

BOROUGH OF WINDBER
Borough Council Meeting
Monday, January 13, 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: Dr. Doug Ledney, Greg Klonicke, Pete LaMonaca, Herb Moore, and Rich Rummel. Brian Bahorik and Joe Pallo were absent. Attorney Joseph Green, Manager Ron Allison, and Mayor, Michael Thomas, were present.

**Approval
Minutes**

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the Minutes of December 23, 2024, meeting. Two absent, Mr. Bahorik and Mr. Pallo. Motion carried.

Visitors

John Holden provided an update on the merger between Windber Borough Fire Department and Scalp Level Fire Department. Last Wednesday both parties voted independently to merge. We are now Northern Regional Fire Department.

Mr. Holden said he will be Vice President of the new company and Mike Alexander III will be President of the company, Marty Washko will be the Assistant Treasurer and Brian Fleck is a board member for the company.

Mr. Holden said the easy work is done, now they have to dig in and do the legal stuff, the infrastructure, and arrange financing. They are going to have to do a debt consolidation loan for Scalps loans and Windber's and merge into one.

Marty Washko said they had their first joint meeting on Friday and passed the resolutions they needed at the bank. Mr. Washko said right now Windber Borough has a Resolution or Ordinance that recognizes Windber Fire Company as the municipality's emergency services provider. We need Scalp Level Borough and Northern Regional Fire Department added to that. They will be separate corporations for the short term but hopefully by May or June it will just be the Northern Regional Fire Department.

Mr. Washko said hand-in-hand with that is an ordinance that allows the fire company to bill for services such as accidents and that type of stuff. We need Scalp and Northern Regional added to that also.

Mr. Washko said they will be working as Northern Regional until they can merge the corporations. Charlie Boyer their treasurer has been working with banks to consolidate existing debt. Windber has about \$380,000 and Scalp Level has about \$300,000 in existing debt. He said they could pay off that debt but then they would be living from donation to donation. Also, at the same time they are working on the financing for the new tanker which

will be here at the end of March. He said everything is going smoothly with the bank. We are working with Slovenian who is very helpful in moving this along quickly.

Mr. Holden said Mike just mentioned that the tanker will not be here until June or July. Mr. Holden said they appreciate all the council's support, donations and cooperation through this process. It was an eye-opening process, but we are finally in the home stretch.

Mr. Holden said most of the apparatus will be stationed at 1620 Somerset Avenue location. There are still going to be a couple pieces of equipment at the Scalp location in case something happens there.

Marcinko

Ed Marcinko said as council is aware there has been some trouble with the quads at 715 Railroad Street. He set up some cameras and got some nice color print outs to show council of the quads going up and down Railroad Street. In one photo there are some trailers with quads that go behind vehicles.

Mayor Thomas asked Mr. Marcinko if he had a plate number. Mr. Marcinko said they have three quads now. They have a red one with a DCNR plate on it. He does not know if the driver of it, owns it or if he is just a transient of it because he does not know where he comes from but the two trailers at the residence of 715 has and the green one in the picture he believes is him riding does not have a plate. The white racer that the 10-year-old drives with his four-year-old brother on the back does not have a plate. The green one is the one towing the trailer up Railroad Street. The trailer is indistinguishable as far as the size of it and is parked across the street from the residence.

Mr. Marcinko said they are still doing it all through the day. The time stamp shows 9:51 a.m. Mr. Moore asked if it is still legal. Mr. Marcinko said it is a state road, and they are not allowed to ride in Windber Borough. Mr. Moore asked why we are not citing these people. Mr. Marcinko said you have to catch them and that is the hard part. That is why he put a bunch of trail cameras out and he got them.

Chief Frear told Mr. Marcinko that if he gives him those pictures and comes and testifies that they are the operators of the vehicle he will cite them. Mr. Marcinko said the quads were sitting in their garage. Chief Frear said he needs Mr. Marcinko to testify they are driving the vehicle unless he catches them driving it.

Mr. Marcinko said he must go to the magistrates tomorrow to testify about their dog and has to take half a day off work. Chief Frear said this is the first time hearing about the pictures. He said he does not know of Mr. Marcinko talking to any of the officers or showing them the pictures. Mr. Marcinko said we will address this he has to take care of getting them cited tomorrow with Mr. Meyers over the dog issue.

Mr. Marcinko said 709 Railroad Street, he called down and spoke to Robin on Friday about it and she emailed him the complaint form. He set garbage out, that sat there for eight days on the sidewalk in front of his house. When he got home from work tonight the bags were gone.

Mr. Marcinko said the two vehicles are still sitting in their driveway with expired inspection stickers and nothing has been done. Manager Allison said if it is not on the road or alley, we have to send that in to the codes officer too and he told him to add that to his complaint form. Mr. Marcinko said the trailer has been sitting there for years and is rotted.

Mr. Marcinko said he had already called in for noise. Mr. Marcinko said because of it being a double house he was smacking the center wall between the houses with a blunt end of a 2 x 4 telling him to tone it down. He gets a reply through the wall to f--- you. Mr. Marcinko said he is not going to live like this.

Mr. Moore asked why he can't be cited for disturbing the peace. Mayor Thomas said it is because it is considered a common place. He had been on similar calls like this when he was a police officer, and the magistrate found them guilty, and it went to Somerset Court, and they threw it out because it is a common residence. Mr. Moore said he wouldn't want to live like that. Chief Frear said if a judge ruled that way, they would not cite them anymore.

Mr. Marcinko said it is very frustrating. Mr. Rummel asked Mr. Marcinko if he spoke to the landlord. Mr. Marcinko said the last time he was in Valerie Ashbrook's office she threatened to have him arrested. He even told her he would buy that half of the house.

Correspondence

1. Windber Municipal Authority Report November 12, 2024.
2. Windber Area Authority Minutes of November 13, 2024.
3. Letter from the Department of Emergency Services.
4. Letter from Windber Fire Company No. 1 Regarding Merger with Scalp Level Fire Co.

Mayor Thomas said if you look at the letter from the Department of Emergency Services you will see that none of Mr. Penrod's certifications are current. He said he brought it up because we are getting into a bind here. Mr. Rummel said with the merger now in place he would like to look into it and see if Scalp's EMA can do it. The fire department said they would ask and see if anyone was interested in doing it.

Approval Bills A motion was made by LaMonaca and seconded by Mr. Klonicke to approve the bills for December 2024. 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 December 13 & 14, 2024 and January 10, 2025. Two absent, Mr. Bahorik and Mr. Pallo. Motion carried.

Engineer's Report Borough of Windber Borough Council Regular Meeting
Engineer's Report January 13, 2025

1. 22nd Street Bridge Project

- a. Let date is February 12, 2026; Construction planned for 2026.
- 2. 24th Street Bridge Project
 - a. Construction planned for 2025.
- 3. PENNVEST Sewer Project
 - a. USG to complete CCTV in project areas, weather permitting
 - b. Working on Act 537 Plan Update and Uniform Environmental Review
 - c. Started mapping project areas with new aerial imagery
 - d. Schedule:
 - 1. Winter 2024-2025: Survey & Mapping
 - 2. Spring 2025: Begin Preliminary Design
 - 3. August 2026: PENNVEST Submission (Tentative)
 - 4. DCED Multimodal Transportation Fund (MTF) Program
 - a. Submitted Graham Avenue Sidewalk and Light Pole Replacement project.
 - 5. 2024 LSAS Grant Application
 - a. Submitted 27th Street Stormwater Culvert Replacement Project.

Muzzie Electric would like to fix whatever needs fixed in the other half of the police building before he moves in and starts up his business. Mr. Ferrante from EADS told Manager Allison what they typically send to their clients. The schematics of what is typically pressure tested and the installation diagram and a sewer compliance certification sheet. They will send an inspector out and inspect and test the plumbing then you have a record of it, and everyone signs off on it.

**Cash Bal./
Treasure
Rpt.**

Mr. Moore said he noticed on our budget we were over 12.9% and last year we were over 87% If you put that together we're over 100% in two years. He said we increased taxes in the last two years. One was 2 mills, one was 1.4. We also took money out of our general fund which is equivalent to about 2 mills each year. We are talking about \$302,000 we are not meeting our budget without taking out of our general fund and raising taxes. We have things coming up. We need to be careful about how we spend our money.

Manager Allison said we ended our 2024 budget with \$7,695.04 to the good. We did not touch the \$99,776.41 from the carryover from the year before. In 2023 we carried over 99,776.41 to balance the 2024 budget and we did not need to use carry over amount.

Mr. Moore asked why we raised taxes then. Manager Allison said we had additional income last year. On page one of the Treasurer's Report, we had anticipated bringing in \$444,000.00 in Local Enabling Taxes and we ended up bringing in \$517,148.88. \$73,148.88 more than budgeted. That was just one of the notes for the end of the year on the cash balance report.

There were no other questions.

Council Liaisons

**LaMonaca/
WMA** Mr. LaMonaca said his meeting with the Windber Municipal Authority is tomorrow.

**Rummel/
Library** Mr. Rummel said his meeting is also tomorrow and everything is going well there.

**Ledney/
WAA** Mr. Ledney said the Windber Area Authority continues to work on planning for the future sewer plant. The request for bids will be going out for construction next week.

**Mayor's
Report** Monday, December 16, 2024, Mayor Thomas attended ESSA Stakeholders meeting at Windber High School. The purpose of these quarterly meetings is to receive input from various districts stakeholders on how Title I-IV funds are spent locally.

January 8, 2025, Mayor Thomas participated in a PSAB Webinar; Liquid Fuels Funding 101.

Friday, January 10, 2025, Mayor Thomas swore in the officers and board of directors of the New Northern Volunteer Fire Department.

January 11, 2025, Mayor Thomas performed a wedding ceremony as one of his permitted duties as Mayor.

**Manager's
Report** **Public Works-** In the month of December PW answered 12 PA 1 Calls. Evaluated all trucks for repairs on a vehicle check list and repairs were made. The sweeper and Case Backhoe will be receiving repairs and maintenance in their down time. Plowing Schedule was completed and posted. After receiving a correction list from the 22nd and 24th Street bridge inspection from EADs proper signage was moved/placed. All new safety clothing was fitted, ordered and distributed in accordance with the contract. A safety program member attended Webinar for First Energy Storm Response Process. Road patching as needed.

Ballroom- With the departure of the Assistant Coordinator on December 22 I have moved the two temporary/seasonal employees into the position of Ballroom cleaning and setting up. This is most likely going to be a temporary solution as they resume their responsibilities at their other jobs in March. Ballroom operations are under review.

Police Building- We will be doing some sewer work there in the upcoming months to separate the building laterals as the other half has been sold. The lines are currently being evaluated. The old boiler was not sold on bid, and I have the Borough Crew lined up to remove and scrap.

Borough Building Basement- The final move of the Christmas decorations will happen this month. At this point the basement will be cleared so repairs can be made. With the approval of the council, the temporary/seasonal employee will repair and parge the walls. The allowance necessary will be \$2,000.00. This includes the wages paid and materials.

There is also some electrical work to be done at the back of the building. Electric is overloaded and that expense will cost approximately \$1,000 to fix.

Mr. Moore asked how old the street sweeper is. Manager Allison said he believes it is 2016. Mr. Moore said it is always breaking down and doesn't seem to sweep well. Is it worth running it. Manager Allison said we are correcting that.

Solicitor's Report

Attorney Green said the only thing he has is under C and D of new business.

Codes Report

Mr. Rummel said the church on Graham that burnt down from the lightning strike is up and running now.

Ballroom Report

Manager Allison said the event coordinator will be here at the next meeting. Mr. LaMonaca asked what the future of ballroom is? Manager Allison said they have started their new marketing campaign and signed the paperwork just this morning for the advertisement to start running on WJAC TV. Mr. LaMonaca said he would like to see it become profitable.

Mr. Rummel said there are several events scheduled already for this year. There is already a big difference from last year.

Building Repairs

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve upgrading the electric in the borough office and parging walls and stopping leaks in the basement to be paid out of Capital Improvement Fund. (Estimate \$3,000). Roll call vote: Mr. LaMonaca, yes; Mr. Klonicke, yes; Mr. Baborik, absent; Dr. Ledney, yes; Mr. Moore, yes; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

Zoning Hearing Board

Windber Borough Zoning Hearing Board is recommending Windber Borough Council approve to waive the requirement on the rear part of the proposed DG structure on Graham Avenue. (Chapter 119 of the Windber Borough Zoning Code)

Mr. Rummel said our zoning requires them to be back 10 feet. Their footprint they want to put in there, it would be impossible for them to abide by, so they asked for zero setback on the alley. If you know the alley near the Whalley lot, there is a stone wall there and the old stone wall is the alley. That is basically what they want to go up to which is where Whalley was before. They asked that it be waived. The way it works is they went before the zoning hearing board, and they sent it to Council with their recommendation to approve it.

Mr. Moore asked why they denied it. Manager Allison said they did not deny it, the zoning officer denied it and it had to go before the zoning hearing board for a variance to make those changes. Attorney Green said the zoning hearing board can't waive a portion of an ordinance, council can. Mr. Holden, who is on the Board of the Zoning Hearing Board, reiterated what Attorney Green had said.

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to waive the requirement on the rear part of the proposed Dollar General structure on Graham Avenue as recommended by the Windber Borough Zoning Hearing Board. (Chapter 119 of the Windber Borough Zoning Hearing Board). Two absent: Mr. Bahorik and Mr. Pallo. Motion carried.

**Zoning
Hearing
Board**

Mr. Rummel said Windber Zoning Hearing Board recommends that council waive the 43 parking spaces for the proposed Dollar General Structure on Graham Avenue. He said their footprint (square footage) requires them to have 43 parking spaces. With the footprint they want to do, 43 parking spaces would be impossible. They figured it out and it would be 23 parking spaces that they will have and that does not include street parking.

Attorney Green said it would be a motion to waive the requirements of Chapter 1117 of the Windber Borough Zoning Code.

A motion was made by Mr. Klonicke and seconded by Mr. LaMonaca to waive the requirements of Chapter 1117 of the Windber Borough Zoning Code. Two absent; Mr. Bahorik and Mr. Pallo. Motion carried.

A motion was made by Mr. LaMonaca and seconded by Mr. Moore for the council to convene to an executive session at 7:43 p.m. for legal and personnel matters. Two absent: Mr. Bahorik and Mr. Pallo. Motion carried.

Council President Richard Rummel reconvened the council from executive session at 7:58 p.m.

**Maintenance
Employee**

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve hiring Clyde Block III as a temporary employee for cleaning at the ballroom. Roll call vote: Mr. LaMonaca, yes; Mr. Klonicke, yes; Mr. Bahorik, absent; Dr. Ledney, yes; Mr. Moore, no; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

**Next
Meeting**

The next council meeting will be on February 10, 2025, at 7:00 p.m.

Adjourn

Meeting adjourned by Council President Richard Rummel at 8:01 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant

