

**Borough Council Regular Meeting
June 8, 2021**

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

Pledge of Allegiance.

The following Council Members were present: Mike Bryan, Dr. Ledney, John Holden, Timothy Layton, Joe Pallo, and Jim Spinos. Ron Mash was absent. Attorney, Joe Green and James Furmanchik Borough Manager were present through telecommunications. Mayor, Mike Thomas, was present.

Swearing in Timothy Layton Mayor Thomas swore in new councilman, Timothy Layton. He is replacing Pino Gallina who resigned from Council. Mr. Layton will fill the position for the rest of the 2021 Year.

Approval Minutes A motion was made by Mr. Bryan and seconded by Mr. Holden to approve the Minutes of May 11 and May 25, 2021, meetings. One absent, Mr. Mash, motion carried.

Recognition Visitors Tom Harley of UpStreet Architects and Bret Yonish, Engineer from East Hills Engineering updated council on the Windber Ballroom Project.

Mr. Harley said a copy of the plans were sent to council this afternoon. He spoke to Joey Del of 2001 Caterers who has done a lot of catering at the ballroom. They went over what he thought was needed for a kitchen at the ballroom. We are looking for an Elenore Freezer, Elenore Refrigerator, a small residential stove, and a double wall hand sink.

Mr. Harley also spoke with Mr. Spinelli about the stage. They modified the stage a little bit and Mr. Spinelli would like a little more depth to it. There is concern about the back of the stage it has a six-foot clearance, so they are thinking about dropping it down.

Mr. Harley said they will build a larger porch with double doors into the west seating area. Right now, there is a six-inch step between the seating area and the dance floor. Joey Del said that people have fallen over that one step. Mr. Harley said they would like to raise the floor to the level of the dance floor. So, when you come in the door the stage is to your left and the kitchen to your right and on the far side of the dance floor will be a set of five French doors and double hung windows on the side to bring in the most light. When the flapper doors are open right now you get light but when closed it is dark in there. That is what the deck is about on the far side that will face the yard and the pool.

Mr. Harley said where the kitchen is, will be shorter than it was because with less equipment in it all you need; is a refrigerator, a freezer, oven, and space to put some hot boxes. Mr. Spinos asked if a residential oven would be enough? Mr. Del said no one is cooking on site. Food is prepared off site. Mr. Spinos asked what if someone wants to cook on site? Mr. Harley said this is, a catering kitchen. A caterer comes in and pulls all the stuff out. He does not actually cook there. He will pre make all the salads and food.

Mr. Spinosa asked how long a residential oven will last with all the events that take place there? Mr. Harley said residential, means a four-burner. Mr. Spinosa said so it will all be commercial equipment. Mr. Harley said yes.

Mr. Spinosa asked if they must put a hood on? Mr. Yonish said that is part of the issue when you start getting into size and you are looking at a dishwasher and hood your looking at big money and that is what we are trying to avoid. There are some exceptions when it comes to some of the ranges with regards to hoods and non-suppression installations. Mr. Yonish said they are looking at all options because a kitchen can become expensive.

Mr. Pallo asked if there was room to expand the kitchen if say down the road, we get another grant and want to put a commercial kitchen in. Mr. Harley said right now the kitchen is 33 feet long so there is a lot of space there. It could be extended from the back.

Mr. Spinelli asked if this would be a level 3 or 4 alteration? Mr. Harley told council he is asking about the existing building code. The existing building code has different levels. He said they are not changing the occupancy. Most of the space in the dancehall will be untouched. It should be a level three.

Mr. Harley said they would like to avoid a sprinkler system and use a smoke detection system. The problem with a sprinkler system is it has to get to 120% before it turns on. By the time it would turn on you would have a fully involved fire.

Mr. Bloom said you could put different heads in it but if you get rid of the sprinkler system you would have to at least have the smoke alarm system and the corresponding extinguisher's because you do have multiple egress points. Mr. Harley said the alarm system is very sensitive and if someone puts a cigarette into a trash can it will go off.

Mr. Yonish said a big point Mr. Harley had mentioned is there is not a change in occupancy. Any change in occupancy is where all the things that are code today kick in. You are grandfathered for a lot of things now. If we can not get that through the existing code, there are variances we can obtain if we must go down that road. The code tells you less on what you need and relies more on you providing the code path of where you go to as far as what is permitted.

Mr. Harley said we will be following the International Property Maintenance Code. What is done here has to meet that code and there is a process to go through. The code gives us the path to provide a level of safety. The thing about this building is that everyone in it is awake and can exit. It is accessible and there will be ADA requirements.

Mr. Spinosa asked what they would be using on the finished floor. Mr. Harley said the majority of the floor is the dancefloor and will be untouched. They will raise the two sides to be level with the dancefloor. The area of the bathrooms and kitchen can be polished concrete.

Mr. Harley cautioned council this plan has not been budgeted yet. Mr. Yonish said with the restrooms and the kitchen there is the possibility to isolate them from the rest of the building. This would allow the restrooms to be used by the entire park facilities and the kitchen could be used without opening up the entire ballroom.

That is another reason why the ballroom and restrooms are down on that end together. Mr. Holden asked if there was a possibility to flip flop the ladies' room and the bridal room to the other side where the men's room is. Mr. Harley asked why he would want to do that? Mr. Holden said the entrance to the building on the right side next to the kitchen there is not alot of area there. So that is pretty much constricted area. If you can access and egress through that door on the other side that is pretty much a left turn right to the pool or out to an open space towards the basketball court or playground. You do not have to walk another 15 feet out the door to get out to the open. Mr. Harley said he would take another look at that.

Mr. Spinos asked Mr. Harley what they were planning to use under the foundation where some of the boards are rotted out? Mr. Harley said they are looking at how the building is standing up currently and how we have to sub-laminate it. The structural engineer is not only worried about the building collapsing but flying away. Nothing in the building right now ties to the foundation and those are some of the things we are trying to work through. The massive trusses seem to be pretty good. The beams between the trusses are questionable.

The floor has a similar problem. If you do the calculation on accredited engineering practice it failed 50 years ago but it has not. So, we are trying to figure out why it is still there and what it can take. There are areas in the floor where joists split or are falling off the pier and some of them are crushed. When we did the deflection on those trusses it was less than 2" over 40 some feet which is really good. So, we will be working through that, and we see a path down. What we are intending to do between the piers is to put a wood foundation system between the piers using pressurized treated lumber and plywood and insulate the outside wall so we can heat and air condition it without fooling around with the floor.

Mr. Spinos asked if it would be heated with hot air. Mr. Harley said it looks as though hot air will work. Mr. Spinos asked if they were planning on using shingles? Mr. Harley said probably it would be the least expensive, but they will also look at a metal roof. Mr. Spinos said historically he thinks it would look neat with a metal roof.

Mr. Yonish said they will be eliminating the need for the purlins that are undersized that should be twice the quantity that is there. Some panels need insulated any how but will also solve some structural problems for us and will maintain the aesthetics in there.

Mr. Yonish said he does not want to get to cozy with HVAC system yet because one of the things we have to deal with is ventilation. They will need to look at all these things.

Mr. Yonish said he obviously has a personnel attachment to the building and to this project and so he is open to all ideas which have been going into the project.

Council thanked Mr. Harley and Mr. Yonish for updating them on the ballroom plans.

Correspondence

1. Codes Enforcement Officer Report.
2. Minutes of the Windber Municipal Authority March 17th and April 7th Meetings.
3. PA Municipal Code Alliance Report.
4. Minutes from the Windber Area Authority April 8, 2020, Meeting.

Approval Payroll A motion was made by Mr. Holden and seconded by Dr. Ledney to approve payroll for May 7, 21, and June 4, 2021. One absent, Mr. Mash, motion carried.

Approval Bills A motion was made by Dr. Ledney and Mr. Bryan to approve the bills for May 2021. One absent, Mr. Mash, motion carried.

Discussion Items:

125th Centennial Mrs. Gates said she had provided council with minutes from the last committee meeting for the 125th Quasquicentennial to be held next year July 1, 2, and 3, 2022.

Mrs. Gates said the venue has been moved to the Windber Recreation Park and the dates changed to July 1, 2, & 3 which July 3rd is the actual date of the establishment of Windber Borough. She said they were able to obtain a national entertainer and are in talks with a second large entertainer. Two sponsors have stepped forward to sponsor our two huge entertainers for the event.

Mrs. Gates said after the 100th Quasquicentennial there were no monies put aside for the 125th up until six years ago when council decided to start an Anniversary Fund and donate \$1,000 towards it yearly. Now the 150th Centennial will have a good start at \$25,000 but this centennial is starting with a balance of \$7,000. She said council would like her to have a grand event but in order to do that she will need additional funding. Mrs. Gates said there are funds available outside our budget that could be put towards centennial. Mr. Pallo said we need to step up especially when two business owners have stepped forward with large sponsorships.

Mr. Bloom said this is not the end of the line for sponsors but when you know you have good entertainment, sponsors are attracted to the entertainment. We feel we still have some big players in town to hit on, but you still need something to fall back on. Mr. Bloom said our largest expenses are the entertainment, beer, and fireworks.

Mr. Bloom said once you have your entertainment everything starts coming together. Council discussed the amount of money to donate and where the money would come from. They also discussed the uses of the American Recovery Act Money.

Mr. Furmanchik said the money can be used for water and sewer programs, economic development and activities, upgrade remote working systems, upgrade pay for EMS or emergency response personnel and reimburse for wages and benefits. He also found out today there will be a yearly project expenditure report due in by October 31st every year. The money had to be used by the end of 2026. Mrs. Gates said you can also donate to the fire department and nonprofits. Mr. Bloom said the money spent for EMA for cleaning expenses and so forth last year can be reimbursed.

A motion was made by Mr. Holden and seconded by Mr. Pallo to approve an additional donation of \$13,000 to the Anniversary Fund for the 125th Anniversary Event. Mrs. Gates said the money will be shown in the General Fund budget. We will show the carry-over from the excess money in the General Fund to the Anniversary Account. Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.

Future Meetings Mr. Bryan asked council how they feel about coming here but also running zoom. He said we already have the account and technology lets continue to use it. Council was receptive and liked the idea of continuing with the technology because if one of them is out of town they can still attend the meetings.

PA National Guard Band Mrs. Gates said the VFW and the American Legion have stepped up and sponsored the radio advertising for the PA National Guard Band who will play here at the gazebo on July 2, 2021. The American Legion will provide a meal and a place for the band to change clothes. Mrs. Gates will be forwarding a press release to the television stations and placing their story in the local newspapers.

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

Council Liaison Reports

There were no reports at this time.

Mayor's Report Mayor Thomas said he had participated in the 125th Quasquicentennial committee meetings. He also participated in the parade and ceremony at Veteran's Park on Memorial Day. It was a nice event and a lot of families attended.

Mayor Thomas said Denny Manges from the Moose told him he is really pleased with the police coverage and told him to let him know if there is anything the police department may need.

Mr. Bryan said that is nice to hear and we know the police are doing their job and everyone is toeing the line. Public protection and safety are second to none and feedback is always nice to hear.

Police Chief Chief Frear said the classes we discussed at the last meeting will start on the 21st. Each class is three hours, and the officers will receive a certificate upon completion. There will be three classes.

The new cruiser is still in the process of being completed. It is at Team Force because there is an issue with it. It is not a Team Force issue it is a Dodge issue. There was a problem with the remote not activating the door lock properly and one of the taillights was not working. We are hoping to have that shortly. The computer equipment will be loaded also. The Trac System will be running once we get that certification.

Mr. Spinos asked if our cars were equipped to read license plates? Chief Frear said no, they are extremely expensive. He said it works well driving through a residential area or hotel parking lot, but the downside is that out of a \$75 citation for a registration, we only get \$35. You do not make a ton of money back on that so that is why we have not used it. PennDot is talking about going back to using the stickers on the plates so that would make our job easier.

Managers Report

RACP Grant – The 22-tab application/business plan will be presented to the Ballroom Steering Committee on June 7th and submitted immediately following the meeting.

2021 Street Paving – Paving took place on 24th Street, 4th Street and the alley behind Rizzo's Restaurant on May 20th and May 21st. At our March 9th meeting, Council agreed to utilize alley repair funds for Rizzo alley in the amount of \$3,000. The actual invoice, for that small part of the project, was \$4,270.98. Dom Chippie was agreeable to paying half of the cost, with the Borough. Final inspection, of all street paving, proved to be outstanding.

USDA Grant – I spoke with my contact, Eli Bratich on May 26th. He again assured me that we will receive 75% of the requested amount. His most current statement included that it could be another month or six weeks until formal notification. Again, this all hinges on the change in leadership in the United States.

Officer Greg Hall – Hall approached Chief Frear approximately two weeks ago, about coming back to work. He was told to address that question to myself or Attorney Green. At this point, neither of us has been contacted.

Video Levee Inspections – This activity will take place in mid-July and will be funded by the \$3,500 grant from DEP.

12th Street Exit – In an effort to reduce the number of accidents at the intersection of 12th Street and Route 56, we will install reflective backings plates in all the flashing lights. Again, this was highly recommended by PennDOT District 9 traffic engineers. The work will be completed by Barclay Electric, at a cost of \$750.

Somerset Trust Company – The revised letter of agreement was signed by President Bryan, on May 17th. Again, this change denotes that there will be no lien on the Recreation Park property and will save us a few thousand dollars in loan origination fees.

22nd Street Bridge – I continue to work closely with EADS on their analysis of the bridge. I will be meeting with EADS and PennDOT on June 8th. More information will follow, in the future.

Reviewing the American Rescue Plan 2021 – Robin and I took part in this webinar, sponsored by the Pennsylvania State Association of Boroughs (PSAB), on May 20th. There is still a lot of uncertainty about what the funds can be used for, but at this time, it seems that we should be able to use it for police, fire and EMA vehicles, storm water projects and possibly road resurfacing.

On June 2nd, we were informed that there is an application process for funding. Robin will complete the application, as there are parts of it that reflect on our financial statements, and it will be presented in a fashion that that she is familiar with.

WAEDC Marketing Initiative – The WAEDC signed an agreement to enter into to a community marketing program on May 24th. The marketing organization of choice is This Is Opportunity (TIO). Their Director of Community Relations, Colin Bryan, will serve as the project manager for this undertaking. The campaign will be totally subsidized by the WAEDC.

24th Street and RT. 56 Traffic Lights – We were notified, by our insurance carrier, on June 2nd that we will be receiving a check for \$15,567.72 to cover costs.

Blight Remediation Grant – As mentioned to you in a previous email, I was notified by Senator Stefano’s office and the Department of Community and Economic Development, on May 26th, that we will be the recipients of \$65,000. The funds will be used to remediate five properties within the Borough including, the residential structure near the Ballroom. I have lobbied DCED to wave the 10% match, which you should have seen was agreed on in Senator Stefano’s email. Kudos to Anson for the Blight Remediation Plan that was included as part of the submittal. Approval to move forward with the preparation of the bid packet and advertising for bids, by EADS, will be on the agenda of the June meeting. I expect the actual contract, from DCED, to be in hand within six weeks. My understanding is that the funds will be allocated by reimbursement and must be used by June 30, 2023. My position is that the Borough should move on this in an expeditious fashion once EADS actions are approved by Council and we have an actual inked contract in hand.

Solicitor’s Report

Attorney Green had nothing to report at this time.

Codes Report

Mr. Bloom said he did a formal letter to the property owners whose properties were tagged for demolition through the blight remediation grant. If they want to maintain their property it will come with an expense because we were not just going to demo it but if they want to transfer the property then we demolish it, sell the property off and put that money back into a demolition fund so we always have money available for demolitions in case of an emergency demolition.

Condemnation proceedings have begun on the property located at 1401 Somerset Avenue. There are probably 20 or 25 grass violations in town. Some take care of it right away and some do not. Some things travel through the legal process at an extensively slow pace. Typically, what happens is we have to have public works mow the property. We take public works wages and attach it to a lien or restitution if they are found guilty. Mr. Bloom said he would like to see us charge a \$200 minimum every time the borough public works has to come out and touch the property. Maybe that will grasp people’s attention. Last year one person had seven citations alone.

Mr. Spinos asked if we are allowed on the property to cut it. Mr. Bloom said yes. It is in the ordinances that we can do it if it is a vacant property.

Mr. Bryan asked Attorney Green if we need a resolution for this or do we need to make a motion? Mr. Bloom asked if he could add it to his fee schedule.

Attorney Green said it would have to be by a motion, but his concern would be if it typically costs \$200 to have your grass cut okay but if it typically costs \$35? The charge for the cutting has to be what the going rate is?

Mr. Bloom said right now we charge for wages, and we can attach fuel and equipment rental. He said it is not fair to the borough. Mr. Bloom said so what do you do with these properties when the grass becomes four to five feet high. We do this to appease the neighbors.

Attorney Green asked how many times public works cut yards. Mrs. Gates said about 8 properties every two weeks. Mr. Bloom said these properties are vacant properties.

Mr. Bloom said it is in the ordinance and it is in the updated ordinance that you can take those provisions. It is also in the International Property Maintenance Code.

Attorney Green told Mr. Bloom to add it to the citation as restitution. Mr. Spinos asked if we should talk to Seger first. Mr. Bloom said he would speak to Magistrate Seger tomorrow. Attorney Green said he could then add it as a resolution.

Blight Remediation Grant A motion was made by Mr. Pallo and seconded by Mr. Holden to approve EADS Group to move forward once we have a signed contract with DCED for the Blight Remediation Grant. One absent, Mr. Mash, motion carried.

Approval Officer A motion was made by Mr. Spinos and seconded by Mr. Pallo to approve Cory Fairman, as a part-time police officer for Windber Borough Police Department. One absent, Mr. Mash, motion carried.

Approval Resolution A motion was made by Mr. Bryan and seconded by Dr. Ledney to approve Resolution No. 2021-2 approving submittal of 22-tab business plan for a Redevelopment Assistance Capital Program Grant (RACP). Roll call vote: Mr. Bryan, yes; Dr. Ledney, yes; Mr. Layton, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

Borough Manager Council held discussion on the borough manager's position for when Mr. Furmanchik leaves the position at the end of the year. Discussions were on whether to advertise and interview for a part time position and or try it without a manager for a year and see how it goes because census figures have indicated a drop in the population for Windber Borough. A lot of municipalities are now working without managers. Concerns were whether there would be that vocal point person.

Council convened to an executive session at 8:25 p.m. for personnel matters.

Council reconvened from an executive session at 9:12 p.m.

Next Meeting Next meeting will be held on June 22, 2021.

Adjourn Meeting was adjourned by Council President Mike Bryan at 9:15 p.m.

Respectfully Submitted by:

Robin S. Gates
Administrative Assistant

