

Borough Council Regular Meeting April 27, 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 Spinis. 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.

Emaline Diehl Somerset Trust

Emaline Diehl and Josh Miller were on the video conferencing to discuss the terms and conditions of the loan requests from Somerset Trust for the RACP Ballroom Project.

The terms and conditions of the requests are outlined as follows:

Request No. 1:

Borrower:	Borough of Windber
Type of Loan/Purpose:	Commercial Non-Revolver Line of Credit
Amount:	\$1,000,000.00
Interest Rate:	Wall Street Journal Prime minus 1.26% (1.99% currently): Floor rate of 1.99%
Terms and Repayment:	One year (12 months) with principal payable at maturity and interest payable monthly on monies advanced.
Security:	Assignment of the RACP Grant Proceeds UCC Filing on Borough's Revenues
Other Fees/Costs:	Origination Fee \$2,500.00 UCC Filing Fee \$84.00

Request No. 2

Borrower(s):	Borough of Windber
Type of Loan/Purpose:	Commercial Non-Revolver Line of Credit (Real Estate Secured)
Amount:	\$300,000.00
Interest Rate:	2.39% Fixed for 5 Years and adjusted every 5 years thereafter based on the 5-Year Treasury. Constant Maturity Rate + 1.64%; Floor rate of 2.39%.
Terms and Repayment:	One-year (12 months) Interest Only Draw Period, followed by Twenty (20) Year Term with Monthly Principal and Interest Payments of Approximately \$1,578.58 (Note: the payment will adjust with rate changes)
Other Fees/Costs:	Origination Fee: \$400.00 Mortgage Recording Fee: \$93.75 Flood Certification Fee: \$8.50

Mr. Furmanchik said the engineer and the architect started some work and were more than happy to backdate any of the invoices. He asked upon signing this document how far from that point in time would we be able to draw down? Ms. Diehl said they could do an advance that day. Depending on how the money is deposited into an account they could do it that day. She said if you want to set up a separate checking account you can or if you want the bank to pay the invoices directly will be up to the borough. Mrs. Gates said she would discuss that with our accountant.

Mr. Bryan asked who would write the checks or be on the account? Mrs. Gates said this would be handled like all our other accounts. She would write the checks and Mike and herself would sign them. Attorney Green said that sounds fine to him.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve the Terms and Conditions of Loan Requests No.1 a Commercial Non-Revolving Line of Credit in the amount of \$1,000,000.00 and No. 2 Commercial Non-Revolving Line of Credit (Real Estate Secured) in the amount of \$300,000.00 from Somerset Trust Company to be used with the RACP Grant for the Ballroom 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.

Mr. Furmanchik said he will send the park appraisal to Ms. Diehl tomorrow morning. Attorney Green said the next process would be to take this proposal to bond counsel and he will generate an engagement letter and he should have that for the next council meeting. He is looking for mid to late June closing this.

Council Resignation Mr. Furmanchik received an email this morning from Councilman, Pino Gallina. Mr. Furmanchik forwarded the email regarding Councilman Gallina's resignation to all of council.

Mr. Furmanchik said in the Borough Code Section 901A if any vacancy occurs in the office of a member of council, the council shall fill the vacancy within 30 days by appointing by resolution a registered elector of the borough to hold office. If the term continues that long until the first Monday in January after the first municipal election occurring more than 60 days after the vacancy occurs, at which election an eligible individual shall be elected to the office for the remainder of the term. The individual filling the vacancy must have resided within the borough for at least one year and be a registered voter.

A vacancy shall not be created by a resignation until the date that the resignation is accepted by a majority vote of a quorum of council at a public meeting. Council must accept the resignation no later than 45 days after it has been tendered in writing to council unless it is withdrawn in writing prior to acceptance.

If council fails to fill the vacancy within 30 days after the resignation is approved by council the vacancy shall be filled within 15 additional days by a created vacancy board. The vacancy board shall consist of council exclusive of the mayor and one registered elector of the borough who shall be appointed by council.

If the vacancy is not filled within 15 days by the vacancy board the chair shall petition the Court of Common Pleas to fill the vacancy.

Mr. Furmanchik said as he understands it council must fill the position until the end of the year. Those names subject to this municipal election would rightly be able to fill the two-year term. Attorney Green agreed.

Mr. Pallo asked if they were saying that council could choose an individual that is already on the list running for a council seat? Mr. Furmanchik said yes. Mr. Holden said if we choose a person running that person would take over that seat until the end of the year. Mr. Furmanchik said yes.

Mr. Spinos said he was thinking along the same line of Mr. Pallo, to possibly appoint someone who is currently running on the ballot and that person would have some experience by the time the election is over and if elected will already have experience.

Dr. Ledney asked if someone is interested, do they have to write a letter and apply for it? Mr. Furmanchik said yes, they must submit a letter of interest.

Attorney Green said it would behoove council to appoint someone. Council decided to take the next two weeks to think of and/or speak to some people who may be interested in filling the seat. They will wait until the May 11, 2021 meeting to accept Mr. Gallina's resignation.

Future Meetings

Mr. Bryan said the Economic Development Council decided at the last meeting that if their members were vaccinated and/or comfortable they will come into council chambers for their next meeting.

Mr. Bryan said that is what we will do also. We will be in hybrid status. We still have zoom and we talked about not having visitors present at this time yet. Zoom will be available to visitors.

Mr. Bryan asked if council was comfortable with coming in. Mr. Pallo said he is okay with coming but likes the availability of Zoom in the case he may be at work. Dr. Ledney, Mr. Holden and Mr. Spinos said they were fine with coming. Attorney Green said he is also fine with coming to a meeting.

Misc.

Mr. Bryan said he saw on the news that Windber Hospital did a vaccine clinic for Richland High School. He asked Dr. Ledney if we had an opportunity like that for Windber Students. Dr. Ledney said they are working on vaccinating all the teachers and faculty right now. He is not sure, but he believes they are probably working on something for the near future.

Next Meeting

Next meeting will be on May 11, 2021 at 7:00 p.m.

Adjourn Meeting adjourned by Council President at 7:45 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant