

**Borough Council Regular Meeting  
May 11, 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, Joe Pallo, and Jim Spinos. Pino Gallina and Ron Mash were absent. Attorney, Joe Green was present. James Furmanchik, Borough Manager, and Mayor, Mike Thomas, were present.

**Approval Minutes** A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve the Minutes of April 13 and 27, 2021. Two absent, Mr. Gallina and Mr. Mash. Motion carried.

**Visitors** There were no visitors at this time.

**Correspondence**

There was no correspondence at this time.

**Approval Payroll** A motion was made by Mr. Holden and seconded by Mr. Pallo to approve payroll for April 9 and 23, 2021. Two absent, Mr. Gallina and Mr. Mash, motion carried.

**Approval Bills** A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve bills for April 2021. Two absent, Mr. Gallina and Mr. Mash. Motion carried.

**Discussion Items** Mr. Bryan said a Ballroom Committee meeting was held last night. Travis Hutzell is very close to completing the 22-tab report. Mr. Hutzell believes submission will be the end of May. If for any reason, there would be something that would come up he is prepared and aware of the timing to ask for an extension.

Mr. Bryan said they had a discussion with the architect, Brett Yonish about the focus on the structural engineering of the ballroom. They talked about the integrity of the roof trusses to hold weight. To make sure their calculations are correct Brett will be calling in a secondary architect. The timbers are over 100 years old, and they want to make sure what they are looking at and it is agreed upon for the safety of residents.

**Cash Bal., Treasurer Report** Mrs. Gates said residents have made payments on their past due taxes. We have received 56.6% or \$25,452.84 of past due money from the Tax Claim Bureau. In 2020 at this time last year we were at 31.1% or \$12,447.82.

Mr. Bryan said the feedback he received from the posting of the delinquent taxes from residents, was they were appreciative of seeing that. Mr. Bryan said we are seeing the results of that and it is helping us who are working with a shoestring budget.

Mr. Holden said if we must raise taxes, we now have hard cold facts of why. Council discussed publicizing the delinquent tax list once a year. They said it could be put in an article in the Windber Spirit that this could be a regular practice in the coming years.

**Council  
Liaison  
Reports**

Mr. Bryan said he received a letter from ISO with the Public Protection Classification rating that looks very promising. He asked Mr. Bloom to comment on the letter.

Mr. Bloom said that is the projected letter and the score dropped a little bit. It was not the goal the fire department was trying to obtain, but they did contest it because they did not get credit for fields they clearly met. They submitted that paperwork. It is a good score but not the goal they had set but they are making headway.

Mr. Bryan commended the fire department for their rating and said he knows it is something they have been working towards for a while. Mr. Bloom said it is important to them because people talk about taxes and ask where their money is going. Often people have no idea where their dollar goes. They see a variety of things, and a bunch of different vehicles and never an end result. It is really a project with an end result for the homeowner. This is what you are getting from your department and this is what you are getting back. The projected path is to save them money.

**Ledney/  
School**

A COVID-19 Vaccine Clinic (Pfizer) was held on Monday, May 10th in the high school auditorium for students 16 and up and the general public, the second vaccine will be given on June 1, 2021.

**Mayor's  
Report**

**Quasi-Centennial** -Mayor Thomas attended the Quasi-Centennial organizational meeting April 29<sup>th</sup> here in the office.

**219 Bridge Dedication**- Mayor Thomas attended the Route 219 Bridge Dedication to the late Commissioner John Vatauvuk. They had the dedication in the Meyersdale High School Auditorium. It was nice his whole family was there, and Senator Stefano and the County Commissioners.

**School District Sign** – Mayor Thomas said the Windber Area School District contacted him with a request to use the power that is located on the side of Route 56 on the pole that alerts oncoming traffic of a traffic light ahead for a potential LED V shape sign to be installed in the parking lot of the Windber Stadium. Barclay Electric said there is enough power at the pole to jump off of. The school will pay for the service from the Borough if council permits them to use it.

Mr. Bloom said the school did get a permit for the sign and PennDot also approved it. Mayor Thomas said if they must go a different route to obtain electricity it would be very costly and difficult because they would have to dig under the highway. Mrs. Gates said we currently pay approximately \$21 a month for the electricity. Mr. Bryan said they would pay the difference.

A motion was made by Mr. Holden and seconded by Mr. Pallo to approve Windber Area School Districts request to use power from the pole that alerts oncoming traffic of a traffic light ahead and the school would pay the borough for the service. Two absent, Mr. Gallina and Mr. Mash, motion carried.

**Manager's  
Report**

**RACP Grant** – Things continue to move in a positive fashion. I participated in a virtual meeting on April 14th with East Hills Engineering, UpStreet Architects, and representatives of

RACP. Topics of discussion centered around information for East Hills including, bidding procedures and the fact that they are required to follow RACP requirements. It was strongly suggested to include RACP Compliance Guidelines as part of plans and specifications, while making sure they are referenced as part of the bidding and that they attach to all construction documents.

I requested that Michael Borza be considered as our third-party consultant. My past dealings with Mr. Borza find him to be knowledgeable, honest, and straight forward, in all his dealings. The Office of the Budget will give every consideration to the request.

**Spring Cleanup** – This annual project went well, with 120 permits being sold.

**2021 Street Paving** – The contract with Quaker Sales has been signed and returned to them. They expect to begin in the near future. When that date is determined, I will let you know.

**Memorial Day Observance** – The veteran’s group has informed me that they will conduct services at the Veteran’s Memorial, in a typical fashion, while practicing social distancing. They will also have a small parade that will form in front of the Moose, move west on Jackson Avenue, to Park Place, to Graham Avenue and to the Memorial for the services. Public works will make arrangements with the group to control traffic in the vicinity of the Memorial. I have encouraged the veteran’s group to touch base with Anson, before the event.

**USDA Grant** – There has been no formal notification, as of this writing.

**Greg Hall** – There will be further discussion, in exec session, at our May meeting.

**Video Levee Conduit Inspections** – The estimate for this work, which would be conducted by Roto-Rooter, has been submitted to DEP, as part of the application for grant funding. We have been notified that we will be receiving \$3,500 to defray costs for this undertaking.

**Recreation Park Property Appraisal** – A copy will be needed by Somerset Trust Company. Since this appraisal is approaching one year old, it needs to be updated to be considered acceptable. The cost will be approximately \$200.

**PennDOT District 9 Transportation Outreach 2021** – A Teams meeting presentation was held on April 28th with District Executive Tom Prestash and his staff. Upcoming projects for 2021 were outlined, none of which are in Windber Borough. I reiterated to Mr. Prestash of my Transportation Improvement Program application for a traffic light at the 12th street exit.

**12th Street Exit** – I had a meeting with two PennDOT District 9 traffic engineers on May 4th. The topic was the amount of horrific traffic accidents in that area and how to defeat it. If you would want to have a traffic light installed there are three ways to go about it.

- Pay for the project out of municipal coffers.
- Apply for State grants with 50% match or cost sharing.
- Apply for funding through the Transportation Improvement Program (TIP), as I did late in 2020.

I believe the first two options are out of the question, as I can only imagine the cost. Hopefully, something comes out of the TIP program, as they work their way through reviewing

applications. On another note, they recommended installing reflective backing plates on the warning lights, in that area. Barclay Electric will submit a proposal.

**Graham Avenue Streetlights** – It has come to my attention that some of these light poles need mounting hardware replaced, at ground level. Public works will meet with Barclay, to see if these repairs can be done in house.

**Spring Primary Election** – The County has decided that Precinct 4 (Polish Falcons) will be closed, once again. Voters from that precinct, will cast their ballot at the Community Building. Once the proper documents are provided by the County, Public Works will post both polling places. I have advised the recreation director, as to what to expect, and the times for delivery of voting machines. The Spring Primary takes place on May 18th.

**Quasquicentennial Celebration** – A kickoff meeting with co-chairs Anson Bloom, Robin Gates and Mike Thomas was held on April 29, at the Borough Office. More than 15 people were in attendance. My conversations with Robin, since this meeting took place, verify that the committee is starting off on the right foot. Please check with Anson, Robin, or Mike for any future updates.

**Ballroom Budget** – In your packet, you received a proposed budget for the project, that I received from UpStreet Architects on May 4th. This is only a starting point to satisfy the Office of the Budget and we are learning that things will be extremely tight, between the available budget and the desired scope of work. This will be a true balancing act as we continue to move forward. ALSO... Travis Hutzell is still on track to meet our Business Plan/ Application submittal by mid-May.

**Municipal Stimulus/The American Rescue Act of 2021-** Robin and I have had multiple conversations about this. Mr. Furmanchik reached out to the state senators office, our representatives office, and the Pennsylvania State Association of Boroughs. There is not a whole lot of information right now and people at the state level believe the information should be provided by the fed and the feds believe it should be provided by the county.

We did receive some information today from PSAB which is rather lengthy. Robin and I had discussion on it today. Some of the items on our wish list that we are all composing might not happen but when push comes to shove, we will be able to work through it.

**Bond Counsel** – Attorney Green has informed Mr. Furmanchik that he was contacted by our bond counsel, Sean Garin who led us to the fact that in request number 2 in the letter of agreement with Somerset Trust Company which revolves around the \$300,000 term loan mentions a lien being placed on the property of the actual mortgage. Bond Counsels advice was that verbiage should not be included. Attorney Green conveyed that message to Emaline Diehl of Somerset Trust Company, and she had a conversation with Sean Garin. Emaline took that before the Board of Directors, and they agreed to remove that lien from the mortgage. The good news is it will save us thousands of dollars. Emaline will contact us if a new letter of agreement has to be prepared.

**Coal Trucks** – Mr. Furmanchik had over an hour-long conversation with a Windber resident about the jake brakes. He reached out to Jason Miller, Plant Manager of Rosebud. He informed Mr. Furmanchik that right now they only have about 40 trucks hauling in and out

of the mine. Most of the triaxle and tailer traffic now is being conducted by a company known as Creal he believes. Apparently, they are reclaiming the boney pile in the proximity of Mine 42. That means the triaxle trucks are getting off Route 56, going up 21<sup>st</sup> Street, heading up 17<sup>th</sup> Street, and Railroad Street traveling back and forth.

To satisfy our residents' concerns he arranged a get together with the resident and Jason Miller. Jason promised him he will have a meeting with the drivers tomorrow to enforce the fact there is no use of a Jake brake within Windber Borough and he will reach out to the Creal Company also.

**Resignation Councilman Gallina** – Mr. Furmanchik said we discussed the resignation letter from Councilman Gallina at the last meeting and council agreed to table it until tonight. This was due to the stipulations in the borough code that council has 45 days from the day you are presented the letter from the individual and 45 days from which Mr. Furmanchik received the letter and council was informed would take you to June 10<sup>th</sup>. Once you accept the letter of resignation there is 30 days after accepting the resignation which would be to June 10<sup>th</sup> to fill the position. If the position is not filled by that time you have an additional 15 days but that would only come from a formation of a committee by council which would then take you to June 25<sup>th</sup>.

Mr. Furmanchik asked if anyone on council had approached anyone to fill the position. Mr. Bryan said he had spoken with Tim Layton. He does not know if any of the other councilmen spoke with anyone. Mr. Bryan said Mr. Layton did submit a letter of his desire to fill the vacated seat of Mr. Gallina. Mr. Layton does understand this is a short-term position. None of the other council members had a recommendation.

A motion was made by Mr. Bryan and seconded by Mr. Spinos to accept the resignation of Councilman Pino Gallina effective today, May 11, 2021. Roll call vote: Mr. Bryan, yes; Mr. Spinos, yes; Mr. Gallina, absent; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.

A motion was made by Mr. Bryan and seconded by Mr. Holden to approve the appointment of Timothy S. Layton to fill Councilman Pino Gallina's seat by installing him and swearing him at the next meeting June 8, 2021. Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

**For the Fallen Run** – This year will mark the 16<sup>th</sup> Annual for the Fallen Motorcycle Run. As in previous years they are requesting use of the Community Building parking lot beginning at 8:00 a.m. on Friday morning August 6, 2021. They will use Friday to set up and hold the party there in the afternoon/evening of Saturday August 7, 2021. On Sunday morning they will clean up the parking lot.

The request includes the road closure as in previous years of Graham Avenue from Jefferson Avenue to 15<sup>th</sup> Street between the hours of 3:30 p.m. and 12:00 a.m. Following council's approval all paperwork will be turned into PennDot.

They will follow all state guidelines as presented by Governor Wolf with regards to Covid-19. Request signed by Stephanie Klucik, Secretary/Treasurer.

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the request For the Fallen Run with the stipulation they meet with our Emergency Management Coordinator to fill out, review, and be approved for the event. Mr. Mash, absent, motion carried.

**Solicitor's Report**

Attorney Green said his items will be discussed in executive session and new business.

**Codes Officer Report**

Mr. Bloom said besides normal citations and violations he issued a stop work order for 198 Pomroy Drive. A PA One Call came in for a deck and he went out to inspect it. He spoke to the utility company and found out he was constructing a driveway with highway access. While he was taking pictures of the property the owner pulled in and Mr. Bloom asked him what he was doing, and he admitted to putting in a driveway so Mr. Bloom put an immediate halt to it.

Mr. Bloom said the property owner has lived there for 10 years and has been denied a permit in the past. He was told he needed PennDot approval due to highway access and was denied before. The property owner contacted Metzgar's Office and they called today and were told the same thing that he does not have PennDot approval, and it was denied. The property is located at the corner of Pomroy Drive. There is terrible visibility there and he was told to return the property back to the way it was.

**Hole Shot Rod Run**

Council received a request from Mike Hunter asking permission to hold the Hole Shot Rod Run registration July 11, 2021 at the old fire hall on 15<sup>th</sup> Street beginning at 10 a.m. He is requesting permission to close 15<sup>th</sup> Street from the railroad tracks to the light on Graham Avenue from 10 a.m. till 1:00 p.m. for registration.

A motion was made by Mr. Pallo and seconded by Mr. Holden to approve the request from Mike Hunter to hold the Hole Shot Rod Run registration at the old fire hall on 15<sup>th</sup> Street and close 15<sup>th</sup> Street from the railroad tracks to the streetlight from 10:00 a.m. to 1:00 p.m. with the stipulation they meet with our Emergency Management Coordinator to fill out, review, and be approved for the event. One absent, Mr. Mash, motion carried.

**Approval Benefit**

Council received a request from Gregory Smith to hold an inaugural benefit/fundraising motorcycle/classic car run/ride, originating in downtown Windber on Saturday, July 10, 2021.

The purpose of the event is to help raise funds for two lifelong Windber residents, Robert Smith and Kristi (Harr) Titus both of whom have been diagnosed with forms of cancer.

This event will commence from the VFW Post 4795 along Graham Avenue. They are asking that Police Chief Andy Frear and his staff be made aware of the event and for any traffic guidance and suggestions he and other Windber officers could provide the group.

They also ask if the borough would graciously permit them usage of fluorescent cones to help organize parking along Graham Avenue so not to negatively affect the downtown businesses/merchants.

They will depart the downtown area at 1 p.m. proceed east on Graham Avenue ultimately merging onto PA Route 56. The ride will proceed to Bedford County with arranged stops.

They envision the run returning to Windber in the 4:30/5:00 time range. Respect and courtesy will be emphasized to all.

A motion was made by Mr. Pallo and seconded by Mr. Bryan to approve the request of Gregory Smith to hold an inaugural benefit/fundraising event originating in downtown Windber, July 10, 2021 with the stipulation they meet with our Emergency Management Coordinator to fill out, review, and be approved for the event. One absent, Mr. Mash, motion carried.

**May 25<sup>th</sup>  
Meeting**

Attorney Green said he received a letter from Sean Garin, the Bond Counsel. It is an engagement letter basically saying he will do all the work necessary to see both of the financing transactions completed. His fee will be \$25,000. It is a little higher than Attorney Green anticipated, and he told him that and he basically told him that every municipality in Pennsylvania is borrowing money right now and they are swamped.

Attorney Green said he told him we must come in at 3% on this and Attorney Green said he would reduce his fee. Essentially when you do a DCED financing they want bond counsel to say everything is proper and then they want the solicitor to say that everything Bond counsel has done is proper and everything the borough has done is proper.

Attorney Green said there is some liability there, but bond counsel does the majority of the work. There will be a ream of documents. Mr. Garin will have immediate contact with DCED get their approval do all the advertising and essentially on closing day which is anticipated the end of June he will hand Attorney Green a packet to take over to Emaline Diehl of Somerset Trust to sign off on and then we are done.

Attorney Green said he needs council's approval to have Mr. Bryan sign this engagement letter and then on the 25<sup>th</sup> because it is not an electoral debt, we must first advertise that we are thinking about doing it and then when we do it and then we have to advertise that we did it and then the public can come in and voice their concerns. The meeting on the 25<sup>th</sup> would be approval on the debt ordinance approving this debt. This will keep us in our time frame of late June possibly early July.

A motion was made by Mr. Holden and seconded by Mr. Pallo for Mr. Bryan, Council President to sign the engagement letter for bond counsel. Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. Bryan, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.

**Police  
Chief  
Report**

**SRO** - Chief Frear informed council that we will have a new School Resource Officer for next year. His name is Ted Owens, and he is a Corporal for the Pennsylvania State Police in Ebensburg. He is retiring. Chief Frear said he has known him for 14 years and he is a really good guy. He is working on his masters right now and really wants to be involved with the kids. Mr. Owens has met with Superintendent Joe Kimmel.

Mr. Owens must get his number from the state which takes about eight weeks. He wanted to start early summer, but it won't happen until he gets his number and then he can start.

**Out of Area Calls** - Chief Frear said he did an interview with WJAC-TV and the newspaper regarding the out of area calls. The problem is Windber Borough Police have been called

out for multiple calls outside the area. The state has really gotten bad with wanting us to handle calls for them. We had to stop that. There were a couple calls in Cairnbrook in Central City where they wanted us to respond to. One of our officers responded to one of the calls and it was a situation that was not a one officer call.

Chief Frear said he could see an officer going out there to a domestic and the state police are not on scene yet and the officer is probably going to go in instead of waiting out. This was the reason for the order that no, you do not go, you wait until they call and when they are close you respond. If you go in on your own bad things can happen. With Shade Township doing what their doing now this will only increase.

Chief Frear spoke to other municipal police departments and they agree with him as to what is going on and where they can no longer assist. Mr. Holden said we cannot bill them either? Chief Frear said no. Mr. Holden said so we are spending our money. Mr. Spiros said we are taking away from our citizens who pay the bills and putting our officers in danger.

Mr. Bloom asked about distress calls? Chief Frear said they will not respond without the state. If there is an officer involved shooting or a school shooting, then both officers can go. Mr. Bloom said Northern EMS normally work in teams of two and not everyone has the same tactical background or the ability to defend themselves so if he has two small, framed people on an ambulance who get into a bad situation what is their recourse because they have already made entry versus just staging away. If they know prior to and stage away and wait for PSP that is fine but if they get into a situation where they need immediate assistance where do they go? Chief Frear said he understands what Mr. Bloom is saying but if they take two cars to Central City then no one is here. Mr. Bloom said he understands that also, he just wants to know what to tell them. Chief Frear said it is the same way for an accident and that is what he tried to explain to the state.

Mr. Bloom said right now the rule is you do not call Windber unless you absolutely feel threatened so now, he just must reiterate the rule to find a safe haven. Mr. Holden asked if there was an exception if EMS was in trouble? Would we go out? Chief Frear said that is where this comes in as to one car when you need two. Mayor Thomas said you must have two guys there.

Chief Frear said they will not let the state hanging if they need us. We will respond and we feel bad it is not our decision it is the municipalities decision. Mr. Bloom said we have crystal clear rules and sometimes if you have two smaller built EMT's in a house, things can get crazy. He said it is a different world and a different world regarding public safety. He just needs to tell them do not call and to back out if they can. If it is a threat they can leave.

**Online Training** – Under Pitt they have training, and a lot of the training Pittsburgh does is through Calibre Press and Lexipol online. Chief Frear said he really liked the Calibre Press online class and really thought it was hugely beneficial. He contacted them about training our guys in the areas of duty to intervene, racial biases, and technical use of force. The classes run about three hours long and they will receive certification for the training.

Chief Frear said you rent the class for a 30-day period and it will be on the individual's email to sign up for the class. They go on and sign up for the class and they test them



throughout the class. They ideally want \$1,000 a class and he spoke to the contact person and he is trying to get it for \$500 a class for a total of \$1,500 for all three classes. Chief Frear said the classes are necessary and it would cost far more to send everyone to an actual class.

A motion was made by Mr. Holden and seconded by Mr. Pallo to approve the classes for the officers of the Windber Borough Police Department. Roll call vote; Mr. Holden, yes; Mr. Pallo, yes; Mr. Bryan, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.

**Computer Systems** – Chief Frear said the new cruiser should be done in a week. The county brought us our third fully outfitted computer system. That will go into the new car. He has also given us another computer so if we get another car in the future it will go in there. So, three of our cars will be fully outfitted with sim cards and everything we need.

Chief Frear said there are different systems out there. There is one Richland and a couple other different departments are using called Mach. It is a much quicker system as far as getting registrations and information and it feeds into the TraCS (Traffic and Criminal Software) system. The TraCS system would be where we get e-citations from. If anyone has received a ticket in the past year or two you would have gotten just a small white paper which is a printout of the ticket and automatically goes from there to the magistrate's office.

Chief Frear said it is a great system to have. The Mach System comes with a cost. It is basically \$400 per year, per car. We signed an agreement with them for this year. This year it is free (no cost). Next year it would be \$1,200 for three cars. He wanted council and Robin to know there would have to be a budget line-item next year for that.

Council convened to an executive session at 8:07 p.m. for personnel.

Council reconvened from executive session at 8:35 p.m.

**Next Meeting** The next meeting will be a Zoom meeting on May 25, 2021.

**Adjourn** Meeting adjourned by Council President, Mike Bryan at 8:37 p.m.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant

