

# Borough Council Regular Meeting March 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, Ron Mash, Joe Pallo, and Jim Spinos. Pino Gallina was absent and Dr. Ledney joined the meeting at 8:00 p.m. James Furmanchik, Borough Manager, Mayor, Mike Thomas, and Attorney Joe Green were present through video conferencing.

**Approval  
Minutes**

A motion was made by Mr. Pallo and seconded by Mr. Bryan to approve the Minutes of February 9, and 23, 2021. Two absent, Mr. Gallina and Dr. Ledney. Motion carried.

**Visitors  
EADS**

Vinny Paczek from EADS Engineering said Manager Furmanchik contacted him specifically, to prepare an engineering agreement to provide engineering services for the 17<sup>th</sup> Street Storm Improvement project. The borough has received Community Development Block Grant (CDBG) money through the Somerset County Redevelopment Authority for the project.

Mr. Furmanchik reminded council we discussed in the past the use of \$221,000 in CDBG funding. Somerset County Redevelopment Authority told him if the project does not move forward this year, we could lose a portion of those funds. We need to take advantage of a quarter of a million dollars by obtaining the engineering services through the borough to allow the project to move forward and not lose the funding.

Mr. Paczek said we are looking at 17<sup>th</sup> Street between Somerset Avenue and Railroad Street where the road curves. We are talking about replacing the storm sewer that runs perpendicular to 17<sup>th</sup> Street through the alley and then it ties to an inlet right inside the railroad. From that inlet, that we would not be replacing, it goes through a pipe that goes under the railroad through the levee and out to the stream. We will also replace an L-Shape back towards Somerset Avenue from that inlet.

Mr. Paczek said we met yesterday with Windber Public Works along with two representatives of PennDot to go over what their requirements would be for the state road. To put concrete curbing on the road, PennDot requires we pave two feet out from the curb into the roadway and if that concrete curbing intersects where a sidewalk meets the roadway, we will have to put in an ADA compliant sidewalk ramp.

**Windber Borough, Somerset County, PA 17<sup>th</sup> Street Storm Improvements Preliminary Cost Estimate**

<b>Item Description</b>	<b>Quantity/Unit</b>	<b>Unit Price</b>	<b>Total Price</b>
1. Mobilization	1 LS	\$5,000	\$ 5,000.00
2. ADA Compliant Sidewalk Ramps	4 EA	\$7,000	\$28,000.00
3. Concrete Curb	950 LF	\$ 70	\$66,000.00

4. Storm Sewer	450 LF	\$ 100	\$45,000.00
5. Storm Sewer Inlet Box & Grate	5 EA	\$5,000	\$25,000.00
6. State Roadway Restoration	235 SY	\$ 110	\$25,850.00
7. Municipal Roadway Restoration	100 SY	\$ 90	\$ 9,000.00
8. Unpaved Restoration	70 SY	\$ 10	<u>\$ 700.00</u>
	<b>Construction Sub Total</b>		<b><u>\$205,050.00</u></b>
	10% Contingencies		<u>\$ 20,505.00</u>
	<b>Estimated Total Construction Cost</b>		<b><u>\$225,555.00</u></b>

The Borough has approximately \$221,000 in CDBG funding. The Redevelopment Authority will also have some associated costs. They will provide inspection, bid the project, assist with the preparation with the front-end specification and provide the inspections, so EAD's will not have to do that.

The Redevelopment Authority had targeted construction at around \$205,000. We can set up a bid alternate with the curbing from the intersection of the alley and 17<sup>th</sup> Street toward Railroad Street. That half of the curbing we could set up as an alternate, that way if the bids come in high, we can remove it. The curbing on that side of the intersection is less critical than the curbing between that intersection and Somerset Avenue. That will give us flexibility when we open bids to keep the construction budget within what the Redevelopment Authority can pay for. Council can adjust if the bids come in lower or they can kick in some additional funds towards the project.

The engineering provided to Manager Furmanchik today includes an engineering design amount of \$12,900, \$4,500 highway occupancy permit and \$2,300 for time and materials for a total of \$19,700.

Mr. Furmanchik said when he initially spoke with Vinnie, we talked about a calculated project cost of \$235,000 and change? The total engineering cost would be \$19,700. In our discussion Mr. Furmanchik said we spoke about putting the pipe in the ground and the catch basins and coming back a year or two later if we were able to obtain more CDBG funding and complete the project. If you do not put curbing in now you would have to file a second time for a highway occupancy permit? Mr. Paczek said yes.

Mr. Furmanchik said the adjusted projected total cost of Mr. Paczek's second email stated \$225,000 and change. Initially with engineering costs, we were looking at \$34,545 out of pocket. The adjusted total puts us at around \$25,000. When the job goes out for bid it could possibly come in under the \$225,000 amount.

Mr. Furmanchik said the \$225,000 is on the table now. It may not be there a year or two from now. Council may want to consider an investment of approximately \$25,000 or less that could be taken from the sewer fund to complete the project this year. A quarter of a million-dollar project will cost the borough around \$25,000 and will greatly improve that area for our residents.

A motion was made by Mr. Spinos and seconded by Mr. Holden to proceed with the 17<sup>th</sup> Street Storm Improvements Project. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Gallina, absent; Dr. Ledney, absent; Mr. Mash, yes; and Mr. Pallo, yes. Motion carried.

**Visitors  
Dom  
Chippie**

Mr. Chippie asked council for help in paving the alley behind Rizzo's Restaurant. He said he had paved one alley before down towards Jackson Avenue.

Mr. Furmanchik said you cannot use Liquid Fuels money to pave alleys. That money is generated from fuel taxes over the borough roads.

He said this council has always been incredibly supportive of Windber businesses. There is no denying that Rizzo's is one of the most profitable businesses in the borough. They showcase the community with every person who goes there for dinner and every time we get to showcase our community it is to our advantage. Years ago, when Dom was paving the back parking lot he had equipment and the materials on site. There is an alley adjacent to the back of the parking lot that runs parallel to 22<sup>nd</sup> Street. Dom simply asked what he needed to do to pave the alley. He said he would pay for it and he did.

Mr. Furmanchik said in the 2021 budget, line-item number 438.800 which is for road and alley repair has \$3,000 in there that can be used for the alley. When the liquid fuels representative was in here Wednesday, he had him measure that alley way and we came up with a cost of \$6,226. If Mr. Chippie would be agreeable to it and council approves it, we could do a split of \$3,000 from the borough and \$3,226 from Rizzo's Restaurant.

Mr. Furmanchik said this is a business that attracts a lot of business to our community. It creates a rippling effect. The folks who have dinner at Rizzo's also support other businesses in town. So, it goes hand in hand. Its all about image and impression. People who come from Cambria, Blair and Somerset County for dinner exit the restaurant facility from the back door. All in all, it paints a much brighter picture of how we keep our borough. Mr. Chippie agreed to pay \$3,226 towards paving the alleyway.

A motion was made by Mr. Bryan and Mr. Holden to utilize the road and alley repair budget item number 438.800 in the amount of \$3,000 towards paving of the alley behind Rizzo's Restaurant. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. Gallina, absent; Dr. Ledney, absent; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

**17<sup>th</sup> Street  
Project**

Mr. Bryan said he wanted to make sure we were clear with moving forward with the 17th Street Project. Mr. Furmanchik said his understanding he got from the motion and the vote was we are moving forward with EADs taking point on the design and looking at spending approximately \$25,000 to go with a tentative project projected at \$225,000 that will include 450 feet of pipe, 5 catch basins, 4 ADA ramps, 5 driveway entrances and curbing on both sides at 8". Council agreed.

Mr. Paczek said prior to the next meeting he will have the preliminary design done and sit down with public works and refine the scope and have all that figured out to get the applications done and submitted by April.

**Correspondence**

1. Windber Municipal Authority Minutes of the January 19, 2021 Meeting.
2. Windber Area Authority Minutes of January 13, 2021 Meeting.

Mr. Bryan said so we are not duplicating efforts with WMA on the Municipal Authority's minutes they talk about fundraising, grants and having a year-around heated restroom at the lower end of the park. There is a possible tie-in there with the ballroom renovation project.

**Approval Payroll** A motion was made by Mr. Pallo and seconded by Mr. Bryan to approve payroll for February 12 and 26, 2021. Two absent, Mr. Gallina and Dr. Ledney. Motion carried.

**Approval Bills** A motion was made by Mr. Holden and seconded by Mr. Pallo to approve the bills for February 2021. Two absent, Mr. Gallina and Dr. Ledney. Motion carried.

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

### **Council Liaison Reports**

**Fire Dept./ Bryan** Mr. Bryan had a conversation with Chief Haddad regarding the fundraising efforts of the fire department. With the situation of Covid-19 fundraising has been difficult this past year. An online raffle has been utilized in some instances with respect to fundraising. He asked Mr. Bloom to speak on it pertaining to and the challenges and difficulties they are facing.

Mr. Bloom said basically it is like a square site, there is a host provider, and it is mainly online ticket sales and raffles. There is a lot of red tape to jump through because there are permissible activities that fire departments and 501C3's can participate in to generate funds.

Mr. Bloom said the platform for advertisement is social media. A lot of times in the beginning it was back and forth as to what was permissible, and some posts were taken down. All the content is shared accordingly. A lot of people have social media accounts, and he believes it is the way of the future and would like to see it stay. Will we get back into traditional funding? Maybe, right now there is no long-term plan or outlook as to when we can go back to maximum capacity. Right now, Facebook being the dominating site removes a lot of posts and it affects our sales. We have been successful online. A lot of times it is just bureaucracy and red tape. If the bill at the state levels do not get passed to improve these measures when the Covid-19 relief and declarations go away so does the ability to use this platform. Obviously, that would mean we go back to in person events.

The problem right now is basically Facebook with their censoring and over censorship is often affecting what we do. Mr. Bryan asked what the component is from the state legislatures to support the situation, Mr. Bloom just stated.

Mr. Bloom said from our local, regional, and county representation the effort is there. The hang up is politicians being politicians. Mr. Bryan asked if there would be anything needed from Borough Council that could help the Fire Departments fundraising situation? Mr. Bloom

said letters of support are always helpful, but he does not know if it will change the overall outlook at this point.

Mr. Bryan said he is under the impression that a push was needed to change things but obviously when it is at the level of Facebook that is above them to a different level. Mr. Bloom said the big problem with the online stuff is getting the permission to do this long term and that is obviously being discussed in House Bills. Censorship platforms they cannot change. Mr. Bryan said then anything from the House standpoint will help you by us supporting you. Mr. Bloom said yes.

### **Mayor's Report**

Mayor Thomas said he participated with the fire department in an Emergency Planning Meeting at the fire department on February 25, 2021.

Mayor Thomas said he was asked by a local boy scout working on his citizenship in the community badge to answer some questions for him. Mayor Thomas responded to him through email. He said it is nice to see the younger people taking an interest in local government.

### **Manager's Report**

**24<sup>th</sup> Street Bridge** – As you saw from my February 22<sup>nd</sup> email, EADS design criteria submission, for the 24<sup>th</sup> Street Bridge, was approved by PennDOT on 2/19/2021. EADS is currently preparing for the next submission, Line and Grade. The project is moving smoothly.

**22<sup>nd</sup> Street Bridge** - I took part in a Teams meeting on February 24<sup>th</sup> for the 22<sup>nd</sup> Street Bridge. The outcome of the meeting was my request for EADS to do an analysis on their findings and possibly adjust PennDOT's opinion, as you saw in the power point I forwarded to you on February 24<sup>th</sup>. In the PowerPoint, there are concerns, from PennDOT, about the historical prominence of the 22<sup>nd</sup> Street Bridge. I reached out to the State Historical Preservation Organization (SHPO), which is a branch of the Pennsylvania Museum and Historical Commission (PMHC). While engaged in alleviating concerns over this structure, I learned that the 22<sup>nd</sup> St. bridge was dedicated in 1930, was evaluated in 2007 for consideration to the National Historic Register but was declined. With that in mind, we will pressure the fact that it is a common structure, and it is a minor contributing element to the Historical District.

The Windber Museum and the Windber Fire Department have been asked to prepare letters of support to PennDOT. EADS will gather documentation and I have asked PennDOT's historical staff to research the matter further, with all parties hopefully proving that the need for total replacement, with a weight classification to handle emergency response and general service to the area, is indeed a true necessity.

**RACP Grant** – Travis Hutzell began the formal 22-tab application/economic impact analysis on Monday February 15. I am still waiting for the password and username from the Office of the Budget. Again, once we have that information, Travis will be able to submit his documents as required through the RACP process.

**Officer Greg Hall** – In your information packet for our February 23<sup>rd</sup> meeting, you saw the letter to Hall from Attorney Green along with Hall's response. Hall returned his weapon and keys to Chief Frear on February 18<sup>th</sup> at 1:00 PM. On March 3<sup>rd</sup>, Hall submitted two more doctor's return to work documents. I, Chief Frear, Mayor Thomas and Solicitor Green believe they are again insufficient. Attorney Green will prepare another mailing to Hall.

**GIS Training** – EADS representative, Vinny Paczek, explained this new technology to Borough employees on March 2<sup>nd</sup>, at our office. He also supplied a great deal of information to Robin and Dave, as to keeping our MS4 program compliant beginning next year and the years to come.

**COVID Vaccine** – As mentioned in my January report, I had discussion with Windber Medical Center about vaccinating Borough employees, as they are our front line to serve the public. Three out of four public works employees and our office staff agreed to the vaccination. Employee vaccinations began on February 27<sup>th</sup>.

**Spring Cleanup** - Requests for proposals have been sent to independent garbage haulers, with them being advised to have them at the Borough Office by March 12<sup>th</sup>. The actual event will take place on May 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>. With costs going up, I recommend we increase the permit fee to \$50 from \$45.

Council agreed to raise the cost from \$45 to \$50 for Spring Clean-up.

**Information Technology** – I believe that in today’s world especially, IT maintenance and care is ever so important. Arrangements are being made to bring in such a group and do an evaluation of our system and offer a proposal.

**Chan Soon-Shiong Medical Center** – I was contacted by their Chief Medical Officer on February 18<sup>th</sup> regarding ownership of Cambria Avenue, between 9<sup>th</sup> Street and 7<sup>th</sup> Street and 7<sup>th</sup> Street from the alley at the Windber Research Institute to the Murtha Breast Care Center. Research by myself and our staff shows conclusive evidence that Windber Borough accepted the section of Cambria Avenue in May of 2001. This information is on file at the Borough Office and the County Recorder of Deeds. There is no record of the Borough accepting 7<sup>th</sup> Street, above WRI. To that point, that section of 7<sup>th</sup> Street, above WRI, and its infrastructure is considered part of the medical campus.

**2021 Street Paving** – I have asked our public works foreman to develop a list of streets that would qualify for resurfacing, this year. Penn DOT’s liquid full representative was in Windber to measure prospective roads on March 4<sup>th</sup>. I will use his projected numbers and information to develop estimated pricing. As, always we will seek bids as early as possible, for the absolute best pricing. I will work to have options to Council, as soon as possible.

**Option # 1**

23 <sup>rd</sup> Street	Graham Avenue – Cambria Avenue	\$44,166.00
9 <sup>th</sup> Street	Jefferson Avenue – Lincoln Avenue	\$14,716.00
7 <sup>th</sup> Street	Jefferson Avenue – Lincoln Avenue	<u>\$13,584.00</u>
		<b>\$72,466.00</b>

**Option # 2**

23 <sup>rd</sup> Street	Graham Avenue – Cambria Avenue	\$44,166.00
4 <sup>th</sup> Street	Somerset Avenue – Park Avenue	<u>\$41,601.00</u>
		<b>\$85,767.00</b>

**Option #3**

Graham Avenue	4 <sup>th</sup> Street – 7 <sup>th</sup> Street	<u>\$95,596.00</u>
		<b>\$95,596.00</b>

Total amount of Liquid Fuels funds available is \$87,990.00. A motion was made by Mr. Holden and seconded by Mr. Pallo to approve Option #2 23<sup>rd</sup> Street from Graham Avenue to Cambria Avenue \$44,166.00 and 4<sup>th</sup> Street from Somerset Avenue to Park Avenue \$41,601.00, for a total of \$85,767.00. Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. Gallina, absent; Dr. Ledney, absent; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

**Streetlights** – With the weather breaking, I have asked WPD to check for street light outages, while working the second and third shift. They will retrieve pole numbers and nearest address and turn them over to the Borough clerk to contact Penelec. If residents report a street light outage to you, kindly ask them for the same previous information and have them contact the Borough Office. This is just a small step in the best interest of safety.

**DCED Grant** – The current grant application round for the Department of Community and Economic Development’s Flood Mitigation program is now open. Submittals will be accepted between February 1<sup>st</sup> and May 31<sup>st</sup>. If you remember we have previously applied for this funding without success. Without a doubt, this opportunity fits our needs better than any other grant opportunity and is exactly what we need to remove sediment and debris from the retention basin within the flood control project that is in close proximity to 17<sup>th</sup> Street. Projects cannot exceed \$500,000 and there is a 15% match, which attorney Green and I concur, could be withdrawn from the sewer fund. With that, I have authorized EADS to move forward with the grant application.

**WPD Police Equipment** – I have generated a policy that was reviewed and approved by our solicitor, Mayor Thomas, Chief Frear and the Teamsters Union. Please find a copy of that policy in your packet and we can discuss it at our March meeting.

A motion was made by Mr. Bryan and seconded by Mr. Holden to add the Windber Police Department Owned Property addendum of “Care of Departmental Property” be added to the policy. Two absent, Mr. Gallina and Dr. Ledney, motion carried.

**Route 56 and 19<sup>th</sup> Street** – On March 1<sup>st</sup>, we received formal notification from PennDot, that action will be taken in 2021 to prohibit left turns to and from this intersection. The project will include the installation of cable barrier, three signs to be installed by PennDot and one by the Borough.

**Ordinance Update** – Anson has updated our current adoption of the International Property Maintenance Code. A copy of this is included in your packet and it will be on the agenda, for approval at our meeting and he will expound on it at that time.

**CDBG Project** – I have been notified, by the Director of the Somerset County Redevelopment Authority, there is currently \$221,000 dollars allotted for the 17<sup>th</sup> Street storm water project that was previously approved by Council. Knowing there is a possibility the project could be closer to \$250,000, council may want to consider absorbing the engineering cost, thereby bringing the cost closer to the allotted funding. If we proceed in this fashion, the project could take place

this year. If we do not, according to the Authority there is a distinct possibility that those funds may not be available in 2022.

**Annual Audit** – This yearly undertaking with Kotzan CPA and Associates has again been completed and was approved. Kudos to Robin for a job well done.

**CDBG COVID Funding** – A check for \$33,955, for the Windber Fire Company, was delivered to the Borough Office on the March 3<sup>rd</sup>. Another check for \$22,022 will be coming. This a perfect example of how our teaming effort is working. Anson will have further information in his report.

**Community Building Heating System** - The new natural gas boiler has not yet arrived. It is on order and is projected to take six weeks to arrive.

**Ballroom Committee Meetings** – East Hills Engineering and UpStreet architects will now have a representative at each Committee meeting, from this point forward. The next meeting is on March 8<sup>th</sup> at 6:30.

Dr. Ledney entered the meeting through telecommunication at 8:00 p.m.

Mr. Furmanchik said East Hills Engineering and UpStreet Architects would like to start moving at a pace where they could make sure all T's are crossed and I's dotted and even though they would be working they will back date all their invoices until we actually have funding. Additionally, he was apprehensive because we are working with taxpayer's money, but he can say with confidence this gives you the opportunity to become extremely well prepared to move forward with the project instead of rushing all at once. We agreed at last night's meeting that this warrants discussion from council because council is ultimately responsible for the spending of the community.

Mr. Bryan said the project from the architect and engineering firms versus what Mr. Hutzell is going to do is that Mr. Hutzell will be preparing the 22 tabbed bullet points that is the formality to unlock the one-million-dollar grant and put that million dollars in play. Remember we have the collateral of the one million in excess for the land that makes this a two million project. On top of that, costs that are deemed soft costs that are not reimbursed by the grant will need to begin to come into play. We were told by Josh Miller that their counsel for the funding will be meeting in the board room today or next week. The rate they quoted for the soft loan is fantastic. The line of credit is 1.99% and the term loan was starting off at 2.39% which is revisited every five years and based upon a 1.64% and current rate as a readjustment.

Attorney Green also affirmed we are looking for no prepayment penalty for a quick pay back which we are looking to do as quickly as we can to pull ourselves out from under a soft cost debt.

Mr. Bryan said he thought it was a nice nod from Brett Yonish from East Hills to move forward without invoicing us and back dating us so they can begin to review things so there are no surprises and look at things from a compliance stance for the project. That way if things pop up it will not be haste during the project.



Attorney Green mentioned to look at the funding we are looking for in a line of credit in smaller increments, so we do not have one pull of money and pay interest on it, but we use it in smaller increments leading up to the total we believe are going to be soft costs. This helps keep our interest payment down and helps the borough. The committee is looking for the best way to help with this project and defer costs. Attorney Green is working with the bond counsel and the way it needs to be set up, so it is done in the most efficient and cost saving way. As we move forward with this project the committee is very aware of keeping everything in line the best that they can and when decisions need to be made such as the rates suggested we will make you aware of it as early as possible.

Attorney Green said he spoke to Josh Miller and Emaline Diehl from Somerset Trust Company and she said there would absolutely be no first payment penalty associated. She also said she would set up what is called a non-recurring line of credit for our long-term loan. Which basically means if we need to pay the architect or engineer \$5,000 three months from now, we pull \$5,000 out. We do not have to pull out more than we need, and it will keep our long-term loan interest as low as humanly possible.

Attorney Green said we have a million-dollar project here and he has never seen a project that does not go over budget. We might want to think about adding a cushion to the potential of borrowing money on that long term basis. We should have an answer next week as to exactly what the terms are. He does not think they will be much different than this. He would like to prepare by next months meeting to move forward with bond counsel because it can take between 45 to 90 days to get this run through. That will take us to June and that is when we are going to be submitting our 22-tab report to the government and hopefully get started on that project as soon as possible.

Mr. Bryan said he does not want to hit the \$250,000 for soft costs and have to go back and go through more paperwork to apply for another \$50,000. He agreed most projects go through a bump or wrinkle. If we go forward with this, we will not have to reapply to get that line of credit bumped up to meet our obligations for the project.

Attorney Green said we do have to be mindful of that and in his conversations with Emaline today the potential to borrow \$300,000 was mentioned. This does not mean we must borrow \$300,000 but that we could borrow \$300,000 if we need too.

Mr. Holden said the main motive for the ballroom committee group is so that council does not get blindsided down the road. He is in full agreement to ask for the money and not need it than to not ask and have to start over with extra costs to get an extension on the loan. It is moving in the right direction. CJL Engineering is doing a fabulous job and there is a lot of Windber pride among that group. He believes they have our best interest at heart when it comes to managing costs. Mr. Holden said he is in full support of what Attorney Green is recommending. Dr. Ledney agreed with Mike, John, and Attorney Green in moving forward with the extension of the loan for the project.

Mr. Bryan asked Attorney Green if he felt this is a suitable cushion to complete this project? Attorney Green said yes, and he will confirm this with Josh Miller. He said when you go into non-electoral debt, DCED wants to know how much. If we borrowed \$250,000 and we needed \$300,000 then we would have to go back and redo all those documents over again.

Attorney Green said once we get the commitment letter from the bank which should be next week at our next meeting in April, we can put it to a vote. Mr. Bryan asked if that would be enough time. Attorney Green said June is when our submission must go in. We should be ready to close the deal middle of June. Mr. Furmanchik agreed.

A motion was made by Mr. Holden and seconded by Dr. Ledney to authorize Attorney Green and Mr. Furmanchik to proceed lining up the funding for the Ballroom Grant Project. Roll call vote: Mr. Holden, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Gallina, absent; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

**MS4  
Program**

Mr. Furmanchik said the recently updated Stormwater Management Program defines methods for the borough to comply with its Municipal Separate Storm Sewer System (MS4) Permit. We reviewed the executive summary.

Some updates and additions to the Stormwater Management section of the Borough website are needed. Cheryl will place updates and information on the website to make the public aware.

Mr. Furmanchik said we will also be moving in the direction of notifying organizations like the Paint Creek Water Shed and Trout Unlimited that we do have a stormwater management plan. Mr. Paczek is also working on updating our Stormwater Management Ordinance in his spare time.

We will need to make modifications into the drain line of the public works facility to ensure that connection is making it into the sanitary sewer or into the holding tank and not into the stormwater system. We are working in a direction where we maintain an inventory of all our restoration plants, in regard to AMD resources throughout the community for the stormwater management plan.

We are sweeping the streets within Paint Creek and Seese Run planning areas and will provide documentation to include in the Stormwater Management Program. We will work to remove as much sediment as possible from the Paint Creek area and Seese Run.

Mr. Furmanchik said stormwater is a larger issue than most people realize and our stormwater project and program are moving in the absolute right direction.

**Easter  
Egg Hunt**

A motion was made by Mr. Bryan and seconded by Joe Pallo to approve a contribution of \$100 towards the Easter Egg Hunt which will take place on March 27, 2021 at 10 a.m. One absent, Mr. Gallina, motion carried.

**Real Estate  
Taxes**

Mr. Furmanchik said we have discussed several times in the past the issue of raising taxes. We have many delinquent properties on the tax rolls. During a conference call with one of the County Commissioners, he pushed the issue of Windber Borough to have publication of delinquent property taxes if council so wishes. The best place to advertise that would be the Windber Spirit. He asked council if the interest was still there to pursue it.

Mr. Furmanchik said taking a guess on what the cost would be according to previous ads we have placed it would probably be around \$400 to \$500 a page and it would probably take two pages.

Mr. Furmanchik said he believes the last time he looked it was more than \$78,000 due from 2020. Mr. Pallo said it would be worth \$1,000 to try and retrieve some of that revenue. Mr. Bryan agreed. Speaking for himself, he feels strongly and takes it seriously, when we are in a budget meeting looking at items that are projected as we move forward and then we come up short and have to raise taxes on our citizens. After looking at a four-page document of almost \$79,000 owed and knowing if those taxes would have been paid, we would not have had to raise taxes. Mr. Pallo said that is essentially two mills hanging out there? Mr. Furmanchik said close. Mr. Pallo said we had to raise taxes 1.5 mills this year.

Mr. Furmanchik said the thing that fueled his fire is we all have elderly relatives and 95% of them would never consider not paying their taxes and are on a fixed income. Mr. Furmanchik said we would obtain the most recent records. Mr. Holden asked if this is accumulated taxes or just for 2020. Mr. Furmanchik said he is not sure how many years it goes back the \$79,000 is just for 2020.

Attorney Green said he is more familiar with Cambria County and as a taxpayer if you go more than three years without paying your taxes it is up for tax sale. The names on the list for 2020 probably go back at least three years. You are probably looking at a couple hundred thousand dollars. Mr. Furmanchik said he has seen these lists multiple times and it is the same people all the time.

Mr. Spinos asked if we could go back not only to 2020 but to years past? Attorney Green said yes. Mr. Spinos said all of it should be advertised along with the total amount. When people ask why we had to raise taxes this is the reason. Mr. Holden said the cost could go up if there are more pages depending on how far we need to go back. Mr. Spinos said it is not fair to the average citizen who is faithful in paying their taxes every year and it is the same people who are not paying it. Mr. Holden said most of those who pay faithfully are on a fixed income.

Mr. Bryan said looking at what you are asking for and what it may entail and packaging that to run, lets try to keep it to two pages. They can probably reduce the print/type, so we do not have to incur more cost. Mr. Furmanchik said hopefully the county can produce the document. Mr. Spinos said they need to include the total amount beside each person.

A motion was made by Mr. Pallo and seconded by Mr. Spinos to advertise the delinquent tax properties/owners as discussed with accumulative totals. Advertising not to exceed \$1,000. One absent, Mr. Gallina. Motion carried.

**Solicitor's  
Report**

Joan Albright – She wants to have a status conference and basically wants the judge to tell Windber Borough we can not file a municipal claim on her property on Graham Avenue.

Attorney Green sent her a letter mid-January asking her to repay the borough. When he did not get the certified receipt back after a weeks' time or so he had Anson go up and post the letter on her property which also serves as good service. On February 9<sup>th</sup> he got the green card, and she wrote Covid-19 in the signature line instead of a signature.

Ms. Albright is basing her argument on she thought she had an agreement with the borough. Back in April of 2018 Attorney Green sent her attorneys an agreement basically saying we will give her from April to September to get all your stuff out of that house and then we will tear it down with your blessing and we will not put a municipal lien on the property. Now that agreement she has never signed. Her attorney at that time said she would not sign it. Attorney Green will meet with Judge Rullo for a hearing next Wednesday.

Windber Borough/Windber Municipal Authority – Attorney Green said he reviewed the agreement with the Windber Municipal Authority when they took over the recreation aspect of the borough. Neither the Ordinance nor the agreement mention the ballroom. He is going to come to council with a resolution basically saying the borough from this point forward will be assuming all management and control of the ballroom.

**Codes  
Report**

Mr. Bloom said the new code report came out and is very detailed. The only thing about the report is that it must remain confidential due to the confidential information on the report and will be used for meetings only and stored accordingly.

The Property Maintenance Code - When Mr. Bloom looked at some things and often times when he cites someone multiple times under different ordinances the language is so similar that it gets dismissed and only one charge stands. If there is one ordinance where he can cite multiple violations under one ordinance it strengthens the case.

Mr. Bloom combined the grass ordinance with the property maintenance ordinance which deals with that and it is permissible and listed in the ICC Codes. It was just redundant and one of the things hampering and making the charges less severe. In addition, there are very few ordinances that have a minimum to them, so he added a minimum fine of \$250 and a maximum of \$1,000 so again when these citations are issued, they have more strength to it and more impact that the borough is not messing around. There is also ample opportunity to abate the violations as listed.

Mansion - Mr. Bloom said the contractors have been continually active at the mansion. They are repairing the retaining walls and restoring the building.

Mr. Bloom said the final item he has is a letter from the fire department requesting budgeted funds be released to the fire department in the amount of \$21,000.

**28<sup>th</sup>  
Division  
Band**

Mrs. Gates received the following email from SFC Dan Klingbeil Operations SGT of the 28<sup>th</sup> ID Band.

It was wonderful to speak to you today. I hope that the 28th Division Band will be able to perform for your community on either the 1st or 2nd of July.

The 28th Division Band is the Band of the Pennsylvania National Guard. We perform all over the state for community and military events. Our band has 32 citizen soldiers who serve their country by performing in the band. One of our members is a Windber Grad, SGT Katie Walls.

The Band is performing its two weeks in the summer and we will be on tour during the time I spoke about us playing. Our concerts last about 1.5 hrs. and consist of a Concert Band, Rock Band, Brass Quintet and Small Marching Band. Our concerts highlight our country and patriotism. We will need some electricity to run our amplifiers.

There is no cost to the Borough for our coming to your town and we try to coordinate with the local veterans' groups to provide a meal and a place to change clothing.

Your Gazebo location might be the best location for us to perform. We could set up using part of the Gazebo as well as setting up off to the side. I look forward to working with you and performing for your town. Sincerely, SFC Dan Klingbeil, 28th ID Band Operations SGT.

Mrs. Gates spoke to Mr. Bloom about the event. Mr. Bloom said the 28<sup>th</sup> ID is one of the most stellar military bands. This is a stand-alone event. Mr. Bloom said the 28<sup>th</sup> Infantry Division is the biggest Infantry Division, and this is the Division of the Pennsylvania National Guard. It is the most historic division in the country dated all the way back to World War II. They most always take local ties to perform in and Windber is probably just within that rotation, obviously it is representing the keystone state and the 28<sup>th</sup> Infantry Division. That is the Pennsylvania Army National Guard and that is the representation. It is prestigious to be selected to have them in your town.

Mr. Pallo asked Mrs. Gates if she knew SGT Katie Walls? Dr. Ledney said Katie is a graduate of Windber High School and plays in that band. That could be one of the reasons they are coming here. Dr. Ledney said it is wonderful but asked what about the virus even though this is months away.

Mayor Thomas said the numbers are going down and by then more people will have been inoculated with the vaccine. This is good and will get the town moving again. Mr. Furmanchik said it is cool and they could have selected anyone around here. He said we initially talked about shutting Graham Avenue down. He said there should be plenty of room.

Mr. Spinos asked if anything was going on at the Arcadia that night. Dr. Ledney said he would ask. Mr. Bloom said the band generates a big following just from military and veterans alone so you may want to think about a contingency in that manner. Mrs. Gates said she does not think it is a big deal to shut down Graham Avenue. Mr. Furmanchik said yes, but you need a permit.

Mr. Holden asked when they need to know by. Mrs. Gates said she is to contact them tomorrow. Mr. Holden said they are planning on travel and hopefully the restrictions will be eased by then. Mr. Bloom said they probably need an answer expeditiously because this all goes into other avenues and if they can not do it, they must move accordingly.

Mrs. Gates said if we chose July 2<sup>nd</sup> which is a Friday it would be the start of the July 4<sup>th</sup> weekend and would be a nice start to the holiday.

Mr. Furmanchik asked what the consensus was for shutting down Graham. Chief Frear said he has no problem closing Graham Avenue. Mrs. Gates said we have the application and can have the permit completed and mailed. Mr. Bryan said just the prep for people wanting to get out

and the Fourth of July weekend is likely to attract a crowd. Mr. Holden asked if they provide flyers or press. Mr. Bloom said it is usually well promoted and he can complete the permit for the road closing.

Dr. Ledney said he was just told there is nothing going on at the Arcadia Theater that night. Mr. Spinos suggested Friday night. Dr. Ledney asked what the plan is for inclement weather. Mr. Bloom said they usually play regardless.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve the request of SGT Dan Klingbeil for the 28<sup>th</sup> Division Band of the Pennsylvania Army National Guard to perform in the area of the Gazebo on July 2, 2021 and to proceed with the permit to close Graham Avenue from 15<sup>th</sup> Street to 13<sup>th</sup> Street. One absent, Mr. Gallina, motion carried.

**Approval  
Windber  
Fire  
Request**

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve the request from the Windber Fire Company No. 1 for the \$21,000 contribution as budgeted for the Year 2021. 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.

**Advertise  
Ordinance**

A motion was made by Mr. Holden and seconded by Mr. Bryan to approve to advertise Ordinance No. 2021-1 Legislation for adoption of the International Property Maintenance Code. One absent, Mr. Gallina, motion carried.

**WMA/  
Repairs**

Mr. Bryan said this is regarding the discussion that occurred when the boiler went on the fritz at the Windber Community Building and we said we were going to discuss how to proceed with repairs in the future.

Mr. Pallo asked if there was any talk of percentages as to what would be covered by us and what not. Mr. Furmanchik said it would be a negotiation process. Council needs to come up with a percentage they find accommodating and Attorney Green can entertain that proposal through their solicitor.

Mr. Holden said since they are reaping the revenues our percentage should be minimal. Mr. Pallo asked what Mr. Holden was thinking like a 70/30? Mr. Holden said yes. Mr. Pallo said we must decide just what we would pay 30% on. Mr. Bryan said there are things they take care of such as regular maintenance. Does this open us up? Mr. Furmanchik said maybe go by structures and HVAC?

Attorney Green said he must know what we paid for in the past. We just paid 50/50 for the boiler. Council discussed the differences of real property. Attorney Green said when they come to us asking for money, we can always say no but once you solidify something in writing it is always a double edge sword. We do not have to say yes, we can say no if we do not have the money. Keep in mind also we are taking away about \$18,000 in their revenue next year. Mrs. Gates said we can always approve items on a case-by-case basis.

Mr. Holden asked so do we do it on a percentage case by case basis or not do a percentage at all. He also said when we take over the ballroom, we are also responsible for maintenance of it. Mr. Furmanchik said you do not want to be in a position where they must wait weeks for a council meeting for something to be repaired.

Council discussed the differences between an authority and a commission and responsibilities. The Agreement and Ordinance were vague.

A motion was made by Mr. Bryan and seconded by Dr. Ledney to table the discussion of future repairs with the Windber Municipal Authority. One absent, Mr. Gallina, motion carried.

Council went into an executive session for personnel at 9:18 p.m.

Council convened from an executive session at 9:40 p.m.

**Next  
Meeting**

Next meeting date will be April 13, 2021 at 7:00 p.m.

**Adjourn**

Meeting was adjourned by Council President, Mike Bryan at 9:43 p.m.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant