

**Borough Council Regular Meeting
October 12, 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, and Joe Pallo. Attorney, Joe Green was present. Mayor Mike Thomas was present and James Furmanchik, Borough Manager was present through telecommunications. Ron Mash and James Spinos were absent.

**Approval
Minutes**

A motion was made by Mr. Holden and seconded by Mr. Pallo to approve the Minutes of September 14, and 28, 2021. Two absent, Mr. Mash and Mr. Spinos. Motion carried

Visitors

Nick Spadone told council he was there to discuss the demolitions of the houses in Windber. He asked who is funding the operation and where is the money coming from? Mr. Furmanchik said it is coming from a grant from the Department of Community and Economic Development.

Mr. Spadone asked who decided what structures get demolished and which ones do not? Mr. Bryan said that would be our codes officer who makes those decisions. Mr. Spadone asked what he bases his decisions on? Mr. Bryan told Mr. Bloom who is on (Zoom) telecommunications tonight he is being asked the question of how are you basing decisions on structures that would be demolished from the DCED Funding?

Mr. Bloom said there is a target list of 43 structures tagged within the borough that are on the proverbial blight remediation target list. Of those 43, 10 were prioritized because they were vacant for years, they are falling in and have structural damage and show significant signs of collapse. The property Mr. Spadone is referring to is on the original list when we thought the projected number was going to be 10. Because that number was refused and because of the restoration that must be done to his house he chose to demo the property adjacent to his.

Mr. Spadone is talking about the house that is connected to his. So, we would lose the ability to complete demolitions for 10 houses and we're in the \$50,000 range because the one connected to his house has to be completely restored siding chimney and foundation. So, in order to maximize the blight remediation project as written for the grant he had to go with individual stand-alone structures. That is why that house is not on the immediate demolition list. His is still on the provisional list, if there are other monies released or something else changes. Mr. Bloom said he is still on the list he's just been bumped down based on what we originally thought we were getting and what we were funded.

Mr. Spadone said it does not take away from the fact that the house in question 587 is on verge of collapse. He had pictures of holes in the roof, the shingles are deteriorated, the foundation on the porch is collapsed and porch is pulling away from the house. The pictures show the siding is falling off onto the sidewalk and half the soffit is missing because the other half is on the sidewalk. There is a safety issue there and a health issue because this house has asbestos siding on it. If the house crashes, then all that stuff is going to go into the air.

Mr. Spadone said 702 17th Street has a brand-new metal roof on it and the siding isn't falling off and the soffit and fascia isn't hanging how can that take precedence over one that is a safety hazard?

Mr. Bloom said 702 17th has a foundation priority but it is a stand-alone structure. Any time you go after grant funds it must be a specific project funding. He is not saying that we are not trying to move on demoing the other side of your house he is telling you it is going to cost \$50,000. Mr. Bloom must find a different source of revenue for that house because we can't afford a \$50,000 hit in one project. The house is attached to your house it would call for an immediate restoration. It would have to have a new chimney, a foundation restoration and there is so much that goes into it, and this project is not for that purpose.

Mr. Bloom said Mr. Spadone's house is a priority, he has the same pictures, he has had them for awhile and has looked for multiple ways of funding and it does not happen overnight. He must have a project specific for that house. He is still looking. It isn't that it is not getting done, it is not getting done out of this grant.

Mr. Furmanchik said the grant they received from DCED was for \$65,000. Once you take contingency fees and engineering costs off leaves \$59,000 to use towards demolition.

Mr. Spadone asked who is liable if the house collapses? Attorney Green said the property owner would be. Mr. Bryan said he knows this is not the answer Mr. Spadone wants to hear right now and council understands that. We are working with monies allocated to us and we must make those decisions. Mr. Bryan said he is sorry that Mr. Spadone does not like that answer. Mr. Spadone stepped away from the podium and said that was all he had to say.

**Diana
Holzapfel**

Ms. Holzapfel said she has the same issue that Mr. Spadone does. She does not understand why some of the homes are not brought up and waive taxes to someone who wants to bring a home up. Mr. Bryan said we are not the tax body, so he is not sure what she is saying. She said she knows the lady that lived in the house on 17th Street, and it would hold up better than the one next to his son and his wife. There is black mold everywhere. If you sit on their porch, they are breathing that stuff in, and it is not fair to them. The house on 17th Street doesn't smell that way. There are many homes in Windber if you waived the back taxes or make it reasonable, there are section eight people and allot of people here that need a place to live. If there was a way to bring these homes up, they would not need to be torn down.

The person who owns the house in questions owes \$56,000 in debt why not let someone go in there and restore it and waive that. It is attached to his house, and it is not fair to Mr. Spadone. She said to take two of the other houses off the red list and give the money to that man. What if they get sick? Who is responsible? Mr. Bryan said it is the property owner. She said the property owner is nonexistent and has not lived there for years.

Mr. Furmanchik said Mr. Bloom is not inflating any of those numbers those numbers came to us through the borough engineer. It was on the list until we found out how much it was going to cost. In any situation where half of a duplex has become dilapidated the owner of the other half of the property always has the option to take ownership of that property and file for application from the Somerset County Redevelopment Authority and possibly have the property rehabbed.

Mrs. Holzapfel said by Crousey's there was a building that collapsed, and she does not know who goes around and looks at these buildings. Mr. Bloom said when he started here full-time that building was one, he hit hard and heavy. It traveled the legal process and third-party engineers looked at that building, the owner's decision to get the engineers because he was moving forward with demolition and the certified engineer said it was structurally safe. We know what the result was, but it travels the legal process. They are not going to take his word over a structural engineer. He had to bring in a structural engineer just to demolish it.

Mr. Bloom said it does not always seem like it makes sense or fit someone's parameters but that is the way it must be done. It is very fortunate that no one got hurt but because he is very diligent in what he does he already had a long-standing record built on this property so when it fell because he knew it was going to fall the borough was protected.

Ms. Holzapfel asked if that was a process that can be done for the structure on Railroad Street. Mr. Bloom said that structure is still a priority, and he looks every day for funding and different projects to make this happen. It is not that it is being pushed aside it is only being set aside for this allocation of funds. He wants to see this house done by the end of the year. He needs \$50,000 to do it. The borough engineer told him about all the things that would need to be done to make sure the occupied half is safe.

Mr. Bloom said he would like to see it done by the end of the year and he is doing everything he can to make that happen. Is it feasible? He does not know. It may be more realistic to say spring?

Mr. Bryan said Mr. Bloom has addressed Mr. Spadone and Ms. Holzapfel and he knows they are not happy about that but unfortunately what makes sense to you falls into a legal trap you do not want to hear but it is not falling by the wayside.

Kevin Spadone

Kevin Spadone said there is nothing wrong with the house attached to his house. Kevin said he lives in 589 and 591 is attached to it and it was on the list in the paper for demolition and he wants to know why and asked if it was a mistake.

Mr. Holden said first it must have been a typographical error in the paper because it is 593 that is on the list. 591 is not on the list.

Mr. Furmanchik said the bottom line is we have \$59,000 to use for demolition and 43 properties that qualify for demolition. Mr. Furmanchik asked Kevin if he ever entertained obtaining ownership of that property. Mr. Spadone said there is a \$56,000 lien on it and it needs \$30,000 worth of work, he would not do that.

Correspondence

1. Minutes from the Windber Municipal Authority Meeting of August 9, 2021.
2. Minutes of the Windber Public Library Meeting September 15, 2021.

Approval Payroll

A motion was made by Mr. Layton and seconded by Dr. Ledney to approve payroll for September 24, and October 8, 2021. Two absent, Mr. Mash and Mr. Spinos. Motion carried.

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

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

Council Liaison Reports There were no reports at this time.

Mayor's Report Mayor Thomas said he attended the 100th Anniversary for Windber Woods and he provided a proclamation for the event on October 6, 2021.

Manager's Report **17th Street Storm Water Project** – Construction was to begin the week of October 4th and was expected to be complete by November 29th. Unfortunately, that did not happen, as the contractor B and M Services, has not been able to locate pipe for the project. I have located the pipe for the project and arranged delivery. The contractor promises to start work on the week of October 11th.

USDA Grant – No further information, at this time

22nd Street Bridge Project – A virtual meeting was held on October 7th, that included PennDOT, EADS and me. I will provide information at our upcoming meeting,

Ballroom Rehabilitation – As you are aware, a cost analysis was completed on 9/23, with a total construction cost of \$1,486,026. As of this writing the analysis has not been completely revised. I am hoping that we will be able to put the project out for bid with possible deducts, in order to make it work.

Blight Remediation – Advertisements appeared in the Tribune Democrat on September 16th and 22nd. Bids will be opened and reviewed in our office on October 11th at 2:00 PM, by Attorney Green and EADS Engineering. Council will approve and award the successful bid at our October 12th meeting.

If you remember there was a huge bump in the road regarding the rehab for the 22nd Street Bridge because of the State Historical Preservation Organization. On October 7th he was told due to a lack of funds they can only allocate \$576,000 to that bridge. \$576,000 would include transitioning that bridge into a pedestrian bridge and use the extra money left to purchase pieces of property to make South 22nd Street more receptive. Probably in the same boat?

There was also a possibility given to him that the borough can come up with the additional \$430,000 that was originally there and continue to pursue the actual rehab of that bridge. He made calls to the Southern Alleghanies Planning and Redevelopment Authority and state representatives. He has a meeting with Ray Seese from PennDot tomorrow. His question simply is if we do obtain a grant to move forward with the extra money, where does that leave us with the State Historical Preservation Organization.

Mr. Furmanchik asked council if they were interested in pursuing a grant to pick up the additional \$430,000? Mr. Holden asked what the match would be? Mr. Furmanchik said we do not know what the match is until we know what the grant is because every grant has a different match.

Mr. Furmanchik said he doesn't understand why PennDot needs to know tomorrow when the project isn't slated to begin until 2024. Mr. Furmanchik suggested we see what the Southern Alleghanias has to say with regards to what funding is out there and he will have had the conversation with Ray Seese and can discuss the information on October 26, 2021. Council agreed.

Flood Control Project / Levee – The Army Corps of Engineers Inspection took place on September 29th. We have not yet received a formal evaluation of the inspection.

RACP Consultant Meeting – This meeting took place, via Zoom, on September 22nd. There are a few items on the business plan / application that need cleaned up by the grant writer, along with a minor clarification made by the property appraiser. There are a few documents that need provided by our office. They include copies of the following.

1. Our loan agreement with Somerset Trust
2. Our renewed fidelity agreement
3. Certificate of liability from our insurance carrier

The current tentative plan is to have bids accepted through November, with construction to begin in December. I was surprised to hear that we do not have to accept the lowest bid. We only need to supply a few sentences to explain why we would not accept the lowest bid.

PennDOT Projects – I have been engaged in conversation with a representative from District 9 about two possible projects that could include revamping the traffic lights and signage at the intersection of Route 56 & 160 and installation of a system that would slow down or stop traffic at the 24th Street exit, when there is a need to cross the highway. Naturally, if these come to fruition, it will be at no cost to the Borough.

Flood Mitigation Grant – Action is planned to take place on these grant applications on November 16th by the Commonwealth Financing Authority (CFA) Board. Hopefully we get some positive feedback afterwards.

Trimming Trees on Graham Avenue - Having a professional contractor handle this would be extremely cost prohibitive. With that, public works has completed trimming of these trees, as safely as possible. I understand that it has been a vast improvement.

Plans and Reports – In an effort to improve the Borough in these areas, the 2021 Annual MS4 Report and revised Storm Water Management Plan (SWMP) have been completed and submitted to DEP. Please see Robin for a copy, for your review.

Amusement Tax – This tax, which is collected by the Police Department, was not garnished for the first half of 2021, because of the pandemic. Starting immediately, those taxes will be collected for the second half of this current year and the entire year of 2022. This brings in approximately \$3,000 annually.

Borough Manager's Position – Council will interview a candidate at 5:45 PM on October 12, 2021. This interview has been moved to October 26, 2021 at 5:45 due to a death in the family of the candidate.

Snow Emergency Contractors - In keeping prepared for the unfortunate, I once again have compiled a list of nine contractors, to load and haul out plowed snow, if we are hit by a huge storm. All contractors are advised to provide a certificate of liability, to our office. Anson and Robin will be provided with a copy of the list, to address the situation, if need be.

ARPA Funding – The U.S. Treasury announced on September 30th, that the following changes for the first ARPA Project and & Expenditure Report. The deadline for the first submission of these reports has been from October 31, 2021, to April 30, 2022, and will cover the period between the award date and March 31, 2022. Further instructions will be provided by the U.S. Treasury, at a later date.

Solicitor's Report Attorney Green said we opened the bids for blight remediation demolitions. There were four bids. Two of the bids were incomplete.

Attorney Green asked for an executive session before council moves on this due to potential litigation involved in this before we make a motion.

Council convened to an executive session at 7:44 p.m.

Council reconvened from an executive session at 8:05 p.m.

Approval Demolition Contractor A motion was made by Mr. Holden and seconded by Dr. Ledney to approve the base bid from Marsh Contracting in the amount of \$48,500. Roll call vote: Mr. Holden, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Layton, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, absent. Motion carried.

Disburse ARPA Money A motion was made by Mr. Holden and seconded by Mr. Bryan to approve a donation of \$8,000 from ARPA Funds to the Windber Museum. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Holden and seconded by Mr. Bryan to approve reimbursing EMA expenses for Covid in the amount of \$10,000 from ARPA Funds. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Layton and seconded by Mr. Bryan to approve \$1,000 from the ARPA Funds to be used to hold a new 2021 Ford Explorer for the police department at Laurel Ford. Roll call vote: Mr. Layton, yes; Mr. Bryan, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Holden and seconded by Mr. Bryan to approve \$1,000 from the ARPA Funds to be used to hold a new Ford Interceptor for the Codes/EMA at Laurel Ford. Roll call vote: Mr. Bryan yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve \$47.99 from the ARPA Funds for the purchase of 1 PAS 3' extension for the Public Works Department. Roll call vote: Mr. Bryan, yes; Mr. Pallo, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Holden and seconded by Mr. Bryan to approve \$399.99 from the ARPA Funds for the purchase of 1 Husqvarna Chain Saw w/20" the for Public Works Department. Roll call vote: Mr. Holden yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve \$295.99 from the ARPA Funds for the purchase of 1 Husqvarna Chain Saw w/16" for the Public Works Department. Roll call vote: Mr. Bryan, yes; Mr. Pallo, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Pallo and seconded by Mr. Bryan to approve \$255.99 from the ARPA Funds for the purchase of 1 Echo Power Source for the Public Works Department. Roll call vote: Mr. Pallo, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Bryan and seconded by Mr. Pallo to approve \$159.99 from the ARPA Funds for the purchase of 1 Echo Pro Pruner for the Public Works Department. Roll call vote: Mr. Bryan, yes; Mr. Pallo, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, absent. Motion carried.

A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the Bonus/Premium Pay for workers in the amount of \$21,250 from the ARPA Funds as follows:

<i>Bonus/Premium Pay for Workers</i>	
4 public works employees	\$4,000.00
2 Office Staff	\$2,000.00
1 Codes Officer	\$1,000.00
1 Tax Collector	\$500.00
1 Police Clerk	\$1,000.00
2 Full time Officers	\$2,000.00
1 Chief of Police	\$1,000.00
6 32/39-hour Officers	\$6,000.00
7 Part-time Officers @ \$500	\$3,500.00
1 new Hire officer	\$250.00
Total	\$ 21,250.00

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

**Approval
payments
\$300,000
Capital
Improve.**

A motion was made by Mr. Bryan and seconded by Mr. Holden to approve monthly payments for the \$300,000 loan to be taken from Capital Improvement Fund. (Funds will be replaced once project is finished). Roll call vote: Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, absent. Motion carried.

**Decision
22nd Street
Bridge**

Council tabled approval for a decision on the 22nd Street Bridge.

**Next
Meeting**

Special Meeting to be held October 26, 2021, at 5:45 p.m.

Adjourn

Meeting adjourned by Council President at 8:17 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant