used towards the project. Mr. Spinos said if both low bids meet the requirements who do you award it too. Mr. Bryan said the lowest bidder. Mr. Spinos said he understands that but what if the two lowest bidders do not meet the requirements?

Mr. Furmanchik said make the motion to award it to the lowest bidder at \$4,800 upon meeting the bid specifications and if the bids specifications do not meet the requirements then you go to the next lowest bidder which would be UpStreet Architects. Mr. Spinos said okay.

Motion was made by Bryan and seconded by Mr. Spinos to accept the lowest bid starting at \$4,800 contingent upon meeting the specifications and if not met then we will go to the next lowest bid contingent on the specifications. Roll call vote: Mr. Bryan, yes; Mr. Spinos, yes; Mr. Gallina, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. One absent, Mr. Mash. Motion carried.

Spring Clean up

Mr. Furmanchik said spring clean-up has been cancelled until further notice. Attorney Green said we did receive one bid from Yonish Disposal. It would be set aside for the week of May 18, 2020. The cost of it would be \$140 per ton.

Mr. Bryan said based upon it being cancelled do we defer it or are we going to cancel it in its entirety. Mr. Furmanchik said we will wait till the situation with the pandemic clears itself up and we will go from there. It may be August or September. Mr. Furmanchik notified Yonish Disposal of the situation.

Mr. Furmanchik said with things being the way they are and if dump fees go up then you should rebid it in all fairness. Mr. Spinos said other municipalities are still scheduled for clean-up and we have to explain the situation to the public. Mr. Furmanchik said since the office is locked up due to the pandemic, we have no way to accept money and distribute permits at this time.

A motion was made by Mr. Bryan and Mr. Spinos to table bid Yonish Disposal for spring clean-up until the conditions change with Covid-19. One absent, Mr. Mash. Motion carried.

- Approval Payroll** A motion was made by Mr. Spinos and seconded by Dr. Ledney to approve payroll for March 13 and 27, 2020. One absent, Mr. Mash. Motion carried.
- Approval Bills** A motion was made by Mr. Spinos and seconded by Pallo to approve the March bills. One absent, Mr. Mash. Motion carried.
- Fire Company Request** Mr. Bryan said we received a letter from Windber Fire Company No. 1. They are requesting that the \$21,000.00 allotted for the department be released. The money is allocated and used towards operational expenses such as, utility bills, upkeep and maintenance of the facility, as well as equipment repair. The COVID-19 crisis has had a significant financial impact on the department, as we have cancelled several large fundraisers. We hope that you will consider this request and release the funds. Thank you for your continued support, cooperation, and teamwork. Signed, Anson M. Bloom, President and Deputy Fire Chief.
- A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve the annual contribution of \$21,000 to the Windber Fire Company as budgeted for the Year 2020. Roll call vote: Mr. Bryan, yes; Mr. Spinos, yes; Mr. Gallina, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo yes. One absent, Mr. Mash. Motion carried.
- Cash Bal. Treasurer Report** There were no questions at this time.
- Council Liaison Reports**
- Fire/Bryan** Mr. Bryan thanked the fire company for providing service to our residents and EMT Service and providing safety for our residents. It has been a very tough time for all.
- WMA/ Pallo** Mr. Pallo the Windber Municipal Authority projects have all been put on hold due to the Covid-19 pandemic.
- School/ Ledney** Mr. Ledney said the Governor extended school closure for the remainder of the year. Online education has continued for the students but until we find out what is going on, school is out for the remainder of the year.
- Mayor's Report** As we all know, the Corona virus has consumed most of our time this past month. With that said, after consultation with Emergency Management and Borough Administration, on March 16th, I signed a Declaration of Disaster Emergency in Windber Borough. This declaration will enable the borough to receive reimbursement for expenses incurred by this pandemic. It also enables the Emergency Management to coordinate the activities of the emergency response system in the borough.
- Following the declaration of the emergency I, in conjunction with the Emergency Management Coordinator, made the decision to close all playgrounds in the borough. This decision was brought about by people using the playgrounds that were not following the social distancing recommended by the CDC and the PA. Department of Health.

A few days after the playground closure we made the tough decision to close Recreation Park. Once again this was brought about by park users not following the appropriate guidelines when using the park, including young people playing basketball.

I continued working with Anson, and the emergency planning group including the Fire Department, and Northern EMS, in planning response and protocols dealing with possible exposure of emergency responders, borough employees and others.

I participated in two teleconferences with Somerset County Officials regarding supplies and approximate response to this pandemic.

I also participated in the teleconference with borough administration regarding the best ways to protect our employees and what needed to be done should one become exposed to the virus.

On April 8th I participated in a PSAB webinar, an update on COVID -19 municipal response. The Webinar was very informative.

Anson and I participated in a webinar by the Army Corps. Of Engineers. The webinar concentrated on the upcoming spring flooding season.

Manager's Report

Jackson Avenue / Baumgardner Heights Storm Water Project – The project is currently on hold, due to the situation with the pandemic. I have contacted DCED to file a waiver for the project, hoping this might enable it to start on schedule. I also spoke with James Excavating and encouraged them to seek a waiver, as well. My understanding is the Governor's office may change Heavy Highway construction from nonessential to essential in mid to late April.

New Police Vehicle – The 2020 Dodge Durango was placed in service on March 30th.

2009 Chevrolet Impala – The title transfer has taken place and the money deposited in the Borough's account.

710 /712 Graham Avenue - The situation with the pandemic has put the demolition on hold. Roaring Fork Excavating will contact me as soon as they can proceed.

Grievance with Officer Jason Knipple – There are no new developments.

2020 Street Paving – The project has been advertised and we will open bids at our April 14th meeting.

Capital Improvement Projects- The new garage doors have been installed on the public works facility and look great. The refurbishment of the floors in the administrative building is on hold because of concerns with COVID-19.

Engine Brake Retarders – The day after our March 10th meeting, I spent most of the day dealing with state legislators, PennDOT officials, officials from Rosebud Mining, our police department, and Louis Kiss. Borough Council adopted an ordinance regarding the use of

engine brake retarders in the confines of Windber Borough in 1981. PennDOT's position is that the ordinance cannot be enforced on a state road without notification (signage). According to PennDOT, the area of 21st Street and Route 56 does not meet the criteria for filing application for a signage survey. There was willingness to meet by our state legislators, but again this meeting has been put on hold because of our dealings with COVID-19.

National Day of Prayer – The United Churches of Windber will hold this 45-minute presentation, at the Gazebo, on May 7th at 6:00 p.m.

Flood Mitigation Grant – These grant applications are scheduled for review by the Department of Community and Economic Development in July of 2020. Trying to stay ahead of the curve for grant approval, myself, and our EADS representative, have negotiated and received a signed temporary and perpetual ROW agreement with Mr. Edward Metka. This will allow us vehicle and equipment access to the sediment retention basin, in proximity to 17th Street. I have forwarded a copy of the ROW agreement to Jonathan Brett who is an economic analyst for DCED and will be part of the grant review panel.

Telecommunications Meetings – As we move through the current health situation, we will proceed in a direction of meeting remotely. There will be more information to follow as the state of the world seems to change daily.

2020 Census – Current data shows Windber Borough at number 20 out of 55 municipalities in our area with a 45.3 % response rate over the internet. While mailed census forms are to take place and the certainty of door to door visits being eliminated, it is imperative to have our citizenry take part. As you remember, the census determines how Congressional seats are apportioned, where businesses ship their product, where new stores are built and extremely important to us, where State and Federal funds are distributed. To reach out to our residents, I have posted a document on the Borough website to encourage them to take part.

Spring Clean Up – This annual function is postponed and will be rescheduled at a later date.

Miner's Day Celebration - This event that was scheduled to take place June 18 to June 21, 2020 has been canceled.

Mr. Bloom said he now can link the polycom system to the telecommunications system. He has been doing that during the meeting and it improves sound quality for those sitting at the table. Most of issues come from the internet connections. Our internet is sketchy here this evening so that could be some of it. The balance of it is on the end user as far as what you are using and the internet connection you have. Some of you are crystal clear and have a good quality picture and others are garbled. He will do what he can. By linking the polycom system with this platform and what we have now, will increase our sound ability. We can have the internet looked at, but other than that it is on the end user.

Mr. Furmanchik thanked Anson and said we will move forward from here.

Solicitor's Report Albright Property – Attorney Green said the Superior Court dismissed her appeal without prejudice. Meaning she can file it again. The problem we have is that it is his understanding the property was listed in her bankruptcy petition. We cannot do anything until that bankruptcy is over with. He found out the attorney's name she is using. He is from Greensburg; he wrote him a letter but has not heard back yet. We are way past the two-year mark, but we can't do anything while it is in bankruptcy.

Approval Fee Schedule Council received Resolution 2020-1 Amending the Fee Schedule for Windber Borough Permits, Applications, Demolition, Sewer Taps, Zoning/Planning/Land Development and Subdivision & Land Development. (Copy of Resolution will be attached to Minutes).

A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve Resolution No. 2020-1 Amending Windber Borough's Fee Schedule. One absent, Mr. Mash. Motion carried.

Approval Curb Cut Application was submitted by David Palko requesting a curb cut at Hillside and 17th Street. A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve David Palko's application for the curb cut at Hillside and 17th Street. One absent, Mr. Mash. Motion carried.

Next Meeting Next council meeting date will be May 12, 2020 at 7 p.m.

Meeting Adjourned Meeting was adjourned by Council President, Mike Bryan at 8:20 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant