

## **Borough Council Regular Meeting May 12, 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 Spinosa were all present via WebEx. Ron Mash was absent. James Furmanchik, Borough Manager, Mayor, Mike Thomas, Chief Andrew Frear and Attorney Joe Green were present via WebEx. Robin Gates, Administrative Assistant and Codes Officer, Anson Bloom were present at the Borough office.

**Approval Minutes** A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve the Minutes of April 14, 2020. One absent, Mr. Mash. Motion carried.

**Recognition Visitors** There were no visitors at this time.

### **Correspondence**

1. Windber Area Authority Minutes of March 11, 2020.
2. Codes Enforcement Officer Report.

**Approval Payroll** A motion was made by Mr. Holden and seconded by Mr. Pallo to approve payroll for April 9 and 24, 2020. One absent, Mr. Mash. Motion carried.

**Approval Bills** A motion was made by Dr. Ledney and seconded by Mr. Holden to approve bills for April 2020. One absent, Mr. Mash. Motion carried.

**Cash Bal./ Treasurer Report** Mrs. Gates told council a new account was opened strictly for Emergency Management. This way it is separate from the general fund and those items we purchased due to Covid-19 will come from that account and when we get reimbursement from FEMA it will go back into that account.

### **Council Liaisons**

**Bryan/Fire Dept.** Mr. Bryan had nothing to report.

**Ledney/School** Dr. Ledney reported right now school is out of session for the rest of the school year. They are up in the air as to whether students will return to school in the fall. It is still to be determined.

Mr. Bryan congratulated Dr. Ledney and the Windber Area School District on the most recent Acknowledgement of excellence with Windber School District for being number one in the area and an extremely high ranking in the state. He asked Dr. Ledney to please pass that on that we are enormously proud of their accomplishments.

**Pallo/  
WMA**

Mr. Pallo said he was contacted by the Windber Municipal Authority last night with regards to them not being able to open and getting to a point of dire straits with finances. They wanted him to let council know that if they open, they think they can survive if they cannot open, they may tank. They do not have anyone working now and are cutting costs wherever they can.

Mr. Pallo said they thought if they could get some classes up and running that would have helped a lot. They applied for federal funding for the Federal Paycheck Protection Act and because they are considered a government agency they were denied.

Mr. Holden said he saw an advertisement for day camp and asked if they were taking enrollment for day camp? Mr. Pallo said he thinks they have 20 enrolled but were expecting 140. They are still hoping to go through with that, but enrollment is way down. They have had to refund pavilion rentals that cancelled.

Mr. Bryan asked with respect to maintenance up there, if they are not able to make payroll, with general upkeep and cutting of the grass is that going to fall to our public works or how might this pan out. Mr. Furmanchik said he is under the impression that Matt is still working. If things would go south on them and being our property, we would have to move in a direction to make sure it is maintained. Hopefully, that does not happen but if it would we would make sure it is done.

Mr. Holden asked if, we have to use public works to perform maintenance or do work or whatever, would their labor be covered under the disaster declaration. Mr. Bloom said no because it is within the confines of a regular job assignment, where their job is to maintain borough property. If you had to call them out in the middle of the night or something like that then the provisions kick in but as far as regular job duties it is not covered under the declaration.

Mr. Holden said yes, but public works does not cut grass at the park that is done by the municipal authority. Mr. Bloom said the way it reads is they do maintenance as well as keeping up with borough property. So, it would be considered within the confines of their job.

Mr. Bryan asked, if we will employ our workers if it comes to that? Mr. Furmanchik said if it does happen, we could take a step back and consider hiring the two people Marissa and Tom who worked for the Municipal Authority part-time. Maybe we could afford to pay them part-time. We would have to think about it and crunch some numbers if that happens.

Mr. Furmanchik said our public works guys have a lot of work in the summer and just cutting grass alone keeps them tied up. We will be cautiously optimistic that they will be able to open.

**Mayor's  
Report**

Wednesday, April 15<sup>th</sup> Mayor Thomas participated in a PSAB Webinar- PEMA/DCED Update for Government Officials.

Thursday April 16<sup>th</sup> he attended the Windber Emergency Management Planning meeting; update on supplies and ambulance response to COVID patients.

April 20<sup>th</sup>, he participated in a conference call with seven other mayors from southwest Pennsylvania and Senator Casey regarding needs and concerns from the COVID pandemic.

Mayor Thomas issued a proclamation proclaiming Sunday May 3, 2020 Bells over Pennsylvania Day. The threefold purpose of the initiative was:

1. To recognize first responders, healthcare workers, and employees of grocery stores, pharmacies, and other life sustaining businesses who have maintained essential services while at risk of infection from COVID-19.
2. To show solidarity with elected officials and residents of municipalities across the Commonwealth of Pennsylvania, all of whom are fighting COVID -19 on the frontlines together.
3. To demonstrate a collective resolve that Pennsylvanians will prevail over COVID-19 and work tirelessly to ensure that their businesses and civic life will thrive once again.

At 7:00 p.m. all Pennsylvanians and churches were encouraged to ring bells for three minutes. One minute for each of the above purposes. Most churches in town did participate, and he thanks them.

April 29<sup>th</sup>, he participated in a webinar on Right to Know law and Sunshine Act during an Emergency.

April 30<sup>th</sup> Mayor Thomas participated in DCED Emergency Planning and Community Risk Teleconference and a PSAB webinar, COVID-19- Managing Heart and Lung Act Claims.

Today, May 13<sup>th</sup> I met with Windber School District Administration regarding the graduation ceremony they have planned. I will present this plan at tonight's meeting of Borough Council.

Mayor Thomas said there are 85 students graduating. They will line them up at the park with their family. Then they would like to have a parade down ninth street to Graham Avenue and then up Graham Avenue to the school. They will go around the back of the school by entering by the gym and then line up on Cambria Avenue by the old office and come into the new entrance. There will be a stage there where the student will get out of the vehicle walk up to the stage and get their diploma. A few pictures will be taken and then they walk back to the designated area and be picked back up by their parents.

Mr. Furmanchik said it is nice that they are planning for some sort of commencement for the seniors. Council was in favor of commencement arrangements. Mayor Thomas said the commencement will take place on May 28<sup>th</sup> with a rain date of May 29<sup>th</sup> and will be from 5:30 p.m. to 7:00 p.m.

**Manager's Report**

**Jackson Avenue / Baumgardner Heights Storm Water Project** – James Excavating tells me that they will begin digging test holes, to verify levels for the precast concrete catch basins, the week of May 18<sup>th</sup> and will begin to move water lines shortly after. They expect to be putting pipe in the ground beginning the first week of June.

**710/712 Graham Avenue** – Demolition is to start on May 7<sup>th</sup>. Mr. Furmanchik asked council to approve advertising the property and open bids for our June 9<sup>th</sup> meeting.

He asked council for a motion to authorize the sale of 710 Graham Avenue by sealed bids in accordance with the provisions of the Borough Code of the Commonwealth of Pennsylvania

A motion was made by Mr. Holden and seconded by Mr. Bryan to authorize the sale of 710 Graham Avenue by sealed bids in accordance with the provisions of the Borough Code of the Commonwealth of Pennsylvania. One absent, Mr. Mash. Motion carried

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

**2020 Street Paving** – The contract with Quaker Sales has been signed and they expect to start the Borough's 2020 paving project during the middle of May.

**Ballroom Feasibility Study** – Attorney Green has reviewed the proposals from UpStreet Architects and CJL Engineering. They both meet the expectations, as stated in the request for proposals information packet. CJL Engineering was notified to proceed at an amount of \$4,800. They have already started to prepare the study, as of April 29<sup>th</sup> and there will be an extensive site meeting on May 6<sup>th</sup>. John Venzon will represent The Windber Area Economic Development Committee and Matt Grohal will attend in his capacity as Recreation Director. They will relay pertinent information to me.

**Codes Enforcement Officer** – Anson is applying for an application from the Pennsylvania Justice Network (JNET). This application would allow him to check for valid plates and registration on abandon vehicles, without having to contact the police department. The application for this technology requires approval of a resolution, by council, to address the scope of authority for the Windber Borough Codes Enforcement Officer. Codes Enforcement goals and objectives will also need to be submitted. Anson has prepared both documents and Council can review and seek approval at our May meeting.

**Building Code Official Status** – Since Anson is now certified as a Building Code Official (BCO), the department of Labor and Industry requires formal notification that Robert C. Malot will no longer serve the Borough, in that capacity. Council will need to approve Anson as the Borough's BCO at our May meeting.

**Possibility of Adopting a Tax Resolution** – Property taxes must be paid by June 30<sup>th</sup>. Payments made beyond that time are subject to fees and penalties. Some communities are giving consideration to extending that period to December 31<sup>st</sup>. Council may consider discussion of moving in that direction. To do so, we will need to adopt a resolution at May's meeting. Currently 74% of our active tax accounts have been paid. By extending it to the end of the year we would lose \$3,060 based on penalty fees and the tax collector would lose 5% (\$150) of that amount on their income. The County Commissioners approved an extension, for County taxes, on May 5<sup>th</sup>.

**FEMA Reimbursement** – In order to be reimbursed for any bills from the COVID – 19 pandemic, the Borough will need to adopt a resolution at our May meeting.

**June 2<sup>nd</sup> Primary Election** – I have reached out to Tina Pritts, the Director of the County's board of elections and registrations. My concerns are for the safety of those working the polls and voters.

She will present our concerns and ideas to the County Commissioners when they meet the week of May 4<sup>th</sup>. Hopefully, I will have some solid information for you at our May meeting. Borough residents are encouraged to visit [votespa.com](http://votespa.com) to obtain a mail in ballot.

**Memorial Day Program** – I have been working with the American Legion and Veterans of Foreign Wars to arrange an observance that is compliant with current COVID – 19 regulations. Initially we agreed that we would have a traditional rifle salute, play taps, and place a wreath at the Veteran’s Memorial. There would be no parade or keynote speakers. That plan was presented to their respective state organizations and we are awaiting a decision, for approval. When the determination is made, I will arrange for it to appear on the Borough website and see if it can be published in the Tribune Democrat.

**Disabled Veteran Tax Exemption** – Apparently there was a mistake made by the Pennsylvania State Veteran’s Commission in advising a Blair County resident who has relocated to 811 Cambria Avenue. The new Borough resident is dealing with a disability that occurred during service to our country. (please refer to the correspondence in your packet) To that end, Council will need to discuss and possibly approve exemption from the Spring Borough Taxes.

**Municipal Separate Storm Sewer System** – Recently we submitted our annual MS4 report to DEP. Over the past few years, we have made great strides with our MS4 permit and program. We continue to identify and implement best management practices. Please remember to pass on the importance of not using storm water catch basins as dumping grounds. The importance of eliminating and controlling run off from construction sites, lawn fertilizers and pet waste are imperative. The rain washes these pollutants into our storm drains, and directly into creeks, streams, lakes and into coastal waters including the Chesapeake Bay. For more information on storm water management and the Borough’s MS4 program please visit [windberboro.com](http://windberboro.com) and click on storm water.

**Railroad Crossing Graham/17<sup>th</sup> Street** - In the past the owner of the track did not comply and was requested by PUC and PennDot to repair the track. At this time, it is the understanding that PUC and PennDot will work together to repair the tracks. PennDot will also repair the road along with 21<sup>st</sup> Street and Graham which has a large hole in it caused by heavy triaxle and coal truck traffic and 100 Feet of 17<sup>th</sup> Street extending from Somerset Avenue to Railroad Street.

**Levee Status** - As in the past Mr. Furmanchik spoke about our levee status going from unacceptable to active. He asked the Army Corp of Engineers for a formal notification and he did receive that notification in the form of an email last week that gives us the gratification that we are in the active status. This means that if the unfortunate were to happen and we had a flood we would be allowed to apply for federal funding.

**Opening of Borough Offices** – Borough Offices will open to the public on May 26, 2020. This gives us an extra week to make sure everything is working properly. We would restrict entrance into the building to the front door counter area and keep the back door locked. It is important to that we do this because it sends a message of normalcy back to the public.

**Solicitor’s Report**

Attorney Green said he has not heard back from Joan Albright’s Attorney regarding the bankruptcy.

- Approval Resolution** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve Resolution No. 2020-2 approving the Windber Borough's Codes Enforcement Officer's Scope of Authority. Scope of Authority is needed to apply for the (ORI) Originating Agency Identifier. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent, Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
- Change BCO** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve a change in Building Codes Official. Anson Bloom to replace Robert C. Malot. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
- Approval Resolution** A motion was made by Mr. Holden and seconded by Mr. Pallo to approve Resolution No. 2020-3 Implementing certain real property tax relief provisions of Act 15 of 2020. Remarks Mr. Bryan said his understanding is the Somerset County Commissioners voted for this and it is just for the time-period coming up in this year and only for that time-period. Mr. Furmanchik said that is correct. Mr. Bryan said there are residents that could use the help and it would not be out of step with the precedent with the county. 74% of the population pay normally before the discount period and he feels comfortable with doing this. Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes; Motion carried.
- Approval Resolution** A motion was made by Dr. Ledney and seconded by Mr. Bryan to approve Resolution No. 2020-4 approving Anson Bloom as the designated agent for DR-4506-19 for Windber Borough. Roll call vote: Dr. Ledney, yes; Mr. Bryan, yes; Mr. Gallina, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
- Approval Curb Cut** A motion was made by Mr. Pallo and seconded by Mr. Spinos to approve the curb cut application for Curt Vasas at 1007 Somerset Avenue. Mr. Mash, absent. Motion carried.
- Approval Exemption** A motion was made by Mr. Holden and seconded by Mr. Pallo to approve to exempt the 2020 Spring borough taxes for Debra M. Hoffman as per Pennsylvania State Veteran's Commission for Real Estate Tax Exemption. (Disabled Veteran). Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.
- Next Meeting** Next meeting date will be June 9, 2020 at 7:00 p.m.
- Adjourn** Meeting was adjourned by Council President at 7:50 p.m.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant