

BOROUGH OF WINDBER
Borough Council Regular Meeting
Monday, May 13, 2024
7:00 p.m.

The Regular meeting of Windber Borough Council was called to order by Windber Borough Council President Richard Rummel, at 7:00 p.m.

Pledge of Allegiance

The following council members were present: Mr. Bahorik, Mr. Klonicke, Mr. LaMonaca, Dr. Ledney, Mr. Moore, and Mr. Rummel. Mr. Pallo was absent. Solicitor Green, Mayor Thomas, and Manager Allison were present.

Approval Minutes

A motion was made by Mr. LaMonaca and seconded by Mr. Moore to approve the Minutes of April 8, 2024, Meeting. One absent, Mr. Pallo. Motion carried.

Paving Bids

Manager Allison said we are doing a small paving job this year in order to save enough money to put the road in at 22nd Street. This year's paving will include the following:

- Graham Avenue – 6th Street, a distance of 125 feet
- Park Avenue – 12th Street, a distance of 180 feet
- 20th Street – Graham Avenue, a distance of 170 feet
- Library Alley – 19th Street to 20th Street, a distance of 300 feet.

| CONTRACTOR NAME | BID |
|------------------------|-------------|
| 1 Quaker Sales Corp. | \$27,858.75 |
| 2 HRI Inc. | \$38,536.50 |
| 3 Laurel Asphalt | \$24,276.00 |

A motion was made by Mr. Moore and seconded by Mr. LaMonaca to accept the bid from Laurel Asphalt in the amount of \$24,276.00. Roll call vote: Mr. LaMonaca, yes; Mr. Moore, yes; Mr. Bahorik, yes; Mr. Klonicke, yes; Dr. Ledney, yes; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

Truck Bids

Manager Allison said the borough advertised for bids for the Red 2016 truck with/dump bed and plow included. The following bids were received:

| CONTRACTOR NAME | BID |
|------------------------|------------|
| 1. Russel Grieff | \$3,500 |
| 2. Scott Berkey | \$12,500 |
| 3. Mark Gaudino | \$8,120 |
| 4. Mike Veneziano | \$5,107 |
| 5. Daniel Bobetich | \$9,069 |
| 6. John Sivec | \$3,750 |
| 7. Phil Petrunak | \$13,400 |
| 8. Barb Costello | \$13,000 |

Mr. Rummel said that the trade in value on this truck on Kelly Blue Book is \$22,000 and private sell is \$26,000. Manager Allison recommendation was for council to reserve their right and reject all bids and he will trade in when he purchases the new truck.

A motion was made by Mr. Bahorik and seconded by Mr. Klonicke to reject all bids for the 2016 truck. One absent, Mr. Pallo, motion carried.

Recognition of Visitors John Rugg said at the entrance of Laurel Asphalt there is a constant issue with people flying around that curve. They have had close calls when pulling out. Forensics has the same issue. A lot of their people drive on the shoulder and make a U-turn in their lane, which is fine.

John Rugg Mr. Rugg asked if they could get a sign up there. He knows the Chief has people sitting at the PennDot building up there and Mr. Rugg told him they can sit in their entrance also. Could a sign be made through PennDot that says, "slow hidden driveway ahead". Mr. Rugg said he would be glad to work with the council to put it up. He said it is bad especially in the afternoon and it is blinding especially with their big trucks pulling out

Mr. Rugg said Manager Allison saw how bad it was when he was there last week with the guys working on a sewer issue. Manager Allison confirmed that. Mr. Rugg said Forensic has it even worse. Manager Allison said he would make contact tomorrow with PennDot and get back to him. Mr. Moore asked Mr. Rugg if he had problems with the trucks. Mr. Rugg said surprisingly it was not that bad and coming down the hill. Mr. Rugg thanked the council and Manager Allison.

Dave Palko Mr. Palko said he has two culverts on his property one in each corner and they are sinking. Last month the water authority was up there and the one culvert on the property he owns across from the house is sinking badly. A year ago, he had problems with a hole opening up because of a pipe. He would like the borough to look at it. Manager Allison said he would have public works look at it.

Correspondence

1. Minutes of the Windber Municipal Authority's Meeting of March 12, 2024.
2. Minutes of the Windber Area Authority's Meeting of February 14 and March 13, 2024 Meetings.
3. Memorial Day Program of Events sponsored by the Windber Veteran's Association.

Approval Bills A motion was made by Mr. LaMonaca and seconded by Mr. Moore to approve bills for April 2024. Question: Mr. Moore asked on the ballroom bills if you must pay extra for bartenders. Mrs. Gates said we do not pay for them, the people leasing the ballroom pays for the bartenders. It is part of the lease agreement that they must have a certified bartender and they can use the Windber Fire Department or one of their own as long as they are certified. Mr. Moore asked what a culvert lease is. Manager Allison said we have to lease that from the railroad, and we do not have any other options. One absent, Mr. Pallo, motion carried.

Approval Payroll A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik to approve payroll for April 19 & May 3, 2024. Questions: Mr. Rummel said he saw John Price was on the payroll

and asked if he was working or not. Mrs. Gates said that was his last paycheck you are seeing on payroll. Mr. Moore asked what Mr. Price did up there. Manager Allison said he could take him up there and show him some time if he would like. Mr. Moore asked if public works could do that. Mr. Allison said they can, but they are hurting right now also and as you see on the agenda we are asking for help in that department. One absent, Mr. Pallo, motion carried.

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

Council liaison reports

LaMonaca/WMA Mr. LaMonaca said he saw there was something wrong with the door at the Community Building. The glass was broken. Manager Allison said he did not know anything about it. Mr. Moore said when he spoke to Matt Grohal, Matt said he reports this stuff. Chief Frear said he sent Croyle over there after the last council meeting and the only thing Matt said was about the theft of a jacket. Mr. Moore said Mr. Grohal said he knows who they are, and he wants to file charges. Chief Frear said Matt told Croyle he didn't have anything.

Mayor Thomas said after the last council meeting, he called the Chief and let him know about it. Chief Frear said he does not know anything about a problem at the Community Building. Mr. Moore said when he spoke to Matt, he said he wanted to file charges and he spoke to the police. Mayor Thomas said he can certainly file charges. Chief Frear said they had talked about the video of a coat that was stolen but Matt said there was no vandalism. Mr. Moore said if there is something going on then we need to make sure the kids or parents pay for it.

Mayor's Report Thursday, April 18th Mayor Thomas along with President Rummel and Vice President, Herb Moore attended the Somerset County Boroughs Association Dinner Meeting at the Somerset Country Club. Guest speaker, Joel Landis gave a presentation on Emergency Management. Also, Detective Apple who is now the Chief of the Somerset Police Department shared the body cam video of the Somerset Police Department rescue of an elderly woman from a structure fire.

Mayor Thomas met with Windber School District Superintendent Mike Vuckovich and Glenn Gaye on Friday, April 19th regarding an idea that they would like to develop regarding Halloween. This was only an exploratory meeting and there will be more to come.

Mayor Thomas completed three training webinars from PSAB.

1. April 23, 2024, The Zoning Officer & Zoning Hearing Board
2. April 30, 2024, Managing Subdivision Process
3. May 7, 2024, The Ethics Act for Elected and Appointed Officials

Manager's Report **Public Works-** The new stainless dump bed is now in service. The fence behind our building here has been repaired and painted. I have the crew making plans to build a concealment fence and gate for the dumpster at the Ballroom. I hope to get something there by June.

After the bid opening for the truck, I will begin working with COSTARS dealers for its replacement to have in service by summer's end. There will be assistance from the DOC in the next few months with painting curbs and stenciling the storm water catch basins. The stenciling will be in conformance with the MS4 Permit SWMP. Later this summer DOC will also be assisting with the upkeep and cutting of the levee system in preparation for annual inspection.

The Borough Crew is shorthanded, getting behind on grass cutting and other property maintenance. I'm seeking the council's approval to move the Assistant Event Coordinator into the position of Section 6, Temporary/Seasonal Employee under the Non-Uniform Contract. This will allow him to perform public works duties on a, as needed basis. He has also been performing duties left by the groundskeeper at the Ballroom since his departure. This will increase his wage to \$16.00 an hour. He already has two years' experience in Public Works from a neighboring municipality in which he will continue. (Full disclosure, he is my stepson)

EXECUTIVE SESSION: I'm also before council asking to add Andrew to the full-time roster under Section 4, Article III to fill the vacancies.

Ballroom- The Ballroom continues to get busy with many future events in planning stages. I meet with Lauren weekly to check progress.

Hillside Graveyard- With the assistance of Mr. Rummel, Lou Kiss, and Wilmore Reality we continue to track down ownership of the lot which Mr. Kiss has concerns with. There is some conflicting information as to who in fact owns it but we're closer to knowing who does. Once we have ownership identified beyond reasonable doubt, I will advise them of the situation to see if they will protect the area. There is no authority or ownership by the Borough for this lot. We can only assist in getting the information out.

24th St. and 22nd, Stadium Bridge Projects- I met with MASH Eng. And Surveying at the Borough property at the end of 22nd St. I got an estimate for a survey and layout of the property. This will include the stake out of the new road through it connecting Stadium Dr. to 22nd St. If we can afford it in this year's budget to proceed with it this year I will, if not we will need to do this at the beginning of 2025, so we are well ahead of the projects. I received information from EADs that PENNDOT has delayed the project at the 24th St. Bridge. This will not change the year of the project but will push the expected completion date into the school year. They have had conversations with the school district, and they do not have concerns about the detours currently.

MS4 Annual Report- I received a copy of our annual report and reviewing. The Borough was given a list of actions required and we have updated the Boroughs website and displayed more educational posters related to storm water management. There are handouts on the podium for the public. As mentioned under the Public Works report there will be further stenciling of catch basins as required. This permit has been extended for two years and we are awaiting direction from DEP on the next one. We still need to complete a restoration project, he will be discussing with the engineers under this current permit. There will be a cost involved and we will need to budget for that going into next year.

PennDot Road Work – Beginning May 21st and 22nd PennDot will be doing some patch work and road repair work beginning at Mine 35, down 17th Street and then up Graham Avenue to Route 56.

Mr. Moore asked what the starting salary was for a maintenance worker. Manager Allison said it is \$16 an hour. Mr. Moore asked if that was on the old contract or the new contract. Manager Allison said there was an MOU added to the old contract that raised it to \$16 an hour. Mr. Moore asked what it was before that? Manager Allison said he believes it was \$13.50. He said we could not get anyone to work for that amount, that is why it was raised.

Solicitor's Report

Attorney Green said one school zone lights is going to have to be located on private property and Manger Allison informed him it is literally a couple of inches. For him to draft an easement he would unfortunately need a survey. He cannot imagine it costing very much.

Manager Allison said they are changing the speed limit to 15 mph by the school to help slow traffic down. They will be installing lights which will touch private property. The property owners are allowing the school to place the sign there but for it to fly we must make an agreement for right-of-way.

Mr. Rummel asked if we must advertise to hire for a part-time laborer position? Attorney Green said no..

PMCA Report

Manager Allison noted that four citations were issued on that radio tower that was put up and had no permit and was unsafe.

Attorney Green said if a member of the council wants to start doing codes violations they can. Mr. Rummel said he has been going around knocking on doors asking. Mr. Moore said if a member of council goes around, he suggests a police officer or the Chief go with them. When you are dealing with these people, they are not all straight and they should have an officer with them. Manger Allison said he doesn't think that would be a problem.

Ballroom Report

Mr. Rummel asked if they could get a more detailed month-to-month report. He said he knows the first couple of months of the year will be slow and summer will be busy with weddings and stuff but like now we are in the hole \$21,000.

Mrs. Gates said what the new council may not understand is that when this project was started and ended there was no money for start up costs. Mr. Moore said he would like to see month by month such as these are how many events we had in April, and this is our expense in April.

Manager Allison said this is not feasible because when someone schedules an event and they put down a deposit we count it as income for this month not the month of the event. Mr. Rummel said everything is paid for in advance. Mrs. Gates said weddings and events are paid for most of the time in payments and they have up to 60 days before the event for the lease to be paid in full.

Mr. Moore said even with that he wants to see what is coming in and going out. Manager Allison said you are seeing it here on the cash balance and treasurer's report. If someone comes in and purchases a \$4,000 wedding and puts a deposit down of \$800 you see that \$800 in the month of February for a wedding that is going to happen in August. It does not all

show in the month of the event. Mrs. Gates said some of this year's events have been paid for last year.

Mr. Moore said if we have a deficit now what will it be at the end of the year. Manager Allison said it is catching up and you will see it going down.

**EAD's
Report**

22nd Street and Stadium Drive.

- Surveyed proposed new road connecting 22nd Street and Stadium Drive
- Working on Line and Grade (L&G) Submission.

24th Street Bridge Project

PennDOT delayed Let Date from 9/12/2024 to 1/9/2025.

- Is considering compromising on Let Date, possible November 2024
- Design is on track for 9/12/2024 let date.
- Construction is still planned for summer 2025.
 1. May not be completed by Fall of 2025 start of school
 2. Long lead time for box culvert fabrication and installation

17th Street Sidewalk Replacement Project- RASC

Advertised for Bids - April 4 & April 8, 2024

- Pre-bid Conference - April 15, 2024, at Windber Borough Municipal Council Chambers
- Five (5) contractors present.
- Bid Opening - April 29, 2024
- Notice of Award-May 2, 2024
 - Berkebile Excavating Co., Inc.

Stormwater Management Program (SWMP)

- a) Revised SWMP
 - Reviewed Minimum Control Measures w/ Manager and updated Target Audience List
- b) Public Education and Outreach Program
 - Why Rain Barrels? & EPA Soak Up the Rain Posters
 - Be Storm Water Smart Brochures
- c) PRP Projects - need completed per MS4 Permit
 - Stream Restoration
 - Vegetated Swale

PENNVEST Sewer Project

Planning Consultation Meeting - May 7, 2024

- Discussion

Steve Sewalk from EADs said, as Mick mentioned we had a planning consultation meeting last Tuesday and Dr. Ledney was there along with Manager Allison.

Mr. Sewalk said they presented the proposed project we have been discussing here to them. At that meeting they tell us what we must do. They have several people there from DEP that tell us what kind of permitting is required. The first thing they will want us to do is the Act

537 Plan updates and a Uniform Environmental Report. Those are the first items that have to happen in moving ahead with a PennVest Project.

We went through all of that and then we went through the funding scenarios. They gave us a pretty good indication of what the target rate is for the borough. What they usually do is \$600 a year and after that point is where you become grant eligible. That equates to your customers here to being about \$15. These are rough numbers. Right now, your average monthly rate is about \$35/\$36 a month that includes treatment side from the Windber Water Authority in your collection fee. What that means is for you to get grant funding that rate would have to go to \$50 and any portion of the project over that is where you would see the grant.

To back that in that would be about five million dollars' worth of construction that you would get in a loan and anything after that would be a grant. In other words, if you do a ten-million-dollar project the five million is loan and the second five million is grant money.

Mr. Rummel asked does that mean before we get a grant, we must pass the money onto the customer first? Mr. Sewalk said you won't do that until you do the project. That debt service for now, is what dictates that. If you do a project, you do not raise the rates until you do the project, get the loan, grant, and everything. You must raise your rates to pay that debt service back. Mr. Rummel said he understood so it will go from \$35 to \$50 a month. Mr. Sewalk said yes. That is the average monthly bill for here in the borough. Mr. Sewalk said that the target rate is what they consider.

Mr. Sewalk said we did describe this project to them as a phase project so we would do the planning and the environmental report for the entire borough. That would let us pick areas we would want to do. Which gives us some flexibility. Phase one would be areas one, two and three. Area one is from McDonalds up to the end of the borough in and around the high school. Area two is down by Laurel Ford and area three is in the Baumgardner Heights area.

Mr. Moore asked if we do three phases do we have to come up with five million for each phase or five million for the total. Mr. Sewalk said you can do it however you want to. For example, if you did a five-million-dollar PennVest Project that would be all loan and if you decided to another phase at five million that would be grant or you could do a project that is ten million and they are going to give you five million in loan and five million in grant funding.

Mr. Moore asked how many phases we have to do. Mr. Sewalk said you do not have to do all of them. He said you are sitting here with 110,000 lineal feet of pipe in the borough, about half of that is 100 years old. Mr. Moore said his thinking is if we get the first five million why don't we do all of it if they are going to give you the rest in grant money.

Mr. Sewalk said that's something you can think about. He said remember there is no guarantee. They have a program now, they got money from the federal government. The reason we are starting it is because for that program their last application is August of 2026. PennVest said they will have money after that, but he does not know if they will. Stay within the program we are better off.

Mr. Moore said if we invest five million and the rest is grant money let's do the whole thing. Mr. Sewalk said they only go up to 20 million. Mr. Moore said there is a limit to it.

Mr. Sewalk said that is one application. You can apply for another application. Mr. Moore said then you would have to pay another five million. Mr. Sewalk said no not once you get to that rate, They base it on the immediate income of the community.

Mr. Bahorik asked how much it would cost to do all of it. Mr. Sewalk said areas one, two and three, a rough estimate would put you in about the 25-million-dollar range. Mr. LaMonaca asked what the resident rate would be. Mr. Sewalk said \$50 and anything after that is grant eligible. That is an average.

Mr. Sewalk said this is what we do in these cases because they are unpredictable is we design a base bid and say here is a project and we will get here, we can always add these alternates. We bid it out and if we do what Mr. Moore is saying and we don't get this award then we just take them off.

Mayor Thomas said grant eligible is just eligible there is no guarantee. Mr. Sewalk said that is right. Mr. Moore asked if you were tied in to paying that if you did not get the grant later on. Mr. Sewalk said no you are not. You must fully design and permit the project up front and then you apply. If you do a ten-million-dollar project, you probably have a half a million dollars into the design and permitting process. That is your gamble.

Mr. Moore said so, the limits are 20 million and there are no time limits. Mr. Sewalk asked what he meant. Mr. Moore said let's say they say you have to do this within 10 years. Mr. Sewalk said no, you are under no orders at this point to do anything. Right now, this is a voluntary thing for council and now there is money in the PennVest program for grants that hasn't been there in the past.

Mr. Bahorik said once it's out, they are done right when they run out of money. Mr. Sewalk said they are saying that they have enough money with the federal government that they can keep perpetuating this. The covid money was put in there and runs for five years and ends in 2026. Our goal would be to get you into that before the end of 2026.

The environmental stuff is going to take several months to put together and it could take them six months to review and approve it. The design takes time and until they approve the permits it is a multi-year process.

Mr. Sewalk asked if the council wanted to have a workshop to discuss this further. Manager Allison said we are going to have a workshop. Mr. Bahorik asked if the houses will have to be pressure tested if we do this. Mr. Sewalk said that is entirely up to the council how they want to dictate that, PennVest and DEP does not dictate that. Manager Allison said eventually we will have to do that but that is not considered for this.

Attorney Green said the thought process would be to bring the borough up to code before you ask the residents to start. Mr. Bahorik said he would rather sell \$50 than \$5,000 for pressure testing. Mr. Sewalk said there is a program through PennVest for residents and some additional lenders to do repair work on laterals that they can loan out at long term money at one and three quarters percent.

Mr. Rummel asked what our next step is moving forward. Do we have a workshop? Mr. Sewalk said yes. Depending on what the council wants to do we will then start the process

and get an engineering agreement and the plan and design process. Manager Allison asked in looking at the map EAD's will fully design what is there now. Mr. Sewalk said yes PennVest wants a fully biddable design and permit.

Mr. Moore asked if this money also covers the roadways. Mr. Sewalk said they will cover your ditch line. PennVest will not support an overlay of your street. If it is a state road, they will cover that because it is a state requirement. Manager Allison said he believes one phase is on Graham. Mr. Sewalk said if it is they will end up doing a half lane overlay.

Multimodal Grant Mrs. Gates asked Mr. Sewalk if he could explain the multimodal grant to Council. Mr. Sewalk said there are two that came out with the multimodal grant. One from PennDot and one from DCED. One is coming up and due at the end of July and it is for streets, sidewalks, and transportation type projects. He recommended that council submit. He said they will do the grant application for free and there is a \$100 application fee. They would need council to figure out a project by the July meeting. Council will need to pass a resolution at the July meeting. He recommends a half a million-dollar range plus or minus.

Mrs. Gates said she was very interested in this grant to do a sidewalk project because our sidewalks are bad and the one behind the gazebo is deteriorating. Mr. Sewalk said they will do the grant application. The council just needs to let them know what they want to do.

A motion was made by Mr. Bahorik and seconded by Mr. LaMonaca to approve EAD's proceeding with application for a multimodal grant for the borough. (\$100 fee) One absent, Mr. Pallo. Motion carried.

A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to move forward with a PennVest Project. One absent, Mr. Pallo. Motion carried.

Approval Fire Chief A motion was made by Dr. Ledney and seconded by Mr. Bahorik to approve Jamie Bloom as Windber Borough Fire Chief. Question: Mr. Moore asked if Jamie was Anson's Brother. Manager Allison said yes. One absent, Mr. Pallo. Motion carried.

Accept Bid 17th Street Property A motion was made by Mr. Bahorik and seconded by Mr. LaMonaca to accept the bid of \$640.50 from Andrew Burkett to purchase property (lot) on 17th Street. (Property is in delinquent tax status and would be put back on tax rolls. One absent, Mr. Pallo. Motion carried.

Approval Curb Cut A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve a curb cut for Jarod Oyler, 803 15th Street. One absent, Mr. Pallo. Motion carried.

Side by Sides/Atv's Update Mr. Bahorik said Brian Fochtman, Somerset County Commissioner, said they are going to be putting in a trail. We will call it a trail, but it is going to be a main road and open up everything. He believes it is going to be one road and then everything will be connected. There is going to be a lot of money for the boroughs who open a trail. For example; say there is a \$70 registration fee and about \$40 of it will come to the boroughs who have their side by sides registered in that borough. Say there are a thousand of them that would be \$40,000.

Mr. Bahorik said he wanted to mention it because Mr. Fochtman is going to come in and talk about it probably in June or July timeframe. If we vote against it the state is eventually just

going to go do it and if the state opens it, we might lose that money because if the state opens it they will get the money.

Mr. Rummel asked if this was coming from the county commissioner. Mr. Bahorik said yes, he is the leader of it. Mr. Moore asked if this covers all the counties. Mr. Bahorik said he did not know exactly what the road was going to be. He thinks there are three. He said he is just bringing it up because either way it is going to happen. He does not know how it will work as far as if we do not open will the state get the fee if they open it.

He said he assumes the registration fee would go to liquid fuels. Manager Allison said he did not know. Mr. Bahorik said he would assume the money from the registration fee would be used for the upkeep of the road they decide to open. Manager Allison said they are talking about one of the hard surface roads then? Mr. Moore asked if we would have to maintain that road. Manager Allison said yes. Mr. Rummel said if the commissioner comes in then we will learn more.

Mrs. Thomas asked about liability. Mr. Bahorik said they will have to be registered and wear helmets and have insurance and no drinking or driving. If you are on a hard road you must wear a helmet.

A motion was made by Mr. Moore and seconded by LaMonaca to convene to executive session for personnel matters at 8:15 p.m. One absent, Mr. Pallo. Motion carried.

A motion was made by Mr. Moore and seconded by Mr. LaMonaca to reconvene from executive session at 8:36 p.m. One absent, Mr. Pallo. Motion carried.

Seasonal Employee

A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik to approve to add Devin Chontas to temporary/seasonal employee status to assist public works. (\$16/hr.) Question: Mr. Moore asked if we have to advertise for a part-time position? Attorney Green said no. One absent, Mr. Pallo. Motion carried.

Approval Andrew Russian

A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik to approve Andrew Russian as a full-time public works laborer at a rate of \$16/hr. One absent, Mr. Pallo. Motion carried.

Next Meeting

Council will hold a workshop to discuss the PennVest application and sewer issues on May 28, 2024, at 6 p.m. A regular council meeting will take place following the workshop at 7 p.m.

Adjourn

Meeting adjourned by Council President, Richard Rummel at 8:45 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant

