

## **Borough Council Regular Meeting February 9, 2021**

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

Pledge of Allegiance.

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

**Approval Minutes** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the Minutes of January 12, 2021. Mr. Gallina was absent. Motion carried.

**Recognition Visitors** Matt Grohal, Windber Area Authority Manager was present through video conferencing. Mr. Grohal said they had their boiler inspection last week and they failed. The second boiler back in is leaking significantly. They need to replace the boiler. He received the following quotes:

- |  |          |
|--|----------|
| 1. Paros Plumbing, Heating, & Air Conditioning | \$8,900  |
| 2. Laurel Management Company                   | \$10,130 |
| 3. Marc Services                               | \$8,900  |

Mr. Grohal said Knisley and Sons were there this afternoon and he will have their quote tomorrow. Two of those companies said it would be six to eight weeks to get the boiler in and therefore we need to get it ordered sooner rather than later.

Mr. Holden asked if they can still run the second boiler? Mr. Grohal said yes but Marc Service seemed concerned about it today especially if the temperatures would drop.

Mr. Holden asked if there was an alarm system on there in case it would go down and no one was there. Would it cause additional damage to pipes, etc.? Mr. Grohal said he did not know the answer to that, he would say not.

Mr. Furmanchik said the worst thing you can do is let a boiler run dry, if you have a significant water leak in it and it is not automatically fed. He said that building can limp along on one boiler like that, but it will put strain on it. What is concerning to him is that both boilers are around 20 years old and you need to replace one and the second is probably not far behind. Mr. Holden agreed saying especially if you are now putting strain on the second one.

Mr. Pallo asked if boiler insurance covers the community building or is that just for the borough office? Mr. Furmanchik said boiler insurance only covers something if there would be four inches of water on the floor and the boiler malfunctioned. Just for normal age and wear and tear it does not cover that.

Mr. Bryan said our capital improvement fund has \$23,863.65 and we also have a line item 409.430 in the General Fund for Community Building repairs in the amount of \$2,000 budgeted.

Mr. Holden said that will not even pay for half. Should we split the cost now on one or should we buy one boiler, and they buy one boiler. Mr. Furmanchik said if we are lucky the second boiler will not go down this year and we can review it next year.

Mr. Grohal said he does not really have a suggestion obviously they would like to use the borough's money. They have a bunch of money tied up with a grant writer and he knows the borough is also tied up, but we need to get this purchased sooner than later.

Mr. Furmanchik suggested we have our attorney's get together and produce a document that will say who is responsible for what and settle on a percentage for when these things come up. Mr. Grohal said he would be agreeable to that. With an agreement you would be able to move in an expeditious fashion. Mr. Grohal said council needs to budget more than \$2,000 also because things are getting old and worn out and must be replaced. Mr. Furmanchik said we had to cut back also because we had to add a 1 mill tax increase this year.

Mr. Bryan reviewing the WMA minutes he saw that they are sitting on around \$118,000 and he knows they have projects in the works. As he stated up front that our capital account has \$23,863.65 in it. In light of that, there has to be some consideration of facilities use in generating revenue and putting some of that back into maintenance not just programing. Mr. Grohal said he agrees, and they have done their fair share in putting that back in. His crew and himself have busted their butts to develop the programs they have today.

Mr. Furmanchik asked council if they agree to produce a document, so everyone knows where percentages are down the line. Mr. Pallo said that will save some animosity in the future. Dr. Ledney also agreed. Attorney Green said he should be able to hammer something out with their solicitor, but he would be looking to council for a percentage as in 50/50 or 30/70 or what makes the most sense.

Mr. Bryan asked if there were a motion or are, we going to wait for one more bid. Mr. Furmanchik said Paros is going to be tough to beat. He said we can wait until tomorrow and then do a phone vote once the last quote is in. Mr. Furmanchik said the Capital Improvement Fund pays for building expenses such as flooring, shed garage doors etc. Only place to support this is to take it from Capital Improvement and the \$2,000 from the General Fund.

Mr. Grohal said he would be happy if we met in the middle and that is what he is going to take to his board next week. Mr. Pallo said we are looking at a total of \$4,450.00. \$2,000 would come from General Fund and \$2,450 from Capital Improvement Fund. Mr. Heinrich said lets go with 50% and we'll take it to our board.

A motion was made by Mr. Bryan and seconded by Mr. Holden to approve paying 50% of the cost of the boiler. \$2,000 would come from General Fund and \$2,450 from the Capital Improvement Fund. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. Gallina, absent; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Mr. Grohal asked how council would like him to proceed with regards to a contractor once he receives Knisley and Son's quote tomorrow? Council discussed the fact Paros and Marc Services quotes were the same. After discussion, a motion was made by Mr. Holden and seconded by Mr. Bryan to approve Paros Plumbing and Heating in the amount of \$8,900 if Knisley and Sons quote is more than Paros Plumbing and Marc Service quotes.

## **Correspondence**

1. Windber Public Library Association Minutes of January 20, 2021.
2. Thank you, recognition from the U.S. Census 2020.
3. Windber Municipal Authority's November 16, 2021 Minutes.
4. Windber Area Authority Minutes of September 9 and December 9, 2020 meetings.

**Approval Payroll** A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve payroll for January 15 and 29, 2021. One absent, Mr. Gallina. Motion carried.

**Approval Bills** A motion was made by Mr. Pallo and seconded by Mr. Holden to approve bills for January, 2021. One absent, Mr. Gallina. Motion carried.

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

## **Council Liaison Reports**

**Holden/Library** Mr. Holden said he attended the library's meeting on January 20, 2021 and those minutes and financial information were enclosed under correspondence. Right now, they are scraping by and moving forward best they can.

There were no other liaison reports.

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

**Manager's Report** **22<sup>nd</sup> and 24<sup>th</sup> Street Bridges** - After numerous conversations with PennDOT, regarding intervention on the 22<sup>nd</sup> Street Bridge project by the State Historical Preservation Organization, District Executive Tom Prestash reached out to me stating that everything in his power would be done to proceed as planned. I have a February 24<sup>th</sup> Zoom meeting with EADS and PennDOT regarding the 22<sup>nd</sup> Street bridge project.

**RACP Grant** – I have been busy reaching out to and being contacted by consultants and engineering firms, as well as being involved in conference calls with representatives of the office of the budget. We have had two extensive meetings with RACP Representative Diana Phillips. A teleconference with Borough representatives, our grant writer, and Somerset Trust Company, took place on February 4<sup>th</sup>. Both meetings were about two hours long. Both were informational especially the one on the fourth. When we left that meeting, we knew we were exactly where we wanted to be and there was extreme clarity in the fact that we had to show a revenue stream from our local government in regard to preparing the economic impact analysis.

We were aware of the fact we would have to have a long-term loan of around \$250,000. Its okay to have some debt if you have the revenue stream to support that and by having the operation of the completed ballroom, we can pay that debt. We can arrange it that we have a situation for a rapid pay down and in creating revenues we could possibly delay tax increases for a long time.

In continuing Mr. Furmanchik's discussions with consulting firms (consulting firms being grant managers) you must enter the RACP Grant procedure with a grant manager because of how the grants must be prepared.

Mr. Furmanchik said Michael Borza is an interesting individual because he has done consulting work on the front end and the back end of the RACP Grant. On the front end he has represented municipalities as the grant manager and on the back end he has worked for the Office of the Budget's RACP Program as a third-party consultant. Once we get into that area of the grant procedure, we will receive a third-party consultant from the state at no charge.

In dealing with Michael Borza, he is an individual of integrity. After the phone call he asked Diana Philips if we have a consultant who is currently assigned to an RACP award is there a way to have him come work for us and she said yes simply let us know and we will assign another consultant to the other award. Mr. Furmanchik said he mentioned that to Michael Borza the next day and he still felt uncomfortable with it even if it is allowed there may be some conflict.

Mr. Furmanchik said if you have someone to address phase one, which is completing the 22-tab business plan application, economic impact analysis and act as the official representative of the RACP Business Plan by communication and activity with the grantee (PA Office of the Budget), and the third-party consultant. With that in mind Mr. Furmanchik said he has a different approach and recommendation.

Mr. Furmanchik has had extensive communication with the following, regarding submission of proposals.

Consulting Firms (to guide and handle the entire RACP proceeding)

1. Commonwealth Consulting Partners – Pittsburgh- Proposal – three-month retainer fee, \$3,000 a month for 10-month term.
2. Michael Borza Consultants – Glenshaw – not submitted.
3. Kathryn Quinn with Aspire Grant Development – Somerset – Proposal - \$1,500 a month retainer fee and 12-month term.
4. Travis Hutzell and Associates – Johnstown – Proposal -\$10,000
5. ESI Consulting – Philadelphia – Proposal - \$20,000
6. Patrick Meese – Harrisburg – Proposal – not submitted.

Mr. Furmanchik said Travis Hutzell was the fellow who prepared the RACP Grant for the borough and his associates are some of the people who took part in the meeting with us. They were Richard Burkett, Director of the Historical Association in Johnstown, Attorney, Lou Crocco, Johnstown, Tom Simmons who worked as the Chief of Staff for Senator Wozniak's Office and Emily White. Tom Simmons, Emily White and Lou Crocco are involved with a consulting firm out of Harrisburg and have showed willingness to work with Travis Hutzell.

Travis feels very strongly that it would not take a full 80 hours and he will be doing this above board while he works for the United Way.

Mr. Furmanchik recommended Travis Hutzell to be our grant manager and allow him to get us to the point where we will be involved with a third-party, free of cost consultant appointed to us by the Office of the Budget. Anson and Robin were adamant they would do everything they can to work with this individual to make the project a success.

Michael Bryan said he has participated in several conference calls with Travis Hutzell and upon looking at all the proposals that have come in Travis does have the confidence and has created the original document that put us on this course. A lot of this will be repetitive. We also have the hotel study from the Economic Development Committee which encompasses a great body of the work and will be included. Travis will help take this forward. Mr. Bryan said he throws his support behind Travis.

Dr. Ledney said he was also on those calls and he agrees after reviewing his proposal along with the 80 hours and his price will give us the most bang for the buck. Everything was explained on the calls and he supports Travis also. Mr. Holden said he supports everyone's comments, and Travis has a vested interest in the project. Travis has been nothing but professional in all the conversations and interactions we have had with him. He supports Mr. Furmanchik's recommendation of Travis Hutzell to be our consultant on this RACP Project.

Mr. Pallo asked how long it would be until Travis would be able to start. Mr. Furmanchik said they are waiting on a letter of acceptance from the Office of the Budget and then they will give us a username and password which he will give to Travis to get into our documents and complete our work.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve Travis Hutzell and Associates of Johnstown to be appointed the consultant for the RACP Grant. Roll call vote: Mr. Bryan, yes; Mr. Pallo, yes; Mr. Gallina, absent; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Spinos, yes. Motion carried.

Mr. Furmanchik said in continuing he has had conversations with the following engineering firms:

Engineering Firms (to be our engineer of record and serve as project engineer)

1. CJL Engineering - Johnstown
2. EADS Engineering – Somerset
4. East Hills Engineering – Windber
5. H.F. Lenz – Johnstown
6. Stromberg/Garrigan & Associates - Somerset
7. Stiffler and McGraw – Hollidaysburg

Mr. Furmanchik said CJL Engineering and Stiffler and McGraw backed out last week. He has not heard anything from Stromberg/Garrigan & Associates. He did speak with Keith Gindlesperger from H.F. Lenz and they are asking that we extend the submittal for engineering firms until the next meeting.

Mr. Furmanchik said we can have our second meeting of the month which would be February 23, 2021 and hold that meeting just for appointing an engineering firm. Council agreed to hold a second meeting.

Mr. Furmanchik said the first thing the engineer will do is the schematic design, design development, the contract document, bid documents, preparation of the ad for the paper and bid packets. Another large chunk is actual construction administration from the beginning to the end of the project. You could've just chosen the engineer of record and when you bid it out you could've let your contractor or developer have their own architect and engineer, but he believes that would be redundant and a duplication of services. It is better to have one engineer oversee the whole project from start to finish.

Mr. Bryan said we have had two meetings of the Ballroom Committee and we have had discussion formulating proposals to present to council. John Holden, Dr. Ledney, Travis Hutzell and Robin Gates has sat in along with Josh Miller, John Venzon and Matt Grohal. As we are working through the specifics of the grant manager and now the engineer, there are things that will be discussed in detail and then the decision is gathered and brought here for council's approval. This is so those who are not part of that committee have an overview of what is going on as we are chipping away at this progress without bogging you down with the things we are doing at that level.

Mr. Bryan asked council if they are comfortable with the committee doing this so they can bring council the big money decisions, how it is working out, and the areas we can save and make those money decisions, and vote on them? Mr. Pallo said he is okay with the cliff notes.

Mr. Furmanchik said he will pass the proposals for engineering firm to council before the next meeting so they can review them in plenty of time.

**SRO** – As you recall, Vince Mock resigned early into the current school year. Originally, he was to be replaced by retired State Police Officer, Brian Fochtman, through the efforts of the School District. Apparently, Mr. Fochtman has changed his mind and will not pursue that opportunity. Chief Frear is working with the School District to have coverage.

**GIS Training** – This training, which will work hand in hand with the mapping system that EADS has prepared, will tentatively take place on March 2<sup>nd</sup>. The session will take place at our office and will include our public works and office staff.

**Intersection of 19<sup>th</sup> Street and Route 56** – I was contacted by Penn DOT on January 22<sup>nd</sup> and they showed sincere interest in extending the medial strip and catch fence at this location. They requested letters of support from WPD, WFD, EMS, EMC, and me. The letters were sent to them on January 29<sup>th</sup> and I am awaiting their decision.

**Officer Greg Hall** – I have had a few conversations with Chief Frear about Greg Hall's gear. I believe and the Teamsters agree that we should at least have our weapon and keys back ASAP. Chief Frear asked Hall for his keys and weapon on February 3<sup>rd</sup>, to which his response was that we would hear from his attorney. With that in mind, Attorney Green will now prepare a letter to Hall requesting the return of our property. If hall is not compliant, in the given amount of time, action will be taken through the magistrate's office.

**Cable TV Contract** – The current Comcast Cable franchise agreement, which expired on 1/23/2021 is on the agenda of the February meeting for your consideration. The new agreement will be in effect for ten years from the date of ratification. Windber Borough currently receives 5% of the profits which comes strictly from video service and does not include phone or internet service. Comcast is looking into possibilities to include first responders service for free. Attorney Green and I agree that the agreement is “iron clad” and there is virtually nothing to be negotiated.

**Motor Vehicle Accident** – As you are aware from my February 3<sup>rd</sup> email, there was an accident involving the Borough’s dump truck and a parked car. A settlement has been made with the owner of the parked car.

**Quasi-Centennial** – Mr. Furmanchik said he spoke to Robin about the situation with COVID-19. With the new variants coming to light now, there is a possibility it could linger into 2022. With that in mind to have a full celebration requires a lot of spend. His thoughts are we reel in and take a minimalist approach and scale the Quasi-Centennial back in conjunction with the Miner’s Memorial Coal Heritage weekend.

Mr. Bryan said he thinks that is prudent and a lot of people saw that even the music festival downtown that AmeriServ throws has been pushed back to October and they are crossing their fingers as to what will happen. This is reasonable to try and piggyback the Miner’s Day Celebration next June. Mr. Furmanchik said it all revolves around spend. The town deserves it, but we will just dial it back.

**RACP Grant** – Mr. Furmanchik said in regard to involvement with a financial institution documentation will be required through DCED that can only be handled by a bonding agent. Attorney Green is going to take care of that for us.

Mr. Furmanchik said he tried to think of a way to scale back to one financial agreement to save money for the bonding agent’s commission. Unfortunately, you must have two bank agreements. For this project to qualify for one million dollars it must be termed what is called a two million project. That two million dollars comes from a \$1,070,000 appraisal of the Recreation Park property and a one-million-dollar short term bridge loan. You cannot use a long-term financial agreement to be considered part of the two million project.

With that being understood you have no choice but to have the bonding agent prepare the documents to DCED for two different arrangements. Attorney Green said he spoke to bond counsel this afternoon and he said he will do it for a percentage fee not a transaction fee and he can usually do these things for about 3%, which would be around \$37,500. That would include all the fees, solicitor’s opinion, bond counselor’s opinion, all the documents, and advertising.

Mr. Bryan said what we are trying to accomplish in taking out the one-million-dollar line of credit and using the backing of our property as a match is doing a one-to-one match. What we are spending and what is going out closely resembles what is being reimbursed. What is not being reimbursed is what Mr. Furmanchik talked about earlier, the long-term loan of 20 years. That is why we are figuring out how we are going to pay for it and that is to use the asset of the ballroom to take down the debt of the loan. The substantial component is the long-term loan that we have to pay for, and the functions held at the ballroom will pay back that debt.

Attorney Green said there will also be interest on the loan, but it should not be that much because we will receive an invoice from a contractor and pay the contractor. Then we submit that invoice to the Office of the Budget and they reimburse us in approximately 30 days. The million will be gone and paid off by the grant by the end of the project.

Mr. Furmanchik said this is incredibly involved and it will all come together, and we are focusing our sites on construction in January 2022. Mr. Bryan said WMA will be able to rent out the ballroom this summer up till October for events. Next year they will not be booking the ballroom due to construction.

Mr. Furmanchik said transaction of the ballroom will be handled by the borough office and a calendar can be shared with Matt. Mr. Furmanchik said Windber Fire Department should also be the one to create revenue with beer sales at the park. To stay in existence, we must support our fire department. Mr. Bryan agreed. He said to create economic development it is critically important to have a fire department in Windber Borough to which will attract interest of anyone looking to move in or start up a business.

**Solicitor's Report**

Attorney Green said he has a personnel matter which will be discussed in executive session. He said in order to put the municipal lien on the Albright Property he has to give her 30 day notice that she can repay it if she wants. She has yet to accept his certified mail. He will take that letter to Robin at the borough office and have it posted on the property.

**Codes/ Officer**

The borough facilities have resumed normal operations as of February 1, 2021. The doors are open to the public, cleaning, and disinfecting policies remain in place. The public is still required to wear a mask on entry. Meetings need to remain virtual until further advised. Facilities will be DECONNED upon request and no longer scheduled.

Certifications - February 9, 10, 11, 2021 - I will be attending virtual training for EMA I will be finalizing my Professional Level Certification; this is as high as you can go in the Local EMA Sector. April 12 thru the 18th, 2021 - I will be attending and completing Inspector 3 Training and Certification. The goal this year is to obtain my Residential Building Inspector Certification as well as Zoning Officer certification.

The new computer software is in, I was able to obtain this software for free through the Pennsylvania State Fire Commissioners Office. This software will streamline my operations and you will get more detailed reporting starting next month.

PEMA/FEMA Reimbursement: Is expected to be completed and into FEMA by February 19, 2021. Unknown date on payouts but we have been assigned a caseworker, so the process is finally moving forward. The amount or date of reimbursement has yet to be decided.

1701 Veil Avenue - Citations will be filed on 2/6/2021 for non-compliance. Citations will be issued under 099-5, and 2012-5.

Mansion - Their final certified letter requesting compliance has been issued. Citations are pending and I am anticipating another lengthy legal battle.



The letter is specific to requesting immediate compliance with structural stability and general appearance or a complete demolition of the structure. No further waivers or provisions will be granted, it is all or nothing at this point.

Permits to date; Zoning (1), Residential Building (1).

**Fire/Dept.** The ISO review was done for the fire department. Mr. Bloom said when Bob Haddad and he took over, the focus has been on ISO because ISO solidifies the fire department. We talked about fundraising and the need for funding but sometimes you hear a taxpayer saying all his money goes here or there. ISO gives money back to the taxpayers because it reduces their insurance rate and obviously, the monies they must pay in.

Mr. Bloom said when we started this, we were an ISO 6 and with a little bit of administrative change we went to a five. We agreed to get a review and then moved to a four. When we agreed to the money for the rescue and with the additional line item from the borough the agreement was to go to a three.

Mr. Bloom believes with the certifications he has obtained, and the department has obtained and with the addition of the full-time code's office and upgrade of the 911 center he honestly feels we will become a two because we were only two points off a three-last time. We have made subsequent changes in our operational policy. One of the things that helps us is our training and certification which carries a lot of weight. They were impressed with our average response time of putting a rig on the street in a minute and 10 seconds.

If we go to an ISO 2 the plan is to have a big media release because an ISO 1 is the best you can get and is nearly impossible for a borough our size. An ISO 2 is really hard to obtain and is kind of unheard of in a combination department. Three is significant but two is a significant accomplishment. We will not hear back from ISO for a couple of months yet.

There has been significant improvement between the code's office, the fire department, the 911 center and the Windber Area Authority and all these collectively go into this pot and we are obviously on the right track.

Mr. Bryan congratulated Mr. Bloom and the fire department on all their hard work. Mr. Bloom said as you are trying to market the borough and make things more attractable and your fire department is sitting here with a Class 2 it speaks volumes for business owners. If I am putting my business into a community, I want to know I have reliable and certified fire protection and not just your average protection. This is a selling point to help your economic development move forward.

**Approval Resignation** A motion was made by Mr. Bryan and seconded by Mr. Pallo to accept the resignation of Jeffrey Meden as a 32-to-39-hour part-time officer position with Windber Borough Police Department. (Jeffrey will remain with the police department as a part-time officer) One absent, Mr. Gallina, motion carried.

**Approval Cable Agreement** A motion was made by Mr. Bryan and seconded by Mr. Holden to approve the Comcast Cable Franchise Agreement Proposal (10 year). Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. Gallina, absent; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Council convened to an executive session for personnel at 8:29 p.m.

Council reconvened from an executive session at 8:43 p.m.

**Next  
Meeting**

Next meeting date will be February 23, 2021 at 7:00 p.m.

**Adjourn**

Meeting adjourned by Council President, Mike Bryan at 8:45 p.m.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant