

BOROUGH OF WINDBER
Borough Council Meeting
Monday, April 14, 2025
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: Greg Klonicke, Pete LaMonaca, Dr. Doug Ledney, Herb Moore, and Rich Rummel. Mr. Bahorik and Mr. Pallo were present. Attorney Joseph Green, and Manager Ron Allison were present and Mayor, Michael Thomas, was absent.

**Approval
Minutes**

A motion was made by Mr. LaMonaca and seconded by Mr. Konicke to approve the Minutes of the March 10, 2025, meeting. Remarks: Mr. Moore said there were two statements that were stricken from the minutes; the comment regarding the taxes from Mr. Marcinko and the other was in regards to Mr. & Mrs. Cominsky and the response from Chief Frear. He wants people to know what he is saying in the minutes. Mr. Rummel asked Mrs. Gates if she could edit the minutes? Mrs. Gates said she is not a stenographer. Manager Allison said some of the things left out are the names and accusatory remarks towards officers they should have been executive session discussions. Mr. Moore said that it was not put in about Mr. Marcinko's remarks regarding the tax increase. Mr. Rummel said it has been noted.

Manager Allison asked what the remark was that was made by Mr. Marcinko? Mr. Moore said, he said when he got his taxes it hurt and Mr. Moore asked him doesn't, he like the taxes going up and he said no and Mr. Moore said either do I but we have some council members that think the taxes should go up, and people are saying they want their taxes to go up so they can get more services and he said he did not think that was true. Mr. Moore said it does not matter to him but he wants the things he says to be in so people know what he is doing. Mr. Rummel asked Mrs. Gates to put Mr. Moore's comments in the minutes as long as it is not hurting anyone else. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

**Visitors
Chris
Miller**

Chris Miller from Miller Martial Arts said they will once again hold their annual Block Party Benefit. Nothing has really changed it is expanding really quickly which is good for the community. It benefits cancer research, Wings of Hope and the Humane Society. We have more vendors coming and we are asking for the side street to be closed. On a side note we propose to shut down a small part of Graham Avenue. We have gone through the process through the state and are waiting to hear back. Because it has expanded quickly, we want to make sure we have the room for our vendors and people to walk around.

Mr. Miller said they also give back to the fire department by letting them raise money by using their liquor license to serve alcohol. Mr. Rummel thanked him for everything they are doing. A motion was made by Dr. Ledney and seconded by Mr. LaMonaca to approve Miller Martial Arts fundraiser event and for them to shut down the alley from behind his business to Graham Avenue and a small portion of Graham Avenue in front of his business pending approval from the state. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

**Ron
Mash**

Mr. Mash introduced himself to council he said he is a proud representative of this town. He is a US Army Veteran; he served in Iraq and he is currently the Director of Veteran Services for Somerset County.

Mr. Mash said he has dedicated his life to this town not only through the military but he was also president of Windber Little League, involved with Windber Football League, is a member of the Windber Hall of Fame, and has served on this council for eight years.

Mr. Mash said when he speaks to council tonight, he speaks to them not only personally but as someone who has been in their seat, which comes with the responsibility of representing the people of this borough.

Mr. Mash said he does not go out much (in which he is going to publicly divulge some personal things). On Friday evening he was at a local establishment when a current member of council mocked the way that he speaks. His speech has been affected by a traumatic brain injury that he had received in Iraq. He went through an IED and these are some of the effects he received from that. What this councilman did was not a misunderstanding, it was public, intentional, and humiliating to him. Mr. Mash said he contacted Council President, Richard Rummel who told him that this issue would be addressed.

Mr. Mash said he appreciated his response but he wants to make it clear that public disrespect, especially from a public official deserves accountability. He said he is not here for sympathy; he is here demanding respect. He has done a lot for this town as Director of Veteran's Services every day. In the newspaper Somerset County Veteran's Services is number six in the entire state.

Mr. Mash said he is here to demand respect not only for himself but for every person with a disability and every veteran and every citizen who expects better from those who represent them. He said at the very least he expects a public apology because he was publicly humiliated. He said for three days he did not sleep and this is how he feels and he thanked council for their time.

Mr. Rummel thanked Mr. Mash. He said he is aware of what happened on both sides and he will address the issue moving forward for all public officials and council members.

Mr. Rummel asked Mr. Klonicke if he wanted to say anything? Mr. Klonicke responded to Mr. Mash. He said first of all there was a conversation that was interrupted, and he said what he said, and he called and texted Mr. Mash with an apology. He told Mr. Mash if he was here to humiliate him, he was unsuccessful. He said if Mr. Mash wanted to talk to him, he should have talked to him. He said this had nothing to do with Borough business. Mr. Mash could have talked to him. Mr. Klonicke said he left out of respect, twenty years ago he would not have allowed it. He said he will not dignify this any further.

Mr. Rummel told Mr. Mash that this will be addressed with everyone else as well.

**Ed
Marcinko**

Ed Marcinko said 709 Railroad Street, that vehicle still has the same old expired inspection. Manager Allison asked Mr. Marcinko if he was not here last month and said the vehicles were removed.

Mr. Marcinko said one of them is gone and he has not been able to find it the other is sitting behind 550 Railroad Street. He moved it from his driveway and put it behind 550 Railroad Street. Manager Allison asked him if it was in the alley or on private property. Mr. Marcinko said it is behind the residence. Manager Allison said there is a difference in who handles it. If it is in the alley the police department handles it. If it is on private property then PMCA would have to handle it.

Mr. Marcinko said he does that every month and a little background on why he is always down here about this is. Years ago, his mother passed away and he had her car in his driveway. It had some issues and he could not get it inspected and someone turned him in. Your people came right up his driveway and looked right in that window and told him that he had two weeks to get the car fixed, pass inspection or get the vehicle towed away and he had to produce proof of getting it towed away.

Manager Allison said Ed, the Codes Officer is totally unaware of where the vehicle was moved too. At our last meeting you said they were moved. Mr. Marcinko said he told him where it was moved. He said at the last meeting it was moved to 550 Railroad Street. He said the blue Honda Pilot was moved there. He has not been able to find the silver one, so it is not in the Borough of Windber.

Manager Allison said so you are driving around looking for these vehicles. Mr. Marcinko said yes at his own expense because April will have been one year since that vehicle has been sitting there uninspected but yet he was nailed and had to get rid of it. He said there are people in this room that he knows that went through the same thing he had to go through. He had two weeks to either fix it, get it inspected or get rid of it. Manager Allison said that does not mean we are not doing our job. He will have Chief Frear look at it. Mr. Marcinko said he could've made a few bucks and fixed up his vehicle but he was given a two-week window where he would get a daily fine of a nice amount, so he had to get rid of a vehicle and produce a slip that said he got rid of it. He believes it looks like there is a double standard going on. Manager Allison said we do not practice that here.

Mr. Marcinko said with the nuisance ordinances are there any changes coming because the last two weekends 715 Railroad Street, he has called and a neighbor has called Somerset County non-emergency and we rolled cruisers up there to tell this gentleman to knock it off. 2:00 to 3:00 o'clock in the morning he is in the garage jamming music, partying up there with his friends. He wakes people up out of a sound sleep. Friday night and Saturday night for the last two weekends in a row. He doesn't think it is going to stop, it is going to continue. He is from New Jersey and thinks he is above the law but we are rolling cruisers on him to start building up a fact sheet of what is going on.

Is this going to go like 709 where we go multiple times with calls. This guy is bringing people home whatever hours going up in there and is loud enough to wake people up. Manager Allison said each complaint is individual. Mr. Marcinko said good. Manager Allison asked if those complaints went solely through the police department. Mr. Marcinko said yes. The last one was at 2:45 a.m. on a Saturday night two police officers showed up then everyone left up there. He just wants to make sure reports are being filed because they are making the calls.

Mr. Moore asked if we have a disturbing the peace ordinance. Manager Allison said the police would be looking more for a disorderly conduct. They do have a copy of the nuisance ordinance down there. It would be discretionary as to which one they would enforce. Mr. Moore asked if a citation was written for that. Manager Allison said he did not know.

Mr. Marcinko said on a side note with their dog issue at 715 Railroad Street the first one they took them to court and they were cited \$500 for the dog having no leash or collar and running around the neighborhood. As of this past Thursday Frank Meyers filed the second citation for a \$1,000 fine for the dog running around loose with no leash and no collar. According to the magistrate the first one was \$500, the second one would be \$1,000 and the third they issue a warrant and they are going to jail.

**Todd
Koehler**

Mr. Koehler said he believes at the last meeting Mr. Moore said the budget was \$157,000 over in January and February? Mr. Moore said he did not say that. He said the police department has a \$1,500,000 budget. He said our budget is two million. He said we are better than we were.

Correspondence

1. Windber Municipal Authority Report for January and February 2025.
2. Windber Area Authority Minutes of January 8 and February 18 & 26, 2025 meetings.
3. Conemaugh Conservancy Newsletter.

Mr. LaMonaca said the Municipal Authority will have Market in the Park June II-August 13, Fall Market September 17th Wings and Waves will be June 19-July 17, 2025.

**Approval
Bills**

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve bills for March 2025. Remarks: Mr. Moore questioned the bill for Jerley Auto Repair. Manager Allison said in the process of plowing it kicked up a storm water lid that was on the side of road. It was one of those square ones and when it kicked up it did damage to the side of the truck. Mr. Moore asked if we had damage to a truck that hit a pole or tree. Manager Allison said we had a very minor bump at the community building parking lot back in January. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

**Approval
payroll**

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve payroll for March 21, and April 4, 2025. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

**Engineering
Report**

1. PENNVEST Sewer Project
 - a. USG to complete CCTV in project areas
 - b. Working on Act 537 Plan Update and Uniform Environmental Review
 - c. Continue mapping project areas with new aerial imagery
 - e. Schedule:
 - i. Spring 2025: Complete Survey & Mapping; Begin Preliminary Design
 - ii. August 2026: PENNVEST Submission (Tentative)

Mr. Ferrante said before we go into preliminary design, we need to start looking at rules and regulations and he will need Attorney Greens input.

2. 2025 PA DCED Small Water & Sewer Program
 - a. 27th Street Stormwater Culvert Replacement Project
 - i. Resolution needed to submit application.
 - ii. SCRA - Matching funds commitment of 20%
 1. Dependent on eligibility of project

Mr. Ferrante said there is a 15% match for this grant and we have been talking to the Somerset County Redevelopment Authority to use 2025 Entitlement CDBG Funds as a match for that grant. We are in the process of obtaining income surveys from the project area in order to comply for CDBG Funds. The grant is for \$370,000. The 15% match is eligible through the county.

PA DCED Multimodal Transportation Fund (MTF) Program

- a. Graham Avenue Sidewalk and Light Pole Replacement Project
 - Can request 30% match requirement be waived.
 - Application due by July 31, 2025; \$100 Application fee.
4. Dollar General
 - a. EADS reviewed Dollar General's land development submission for compliance with the Borough's Stormwater Management Ordinance.
 5. 2024 LSAS Grant Application
 - a. Submitted 27th Street Stormwater Culvert Replacement Project.
 6. 24th Street Bridge Project
 - a. Construction planned for 2025.
 7. 22nd Street Bridge Project
 - a. Let date is February 12, 2026; Construction planned for 2026.

Cash Bal./ No questions at this time.
Treasurer
Report

Council Liaison Reports

Mr. Rummel said that Mr. Allison and himself attended a COG Meeting. COG stands for "Council of Governments". It is for Cambria and Somerset County's. Any municipality can be a part of it. There were 30 + members when it started and it has dwindled down to five and they are trying to save it.

Mr. Rummel said it appears to be a good organization and for us to become a member of it we joined back up at a cost of \$450. What it is, is the municipalities that are members can get better deals on bulk items and share equipment. There are different types of services. They are in the beginning stages of reorganizing. Mr. Moore asked if we can still receive these services if we are not a member? Manager Allison said no.

Mr. Rummel said they are holding meetings once a month at least until it is up and running. Mr. Moore asked who was representing us? Mr. Rummel said he and Ron.

**Mayor's
Report**

There were no questions at this time.

**Manager's
Report**

Manager Allison said he did not have a report prepared for the meeting due to the busy week. He did tell council that he issued a stop work order on Mr. Maddy who was here at the last meeting and told us he was going to be putting in a french drain off his property. Instead of just a french drain he tapped into our storm system with his own contractor. Manager Allison had to issue a stop work order. He did have EADS assist him in attaining the information that Mr. Maddy would need to get the right permits in place.

**Solicitor's
Report**

Attorney Green said the Civil Service Commission met last Friday and they approved one candidate on the list who passed the exam which is Karl Kinkopf. He is currently a part-time officer here in the borough and is ready to be hired.

**Codes
Report**

There were no questions at this time.

**Ballroom
Report**

Mr. Moore said he asked several times to see it in writing where we cannot use the Windber Municipal Authority to run the ballroom. He said he would like to have that and would like to have it by the next meeting. Attorney Green said he does not have access to it. Manager Allison said we would have to go through the bank to get any information that they have. He said Mick Borza had said we could have someone run it, but it would not be feasible.

Manager Allison said as far as a statement or something in that book it very thick. Mr. Moore said he wants to see it. Manager Allison said he can stop down and look through it. Mr. Moore said he is not coming down and the Manager Allison is going to get it and show it to him. Manager Allison said then he wants someone to make a motion that he has to go through that 1,000-page book because he is so busy the two days he is here, that he did not even have time to do a report this month. Mr. Moore said someone must have gone through it and saw it because they say we can't do it. Manager Allison said it can be in those thousand pages and he doesn't have time to do it and that is why he said Mr. Moore can come down and read through it. Mr. Moore said that is Manager Allison's job. Manager Allison said then you make the motion and I will spend my time doing that.

Mr. Moore said we have to do something with that ballroom it has been almost a year and a half now. Mr. Rummel said it has not been a year and a half. Manager Allison said we created the first budget this year. Mr. Moore said he is not counting what we paid for the building or what is taken out of the general fund. He said in three months it cost us almost \$8,000. He said if we let the Municipal Authority run it without the payments, we could make it go. Manager Allison said do what you want to do.

Mr. Moore said he is sick of seeing this money go down the drain. Mr. Rummel said we talked and we said we had to give it time for her to give it a go and it hasn't been near that time yet. Mr. Moore said he thought it was over that time. Mr. Klonicke said for the comedy night he and his wife pass out flyers everywhere they go. Manager Allison thanked him. Mrs. Gates said for council to drop off their tickets and money this week.

Mr. Rummel said there are 6 weddings scheduled for this year, 18 parties, 2 conferences, 1 homecoming dance, 9 WAVE record hops, 8 ballroom events, and 2 fire events. Mr. Rummel said he thinks she is doing a good job.

Mr. Moore said the Windber Municipal Authority would use their own staff and we could eliminate about five of these paid positions. Mr. Rummel said there is one position! Manager Allison said there is one position and a kid that cleans up. Mr. Moore said you can shut my mouth if you can show me on paper that no one else can run this.

Dr. Ledney said we go through this every meeting. Mr. Moore said, don't you care about losing money. Dr. Ledney said yes, he does! Mr. Moore said no you don't. Dr. Ledney said do not put words in my mouth. He is tired of listening to Mr. Moore say we are doing bad with the budget over and over. To all of us sitting here including Mr. Mash that is a slap in our face. We have always watched the money and you tell us every meeting we do not watch the money. We had an audit by Kotzan two weeks ago and we are fine! You always tell us we have terrible action with money, you accuse people and he is tired of it! He said he has listened to it for too long!

Mr. Moore said how do you explain two years ago we were 87% over budget. Dr. Ledney said we were never 87% over budget. Mr. Rummel said we were never 87% over budget. Dr. Ledney said it is basic math. Kotzan's CPA was here and told you we were fine. Mr. Moore said you were fine with the fire department too and look what happen. Dr. Ledney said Kotzan didn't say anything about the fire department that is not our problem. Why are you talking about the fire department, he is talking about our Windber budget! Mr. Moore said well, they are bankrupt. Mr. Rummel responded that is enough.

Attorney Green said he will call Sean Garrin there maybe something in the DCED paperwork regarding an out-side party or not being able to run the ballroom. Mr. Rummel responded okay.

Resolution 2025-1 A motion was made by Dr. Ledney and seconded by Mr. LaMonaca to approve Resolution No. 2025-1 to participate in PSAB's Junior Council Person Program. Two absent, Mr. Bahorik and Mr. Palla, motion carried.

Audit Engagement A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve the audit engagement letter from Kotzan CPA & Associates, P.C. Remarks; Mr. Moore said we were discussing the \$100,000 that was transferred and Robin said we did vote on it and he wondered if she found where we voted on it or not. He wants to see that in writing. Mrs. Gates said the budget was voted on and the carry over for the 2024 budget was voted on when the budget was approved. Mr. Moore said no it was voted on in June. Mrs. Gates said no it was not. Mr. Moore said I can show you but you cannot show me. Mrs. Gates said that she has showed Mr. Moore things a thousand times and he won't even come in here and sit down so we can explain anything to him. Mr. Rummel asked for approval of the audit engagement letter. Two absent, Mr. Bahorik and Mr. Palla. Motion carried.

Miner's Day Donation A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve a \$500 donation to the annual Miner's Memorial Day Weekend. (June 12-15, 2025) Two absent, Mr. Bahorik and Mr. Palla, motion carried.

Ordinance 2025-1 A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve Ordinance No. 2025-1 Authorizing Windber Borough Fire Company, DBA and Scalp Level and Northern Regional Fire Department as the designated provider of emergency services for Windber Borough and allowing them to seek reimbursement for services in Windber Borough. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

Resolution 2025-2 A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve Resolution No. 2025-2 requesting \$298,332.60 for a PA Small Water and Sewer Grant and to designate Ronald Allison and Richard Rummel as officials to execute all documents. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

Resolution 2025-3 Mrs. Gates said the committee for the Windber Wall of Fame of which she is now the treasurer of, would like to be a committee under the borough. We did this for WAVE they are under the Borough and we take care of their finances and they are insured under the umbrella of the Borough but they are still their own group. Attorney Green said a committee is different than an authority in that you can recreate a committee but you cannot recreate an authority. Mr. Klonicke asked what we would insure them on. Mrs. Gates said with WAVE for instance it would be their events like the Easter Egg Hunt or Light Up Night.

Mrs. Gates said the next Hall of Fame banquet will be April 2026 and they will induct another 18 people for the Wall. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to convene to an executive session for personnel matters at 7:50 p.m. Motion carried.

Council was reconvened from an executive session by Council President Richard Rummel at 8:08 p.m.

Next Meeting The next council meeting will be May 12, 2025 at 7:00 p.m.

Adjourn Meeting was adjourned by Council President, Rich Rummel at 8:09 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant