

Borough Council Regular Meeting April 13, 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, Dr. Ledney, John Holden, Joe Pallo, and Jim Spinosa. Pino Gallina and Ron Mash were absent. Attorney, Joe Green was present. James Furmanchik, Borough Manager, and Mayor, Mike Thomas, were present through video conferencing.

Approval Minutes A motion was made by Mr. Pallo and seconded by Mr. Holden to approve the Minutes of March 9, 2021. Two absent, Mr. Gallina and Mr. Mash. Motion carried.

Visitors United Way Rick Kazmer and Karen Struble-Meyers from the United Way spoke to council. Mr. Kazmer who is a Community Relationship & Marketing Manager said they are a community based organization with all their programming happening in Cambria and Somerset Counties. They are led by a community board with business leaders from both counties on it.

The monies raised go right back into the community they are involved with, such as youth drug and alcohol prevention in the school district and parents as teachers via the family center.

Highland Health is one of their partner agencies they support. They are providing vaccination clinics in the community, helping a lot of people on that front. We also started working with the Somerset Mobile Food Bank, which serves Windber.

Other projects we have helped with in the Windber area have been:

Covid-19 Emergency Funding Awarded
\$26,400 – Windber Area Kitchen
\$ 1,000 – Windber Area Food Pantry
\$ 1,273 - Northern EMS – Personal Protection Equipment
\$ 1,277 – Windber VFD – Personal Protection Equipment
\$ 2,000 - Windber Area School District – Feeding Program.

Karen Struble-Meyers President and CEO of the United Way of the Laurel Highlands said they appreciate all of council so much tonight for letting them come to the meeting and allowing them to inform them on what the United Way has been doing.

Mrs. Struble-Meyers said the last year has been incredibly trying especially for those in Municipal Government because there have been so many challenges. The United Way has really dug into pandemic relief. They started last March in looking at what they can do for the community. They began raising funds to help with emergency relief and they managed to supply a lot of resources specifically PPE and food security. They invested in the Windber Community Kitchen and looked at what they could do for local fire companies and EMS.

Mrs. Struble-Meyers said it has been a trying time and a different campaign year for them. They want to continue to maintain a strong level of human services across the two-county area they serve. They have been pushing extremely hard towards their campaign goal of 85%. Everyone is at different level of charitable giving. For us right now we are thinking about our strategy or community investment in the two quadrants as the now and later bucket.

The now is the immediate social, health and human services they are providing to the community which includes everything from utilities suspended to supporting food pantries to making sure people can access health care when they need it.

The later are signatures programs like parental engagement, helping parents learn how to work with their children and how to engage with their children. Early childhood development, making sure every child has access to a high-quality early learning experience across both counties to prepare them for school. Finally, there is the Youth Drug and Alcohol Program. We are talking about critical decision making, making good choices, life skills and how we foster resiliency and self-confidence so kids when faced with these situations, can make the right decision.

Mrs. Struble-Meyers said she knows Windber Borough has been partnered with them through some programs related to the Windber's Ballroom Project and networking with our grant writer, Travis Hutzell. Obviously at the end of the day we all know we are trying to move ourselves forward as a community. We know there is a little bit of light at the end of the tunnel, but it is not going to happen overnight.

Mr. Kazmer said every dollar helps us out as we described. A way Windber Borough can help us out is by doing a workplace program in the fall. You would select a person, perhaps an human relations person or a manager he could work with to set up a time to talk with employees or a time to distribute information. Employees can decide if they would like to donate via a payroll deduction or an online form. A shorter way would be to have a one-day fundraiser schools or other municipalities can help with by doing a dress down day for example where you donate a dollar amount, and you can dress down on that day.

Mrs. Struble-Meyers said she has had numerous conversations with Rick on how we can make this easy for people. We are here to lighten the load on your community. We try to make it meaningful for those you want to engage. We understand the burden on each person, but every little bit makes a difference.

Mr. Furmanchik said he would be more than happy to coordinate a meeting with them and the borough employees by an in-person meeting or through correspondence. He asked them to reach out to him when the time comes, and he feels that it is something that is doable and that they can work out.

Mr. Bryan asked Dr. Ledney his thoughts with regards to the school district and doing an activity like a dress down day. Dr. Ledney said they have had those types of activities in the past at the elementary school where a teacher would donate and would be able to dress down for that specified day.

Mrs. Struble-Meyers said they have been in the district before and last year did a wonderful early literacy with the elementary school.

They came in a little late in the game of the pandemic. She took over running the United Way right as the pandemic began and we were in a state shut down by March 16th. We are so grateful for the experiences we had, and we are about bringing relationships into the community and working together. We do not all have the same resources and will do whatever we can do to support efforts whether it is educational or municipal we are here to be a resource and an asset. She is grateful to Windber Borough for their support.

President Mike Bryan thanked Rick Kazmer and Karen Struble for their time, and he feels this is a great cause that we can assist with.

The EADS Group

Vincent Paczek from the EADS Group updated Council on their projects.

17th Street Storm Sewer Project – Preliminary design documents were prepared and reviewed with Manager Furmanchik, Robin Gates and Dave Swiokla of Public works today. We are now able to finalize our PennDot Permit Application. There is a form that needs approved by Council to give us approval to execute the form for PennDot approval.

The project will consist of approximately 450 feet of storm sewer in the alley perpendicular to 17th Street and the alley between 17th Street and Paint Creek. Also 950 feet of concrete curbing along 17th Street. Everything from that alley to Somerset Avenue will be part of the base bid and we plan to do a deductive alternate of everything from the alley north toward Railroad Street. The purpose of that would be if the project comes in a little over what the Redevelopment Authority's budget would be, we would be able to take that section of curbing and restoration out to keep the project in budget.

Mr. Furmanchik said that will be 8" curbing which is the maximum allowed by PennDot.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve EADS to submit the PennDot Permit Application for the 17th Street Storm Sewer Project. Roll call vote: Mr. Bryan, yes; Mr. Pallo, yes; Mr. Gallina, absent; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.

Flood Protection Project Debris Removal Grant - Mr. Paczek said they had applied for flood protection project applications in the past. This time we have decided to scale the project back and just concentrate on removing the sediment and the debris from the basin. Everything is ready to go for that and we have provided a cost estimate for 7,000 cubic yards of sediment and debris within the basin that needs cleaned to get it back to its design condition making the total project cost \$315,000. The application would be to DCED to provide a grant of 85% of the total project cost which would be \$267,750 with a required 15% match of \$47,250.

Mr. Paczek asked for approval of the resolution from council so he can move forward with the application.

A motion was made by Mr. Bryan and seconded by Mr. Holden to approve Resolution No. 2021-1 requesting a Flood Mitigation Program Grant and designating Michael Bryan and James Furmanchik as officials to execute all documents and agreements to facilitate the grant. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. Gallina, absent; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Opening of Paving bids Attorney Green opened and read the bid amounts for paving for the Year 2021 as follows:

<u>Contractor</u>	<u>Bid</u>
1. Quaker Sales Corporation	\$78,110.95
2. Derry Construction	\$89,220.95
3. HRI, Inc.	\$87,421.15
4. Grannas Bros. Stone & Asphalt Co.	\$86,255.60

Attorney Green said there was a bid bond in all four bid packages.

A motion was made by Mr. Holden and seconded by Mr. Pallo to award Quaker Sales Corporation with a bid of \$78,110.95 the 2021 paving contract for Windber Borough. Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. Bryan, yes; Dr. Ledney, yes; Ron Mash, absent; Pino Gallina, absent, and Mr. Spinosa, yes. Motion carried.

Correspondence

1. Windber Municipal Authority Minutes of the February 16, and March 16, 2021 Meetings.
2. Windber Area Authority Minutes of February 10, 2021.
3. Windber Public Library Minutes of March 17, 2021 Meeting.
4. Windber Public Library's 2020 Treasurer's Report
5. PSAB Update.

Approval Payroll A motion was made by Mr. Holden and seconded by Dr. Ledney, to approve payroll of March 12 and 26, 2021. Two absent, Mr. Mash and Mr. Gallina, motion carried.

Approval Bills A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve bills for March 2021. Two absent, Mr. Mash and Mr. Gallina, motion carried.

Future Council Meetings Council discussed whether to continue with telecommunications or hold meetings in person. Mr. Bryan said Covid-19 has been up and down and if you would have asked this question last month before the surge he would have had a different answer. He knows there have been openings of restaurants and other venues in the State of Pennsylvania but he also noticed that locally counts are again on the rise in light of the vaccination rate going up.

Mr. Bryan asked council what their comfort level is on doing this entirely remote, coming here in person and inviting the public in or be in hybrid. Hybrid is you are comfortable coming into the council chambers and for constituents who are not comfortable to continue to use Zoom. Mr. Pallo's recommendation was to use hybrid.

Mr. Bryan asked Mr. Bloom if that would be a problem? Mr. Bloom said no, it is just like we are doing right now. Mr. Bryan asked if there was a mike on the phone. Mr. Bloom said with the three of us that are here now we use the polycom but there is a mike. We have the whole set up. Basically, we are doing the hybrid now. There are three of us in the office and the rest are on the teleconference.

Mr. Holden asked about allowing public access. He also asked how many have been vaccinated in this group. Mr. Bloom recommended opening slowly.

Have the council members in here but continue to broadcast to the public through Zoom until everything slowly gets back to normal. Mr. Pallo said we should continue to use Zoom because there are meetings that he would otherwise not have been able to attend if it were not for Zoom. Mr. Holden agreed and said we should move forward on a month-to-month basis. Mr. Bloom said the platform is not going to go away we have the technology and can continue to move forward with the platform.

Council agreed to move forward doing hybrid. Council can attend in person. The public will attend virtually through telecommunication.

**Cash Bal./
Treasurer's
Report**

There were no questions at this time.

**Council
Liaison's**

There was nothing to report at this time.

**Mayor's
Report**

There was nothing to report at this time.

**Manager's
Report**

22nd Street Bridge – I continue to work with EADS, the Pennsylvania Historical and Museum Commission and the State Historical Preservation Organization to resolve the issues around total replacement of the structure, because of its historical integrity. EADS is preparing an analysis that might have a major impact on the option that PennDOT may choose.

RACP Grant – On March 17th, we received our username and password from the Office of the Budget. Along with this came other pertinent information, that pertains to the completion of the 22-tab application/business plan. This information has been relayed to Travis Hutzell, to use in submitting the required information.

Mike Bryan, Travis Hutzell, and I took part in a Zoom meeting on March 21st with our RACP Administrator Holli Reidlinger. I am happy to report everything is moving in the right direction and we may be able to entertain a construction startup date before year's end.

Spring Cleanup – To date 12 permits have been sold at \$50 each. Again, the activity will take place on May 3-4-5-6.

2021 Street Paving – We have advertised for paving on March 19th and 22nd and will open bids, at our April 13th meeting. Attorney Green will attend the meeting, in the Borough Office, to assure that bid documents are in order.

Ballroom Finance Documents – Somerset Trust Company is preparing the documents and they will be available to sign by our April meeting. Emaline Diehl, from Somerset Trust Company, will attend our April meeting and address any questions or concerns.

Ballroom Rehabilitation Contract – I have been mailed three copies of the contract. Being that mine is the only signature that is required, they were signed and sent to the Borough office. Copies will be for Windber Borough, East Hills Engineering and UpStreet Architects.

Miner's Memorial Weekend – The Eureka Coal Heritage Foundation has informed me, this event is canceled for 2021.

Memorial Day Observance – The Commander of the American Legion has told me that the observance, at the Veteran's Memorial, will be held in the normal fashion this year and will require Jefferson Avenue to be shut down during the ceremony. A parade is still being considered.

USDA Grant – As of this writing, I have nothing to report, after unanswered email and voicemail.

I have spoken to our contact today and he promised me he would talk to the people upstairs and he will contact us soon as he hears anything.

2021 Dodge Charger – The new police vehicle was delivered on March 25th. The car has been painted, lettered and is currently at Team Force, for upfitting

Greg Hall – Hall has again turned in documents, seeking a return to work. Attorney Green has reviewed them and will have further discussion at our April meeting, in executive session.

Stimulus Payment – As you have seen, Windber is slated to receive over \$377,000 in Federal funding. As of this writing there has been no further information about this situation.

125th Quasi-Centennial – The 125th Centennial Celebration will be June 10, 11 & 12, 2022. It will be Co-chaired by Robin Gates, Mayor Thomas, and Anson Bloom. The fire department will be sponsoring a fireman's challenge with a multitude of other fire departments and will also be assisting the committee with the events. We have a good team with the three individuals who will be chairing the event. The event will run into the Miner's Day celebration which will be the weekend after the 125th Centennial Celebration. This will create two large celebrations within two weeks and will bring a lot of visitors into town and help our businesses create additional revenue.

Blight Remediation Grant – I was contacted by an analyst, from DCED, on March 26th. In review of our grant application, they were asking for more information. This includes a blight plan and further information on the addresses that were submitted to be included in demolition. They also requested ownership and ownership status of the properties in question, relevant locational information, as well as other topics of concern. This information was needed to be submitted by April 1st and Anson has completed this task.

My research of the grant has led me to the possibility of a match waiver if the funds are allocated. I have prepared a letter to DCED requesting such. With a 10% match, this would be a \$6,500 savings, to the Borough. At his time, DCED believes funds will be awarded, to successful applicants, by the beginning of June.

Borough Website – The Borough website has been updated and now features a tab addressing Storm Water Management. The update itself was offered through Pennsylvania State Association of Boroughs (PSAB), at no cost. The tab for MS4 is part of our ongoing effort to improve that program and keep us in the good graces of DEP, without penalties. The annual cost for setup up and maintaining of this site is \$400.

Additions to the site are done by the Borough Clerk, while working through the PSAB. Look at the new site. I think you will be pleased.

Joan Albright - Through recent legal proceedings, Attorney Green has received a certified check for \$7,200 to cover the cost of demolition, at the Albright property. Those funds have been deposited back into our Capital Improvement Fund. More information will be presented in the Solicitor's Report, at our meeting.

17th Street CDBG Stormwater Project – A site meeting took place on March 29th with the outcome being that there would be a need for the relocation of natural gas main lines, in some situations, for the installation of new catch basins. The project is moving forward in a steady fashion, with the possibility of a late August start date. The start date hinges on the granting of the PennDOT permit.

Video Levee Conduit Inspections - These sections are essential to meet the requirements of Public Law 84-99. Pipe video inspections must take place before June 30, 2022. With my departure, in the near future, it has been scheduled for April 20th. Our public works foreman and I are working, to gather information, that could lead to the reimbursement for the pipe camera procedure.

Police Vehicle Accident – As you saw in my email there was a minor motor vehicle accident. Luckily, we escaped that situation without any expense.

Event Packets – From my recent email, council should be aware of what transpired on April 3rd, regarding an unapproved event, at the Park. We can discuss this matter further.

I drafted a letter to be kept on file and discussed the content with the recreation director. With regards to the letter, the recreation director will sign off on the letter and receive a copy and the original will be filed at the borough office. The letter states that all public events must obtain an event packet from the code's enforcement officer. It must be filled out and the codes officer will review it with the event coordinator. We feel this will put the problem with obtaining event packets behind us.

Ballroom Drawings – I hope you had the opportunity to review the schematic drawings and proposals for possible restrooms, that were emailed to you.

A structural engineer will be moving in within the next couple of days to look at the roof trusses and situation beneath the flooring. They will try to figure out how to insulate the floors and the roof with the AC system in there.

Mr. Furmanchik approached them about an architect rendering so one would be on display at the office and one at the place of council's choosing. It will be a nice attraction for the public to see what the finished ballroom would look like. Last night during the ballroom committee meeting Mr. Bryan brought up an excellent idea to post pictures once a month on the borough's website so the public can follow along with the project as it is proceeds.

Mr. Hartman from the architectural firm told Mr. Furmanchik that calculations predict the ballroom can fit up to 800 people. Mr. Furmanchik said the sticking point would be the number of restrooms needed for that many people.

However, you do want to make it a number attractive to an event and 300 is a common number for capacity for a typical wedding. The committee agreed to keep it around 375/400. We would have efficient restroom needs and parking needs and keep it attractive. Mr. Holden said it is a good number.

Solicitor Report

DCED - Attorney Green said we do not need a resolution. Typically, on the commitment letter from Somerset Trust it will have a place where it is accepted. We will have to have a resolution further on down the road to name a certain person as a signer of the documents.

Ballroom – The financing of the project has two components. A \$300,000 long term loan which is for soft costs, engineering fees, attorney fees and other things not covered by the grant. Then we must borrow a million dollars short term. The way the grant works is we pay the contractor \$50,000 then we submit a bill for \$50,000 and it gets reimbursed. We have 30 or 40 days of interest on whatever money we spend. That \$300,000 is up to \$300,000. We do not have to borrow \$300,000; we could borrow \$100,000 but if we need \$300,000 it is there.

Attorney Green said we can wait till later on in the fall to get the borrowing in place but the more he thought about it we may as well do all the borrowing as soon as we possibly can. It will not cost the borough a dime to do that. He had a conversation with Josh Miller and Emaline Diehl today and they said they had no problem doing it that way and it would be one less thing for council and himself to worry about.

Attorney Green said he thought Emaline was going to give us a commitment letter today but that has not come, and we may need to invoke our second meeting of the month to agree to whatever commitment, letter that is. He said we know the details. Mr. Furmanchik said yes. Attorney Green asked if council wants to approve the commitment letter tonight as per the details we received previously. Mr. Furmanchik said we could, to keep things moving and he believes the interest rate was 1.99%.

Mr. Bryan said it is a 1.99% variable term loan 2.39% fixed and it is revisited every five years. There is nothing about a prepayment penalty. Attorney Green said he asked the question and they said there would be no prepayment penalty. Mr. Furmanchik said Emaline was under the weather. The plan was for Emaline to be here tonight and address any concerns they had to her.

Mr. Furmanchik said we can vote on it tonight with the stipulations or have the second meeting in two weeks and listen to what Emaline has to say. Council agreed to have the second meeting in two weeks and listen to what Emaline has to say one last time before council votes.

Attorney Green said how this works is everything gets approved through DCED. What will happen first is an advertisement will go out saying we are thinking about borrowing this non electoral debt. Then we pass the borrowing ordinance and advertise again that we just did this. It is a process spelled out under The Local Government Debt Act and that is why bond council is hired and he walks right through it. Mrs. Gates will not have to send out an advertisement, he will take care of all that.

Albright Property – Attorney Green said Joan Albright paid \$7,200 for the cost of the demolition.

**Manager's
Report**

24th Street & Route 56 Accident – Mr. Furmanchik said he is waiting for an estimate for damages to the traffic lights that were damaged at the location of Route 56 and 24th Street. He did speak to his contact at PennDot to make sure they were aware of what happened at that location.

Mr. Furmanchik said he wants council to know that if this comes to insurance settlement or property settlement the electrical contractor said there were seven lights damaged that must be replaced. Mr. Barclay got his hands on three lights that met PennDot specifications. He has four lights that he borrowed from Tel Power. So, there are three new lights up and four used lights. Mr. Furmanchik asked council if they were happy with the way, it sits right now, or do they want to pursue all new lights. Council agreed they wanted all new lights.

Mr. Furmanchik agreed, he said if you accept what is there and something happens next month then it is on the borough to replace them. Mr. Holden asked if they come with warranties? Mr. Furmanchik said he does not believe so. Mr. Pallo asked about a malfunctioning situation. Mr. Furmanchik said he believes they would replace them for a malfunction.

Mr. Holden asked what PennDot replied as far as it being our responsibility. Mr. Furmanchik said the lights are our responsibility. They did say there should have been a permit because when you are hauling anything overweight or oversized you need a permit. Our electrical contractor told us that PennDot requires 15 feet, and they hang everything at 16 feet. PennDot said they want us to put it at 17 feet.

Mr. Furmanchik said an insurance report has been filed and we are awaiting the estimate which will be attached to the police report and sent to our insurance company.

Mr. Spinos asked what happens if the individual's insurance does not cover it? Attorney Green said he is on the hook for it. The individual should have known how high the object was that he was hauling. Mr. Spinos asked if DOT was involved? Mr. Furmanchik said no, council did receive PennDOT's response about the height and their recommendation for new lights.

**Codes
Report**

Anson Bloom said the Roy Rogers property on Railroad Street has finally been cleaned up. There are some other projects that remain on Railroad Street.

Mr. Bloom said there are two ordinances that were drafted and presented. Ordinance 2021-1 is to strengthen the International Property Maintenance Code and it also alleviates other ordinances we have that are almost the same verbatim. It strengthens the existing ordinance and it raises the fines and includes a minimum fine.

Ordinance 2021-2 is on the agenda for approval to advertise. It is the Act 90 2021-2 Blight Remediation Plan. It is highly recommended. All the research he did pointed in that direction. It gives the municipality power to have different enforcement measures for those attributing to blight, repeat offenders, including a process with the DA and the borough solicitor seeking criminal charges and not just civil charges. Anyone in the arear of taxes could be denied permits and tax sale opportunities.

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

Council reconvened from an executive session at 8:45 p.m.

Ordinance 2021-1 A motion was made by Mr. Holden and seconded by Mr. Pallo to approve Ordinance No. 2021-1 Legislation for Adoption of the International Property Maintenance Code. Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Gallina, absent; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.

Advertise Ordinance 2021-2 A motion was made by Mr. Holden and seconded by Dr. Ledney to approve to advertise Ordinance No. 2021-2 Neighborhood Blight and Projections and Enforcement Ordinance. Roll call vote: Mr. Holden, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Gallina, absent; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Next Meeting Next meeting will be April 27, 2021 at 7:00 p.m.

Adjourn Meeting adjourned at 8:50 p.m.

Respectfully Submitted By:

Robin S. Gates,
Administrative Assistant