

**Borough Council Regular Meeting
September 14, 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, John Holden, Dr. Doug Ledney, Timothy Layton, Jim Spinos and Joe Pallo. Attorney, Joe Green was present. Mayor Mike Thomas was present and James Furmanchik, Borough Manager was present through telecommunications. Ron Mash was absent.

**Approval
Minutes**

A motion was made by Dr. Ledney and seconded by Mr. Layton to approve the Minutes of August 10 and 24, 2021 meetings. One absent, Mr. Mash. Motion carried.

**Visitors
Franceska
Norwich**

Mrs. Norwich spoke to council with regards to the trees that run up and down Graham Avenue. She stated many of the trees are very tall and in need of trimming. Several are hanging over rooves of houses. Some of the limbs are eye level which could be taken care of by the borough.

Mrs. Norwich said they were never asked if the borough could plant those trees. They should not be responsible for something that they did not plant on borough property.

Mrs. Norwich said she would like all the trees on Graham Avenue trimmed. Mr. Furmanchik asked council if they wanted him to get an estimate. Mr. Bryan said we need to make a clear pathway for those walking through the borough. Public works could take care of that, and the higher stuff would require a professional. We can look at the trees and address those in need because it would not be feasible to do every tree.

Council agreed to get an estimate and investigate what is feasible and put together a priority list of what can be done right now by our public works department.

**Leonard
Norwich**

Mr. Norwich said he spoke to Mr. Bloom at the office today with regards to Trick or Treat He was told there will be a parade followed by a party at the fire hall and then trick or treat 3 p.m. to 5 p.m. He said they used to have trick or treat from 6 p.m. to 8 p.m.

Mr. Norwich said he also heard that Blair Murphy will be opening his place for people. He said he would really like to see Trick or Treat go back to the way it was 6 p.m. to 8 p.m. Reason being that people like to decorate their homes and dress up and everything. He said from 3 p.m. to 5 p.m. you will only get little kids with their parents compared to 6 p.m. to 8 p.m. you will get the teenage kids also.

Mr. Norwich said his wife is a retired schoolteacher and they enjoy dressing up and seeing the kids and students that she used to teach. Mr. Hiteshow below them and the neighbor across the street also enjoy decorating for Halloween for the kids.

Mr. Bloom said last year Covid restricted things, and the weather and other things really made the shift for daylight hours. This year Covid began winding down but now there is an uptick

in Covid again. The borough is maximizing its potential by having an all-inclusive one-day event. Not to say that next year the parameters won't go back to traditional time but for the safety of the children and to maximize the amount of exposure parade, fire department and trick or treat will maximize the downtown in one setting without branching out. It is also safer for the children. There was a 50/50 divide from that last year but there is no shift from an EMA standpoint saying we are never going back to traditional Trick or Treat but for this year to maximize the downtown we feel this is best.

Mr. Norwich agreed with Mr. Bloom's thinking, and he understands why but you can still have it in the evening. Blair's place is not going to have 2,000 people as opposed to 1,500 to 2,000 kids out their Trick or Treating. Mr. Bloom said he doesn't dispute that because it is still daylight between 6 p.m. and 8 p.m. but you have that separation from events when you could maintain control. Next year if Covid is behind us we can shift parameters and go back to the original setting.

Mayor Thomas said we did this two years ago there was a bad storm and we moved it to a Saturday, and it was a huge success. This is about the safety of the children. You have children running across the street, they are more visible. Mr. Norwich said most of the children are older. Mayor Thomas disagreed, he said chief Frear would agree most are younger and with their parents and they still run off ahead of them and it is harder to see them in the evening. Mayor Thomas said his recommendation is to stay with the daytime.

Mr. Norwich said Blairs event is from 8 to 11 so Trick or Treat would be over by then. Mayor Thomas said Blair's event has nothing to do with the borough. Mr. Furmanchik said Blair's event is a private event. The boroughs position is for the safety of the children.

Mr. Norwich asked council to check the traffic light at 160 and 56. He said the timer is off. Mr. Furmanchik said he would have Chief Frear check on it.

**Colin
Bryan**

Mr. Colin Bryan said his firm Opportunity Inc. has been working on the Windber marketing Campaign for the Economic Development Committee.

Mr. Bryan said around three months ago his company was engaged by the Windber Area Economic Development Committee to put together a strategy for a campaign to market Windber to new businesses and remote workers in response to the Covid-19 pandemic. There was a trend of people being able to work from home remotely and seeking out smaller towns with low cost of living, safety, recreation etc.

Over the last three months we put together a website and a couple of social media accounts, started forming the idea behind a business concierge program that would help businesses to establish themselves in Windber. These services are also offered to current businesses.

Over the next few weeks or months, you will begin to see a little more activity in different advertising channels, social media, and print media advertising, what we are calling the Windber Works Campaign. The campaign is open to volunteers from Windber to join who want to help. We are targeting to form three committees around fundraising and events to keep the campaign going. This is developing to help attract new businesses and assist current businesses operations in the community. Social media and marketing will help populate the contents that will appear in the marketing campaign.

Mr. Bryan said you can go to the website windberworks.com and they have a Facebook page as well as an Instagram page. We also have an online fundraiser that can be found at those links as well. Windber Works is funded by the Windber Area Economic Development Committee and donations from individuals and businesses. This has boded well for our reputation with regional organizations and local leaders. It shows Windber has an appetite to take its own future into its own hands and charter its own path.

In all the meetings with the regional organizations that will be assisting us they have been really impressed with what we have put together so far and impressed with Windber's leaders for taking this on and self-funding it.

Mr. Pallo thanked Mr. Bryan for his effort and said it was nice to see young people moving us in that direction. Mr. Furmanchik thanked Mr. Bryan for updating council.

Mike Bryan said one of the things we wanted to introduce to council was how some of the potential workings of this project might involve current employees to some extent. Mr. Furmanchik said the intriguing part is the business concierges and borough staff would step forward to help bring new business into town. Guidance would be brought in by Anson to those looking to open a business in Windber.

Mr. Bryan said the business concierge program is people who support key roles in bringing business in as well as our current business in town. That includes the roles between anyone who submits an intake survey and contacts us. That person manages that relationship and then passes them to the person that can help them. Some of those people are the codes officer, borough manager, an entrepreneur coach (Start Up Alleghanies, Matt Reckner) who represents, Somerset County and then to work force development (Career Link & JARI), and realtors to look for property for those moving into the area and commercial realtors for commercial space and general contractors if they need renovations or estimates for repairs to existing property. We also have grant writers and community partners to help assist with funding. There are a couple of different parties to fill different roles that will be involved in the program.

Mr. Bryan said he started advertising and getting inquiries in through our website, and we will be reaching out and hoping for rapid responses. Every person is unique, and every business brings its own challenges. We are getting word out for people to submit forms who want to speak to us. We are excited to move forward and want everyone to come together and lift up the community as a whole.

Mr. Furmanchik urged the business owners to stop in and attend an economic development meeting. Meetings are always on the third Tuesday at 7 p.m. Frustrating to him is that we are getting next to no one in from the business community. They are the group that will clearly benefit from it. We need that involvement from the business community.

Mr. Colin Bryan introduced his business partner Mr. Michael Costantini. He has been helping with the strategy phase and will help with the phase 2 campaign execution as well.

Mike Bryan welcomed Mr. Costantini and said we wanted council to know that is being funded outside of government dollars and is really like the grass roots effort which grew out

of the hotel effort. There are parts to this process and people that are key to it that work with the borough but also businesses coming in. It all benefits the town, so you are aware of what is going on.

Correspondence

1. Minutes from the Windber Municipal Authority Meeting of June 15, 2021
2. Minutes of the Windber Public Library Meeting August 18, 2021.
3. Windber Area Authority Minutes of July 14, 2021.
4. Business Market Day Flyer – Sponsored by Rebecca Wright and the Somerset County Chamber of Commerce.
5. Local Newspaper Article with Regards to Livestock and Fowl.

Approval Payroll A motion was made by Mr. Spinos and seconded by Mr. Holden to approve payroll for August 13, 27 and September 10, 2021. One absent, Mr. Mash, motion carried.

Approval Bills A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve bills for August 2021. One absent, Mr. Mash, motion carried.

Council convened to an executive session at 7:39 p.m. for contractual issues.

Council reconvened from an executive session at 8:25 p.m.

Discussion ARPA Funds Council engaged in lengthy discussions regarding disbursement of ARPA funds.

A motion was made by Spinos and seconded by Mr. Holden to approve the equipment requested for by public works under the ARPA Grant as follows:

1 PAS 3' Extension	\$47.99
1 EX Mark Lazer E Series 52" Zero Turn	\$8,468.60
1 Husqvarna Chain Saw w/20"	\$399.99
1 Husqvarna Chain Saw w/16"	\$295.99
1 Echo Power Source	\$255.99
1 Echo Propruner	\$159.99
	\$9,628.55

Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo yes, motion carried.

A motion was made by Mr. Holden and seconded by Mr. Spinos to approve the equipment request for the police department as follows:

2021 Ford Explorer	\$33,335.00
Less Trade in	(\$7,500.00)
Upfit for Explorer	\$13,000.00
2 New Taser x26-P -Holster & Battery	\$3,100.00
1 New Motorola Radio-Apx-4000 Portable	\$3,500.00

Bushmaster AR-15 & sight	\$1,000.00
6 Body Worn Camera System	
Watch Guard 12 units Docking & Software	\$20,480.00
BearCom Maintenance Agreement	\$1,500.00
Mach Computer Maintenance System	\$1,600.00
	\$70,015.00

Roll call vote: Mr. Holden yes; Mr. Spinos, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes; Motion carried.

After further discussion regarding disbursement of the ARPA Funds, council decided Mrs. Gates would go back and separate what was needed this year from what could wait until next year.

A motion was made by Mr. Spinos and seconded by Mr. Holden to rescind the motion to approve the equipment request for public works department. One absent, Mr. Mash, motion carried.

A motion was made by Mr. Holden and seconded by Mr. Spinos to rescind the motion to approve the equipment request for the police department. One absent, Mr. Mash, motion carried.

Council tabled the discussion of the ARPA funds.

**Discussion
Borough
Manager**

Mr. Bryan said they received seven resumes' that came in from Indeed.com. Council did not feel any of the resumes were a good fit. Council continued discussion on whether to continue as is with the staff we have on hand for a year. Mr. Furmanchik asked who would manage the ballroom? Someone needs to operate it. Who is going to handle everything with the engineer, the architect, RACP, and the third-party consultant after the first of the year? Who is going to do your manager's report?

Mr. Holden agreed we need someone to market, and event plan the ballroom, but we do not know when the ballroom will be done. Mr. Furmanchik said it will probably not be done until Fall 2022 and you need to start marketing it now. Mr. Holden said that position can be delayed, we have months to work on it. He said the fire department is interested in a shared resource for fundraising and marketing to aide in us with the ballroom. Mr. Furmanchik asked if that included profit sharing.

Mr. Bloom said we would be extending our business relationship to contribute to the borough's cause in lieu of the donations received from the borough. With regards to profit sharing no, but the profit sharing would be if you are running the event and we would be running the beer. We have people that do fundraising daily so who better to know these things inside and out that can help this process without attaching anymore funds to it. It is a shared resource.

Mr. Spinos brought up insurance needed to serve liquor. Mr. Bloom said the fire department can be the sole bartenders for the ballroom. They get seven liquor licenses per 501c3, so we have the ladies and us, so we have 14. They can do those kinds of things because they have

the RAMP Certifications, and the RAMP Supervisors and Safe Serve. They can get into a contract because your venues do not need a liquor license because it is not a public fundraiser.

Mr. Bloom said you can provide the insurance in a couple of different formats; you can require an event holder; the facility can be insured, then that is coming back on the borough, so you probably want to extend a rider. The fire department carries a three-million-dollar provisional policy. The fire department requires everyone to carry a one million liability policy for any of their events. Mr. Spinosa said it would be no different than an event packet then.

Council then discussed the ballroom committee's position with the ballroom project once the end of the year comes. Mr. Bryan said he would still participate in that discussion once he leaves if council wants that.

Mr. Furmanchik said being on the ballroom steering committee is one thing but handling everything day to day is the question. Mrs. Gates said she would continue to do the paperwork and Anson would get more involved.

Attorney Green said a borough manager's position pulls the council out of the day-to-day decisions to where they are making policy decisions so if we do not have a manager council is going to have to get way more involved or nothing gets done.

Council agreed they need to come up with a plan because there is currently no one to take over the present duties at the end of the year.

Temporary Clerk One resume was received for the temporary clerk's position. A motion was made by Mr. Holden and seconded by Mr. Spinosa to approve Rose Swiokla for the temporary clerk's position at \$13.70 an hour. One absent, Mr. Mash, motion carried.

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

Council Liaison Reports There were no reports currently.

Mayor's Report There was no report currently.

Manager's Report Mr. Furmanchik asked if council saw the copy of an article that was included in their packet that was in the Tribune Democrat about a livestock ordinance in the City of Johnstown? Council said yes. Mr. Furmanchik asked council if they thought we should get a copy of that and incorporate it to fit Windber Borough. Attorney Green said he would have to look at the ordinance to see what they are requiring.

17th Street Storm Water Project – A pre-construction meeting took place at our office on Tuesday, August 31, at 2:00 PM. The Somerset County Redevelopment Authority is waiting for M&B Services to complete a project, that they are currently working on in Berlin. We are

targeting construction to begin in late September. EADS has prepared a cost estimate for sidewalks, in that area, at an amount of \$126,460. Hopefully that project can take place in 2022.

USDA Grant – USDA representative, Eli Bradich, is now stating, that with their fiscal year ending on September 30th, we should have positive information soon.

22nd Street Bridge – The situation remains the same, as we wait for a meeting to be scheduled by PennDOT.

Ballroom Rehabilitation – The project continues to move along well and I'm sure that you have seen the latest architect's renderings. I have approached EADS to prepare a cost analysis before the project goes out to bid. Areas of need, during the spring of 2022 will include having cellular service for third party monitoring of the fire alarm control panel. At the same time, the Borough will need to file an application for internet service. Please keep these in mind, as other arrangements for utilities, are already in place.

Windber Works – The Windber Area Economic Development Committee's marketing campaign project manager, Colin Bryan, will make a presentation to Council, at our September 14th meeting. This will allow Council to fully appreciate what is involved with the campaign.

Revenue Reduction – Kotzan and Associates has calculated our lost revenue for 2020, according to guidelines set by the American Rescue plan Act. Those calculations come to an amount of \$141,531. With that in mind, that amount could be deposited into the General Fund and used as Council deems necessary.

ARPA Execution Plan – Please refer to department head's wish lists, that were emailed to you. They are considered to be a starting point, for discussion, at our September 14th meeting.

Blight Remediation Grant – I am in receipt of the contract with DCED. At our September meeting, Council will have the option to approve advertising and hopefully open bids in October. Those properties that were agreed to demolish, by contract are as follows.

- 200 22nd Street
- 154 Recreation Road
- 593 Railroad Street
- 207 Railroad Street
- 111 Railroad Street
- 702 17th Street

WAEDC Grant Applications – Travis Hutzell will prepare two Grant applications for the Windber Area Economic Development Committee. One will be to for \$7,500 to subsidize advertising and marketing, for the Ballroom. The second will be for funding in the amount of \$20,000 to ensure the current marketing program for our community stay active.

Handle with Care – After being approached by Somerset County District Attorney Jeff Thomas, I have spoken with Mayor Thomas, Chief Frear and Windber Area School Superintendent Joe Kimmel. The "Handle with Care" program is one that will allow law

enforcement to alert the school if they have had interaction or incident, that involved a student. The main advantage to the program is to alert the school that if they are having issues with a student and there might be other circumstances involved. Formal announcement will take place, soon.

Tropical Storm Ida – Thanks again to everyone that contributed to the effort, with torrential rains on September 1st. Again, this speaks well for the team we have prepared in our community.

Flood Control Project / Levee – This year’s inspection will take place on September 29th, with the Army Corp of Engineers. Since we are not able to bring in SCI prisoners, to cut back vegetation, I have arranged for Richland Township to bring in their tractor, with a side boom mowing deck. This will allow us to clean up the project, before the inspection

Meeting with RACP Consultant – The third-party consultant, for the Ballroom rehabilitation project, will meet with the project engineer, lead architect, Richard Burkert and me, via Zoom, on September 22nd at 10:00 AM.

Borough Manager’s Position – As sent to you via email, there have been seven applicants through Indeed. There have been no applicants associated with the Tribune- Democrat and the Borough website. Council can discuss this topic further, at the September meeting.

United Way Presentation - This organization will meet with Borough employees, on October 12th @ 9:00 AM, to solicit their support.

Web Cam – With the possibility of Mimo’s being sold, I have been assured that we will still be able to mount the web cam on their building. We will also explore the opportunity to have that portal, that will offer views of the Gazebo, Miner’s Park, and Graham Avenue, will be available through windberboro.com.

Part Time Borough Clerk – In lieu of Cheryl Denk’s medical leave, Article XVI, Section 2, Part (D) of the Non – Uniformed Contract states that part time employees would start at the hourly rate of \$13.70. We skirted that issue during Cheryl’s last absence because that part time employee was a student, and it was termed “seasonal” employment. Sargent’s Personal Agency would fill that position at \$15/hr., depending on the duties involved.

Solicitor’s Report

There was no report at this time.

Codes/ Report

Mr. Bloom has had several discussions over the last couple of months with the owners of D3 Surplus Outlet LLC. It is a big warehousing like secondhand stores, and they are very successful in Portage. They tried to do this in another municipality and went the whole way through the process and were turned down. Windber Builders was already approved (because it is in a residential district) to house a business there. They want to restore the business and open it up and restore the house. Council just needs to make a motion to continue the variance that already exists.

Mr. Spinos said he did talk to one of the owners and he said the house is in very bad condition and should be torn down. Are they looking into fixing it back up? Mr. Bloom said they have

two avenues, the house as it sits is not going to stay if it is not feasible to fix. They are either going to fix it or demolish it, but they are going to address the house.

Mr. Spinos said that was his concern whether they were going to address that. Mr. Bloom said yes, they are. Mr. Spinos asked if they have any interest in the property across the street. Mr. Bloom said he does not think so he is supposed to look and see if that piece of property is included in the sale. Mr. Spinos said the neighborhoods concern is will he maintain that property along with everything else. Mr. Bloom said he spoke to the owners in depth about this. Their major concern is how the property looks and the care of the buildings. They assured him that if this goes through and council approves this they will make the neighbors happy by limiting the truck traffic and being appeasable to the neighbors and maintaining the buildings.

Mr. Spinos said the consensus of the neighborhood is they will not have a problem with it if they fix it up.

**Approval
Pre-Existing
Non-
Conforming
Use** A motion was made by Mr. Holden and seconded by Mr. Spinos to approve to carry on the pre-existing non-conforming use of the property located at 2800-06 Graham Avenue. Roll call vote: Mr. Holden, yes; Mr. Spinos, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.

**Advertise
For bids
Blight
Remediation
Demolitions** A motion was made by Mr. Holden and seconded by Mr. Layton to approve advertising for bids for the blight remediation demolitions. One absent, Mr. Mash, motion carried.

**Light
Poles** Mr. Furmanchik said he sent council pictures of light poles and asked council if they had any interest in procuring them for the ballroom. Mr. Bryan said there are five lights. New ones are around \$2,500 a each. Mr. Furmanchik said we can acquire them for \$1,750. Attorney Green said they can be added to the architect/engineer's invoice. Mr. Furmanchik said they can be stored at the shed.

**Next
Meeting** Next meeting will be October 12, 2021, at 7:00 p.m.

Adjourn Meeting adjourned by Council President, Mike Bryan at 10:30 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant