

## **Borough Council Regular Meeting June 9, 2020**

The regular meeting of Windber Borough Council was called to order by Windber Borough Council President, Michael Bryan at 7:00 p.m.

Pledge of Allegiance.

The following Council Members were present: Mike Bryan, John Holden, Dr. Doug Ledney, Ron Mash, and James Spinosa. Pino Gallina and Joe Pallo were absent. James Furmanchik, Borough Manager was present through telecommunications. Mayor, Mike Thomas, Chief Andrew Frear and Attorney Joe Green were present.

**Approval Minutes** A motion was made by Dr. Ledney and seconded by Mr. Holden to approve the Minutes of May 12, 2020. Remarks: Mr. Bryan said he had one correction. The date of the next meeting at the end of the minutes should be June 9, 2020. Mrs. Gates noted said correction. Two absent, Mr. Gallina and Mr. Pallo. Motion carried.

**Recognition Visitors** Sharon Custer said she is here to petition for stop signs on Jefferson Avenue at the intersections of 7<sup>th</sup> and 10<sup>th</sup> Street where the school bus stops are located. She is sure council is aware Jefferson Avenue is known for speeding? It always has been but in the last few years the volume of traffic and how fast they are traveling has drastically increased.

**Sharon Custer** They have spoken to police and borough officials over concerns someone is going to get hit trying to cross the street. They were told they were aware of the situation and understandably the police cannot just sit on Jefferson Avenue to defer speeding but a solution is still needed.

In the fall of 2019 a postal worker, Amanda Shaw saw a child almost get hit while trying to cross the street after getting off the bus. She is one of the 42 signatures on our petition along with Miller Motor Company's branch manager who has also made officials aware of the dangers, the speeding on Jefferson poses to kids crossing at the bus stops. We need to slow this speed of traffic to protect our children and residents. We feel the addition of these stop signs will allow us to do so. Thank you for allowing us to speak and bring this to your attention. Mrs. Custer submitted her petition to council.

Mr. Holden asked Mrs. Custer if she was asking for a 4-Way Stop be put in like what was done at 7<sup>th</sup> and Somerset? Mrs. Custer said yes.

Attorney Green said there is probably an ordinance that shows where all the stop signs are in the borough. This should be done by ordinance. If it is more of a pedestrian crossing issue, he believes you can do it. Mr. Holden said it is a safety issue.

Chief Frear said there was only ever one person that said anything to him about speeding. Chief Frear said he can paint lines over there and monitor the speeding. Obviously, they cannot be there all the time.

Mrs. Donato said a lot of the children are getting on or off the bus by themselves. A lot of their parent's work. It is a wide road, and sometimes the buses will pull across the road to protect the children. It is not just to stop the speeding but because the speeding is so bad on

that road the stop signs and cross walks would really help the kids. Mr. Holden asked if painted crosswalks and signs like those at the high school would help. Mrs. Donato said they do not care about signs.

Mr. Bryan reiterated, we are discussing the speed on Jefferson and we received a petition with numerous signatures (42). Chief Frear and Attorney Green have addressed those here. Chief Frear would like to paint some lines and hold speed checks. The issues are school students crossing the streets and pedestrians crossing the street.

Mr. Furmanchik said the first thing you want to do is have the police monitor it. They cannot sit there all the time. Mayor Thomas said they are requesting a four way stop sign on Jefferson Avenue and 10<sup>th</sup> Street and Jefferson and 7<sup>th</sup> Street. Mr. Furmanchik said we could do that if council wants to do that, but he would like to know what council thinks. Will it help or be a hinderance. Mr. Holden said that entire road is open, it is a straight shot with no stop signs.

Mr. Bryan asked if it would have to be done by ordinance? Attorney Green said it does. Mr. Bryan said he would agree with that. Chief Frear said before we react, if you put stop signs at these intersections you will have the other problem and increase accidents because that is where they occur. We can just monitor it and see how it goes. Accidents will occur because there have not been signs there before.

Mrs. Donato said because the roadway is exceedingly long, wide, and paved there is a lot of speeding there. She sees it from her window. The traffic is so heavy, and she worries with the kids being out of school crossing the road.

Mr. Holden asked for a compromise. He said let us have the police monitor those intersections from now until the beginning of school. We can revisit it in September. Mrs. Custer said the afternoon and evening is when there is the most traffic and speeding. Mrs. Custer agreed to let the police monitor it.

Mr. Spinosa said let us try painting the lines and monitoring it because once the word gets out there is a speed trap there they will slow down. He said he was in favor of the signs at first but it made him nervous because people who have lived there their whole life are not going to be used to a stop sign being there and will drive through them.

Mrs. Custer and Mr. and Mrs. Donato agreed to the police monitoring the situation and then will return if it does not decrease the speeding on Jefferson.

**Lou Kiss**

Mr. Kiss said the amount of noise and speed the coal trucks are traveling at on 56 is constant. He said Sandy Cicmansky's house rattles when they drive by. She lives six feet off that road. They are traveling 60 to 70 mph off that road onto a 35-mph road within 60 feet.

They both lived there before the road was built and when it was built, they had a stop sign there going up Route 160. Everyone going up 160 had to stop. They changed it to a yield sign. People abuse the yield sign all together. They are supposed to stop but they do not and that is what it is like in front of Sandy's house.

Mr. Kiss said on March 11<sup>th</sup> Mr. Furmanchik called and said he was going to talk to Rosebud about the jake brakes and he said he was going to talk to the state representative and senator and set up a meeting. Yet, that meeting has not come around. Of course, the Covid-19 happened, and he understands that.

Mr. Kiss said on March 12<sup>th</sup> Mr. Furmanchik called him and told him he spoke to PennDot and they discussed the sound barrier. He gave him all the incidentals you must go through to get a sound barrier which is pretty much impossible. Then he called him on March 19<sup>th</sup> and updated him on a few things. After that he did not hear anything.

Mr. Furmanchik said the reason he never heard anything from him was because he was never contacted by the legislators. They said they would get back to him with further information when they could meet. They were probably tied up with the pandemic.

Mr. Furmanchik said after our March 10<sup>th</sup> meeting he spent most of the day talking to legislators, PennDOT officials, Rosebud Mining, our own police department and Lou that day. When he spoke to Jim Barker, Vice President of Rosebud, their words to drivers where they are not to use engine brake retarders or what is commonly known as jake brakes within the confines of Windber Borough. Windber Borough adopted an ordinance regarding the use of engine brake retarders in 1981. PennDOT's position was and still is the ordinance can be enforced on a state road with notification or signage. According to PennDOT the intersection of Route 56 and 21<sup>st</sup> Street does not meet the criteria for filling out an application for signage.

Mr. Furmanchik said there was willingness from our legislators to meet at the borough office. That is when the Covid-19 came about and that is more than likely why they have not contacted us. Mr. Kiss said he understood that.

Mr. Kiss said June 2<sup>nd</sup> he got on the PennDOT hotline and they got back to him from Hollidaysburg. He had a 45-minute discussion with the man about all the problems in that area. He told Mr. Kiss they need a written request from borough council on all the issues. Not one but all the issues that are in that area for them to lower the speed limit.

Mr. Kiss also asked the man about the noise level. He told him all the borough needs is a decimal meter. There is a state law on the books about excessive noise and it can be stopped. Mr. Holden asked Mr. Kiss what the man's name was? Mr. Kiss said he did not get his name.

Mr. Holden asked Mr. Furmanchik if he knew anyone from Hollidaysburg? Mr. Furmanchik said he did know a couple people there and wondered if Mr. Kiss spoke to a traffic engineer. Mr. Kiss had a letter Sandy Cizmansky wrote to PennDOT and the man's name on the letter is Vince Greenland. Mr. Furmanchik said he was not aware of this person. Mr. Kiss said this was a few years ago so he may no longer be there. Mr. Kiss gave the letter to Mr. Bryan.

Mr. Kiss said the man from PennDOT also told him the speed should be monitored by the state and local police. He said they do not, and he hasn't seen a state cop on the road for months or even a year.

Mr. Kiss told him about a PennDot sign. Pulling out of 19<sup>th</sup> Street it is directly in line with the oncoming traffic. If you are traveling and you want to pull out of 19<sup>th</sup> Street there is a sign in the middle of the guard rails.

You can't see the people coming down the road. He said he was going to get in touch with someone in Somerset and have the sign removed. It still presents a problem there.

Mr. Kiss said there should be a caution light at 19<sup>th</sup> Street. It is a terrible place to pull out there. Chief Frear agreed with him. If someone is traveling west on 56 and wants to turn in and they must stop to oncoming traffic, they are blocking the road. He said he knows of four accidents there because of that. Chief Frear said no one should be allowed to turn left there or they should completely take the intersection out. He said they will not put a stop light there.

Mr. Kiss said these are the items we need addressed in a letter; the speed of the traffic and the condition of the road there. The road was designed in 1958 the speed does not warrant that. You have the stadium, and someone died going up to 160. What if it was a school bus? Something bad is going to happen there.

Mr. Furmanchik said he does not know the person Mr. Kiss spoke to but the people he spoke to were traffic engineers and they told him it was slim to none of a chance of the speed being reduced because of the slated terrain and you can see an incredible distance from both ends. Mr. Kiss said you cannot see an incredible distance. It is built on a turn.

Mr. Ron Mash Sr. asked what about the 100 coal buckets coming in there five days a week, that does not cause a problem? All the noise, it is so congested there, it is unbelievable. He said a lot of these trucks are jake braking or overloaded.

Carol Cicmansky said she lives on Pomroy's Drive and they cannot see to pull out. There have been many times she was almost hit because she cannot see far enough to make a judgement. Pulling out of her driveway is challenging.

Ms. Cicmansky said she has spoken to PennDOT so often they are practically on a first name basis. She gave Mr. Kiss the letter she wrote to Mr. Greenland about seven years ago it outlines everything we were talking about. Mr. Bryan asked if those issues from seven years ago are relevant today? Ms. Cicmansky said yes. She said she asked them a couple of years ago when they were working on the road why they didn't ask the residents what improvements could be made before they started working on it and they said there was no money.

Mr. Kiss said if they just slow the traffic down, they will not have the noise. Mr. Furmanchik said he is confused by the person who Lou spoke to from PennDOT. He said he will try and contact a traffic engineer from Hollidaysburg and have them come here to a daytime meeting at the borough office where the residents can come. Mr. Kiss agreed to a meeting.

Mr. Mash said this issue is important to us with all the noise and especially the coal trucks. He said they just want it to stop and they appreciate all the help they can get.

## **Correspondence**

1. Codes Enforcement Officer Report.
2. Minutes of the Windber Municipal Authority March 17<sup>th</sup> and April 7<sup>th</sup> Meetings.
3. PA Municipal Code Alliance Report.
4. Minutes from the Windber Area Authority April 8, 2020 Meeting.

**Approval Payroll** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve payroll for May 8 and 22, 2020. Two absent, Mr. Gallina and Mr. Pallo. Motion carried.

**Approval Bills** A motion was made by Mr. Spinos and seconded by Dr. Ledney to approve bills for May 2020. Two absent, Mr. Gallina and Mr. Pallo. Motion carried.

**Approval Bids** One bid was received for the property at 710 Graham Avenue. Bid is from Ashley and Jacob Nolder in the amount of \$1,000. A check for \$100 or 10% is included. Attorney Green reviewed the bid and said it was good. After council discussion they decided it would be best to accept the bid and get the property back on the tax records and the borough would no longer have to maintain the property.

Mr. Furmanchik reminded council they can turn down all bids. To re-advertise is \$400 for a three-day ad. The number one goal was to clean up blight and the property being turned over to a new owner brings it back to the tax rolls and eliminates property maintenance for public works.

Mr. Spinos asked how much expense the borough had in tearing that building down? Mr. Furmanchik said with advertising and demolition approximately \$10,000.

A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve the bid of \$1,000 from Ashly and Jacob Nolder for the property located at 710 Graham Avenue. Two absent, Mr. Gallina and Mr. Pallo. Motion carried.

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

**Council Liaison Reports**

Mr. Bryan said he saw the parade of seniors and their families go by and it was awesome. Mr. Spinos said the banners through town were also very impressive. Dr. Ledney said the school has a lot of guidelines in which they must adhere to following the COVID-19.

**Mayor's Report** Mayor Thomas said he participated in the PSAB Webinar on May 18<sup>th</sup>. The webinar was entitled COVID-19 Impacts on Municipal Police Departments.

Mayor Thomas also worked with the Windber School District on various ideas to honor this year's graduating class. It was decided to have banners with each class member's picture on it hung on Graham Avenue along with a "Graduation Parade" from Recreation Park to the high school where a mini ceremony would take place. Everything worked out well. Joe Kimmel called me and asked me to pass along the gratitude of the school district and staff for the help that the borough provided.

**Solicitor's Report** Mr. Green said he is attempting to find a bankruptcy attorney to intervene into the Joan Albright case, which is just languishing in bankruptcy court. Ms. Albright's attorney will not return his calls. He believes Mr. Furmanchik was able to speak to her attorney and according to Jim he spoke in tongues so that is why he is going to find a bankruptcy attorney to speak with him.

**Manager's Report**

**Jackson Avenue / Baumgardner Heights Storm Water Project** – A work site preconstruction meeting was held on Wednesday May 28<sup>th</sup>. Preliminary work has been performed with actual installation to begin on Monday, June 8th.

**710 / 712 Graham Avenue** – The demolition process is now complete. The property has been posted and advertised, notifying the public of the bidding process, for those interested in acquiring the real estate. We will open bid proposals at our June 9<sup>th</sup> meeting.

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

**Layoff of Officer Gregory Hall** – I have generated a letter notifying Mr. Hall of his employment status, with the borough. Refer to your packet for a copy of that letter. I spoke with our insurance carrier and there is a distinct possibility that they would not consider Mr. Hall operating a borough vehicle if he were employed by the borough, in the future.

**2020 Street Paving** - The project is complete and looks great.

**Ballroom Feasibility Study** – CJL Engineering has informed me they expect to have the study completed by the middle of June.

**Borough Office** – The Borough Office is again open to public, as of May 26<sup>th</sup>. The police department and tax office followed, with May 28<sup>th</sup> openings. Those conducting business, will need to wear a face mask and practice social distancing.

**Spring Cleanup** – This annual event, for Borough residents is tentatively scheduled for Aug 3<sup>rd</sup> and 4<sup>th</sup>. Permits will be available, at the Borough office for \$45 each. We will open bids from residual waste hauling contractors, at our June 9<sup>th</sup> meeting.

**Proposed Capital Improvement Project** – Dan Hiteshew has offered to upgrade the fourteen turn of the century street lights, in Miner's Park. This would include removing the ballasts in each pole light and up fitting them with LED sockets and bulbs. There would be no labor charge and the total cost would be \$784. When complete, this would eliminate costly repairs and assist in lowering our electric bill.

Mr. Spinos asked if a certified electrician would be needed to change the lights. Mr. Furmanchik said it is just swapping out a ballast and light bulb and there are no combustibles. Mr. Green asked if Mr. Hiteshew knew what he was doing? Mr. Furmanchik said yes, he is done it before. Mr. Spinos said if he understands it and can handle it that is fine.

A motion was made by Mr. Spinos and seconded by Mr. Bryan to replace the bulbs in the light poles with LED sockets and bulbs. Two absent, Mr. Gallina and Mr. Pallo. Motion carried.

**Streetlights** – Mr. Furmanchik said the day he spoke with Dan Hiteshew one of the things they discussed were the light poles on Graham Avenue. When the centennial was held there was an agreement with Penelec and Barclay Electric painted the light poles on Graham Avenue. Mr. Furmanchik said it was his understanding that Penelec owned the poles. He contacted one of his contacts at Penelec who oversees the commercial accounts for Penelec.

He said that all the light poles on Graham Avenue belong to the borough. Being that they are our poles that would allow us to maintain them.

Mr. Furmanchik said he spoke to Barclay Electric to give a figure for a possible capital project to paint those poles. This may be something council may want to consider. The reason this had come up in conversation was because the nice senior banners were put up on the poles and the poles are all rusty.

**Borough Office Restroom Improvements** – As approved by Council, Mike Kovatich will begin the floor upgrades during the month of June.

**New Police Vehicle** – The new vehicle, will replace the Durango that was demolished on May 17<sup>th</sup>, is scheduled to be delivered on June 5<sup>th</sup>. It will then be painted and upfitted. I expect the new 2020 Dodge Durango to be in service near the end of June.

**Windber Recreation Park Pool** – My conversation with Recreation Director, Matt Grohal states the pool will open on June 5<sup>th</sup>.

**Joan Albright Property Located at 1809 Graham Avenue** – I have contacted Mrs. Albright's attorney, David Colecchia and informed him of the worsening condition of this property. As Anson will attest, the foundation is in a state of disrepair and could lead to a future cave in or collapse of the structure.

As you may remember, Mrs. Albright is involved in a bankruptcy proceeding. I have had conversation with Attorney Green, and he will be in touch with Albright's legal counsel as well as conferring with a bankruptcy attorney, for guidance. Hopefully, we can move in a direction where this four-year dilemma can be resolved.

**Rail Crossing DOT 529-067 X** – With passing time, this has become an extreme safety sensitive issue. I again have had multiple conversations with all parties involved, on June 4<sup>th</sup>. I will clarify this situation at our upcoming meeting.

**Census** – Mr. Furmanchik said he cannot stress enough how important these numbers are. They mean a lot with regards to federal funding and so many other things to the borough and other municipalities in the state of Pennsylvania.

Please adhere to being part of the census and pass it on to your friends and neighbors. Yesterday's results showed that Windber Borough has moved up in our ranking to 68.9% complete. They can be completed online and through U.S. Mail.

Mr. Furmanchik was online with Mrs. Gates today with the County Commissioners regarding discussions of the census discussing ways to get the word out.

Council convened to an executive session at 8:16 p.m. for personnel matters.  
Council reconvened from an executive session at 8:47 p.m.

**Liquid  
Fuels bill**

A motion was made by Mr. Spinosa and seconded by Dr. Ledney to approve the amount of \$18,361.00 for paving. Roll call vote: Mr. Spinosa, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Gallina, absent; Mr. Holden, yes; Mr. Mash, yes; and Mr. Pallo, absent. Motion carried.

- Approval Clean-up** Council received one quote for Clean-up from Yonish Disposal. A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve the quote for town clean-up from Yonish Disposal in the amount of \$140 a ton. Two absent, Mr. Gallina and Mr. Pallo. Motion carried.
- Allocation Windber Fire Co.** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the request from Windber Fire Company in the amount of \$45,000 as budgeted. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, absent; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, absent. Motion carried.
- Allocation Library** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the request from the Windber Public Library in the amount of \$15,000 as budgeted. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, absent; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, absent. Motion carried.
- Resolution Bridge Proj.** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve Resolution No. 2020-5 authorizing Michael Bryan, Council President be authorized to sign the attached agreement for the 24<sup>th</sup> Street Bridge Project and the Borough Secretary, James Furmanchik authorized to attest the same. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, absent; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo, absent. Motion carried.
- Resolution Bridge Proj.** A motion was made by Mr. Spinos and seconded by Dr. Ledney to approve Resolution No. 2020-6 authorizing Michael Bryan, Council President be authorized to sign the attached agreement for the 22<sup>nd</sup> Street Bridge Project and the Borough Secretary, James Furmanchik authorized to attest the same. Roll call vote: Mr. Spinos, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Gallina, absent; Mr. Holden, yes; Mr. Mash, yes; and Mr. Pallo, absent. Motion carried.
- Next Meeting** Next meeting date will be July 14, 2020 at 7:00 p.m.
- Adjourn** Meeting was adjourned by Council President, Michael Bryan at 8:51 p.m.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant