

Borough Council Regular Meeting December 8, 2020

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

Pledge of Allegiance.

The following Council Members were present via zoom video conferencing: Mike Bryan, John Holden, Pino Gallina, Dr. Doug Ledney, Joe Pallo and Jim Spinos. Ron Mash was absent. James Furmanchik, Borough, Manager, Mayor, Mike Thomas, and Attorney Joe Green were also present through zoom video conferencing.

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

Recognition Visitors Ivor Thomas and David Hersh, Reporter from the Tribune Democrat were also on the zoom video conference. Mr. Thomas said he was just checking in as an observer.

Correspondence

1. Photo of Gazebo that Appeared in Country Magazine.
2. Windber Municipal Authority Minutes of the October 20, 2020.
3. PSAB Update.
4. Windber Area Authority's Minutes of October 14, 2020.

Approval Payroll A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve payroll for November 6 & 20, 2020. One absent, Mr. Mash. Motion carried.

Approval Bills A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve the bills for November 2020. One absent, Mr. Mash. Motion carried.

Cash Bal./ Treasure There were no questions at this time.

Council Liaison Report

Holden/ Library Mr. Holden said he went to his first meeting at the library on November 18th. He forwarded correspondence to council. He said they are doing the best they can considering the COVID-19 limitations. They thanked the borough for budgeting their stipend again for the year 2021 and hope to be able to operate with that funding along with the monies from their fundraising event.

Mayor's Report There was no report at this time.

Manager's Report

Funding for Sediment Removal – Unfortunately, the submittal for the FEMA grant was not able to be prepared for the November 18th deadline. There were too many variables that needed to be addressed, but most importantly the creation of a DUNS number which could take up to three months for approval. We also found that FEMA will not fund maintenance issues. That said we hope to include a submittal, in 2021, that will include a project to prevent sediment entering upstream from the collection basin.

We have previously applied for three DCED Act 13 grants for sediment removal, which were denied. We will continue to follow that path when the opportunity presents itself again. My research tells me that the only true grant funding available for flood control maintenance is through DCED Act 13.

Remember that we have already submitted for the U.S. Army Corp of Engineer's Section 313 Environment Improvement Program PA, for sediment removal. I have contacted our legislators for support in this undertaking. Moving forward we will remain cautiously optimistic for future funding.

USDA Grant for Police Vehicle – EADS handling of the application submittal is complete. My conversations with Eli Bradich, from USDA, tell me that we can move forward with ordering the new vehicle, late in December. Mr. Bradich stated that he feels we have a great chance of attaining 75% reimbursement for the vehicle. Let us hope he is correct!

Final Restoration at 29th Street and Jackson – With the work now being complete and residents well satisfied, Council will need to approve the change order and final payment request at the December meeting.

Department Head Meeting – On November 12th, a meeting was held to address escalating COVID-19 issues. All Borough offices are now closed to walk in traffic. Playgrounds and the pickleball court will be posted to advise patrons of safe operation. In everyone's best interest, Council meetings will move to a Zoom platform for the December 8th meeting. All Borough facilities will be sanitized weekly or when the need arises.

Light Up Night – Due to rising COVID concerns, the event was canceled, this year.

Officer Greg Hall – Officer Hall was presented a letter, stating the Borough's opinion on his employment situation. Hall refused to sign the letter and stated that he will be seeking legal counsel. As of this writing, there has been no further communication from Mr. Hall. I will keep you informed as this unfolds.

Flood Control Levee – As I mentioned in our March 2020 meeting, the U.S. Army Corp of Engineers has informed us that our flood control project rating is now proclaimed acceptable and Federal rehabilitation assistance will be available to the Borough, if the unfortunate would occur. Last week we were mailed formal notification and a copy of the correspondence is included in your packet.

1809/1811 Graham Avenue – As you are aware the property owner, Joan Albright, was sent a certified mailing stating that if nothing is done with the property within thirty days, the property will be demolished by the Borough and a lien will be put on her property.

The drop-dead date was December 4th. I have three demolition estimates for council to review and Attorney Green may have additional comment.

Directive to Police Department – Now more than ever, the public needs the services we provide. With that, a list of directives for proper use and procedures during the escalation of the COVID pandemic was prepared by our Emergency Management Coordinator and endorsed by me. It serves as a guideline for procedures dealing with the COVID virus, pertaining to the police department. The document was posted in the WPD office on November 20th.

Emergency Paid Sick Leave Policy – As you saw in my November 23rd email, I am hoping Council will consider adopting the Emergency Sick Leave Policy that I have prepared. If you have not yet had an opportunity to view the policy, please refer to your information packet where a copy has been included for you. We will discuss the matter at our December meeting.

Mr. Furmanchik asked Mr. Bloom since he has our account left open with PEMA in regards to reimbursement if we have any employees paid sick leave would that be available for reimbursement. Mr. Bloom said he believes it would fall under emergency funding he would have to verify that. He did get verification that if there is a need to hire replacement employees is covered under the declaration.

Mr. Furmanchik said the borough administration prides itself on staying ahead of the curve and this is a key piece to move forward.

Mr. Bryan said with respect to looking at the draft proposal it is stating that it is an emergency and specific with respect to COVID-19. It is a positive thing for our employees to feel they are able to take care themselves and family subject to the virus if they have to perform those duties.

CDBG Funding – The Somerset County Redevelopment Authority has filed application, for the fiscal year 2020, for Somerset County municipalities to the Department of Community and economic Development. Windber Borough funding is expected to be \$76,752 for a storm water upgrade project in the 600 to 700 block of 17th Street. Administrative costs will be \$16,848 for a total cost of \$93,600. If the application is approved by DCED, an engineering environmental review will have to done, since that area is in the floodplain. That could take up to 120 days. With that, I would hope to have the project be put out to bid in Summer of 2021.

COVID-19 Funding through CDBG. We filed for this funding for the Windber Fire Department. We had a few zoom meetings in regard to this. the borough administration: Anson and Robin have gone out of their way to help with the funding requests and he himself had communications with five agents from DCED. One thing that was in our favor and they really liked was that the fire department was sanitizing vehicles and government entities and other requests throughout the borough.

Census – Mr. Spinos asked if we had heard any of the results of the census. Mr. Furmanchik said no. Mr. Spinos commented that we would lose funding if our numbers went down. Mayor Thomas offered to write something in his newsletter about signing up for the census if Mr. Furmanchik could send him the information.

Mr. Furmanchik said okay that is a good point. He told council he sent them all a copy of Ivor's newsletter and asked council to look at everything Ivor presents in his newsletter. It is information packed and hats off to Ivor Thomas we are impressed with what he has been doing with his newsletter.

Mayor Thomas said in response to the census he was under the impression it ended in October and is closed now. Mr. Furmanchik said he was under the impression it may have been extended because of COVID-19.

Employee Evaluations – I will begin employee evaluations, for 2020, at the start of 2021. One on one discussions with employees, will take place by phone.

Emergency Winter Road Maintenance – If COVID-19 concerns would leave us in a position where all our public works employees are under quarantine, we have a list of 13 people who would be willing to operate our vehicles for snow and ice removal. Anson will take the lead on this project if the problem would occur. I have checked with our insurance agent and he has advised me that coverage would not be an issue.

Jake Brakes Prohibition – we were given the opportunity to put signs on 17th Street and Railroad Street. Those signs had to be special ordered and manufactured. We received those today and they are in place. The Chief of Police monitored the situation in the area sporadically and once we cite a couple of drivers the word should get around and we should not have any more problems.

Engineers Report

STORM SEWER SYSTEM

1. **2019 Storm System Improvements Project** – Improvements to the storm sewer system on 17th Street near Baumgardner Avenue and on 29th Street.
 - a. **Project Status** – Construction complete.
 - b. **Pay Request No. 3** – Pay Request No. 3 from James Excavating, in the amount of \$72,910.50, is pending approval by Borough Council.
 - c. **Change Order for Final Quantities** – James Excavating and the Borough agreed to have another contractor complete the paving repairs at the intersection of 29th Street and Jackson Avenue. Therefore, \$5,310, the cost of the repair, is being removed from James Excavating's contract. Final contract cost with James Excavating is \$168,486. A change order to verify the final quantities and contract times is pending approval by Borough Council.
2. **Asset Management Plan** – Mapping and geographic information system (GIS) database creation is complete and is use. Discussions with Manager Furmanchik about potential uses for the GIS database are ongoing.
3. **Municipal Separate Storm Sewer System (MS4) NPDES Permit** – Expires on March 15, 2023.

- a. **Stormwater Management Program** – Revisions to the SWMP to ensure consistency with the requirements of the MS4 Permit, have been completed. Implementation of the SWMP is needed to obtain compliance with the Permit.
- b. **2019/2020 Annual Status Report** – Submitted to PA DEP on September 30, 2020.

SANITARY SEWER SYSTEM

1. **Asset Management Plan** – Mapping and geographic information system (GIS) database creation is complete and is use. Discussions with Manager Furmanchik about potential uses for the GIS database are ongoing.

FLOOD PROTECTION PROJECT

1. **Flood Protection Project Improvements** – A letter of request for funding through the U.S. Army Corps of Engineer’s Section 313 Program was submitted in October. The request was for the removal of sediment from the debris basin on Paint Creek near 17th Street and the replacement of Levee Conduit Pipe No. 3 below 7th Street. The total estimated project cost is \$250,000 and, if awarded, the grant would provide \$187,500 towards the project. Award announcement date is currently unknown.

MUNICIPAL BRIDGES

1. 24th Street Bridge Improvement Project – Replacement of the 24th Street Bridge. Notice to proceed with design has been issued by PennDOT. Preliminary project tasks are now in progress.
2. South 22nd Street Bridge Improvement Project – Rehabilitation of the 22nd Street Bridge. Notice to proceed with design has been issued by PennDOT. Preliminary project tasks are now in progress.

DCED BLIGHT REMEDIATION GRANT APPLICATION

1. **Status** – The application for blight remediation funding was submitted in late July to DCED. The application was for funding towards blight remediation at 111 Railroad Street, 154 Recreation Road, 207 Railroad Street, 702 17th Street, 1809 Graham Avenue, and 2208 Graham Avenue at an estimated total project cost of \$65,000. If awarded, the grant would provide \$58,500 towards the project. Award announcements are expected in early 2021.

USDA COMMUNITY FACILITIES GRANT APPLICATION

1. **Status** – The application for funding towards a new police vehicle was submitted in early December to USDA. The total cost of the vehicle and upfit is \$47,700. If awarded, the grant would provide \$35,775 in funding. Award announcements are expected in early 2021.

Remarks

Mr. Holden commended Manager, Furmanchik and Borough Administrator Robin Gates for their tenacity and consistence in pursuing grants and money to move this borough forward. He said he knows the residents do not appreciate when we must raise taxes to pay bills, but they also do not realize how hard we are working to secure and/or find funding to drive this borough forward and to save money for the taxpayer.

Mr. Holden said by going after grants and monies for blight, police cruisers and stormwater management we are saving this borough tens of thousands of dollars.

Mr. Holden said he also commends Anson Bloom not only for the COVID-19 preparedness but also for the ongoing efforts to refine, improve and continue to fight this pandemic. It should be used across the state and country. If everyone did what they are doing, it would not be as bad as it is.

Mr. Furmanchik said as a manger you are only as good as the people around you and we have all the right people in all the right places. We have great people in place. Sometimes stones are cast, and Robin will tell you from him working out of that office there is a lot that goes in there every single day that people do not know about. He congratulates all our employees for stepping forward and we are proud of what we have going on.

Mrs. Gates mentioned how well the Christmas for Kids program is going. We have received so many donations and we are sincerely grateful. She also reiterated Mr. Furmanchik's words that we do have a great team of people who is always thinking outside of the box. We have had other municipalities call and ask us what or how we are doing things. She said Anson has done a great job with taking care of everyone by keeping the buildings and vehicles sprayed on a weekly basis.

Solicitor's Report

Albright Property - Attorney Green said Ms. Albrights attorney from Greensburg emailed the borough and said she had not retained him yet but would like two weeks. Attorney Green said we have been dealing with this for four years. He said once council approves a demolition contractor, he would like to give her another letter from Anson stating we are demolishing the building on such and such a date, so we cannot be accused of lack of due process.

Mr. Holden said he does not see a problem with that, but does she need to have some type of escort to clean out the property. Attorney Green said he has not been in the property, but Mr. Furmanchik and Anson have. The best way he can describe it is it looks like someone pushed junk in there with a bulldozer. He really does not believe there is anything of value in the house.

Mr. Bloom said because it is condemned, if she violated the order, then it is technically borough property at this point and it would be trespassing. Unless there is something of value in there that could be safely obtained, she would have to be escorted by a police officer or himself or both. He does not know if it is structurally sound to go in there and start moving things. Once you go in there and start moving things then you are subject to collapse because the building has settled as is.

Mr. Furmanchik said the last time he was in there was at least three years ago and as you walked on the floors you could feel the floors move under your feet kind of like standing on a trampoline so he could just imagine how bad it is now from that point. It looked like someone ransacked the place.

Mr. Furmanchik said it was decided in court three years ago that the property was to be cleaned out. Attorney Green said yes it was to be cleaned out and the judge asked him to put an agreement together and it was never signed. He believes it is over and has been at least three years since the property was condemned. We have given her 30 days to remedy the situation we will move along and give her a heads up on that and file a municipal lien afterwards.

Mr. Furmanchik said we must move forward with safety first and foremost. Mr. Holden sked what the status was of the garage. Mr. Bloom said it is a separate property and still considered structurally sound.

CODE ENFORCEMENT/ EMERGENCY MANAGEMENT - YTD REPORT

Follow Up:

1809/1811 Graham Ave. (Albright)- The property can be demolished on December 04, 2020, as per the previous order and certified letter. Ms. Albright has reached out to the law firm of David A. Colecchia and Associates out of Greensburg, PA. This matter has been forwarded to the Borough Manager and Borough Solicitor.

2804 Graham Ave. (Windber Builders)- Property is to be taken care of by Frank Diloreto, currently monitoring for compliance.

Rear 2208 Graham Avenue - I have spoken to the property owner; the structure has been condemned and vacant for a significant period. He stated he was under the impression that he could no longer touch the structure. I asked why he did not reach out to me and advised him that he needs to repair the structure or demolish the structure immediately. He advised that he will be repairing the structure. I will monitor for compliance.

Barry Jerley is installing an LED Sign in his lot at the corner of 18th and Graham Avenue. This project meets the zoning requirements, and a permit has been issued.

Eureka Store is continuing with renovations, the current plan is to fix and replace windows, as well as, painting the outside.

Mansion - Violations and a certified letter are being drafted regarding the mansion. We are well past the compliance window. The next step is to issue multiple citations and to proceed with the request for demolition through the legal system.

205 cases have been handled by the Codes Office, only 6 remain open and monitored for compliance. I am currently working on developing a new case load record keeping and retention system, along with a simplified report for meetings, this will be put into use for the 2021 calendar year.

Permits YTD: Zoning 23, Demolition - 3, Land Use - 15, Special Use - 3, Floodplain - 1, Residential Building - 9, Commercial Building - 1, Conditional Use - 2

Due to the increasing COVID cases in the Borough, contact has been limited to immediately necessary or life safety only. A soft contact approach is being maintained for much of the operation. The Codes Vehicle has been repaired and will resume normal daylight operations.

COVID Directives have been issued to safeguard employees and citizens.

To mitigate potential COVID-19 exposures, the Windber Fire Department was tasked with the DECON of Windber Borough Facilities and equipment. This request was brought forward by Windber Borough EMA This occurs every Friday and includes the Administrative Offices, Community Building, Public Works, and the Windber Police Department. The DECON includes the facility, equipment, and vehicles. Recently the Department has extended these services to the Windber Water Authority and the Conemaugh Twp. Police Department. There will be some discrepancies with the attached reports, due to incomplete reports at the time of this report.

To Date Northern EMS has handled approximately 80 calls meeting the COVID Criteria, the Fire Department has handled approximately 36 incidents requiring DECON due to COVID-19. This is a challenging and demanding time for Public Safety Agencies, crews are working non-stop to ensure the safety of the residents, commuters, employers, and employees of Windber Borough.

In the last four days they have handled 20 plus. There is a real surge with calls right now. This does not mean they are COVID positive, it means they are suspected of being positive or are positive being off the test. Right now, if you have any of the symptoms it tags out as a COVID response and therefore requires a fire department decon. When this report was put together a few days ago we are at 412 calls and we are already up to 433. Thirty six of those incidents were decon related and we are now at 50 plus. Just in a week's time our numbers continued to skyrocket. This being the push to go into a soft lockdown because he sees the COVID more than anyone else. Cases are on the rise and hospitals constantly on divert, and being overrun, so it was a good time to be on the forefront of things and put safeguards in place to limit the spread and protect the people.

To Date the Windber Fire Department has handled approximately 419 calls for service, this includes 34 building fires and 7 motor vehicle accidents with entrapment. 240 of those calls were within Windber Borough. Northern EMS has handled approximately 1,800 calls for service.

EMA- Funding reimbursement for COVID-19 related expenses is still awaiting PEMA acceptance and reimbursement of funds. This project remains open due to the continued need for COVID-19 related items. It is important to maintain our Disaster Declaration and leave it open, as the COVID-19 pandemic continues, and additional expenses are anticipated.

Mr. Bloom said he was notified by the redevelopment authority that they did receive the COVID-19 Funding. The amount \$54,977. He also got notification for the COVID Relief Grants he put in for so all total to be received for the fire department next month

will be \$80,319 and Northern EMS will receive \$13,670. He said that means a lot because of the inability to do fundraising. A lot of people helped, and he appreciates it.

Mr. Holden said that is awesome. Mr. Furmanchik said if anyone knows of anyone who is well versed in the operation of snow plowing reach out to them and ask them if they are interested in being part of our call list.

Schrader Resignation A motion was made by Mr. Holden and seconded by Mr. Bryan to accept Officer Daniel Schrader's resignation from a position of a 32/39-hour officer to a part-time officer for Windber Borough Police Department as of December 13, 2020. Remarks: One absent, Mr. Mash. Motion carried.

Approval Officer Hayes A motion was made by Mr. Holden and seconded by Mr. Pallo to approve Robert Tyler Hayes as a 32/39-hour police officer for Windber Borough Police Department. 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.

Sick Leave Policy A motion was made by Mr. Bryan and seconded by Mr. Gallina to approve the Emergency Sick Leave Policy for Windber Borough (with regards to Covid-19). Roll call vote: Mr. Bryan, yes; Mr. Gallina, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Approval Change Order A motion was made by Mr. Bryan and seconded by Mr. Holden to approve the 2019 Storm System Improvement Project Change Order No.1, increase of \$8,474.75 for a total contract price of \$168,486.00. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Approval Invoice A motion was made by Mr. Spinos and seconded by Mr. Holden to pay Laurel Asphalt in the amount of \$5,310.00 for paving at Jackson Avenue and 29th Street, under the 2019 Storm System Improvement Project. 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 Invoice A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve the 2019 Storm System Improvement Project contractor's application for payment number three in the amount of \$10,504.80. Roll call vote: Mr. Spinos, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Gallina, yes; Mr. Holden, yes; Dr. Ledney, yes; and Mr. Mash, absent.

Approval General Fund Budget A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the year 2021 General Fund Budget in the amount of \$1,734,422.41. Roll call vote: Mr. Holden, yes; Bryan, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Approval Sewer Fund A motion was made by Mr. Bryan and seconded by Dr. Ledney to approve the Year 2021 Sewer Fund Budget in the amount of \$225,291.12. Roll call vote: Mr. Bryan, yes; Dr. Ledney, yes; Mr. Gallina, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

- Tentative Approval Liquid Fuels Fund** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the Year 2021 Liquid Fuels Fund Budget in the amount of \$148,651.51. 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 Advertise Millage** A motion was made by Mr. Bryan and seconded by Mr. Holden to approve to Ordinance No. 2020-3 Levying a tax of 18.92 mills for the Year 2021. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. Gallina, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
- Approval Demo Bid** Three quotes were received for demolition of the house on 1809/1811 Graham Avenue. Roaring Fork Excavating, - \$11,000, Sulosky Excavation - \$10,642.50, Leckey's Demolition – \$7,200.00.
- A motion was made by Mr. Holden and seconded by Mr. Spinos to approve the quote from Leckey's Demolition in the amount of \$7,200 to demolish the property at 1809/1811 Graham Avenue. Money to come from the Capital Improvement Fund. 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. Motion carried.
- Next Meeting** Next council meeting will be January 12, 2020 at 7:00 p.m.
- Adjourn** Meeting adjourned by Council President, Mike Bryan at 8:15 p.m.

Respectfully Submitted By:

Robin S. Gates,
Administrative Assistant

