

Borough of Windber Council Meeting
Minutes of May 9, 2022
7 p.m.

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

Pledge of Allegiance.

The following council members were present: John Holden, Dr. Doug Ledney, Joe Pallo and Rich Rummel. Mayor Mike Thomas and Manager Ron Allison were present along with Attorney Joe Green. Pete LaMonaca, Ron Mash and Mark Portante were absent.

Approval Minutes A motion was made by Mr. Pallo and seconded by Mr. Rummel to approve the Minutes of April 11, 2022. Three absent: Mr. LaMonaca, Mr. Mash and Mr. Portante, motion carried.

Recognition Visitors Mike Bryan, President of the Windber Area Economic Development Committee spoke to Council about Mr. Josh Miller. Mr. Bryan said he has been a participant in the Windber Area Economic Development Committee since 2016 and became president in January of 2022. He was also the borough council president prior to 2022.

Mr. Bryan said Josh Miller has been a mainstay and instrumental to the borough, to all of you and to the citizens. What he has helped do through his activities with the WAEDC, is when he first came to us he was working for Somerset County and then his job morphed into a position of economic development with Somerset Trust Company. All the while he was with them, he continued to come to our meetings. What Josh brought to this community, with our council, were connections and resources. Connections such as Travis Hutzel, who wrote our grant for a feasibility study and for the RACP Grant. Travis was also a connector to the hotel, and we had great success with that.

Mr. Bryan said we had a feasibility study and a plan to make this community better. Josh connected us with Lladel Lichty who a member of the Community Foundation of the Alleghenies is. She has tried to help us with grants and monies for the community.

Josh has also connected us with Emaline Diehl who is the Somerset Trust Officer who packaged and put together the funding for the ballroom grant in excess of a million dollars with bridge loans, soft costs, trusts etc. Ultimately, when we got our quote, we were over by \$500,000. Immediately Josh went into action with (ARC) the Appalachian Regional Commission to seek out a \$500,000 Grant. Unfortunately, that fell through, but we were fortunately able to parlay our connections with Somerset Trust to secure the monies and move this project forward that will benefit everyone in the community.

Mike Bryan said during his six years on council no one approached us to help the borough in such a way that Josh Miller has. First Commonwealth came to one WAEDC meetings and pledged they were going to be a partner with us and that they kind of dropped the ball with respect to moving things forward and they wanted to reestablish the relationship and they did by providing hot chocolate and some give aways at light up night this past Christmas. Outside of that, their pledge has been nonexistent.

WAEDC and his role as economic counsel with Somerset Trust he has gone above and beyond the call of duty.

Mr. Bryan said he knows council knows that, but the community does not know that. That earns the gentlemen from Somerset Trust the right for council to listen to them and do some Business with them. That is why he wanted to speak on their behalf.

**Adam
Kopp**

Adam Kopp, Relationship Development Specialist for Somerset Trust told council that Somerset Trust is very big on giveaways and stuff of that nature. He then proceeded to pass out pens to everybody.

**Josh
Miller**

Josh Miller, CGBP Assistant Vice President and Economic Development Officer for Somerset Trust Company, told council it was a pleasure to be there with council this evening. Adam has distributed to council a proposal for an entire business relationship. He thanked council for the opportunity to come here this evening and underscore what was previously emailed to the borough.

Mr. Miller said, as Mike Bryan pointed out, we have been working together for over six years. So as the executive director of economic development council and for several years as getting acquainted with Jim Furmanchik, we started numerous initiatives here in the community and developed various partnerships which have been outlined here by Mike Bryan, which he appreciates so much!

Mr. Miller said Somerset Trust Company is 136 years old, 6th generation of Cook family and they have grown their footprint to 44 branches around a five-county region in Pennsylvania. Their growth has more than doubled over the last 10 years. They are growing more towards the Fayette and Westmoreland County regions. They certainly haven't forgotten Cambria County or northern Somerset County, as evidenced by the enormous investment we have sitting on Scalp.

Mr. Miller said it was never his intent when he came here and got acquainted with everyone to be a pushy snake oil salesman. Never with the intention of getting your business. His passion is economic development, and he has a resume to evidence that. As council knows there are 15 municipalities in Somerset County: 25 boroughs and 25 townships. Out of the 15 municipalities, Windber Borough is by far the best positioned for economic growth then any of them. How we have been received in this community, to do the work we have done, has been incredible.

Mr. Miller congratulated Jim, council members and the WAEDC that made possible what we are doing here today. It has been Jim's baby and it is true grass roots. Raising funds to do the feasibility study and other things necessary to build the momentum we are at today and there is much more to do. Mr. Miller thanked council.

Mr. Miller said after six years they finally brought forward a proposal not because they are a bunch of money grubbing, scheming tyrants or dictators but because they truly feel the burden to carry this community as your bank. He told council he assures them there is no other bank in this region that has in their employ an economic development officer full time working in the communities to help bring in business, programs, and grants to municipalities.

So, he has before council a proposal for the borough's business. If what they have done over the course of the last six years feels like we earned your business to be your bank, then he urged council to consider moving their accounts to their bank.

Mr. Holden said at the same meeting on the 27th in front of Robin, Ron, and Emaline, and Adam that we are appreciative for all Josh has done for this borough and our relationship. Mr. Furmanchik has introduced you as working for economic development in Somerset County, and we do appreciate you helping us along. Mr. Miller thanked him for welcoming him in.

**Adam
Kopp**

Mr. Kopp said he comes from a marketing background of Somerset Trust. They pride themselves on being a community bank, where these types of conversation are going on, helping the communities we are in to grow, whatever it takes to grow a community we want to be a part of that.

Mr. Kopp said they are starting to move away from the product part of what we do and move into a service organization. Yes, we can offer you traditional banking services, but we feel we bring value beyond those services in the form of an economic development officer or where someone like himself is focused on business development in the entire county and other tools of resources you readily have at your disposal.

Mr. Kopp said they would love to have Windber's banking relationship and even if that is not on the table now, we will still be at the next WAEDC meeting because that is what we love to do.

Mr. Pallo said he appreciates these guys and over the last three weeks it came to his attention there was a push for more business? He does not remember there being a pitch about wanting more business. He is open to what ever may happen here but the impression he has gotten during conversations over the last three weeks were hard feelings because the business wasn't just there forthcoming, and he just wanted to say it was poorly communicated to him that there was a want for more business.

He said there was a definite lack of communication and asked what Mr. Miller was looking for? Ex number of accounts versus nothing or all or nothing. This is not a counter proposal. Mr. Miller asked if the committee looked at the proposal. Mr. Holden said they have and are going to open discussion during new business tonight.

Mr. Miller said discussion was just in the last couple of weeks and they are passionate about becoming the borough's bank. He said to be brutally honest they want the relationship. They are a bank, and they are in business to make money, there is no hiding that, but they don't expect it and it remains competitive.

Dr. Ledney said he also appreciated everything they have done but he needs to study this and do a comparison of what they have now to their proposal. Mr. Holden said we will discuss that further. Mr. Miller said to be upfront though Somerset Trust is probably not going to be your lowest cheapest bidder on the table. They are bringing in a lot of value added to this relationship. Think of this as premium service not premium pricing. They are competitive but a lot of the rates are adjusted weekly and monthly.

Mr. Kopp said he prepared the proposal in front of council, and it is very general in appearance of services to offer. If you have a question about how we can make it more detailed on what your needs are and more personalized let us know.

Mr. Rummel asked Mr. Miller how many municipalities they oversee? Mr. Miller said there are 50 Municipalities in Somerset County, and they are in four counties in Pennsylvania. They do a lot of lending in Alleghany County. He does not manage the municipal market. Mr. Miller said they do lending with emergency services, fire trucks etc. He said they have relationships with other municipalities, but he just doesn't know that answer.

Mr. Holden said we are going to continue with review and discussion of this issue later.

Correspondence

1. Windber Public Library Association Meeting Minutes of April 20, 2022.
2. Minutes from the Windber Area Authority Meetings of January 12, & February 9, 2022.
3. Minutes from the Windber Municipal Authority on March 15, 2022.

Approval Payroll A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve payroll for April 22 & May 8, 2022. Three absent; Mr. LaMonaca, Mr. Mash and Mr. Portante. Motion carried.

Approval Bills A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve bills for April 2022. Three absent; Mr. LaMonaca, Mr. Mash and Mr. Portante. Motion carried.

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

Council Liaison Reports

Water Authority/ Dr. Ledney Dr. Ledney said the last couple of meetings have just been basic with paying bills and finding leaks.

WASD/ Dr. Ledney Dr. Ledney said the Windber Area Economic Development Committee would like to put a camera on top of Mimo's. Mimo's have agreed to do that and the electricity and internet connection would be donated by Mimo's. They would like to have that up by the centennial.

It is more in depth then just putting a camera up and hooking up to the internet. Different things need to be done such as a static IP Address and so forth. Dr. Ledney said he has been talking with the IT Director at the high school and they plan to work on that and keep things moving. Keith Barclay is going to do the initial wiring and bring power up to the roof along with internet. He would rather hard wire that than wireless.

None of that would be recorded it would just be a live picture that would shoot over this way towards the gazebo so you could see the decorations or any events taking place. The camera is about a foot long with a life span of 15 years.

It can be placed on the Windber Works website or borough site. It can be a link on either website, or you can click, and the picture will come right up on the website.

**Holden/
Library**

Windber 125th Quincentennial shirts are on sale at the library for \$15 to \$17.

**Holden/
Fire Dept.**

Mr. Holden said that the artist of the puzzles is internationally recognized as Joseph Burgess and Tom Antonishak is his Windber name. He has agreed to come in for he 125th Anniversary. He is going to be in the booth with the fireman selling the puzzles and will autograph them. In addition to the puzzles, he is going to have two very popular puzzles of the Eureka store and 15th Street made into matted prints of those puzzles to sale. One called delivery day on 15th Street, view from the fire hall toward the museum and Dr. Blair's house. He will provide five of each for sale as a fundraiser for the ballroom. The fire department will have 1,000 puzzles to sale.

**Mayor's
Report**

Somerset County Association Dinner Meeting. Mr. Holden and Mayor Thomas attended the county meeting and Mayor Thomas accepted the Vice President's position for the next two years.

**Manager's
Report**

Mine 78 Surface No. 3 – No complaints filed with this office to date. Nothing to report.

Follow-up to Levee Inspection/Maintenance Update Chapter 105 Water Obstructions and Encroachment General Permit Registration (GP-11) for the FPP Debris Basin Restoration. EADS has accomplished the applications and is filing appropriately for the permit at this time.

12th Street Water Complaint – Public Works is working on a plan to install a catch basin and some other drainage provisions in the area of 12th Street and Park Place to alleviate the water runoff issues. This project will take place later this year.

Police Contracts Scalp Level Borough/Paint Borough – Currently waiting for the signed contracts from both municipalities.

USDA Grant – nothing to update since forwarding them the copy of the audit.

MS4 Program – EADS has prepared the necessary application to be relieved of the program. As of this date they are currently filing the waiver and awaiting response. I will continue to work on the compliance plan in the event Windber is not waived of responsibility.

2022 Liquid Fuels Paving Options – Please see attached under new business.

**Solicitor's
Report**

Solicitor Green said he has an item to discuss in executive session and the other discussion is that Quaker Sales is planning on putting a hot asphalt plant in the Mine 37 area. If you are coming from Eisenhower the entrance would be at the base of the big dip. A group of residents in Richland got together, these plants produce (VOC's) Volatile Organic Compounds. They travel primarily in a two-mile radius before they start to feather off. That two-mile radius the center is where the plant is and is past where we sit.

Solicitor Green said there are three types of particulates. There are particulates that when it hits the air it vaporizes, so it will be constantly always in the air and will never fall out. Then there is other non-VOC particulates and in the way explained to him they are very small like a grain of rice like small balls of tar and stick to anything they touch. He has talked to people who live a mile away from a plant and a half mile away from an existing plant they said if they do not keep their car in an existing garage, they have black dots all over it.

This is now in front of the Zoning Hearing Board in Richland. They need a Use Variance that is currently zoned light industrial. Obviously, a hot mix asphalt plant is heavy industrial. They also need a height variance. They want to put six-eight-foot-tall towers at the site. Traffic estimated at the zoning hearing board was 150 trucks a day. They told PennDot 231 trucks a day then they admitted at the zoning hearing board it could be as many as 500 trucks a day. Now that is 500 into the plant and 500 back out of the plant. They anticipate going up Eisenhower to the Scalp intersection and going either left to get onto 219 or right to Bedford or wherever. PennDot said that is a failed intersection already and there is no way of improving that intersection or way of widening it. The only thing they said they might be able to do is make a long turn left lane. Just so you know that left turn is like 20 seconds from Eisenhower on to Scalp Level.

Mr. Holden asked how Council can support the residents of the township. Solicitor Green said a letter to the Zoning Hearing Board and Richland Township is a good start. He said he will type something up for council to sign.

They had an engineer start running numbers and at the 500 a day truck mark there would be a line of triaxles over 3,000 feet long. The particulates are bad stuff. There was a class action suit last year in California where they brought a hot asphalt plant into a semi residential area and over 50% of the residents in a two-mile radius started getting sick. They won the suite and the plant had to shut down.

Solicitor Green said he is all for business but there is a right place for some of these. Quaker Sales have pretty much assured us they will get a DEP Permit. Then they will have to hold a public hearing. Mr. Holden said that is not good. Word is Quaker is buying 100 acres and rumor is in 10 years they will be the largest asphalt producer from Pittsburgh to Harrisburg.

Mr. Pallo asked if they had any plans to put access into 219 from Eisenhower? Solicitor Green said PennDot has been toying with that idea because of the failed intersection up above but that is 20 years away.

Solicitor Green said the group is asking for a complete environmental study, water, air, and noise. PennDot said they will insist on a comprehensive traffic study.

Mr. Holden said Windber Borough is not in favor of it and Solicitor Green will draft a letter.

**Codes
Report**

Mr. Bloom was not present at this time.

**Ballroom
Project**

Mr. Holden said he spoke to Mr. Furmanchik about the electrical situation at the ballroom regarding the wait to get a transformer to power the ballroom to support the HVAC system. We had a change order that came in. Mr. Allison said everything dealing with this and the

transformer is strictly on change order along with the service of Penelec. Mr. Holden said with the change order are the charges with Penelec because now we are going off a pole transformer that will basically have the ballroom on its own service. The initial thought of cost was an additional \$31,000 with the Penelec service and charges from the electrical contractor. Mr. Furmanchik said today there was a \$6,000 favorable reduction in that. Mr. Allison said yes, they switched from copper to aluminum wiring and conductors which saved money.

Approval Debt Ord. A motion was made by Mr. Pallo and seconded by Mr. Holden to approve the debt ordinance authorizing the incurring of nonelectoral debt by issuance of general obligation note in the principle amount of \$730,000. Roll call vote: Mr. Pallo, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Rummel, yes; Mr. LaMonaca, absent; Mr. Mash, absent; and Mr. Portante, absent. Motion carried.

Approval Obligation Note A motion was made by Mr. Pallo and seconded by Mr. Holden to approve the General Obligation Note Series of 2022 in the amount of \$730,000. Roll call vote: Mr. Pallo, yes; Mr. Holden, yes; Mr. LaMonaca, absent; Dr. Ledney, yes; Mr. Mash, absent; Mr. Portante, absent; and Mr. Rummel, yes. Motion carried.

Approval Loan Agreement A motion was made by Mr. Pallo and seconded by Mr. Rummel to approve the loan agreement with Somerset Trust Company in the amount of \$730,000. (Terms on pg. 13). Roll call vote: Mr. Pallo, yes; Mr. Rummel, yes; Mr. Holden, yes; Mr. LaMonaca, absent; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Portante, yes. Motion carried.

Council convened to an executive session at 7:58 p.m. for personnel and finance.
Council reconvened at 8:44 p.m.

Library Donation A motion was made by Mr. Rummel and seconded by Mr. Pallo to approve the donation as budgeted to the Windber Public Library in the amount of \$15,000. Three absent; Mr. LaMonaca, Mr. Mash and Mr. Portante. Motion carried.

Resignation Eisenhuth A motion was made by Dr. Ledney and seconded by Mr. Rummel to accept the resignation of Officer Gary Eisenhuth as a 32-to-39-hour police officer and be placed on the roster as a part-time police officer available for two shifts a week, effective June 1, 2022. Three absent; Mr. LaMonaca, Mr. Mash and Mr. Portante. Motion carried.

Resignation Jerome A motion was made by Dr. Ledney and seconded by Mr. Holden to accept the resignation of Jerry Jerome as a 32-to-39-hour police officer for Windber Borough. Three absent; Mr. LaMonaca, Mr. Mash and Mr. Portante. Motion carried.

Mayor PSAB Delegate A motion was made by Mr. Holden and seconded by Dr. Ledney to approve Mayor Mike Thomas to be Windber Borough's Voting Delegate at the PSAB Conference in Hershey. Three absent; Mr. LaMonaca, Mr. Mash and Mr. Portante. Motion carried.

Approval Paving Option Option #1
Graham Ave. – Fourth St. to Seventh St. \$91,482.00

Option #2
Ninth Street – Jefferson to Lincoln Avenue

Thirteenth St. – Somerset Avenue to Graham Avenue
Fourth St. – Graham Avenue to the Municipal Line/Somerset Ave. \$63,199.00

Total amount of liquid fuels funds available for paving is \$94,500.00

These figures are derived from measurements and current unit pricing from our PennDot Liquid Fuels Representative.

Mr. Pallo and Dr. Ledney choose Option #2, in order to complete more areas in town.

Mr. Rummel asked about Jackson Avenue in front of Napa and Jerley's Auto. He said the road is bad from the laundromat to 12th Street.

Mr. Pallo asked if we could add that into Option #2. Mr. Allison said he can contact our representative tomorrow and add it on to the advertisement.

A motion was made by Mr. Holden and seconded by Mr. Pallo to approve Option #2 with the addition of Jackson Avenue from the laundromat to 12th Street in front of Napa and Jerley's Auto. Roll call vote: Mr. Holden, yes; Mr. Pallo, yes; Mr. LaMonaca, absent; Dr. Ledney, yes; Mr. Mash, absent; Mr. Portante, absent; and Mr. Rummel, yes. Motion carried.

**Approval
Rose
Swiokla**

Mr. Holden said that the borough office is currently in need of additional help due to the planning of the 125th Centennial and has asked permission for Rose Swiokla to come back part-time three days a week until the Centennial is over. Wages will be paid from the ARPA funds left over from last year. Motion made by Mr. Pallo and seconded by Mr. Rummel to approve Rose Swiokla. Roll call vote: Mr. Pallo, yes; Mr. Rummel, yes; Mr. Holden, yes; Mr. LaMonaca, absent; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Portante, absent. Motion carried.

**Next
Meeting**

Next council meeting will be held Monday, June 13, 2022, at 7 p.m.

Adjourn

Meeting adjourned at 9:00 p.m. by Council President, John Holden.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant