

**Borough Council Regular Meeting
December 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, Joe Pallo and James Spinos. Attorney, Joe Green was absent. 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 Mr. Pallo and seconded by Mr. Bryan to approve the Minutes of November 9, 2021, meeting. One absent, Mr. Mash, motion carried.

Recognition Visitors There were no visitors at this time.

Proclamation A proclamation was read out loud by Mayor Thomas recognizing James Furmanchik for his years of service. Proclamation is attached. Mr. Furmanchik thanked council for their gesture and told them how much he appreciated it.

Correspondence:

1. Minutes from the Windber Municipal Authority Meeting of October 19, 2021.
2. Minutes of the Windber Public Library Meeting November 17, 2021.
3. Minutes of the Windber Area Authority October 13, 2021, meetings.

Approval Payroll A motion was made by Mr. Holden and seconded by Mr. Pallo to approve payroll for November 19, and December 3, 2021. One absent, Mr. Mash, motion carried.

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

Ballroom Report Mr. Furmanchik said yesterday at 2:00 p.m. was our bid opening for the ballroom project. We had more than 20 people that requested bid packets from UpStreet Architects and we only received one bid.

The bid was from Mid-State Construction in Altoona at \$1,768,941. Knowing that was not anywhere close to an amount we can live with, Mr. Furmanchik got in touch with our third party RACP representative about the possibility of extending the bid submission date. They told him that was perfectly legitimate, but he would have to extend notification by the end of business day. They were also told there had to be verification of the date of notification because when the project is completed it will be in the audit. The notifications were sent via email with the date stamp on them. The bid date was extended to January 17, 2022.

Mr. Furmanchik said he did some research last evening and most of the day today as to what we were going to do and how we were going to proceed. The architect was not in agreement

with the extension because he did not want to scare off the first bidder. Mr. Furmanchik said in his mind it didn't really matter because it did not meet their budget. These were the only other options he could think of.

- a. Stop and not do the project at all and we can not do that because we have an extreme amount of money tied up in engineering and in the architect.
- b. Consider rebidding which would cost you money in advertising by the architect.
- c. Apply for another RACP Grant splitting it up into Phase I and Phase II. Travis Hutzell would have to write another application and again you would have to throw more money at the architects and engineers.
- d. Architect could negotiate with the present bidder and the project would only be two-thirds completed.
- e. Move the project forward by extending the date to January 17, 2022.

Mr. Furmanchik said he reached out to a couple of contractors whom he knew today, and one said he went to the preconstruction meeting and looked around and saw there were some pretty big contractors there so he did not prepare a proposal because there was no way he could hang with them.

Another company told him they had everything ready but were waiting on prices for painting etc. and did not receive them in time and could not submit. A third one said they could not understand the bid package and others were involved with other construction projects.

Mr. Bryan said the hospital has an RACP for \$500,000 that they have extended for six years, so putting this back a month to get bids is not unheard of. After speaking to our third-party consultant, a decision had to be made by the end of the bid day, because of the tracking for the audit so the decision was made to extend the deadline for bids.

Mr. Furmanchik said there is a possibility we may have to take a loan out? He does not know but council may have to keep that in the back of their minds.

Mr. Holden asked if we could seek any additional funding other than RACP to pursue additional money? Mr. Furmanchik said he feels it would be fine to do that, but we have a couple things we need to check on before we change direction.

Mr. Holden asked if they were allowed to do a capital fundraising project to support the ballroom renovations. Mr. Furmanchik said yes but we never talked about that. Mr. Bryan said we have time, and the natural progression is to see what happens with the bid extension. Mr. Furmanchik agreed.

**Cash Bal./
Treasurer
Report**

There were no questions at this time.

**Council
Liaisons**

There were no reports at this time.

Mayor's Report Mayor Thomas thanked Mike Bryan, Jim Spinos, Tim Layton and Jim Furmanchik for their service and for bringing him on board as the mayor. He said they all worked together and they accepted him and he appreciated it.

Manager's Report **17th Street Storm Water Project** – As of December 2nd, the project is 100% complete. The photographs and reports, that I have obtained, clearly state that the outcome looks terrific.

USDA Grant – Again, there is no formal word, as USDA is waiting for their new budget to be approved by Congress.

Ballroom Rehabilitation – The project has been advertised for bid. There was a site meeting, for all interested parties, on November 19th. A total of eleven general contractors took part. This amount of interest hopefully guarantees a lower bid amount. Again, bids will be opened in our office on December 13th and Council will award the bid at our December 14th meeting.

Community Building Fire – All cleaning and painting is complete. Johnstown Construction is waiting on materials to complete the kitchen. They are anticipating a three to four month wait for cabinets.

Levee Inspection – There still have not been any results received from the Army Corp of Engineers for the Flood Control Project Inspection, that took place on September 29th.

Flood Mitigation Grant – I was contacted by the Commonwealth Financing Authority on November 23rd. Their correspondence stated that they will not act favorably on our request for assistance.

Blight Remediation – Demolitions are in progress, with Anson now taking point on the project, as he has the documentation to justify the action.

RACP Document Submission – RACP requested a revision on the Windber Recreation Park Appraisal as part of our final document's submission. That along with submission corrections by Travis Hutzell have been completed and approved. Special thanks to Jakubowski Appraisals for completing the Park appraisal revision at no cost.

Ballroom Bid Specifications Rebuttal – I was contacted by the Mechanical Contractors of America representative, Todd McKeever on November 24th. He stated that our bid specifications did not meet RACP standards, by allowing to have a general contractor in place instead of using separate prime contractors. Collaboration by myself, third part party consultant Mick Borza and project architect, Tom Harley proved them wrong. The bid process continues to move forward, as originally started.

New Borough Manager – Ron Allison started his new position, with the Borough, on December 6th. The Borough computer, that was in my possession, has been sent to our office along with any pertinent personal files. I had the desktop on my new computer set up to mirror Ron's so we can work toward a seamless transition, through December 31st.

Solicitor's Report Attorney Green was not present at this time.

Codes Report	Mr. Bloom said plans for Berwind's subdivision is in new business. Council convened to an executive session at 7:30 p.m. for personnel matters. Council reconvened from an executive session at 8:06 p.m.
Rescind Ott Zoning	A motion was made by Mr. Spinos and seconded by Mr. Bryan to rescind reappointment of Allen Ott to the Zoning Hearing Board (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
Rescind Gahagen Zoning	A motion was made by Mr. Spinos and seconded by Dr. Ledney to rescind reappointment of Gwynn Gahagen to the Zoning Hearing Board (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Spinos, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
Rescind Bartolomucci Planning	A motion was made by Mr. Holden and seconded by Mr. Pallo to rescind reappointment of Pete Bartolomucci to the Planning Commission. (Four-year term) January 1, 2022, to December 31, 2025. 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.
Rescind Marcinko Planning	A motion was made by Mr. Pallo and seconded by Mr. Bryan to rescind reappointment of Ed Marcinko to the Planning Commission. (Four-year term) January 1, 2022, to December 31, 2025. Roll call vote: Mr. Pallo, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.
Rescind Kormanik UCCAB	A motion was made by Mr. Spinos and seconded by Dr. Ledney to rescind reappointment of David Kormanik to the Uniform Construction Code Appeals Board. (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Spinos, yes; Dr. Ledney, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
Rescind Gyurik IPMCAB	A motion was made by Mr. Spinos and seconded by Mr. Bryan to rescind reappointment of Mark Gyurik to the International Property Maintenance Codes Appeals Board. (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
Rescind Wargo IPMCAB	A motion was made by Mr. Spinos and seconded by Mr. Pallo to rescind reappointment of Richard Wargo to the International Property Maintenance Codes Appeals Board. (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Spinos, yes; Mr. Pallo, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; and Mr. Mash, absent. Motion carried.
WAA Board Dr. Ledney Rescind	A motion was made by Mr. Spinos and seconded by Mr. Holden to rescind Dr. Ledney to the Windber Area Authority Board. (Five-year term) January 1, 2022, to December 31, 2026. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, abstained; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.

General Fund Budget	A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the 2022 General Fund Budget in the amount of \$1,781,507.17. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
Approval Sewer Budget	A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the 2022 Sewer Fund Budget in the amount of \$206,800.00. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos yes. Motion carried.
Approval Liquid Fuels	A motion was made by Mr. Pallo and seconded by Mr. Holden to approve the 2022 Liquid Fuels Fund Budget in the amount of \$150,148.36. Roll call vote: Mr. Pallo, yes; Mr. Holden yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.
Approval Ordinance No 2021-3	A motion was made by Mr. Holden and seconded by Mr. Layton to approve Ordinance No. 2021-3 Levying tax of 18.92 mills for the year 2022. Roll call vote: Mr. Holden, yes; Mr. Layton, yes; Mr. Bryan, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
Berwind Corporation RR Street Subdivision	A motion was made by Mr. Layton and seconded by Mr. Holden to approve the recommendations by Windber Borough Planning Commission for Conditional Approval of the application for Berwind Corporation – Railroad Street Subdivision; Tax Map 28, Parcel 244, Parcel A with conditions as set forth in paragraph 1. Roll call vote: Mr. Layton, yes; Mr. Holden, yes; Mr. Bryan, yes; Dr. Layton, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
Approval tax Collection Agreement	A motion was made by Mr. Holden and seconded by Mr. Bryan to approve the tax collection agreement with Keystone Collections to be the exclusive collector of current and delinquent local services taxes (LST). Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
Ballroom Bid	A motion was made by Mr. Bryan and seconded by Mr. Layton to not to approve the bid from Mid-Street Construction for the ballroom renovation project. Roll call vote: Mr. Bryan, yes; Mr. Layton, yes; Mr. Holden, yes; Dr. Ledney, yes; Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.
ARPA Fire Dept.	A motion was made by Mr. Spinos and seconded by Mr. Holden to approve a donation of \$20,000 from ARPA Funds to the Windber Borough Fire Department. Roll call vote: Mr. Spinos, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.
ARPA Library	A motion was made by Mr. Pallo and seconded by Mr. Holden to approve a donation of \$5,000 from ARPA Funds to the Windber Library. Roll call vote: Mr. Pallo, yes; Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Spinos, yes. Motion carried.

**ARPA
Compassion
House** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve a donation of \$2,500 from ARPA Funds to Compassion House to be given to residents for heating assistance. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, yes. Motion carried.

**ARPA
R.E.A.C.H.** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve a donation of \$2,500 to R.E.A.C.H. from the 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, yes. Motion carried.

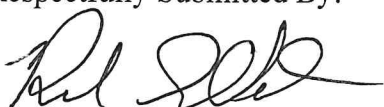
**ARPA
Police** A motion was made by Mr. Spinos and seconded by Mr. Bryan to approve a 2021 Ford Interceptor, for \$38,835.00, paint/lettering \$850.00 and six body worn camera systems with docking and software \$20,480.00 for a total amount of \$60,165.00 to be paid from the ARPA Fund. Roll call vote: Mr. Spinos, yes; Mr. Bryan, yes; Mr. Holden, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Pallo, yes. Motion carried.

**ARPA
Codes/EMA** A motion was made by Mr. Holden and seconded by Mr. Bryan to approve a 2021 Ford Interceptor with uplift and painting/lettering in the amount of \$45,523.60. Roll call vote: Mr. Holden, yes; Mr. Bryan, yes; Mr. Layton, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Spinos, no. Motion carried.

**Next
Meeting** Reorganization meeting will be on January 3, 2022, at 7:00 p.m. in Council Chambers.

Adjourn Meeting adjourned by Council President at 8:24 p.m.

Respectfully Submitted By:



Robin S. Gates
Administrative Assistant

**PROCLAMATION OF THE BOROUGH OF WINDBER RECOGNIZING JAMES A. FURMANCHIK FOR HIS YEARS
OF SERVICE TO THE BOROUGH OF WINDBER**

WHEREAS, James A. Furmanchik was elected to Windber Borough Council in 1996, serving as both a Vice President and Council President before assuming the position of Windber Borough Manager and the challenges of moving the Borough of Windber forward to new directions of substance that has showcased our community in the eyes of Somerset County.

WHEREAS, his level of commitment to the borough and its citizens was recognizable through his involvement in the "Windber Dog Run", which raised over \$800,000 for the good of the community.


WHEREAS, Jim continued to serve the community as one of co-founders of the Windber Area Economic Development Committee (WAEDC) which has been successful in attracting businesses and initiatives for a future hotel and most recently an RCAP Grant to renovate the Windber Recreation Ballroom;

WHEREAS, Jim's peers describe him as a person with immeasurable pride for his community and works tirelessly to make Windber the best possible place to live, work, and raise a family. He has led by example and expected nothing more from people than he did from himself. He was relentless when working on a project and fought to the end if he felt that it was the right thing to do for the borough. He made sure that all needs of the community were addressed. Jim's legacy was summed up by one as a true example of the Windber Football Motto: hard work, dedication, and loyalty.


WHEREAS, Jim supported and pushed his team to not give up in the face of adversity. His talent of persuasion and in not taking no for an answer opened up doors that were historically closed to offers, grants and possibilities that moved us forward.

NOW, THEREFORE, BE IT PROCLAIMED, after all James Furmanchik's well-earned success he has decided to retire from his position as Windber Borough Manager to enjoy retirement and to spend time with his family. Council of Windber Borough thankfully extends our most sincere wishes for health and happiness in Jim's future. You have our respect and you earned it with persistence, hard work and the love of our community.

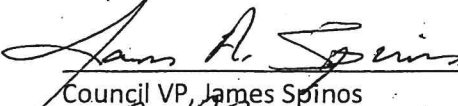
INTRODUCED AND PASSED by Mayor and the Council of the Borough of Windber, Pennsylvania at a regular meeting on December 14, 2021.



Mayor, Michael Thomas




Council President, Michael Bryan




Council VP, James Spinosa



Councilman, John Holden



Councilman, Joe Pallo




Councilman, Dr. Douglas Ledney



Councilman, Ronald Mash



Councilman, Tim Layton



Attorney Joseph Green