

**Borough of Windber
Borough Council Meeting
Monday, March 9, 2026**

The Regular Meeting of Windber Borough Council was called to order by Council President, Barry Jerley at 7 p.m.

Pledge of Allegiance

The following council members were present: Barry Jerley, Greg Klonicke, Herb Moore, Ed Marcinko, and Rich Rummel. Pete LaMonaca was absent. Mayor Mike Thomas, Manager Ronald Allison and Attorney Joseph Green were present.

**Approval
Fill Vacant
Council
Seat**

Mr. Jerley said that all of council received copies of the letters of intentions from the people interested in the council vacancy.

Mr. Moore believes when we have a situation like this, when there is a vacancy on council there should be a formal letter sent to the candidates that lost the election to see if they are interested in applying and submitting an application. As far as he knows from reading about state legislature on the internet there are three ways of advertising the position is open. He said it should have been advertised because people did not know it was open.

Mr. Jerley said we do have a person with their resume here and we have a person in the audience that ran in the election. Attorney Green said when a vacancy occurs on council the law does not require you to advertise it. Mr. Moore asked if we can be more stringent with that though. Attorney Green said he had never when he had vacancies, it always came from another council person or someone within. Mr. Moore said on the school board they always advertised it. Attorney Green said that may be different.

Mr. Moore said he is not in favor of doing it this way and asked who choose the three people to go over these letters of intent. Mr. Jerley read the email from Wendy Nickerson of PSAB. It states that whenever you receive more than one letter of intent council has a couple choices; 1. Hold a public meeting and interview candidates, not required but an option. 2. Form an hoc committee of less than a quorum to review the letters and then at a public meeting make a recommendation to council.

When at the council meeting, one of the council members will make a motion to choose Individual A, to fill the vacancy on council. This motion must be seconded and then council will vote. If they get a majority vote, you are done. If not, perhaps someone will make a motion to pick the other person. If there is a tie, the mayor will break the tie.

Mr. Moore asked why himself or Mr. Marcinko was not asked to be on that committee to choose or discuss these letters. Mr. Jerley said he chose the three officers, the President, Vice President and President Pro Temp. Mr. Moore said he was an officer for two years and was

never called to do anything like that. Mr. Rummel said it never happened then. Mr. Moore said he was not talking about this situation but other situations. He said all of council should be involved in all hirings. Mr. Rummel said he agrees can't we make it more stricter moving forward and have certain requirements. Mr. Klonicke said it must have been advertised Mr. Moore asked where? Mayor Thomas said anyone can go online and read the minutes. Mr. Moore said when the mayor's position was open it was advertised and it should be procedure. Mayor Thomas said he is not a councilman. Attorney Green said council certainly could but the state does not require it

Mr. Jerley said as three members we did not just bring the recommendation that is why all of council has all the letters of intention right in front of them. Mr. Moore said we do not have enough time to think about this. Attorney Green said you have to have the time because it has to be done within 30 days. Mr. Moore said we could have had a workshop 15 days after the last meeting. Mr. Rummel agreed said moving forward we can make changes but we can't now. Mr. Jerley asked Mrs. Gates how it was done in the past. Mrs. Gates said like it is now.

A motion was made by Mr. Rummel to approve Mark Rager to fill the vacant seat on council, remaining two-year term. Motion seconded by Mr. Klonicke. Attorney Green said you have to vote on the first nomination and if it fails then you go to the second nomination. Roll call vote: Mr. Rummel, yes; Mr. Klonicke, yes; Mr. Jerley, no; Mr. LaMonaca, absent; Mr. Marcinko, abstained.

Mr. Marcinko said he was abstaining because in looking at the five applications presented here, he was not even informed of any of this, no one told him about it, nothing. Out of the applications here four of these are qualified individuals. In his case, he does not even know who these individuals are. He may have spoken to one of them that he would consider qualified to fill the vacancy. Before he would cast a vote to determine the future of Windber Borough, he wants the opportunity to either interview these people or something but he has had no opportunity.

Attorney Green said no one has had the opportunity except for the three people before and we have to fill this position. It is council's duty. If council does not fill this position tonight, he has to notify the courts and the courts will do it. Mr. Marcinko said we have 15 days. Mr. Moore asked if you have to create a vacancy candidacy first. Attorney Green said no, you can but you do not have too. Attorney Green said he has seen this go straight to court because there is such a divide on council.

Mr. Moore also abstained he said for reasons he gave during the last five minutes. Mrs. Gates said there are two yes, two abstained, one no and one absent. Attorney Green said Mark Rager won.

Mr. Moore said you have to have four votes! Attorney Green said we had five votes; you were an abstention that was your vote. Mr. Moore said we only had two yes votes and you have to have four. Attorney Green said no you do not. Mr. Moore said yes, you do. Attorney

Green said you do not. Mr. Moore said you have to have a quorum. Attorney Green said you have more yes's than nays. We had a quorum here is the vote. Two members chose to abstain.

Mr. Moore said if everyone is absent except three people and you have two yes and one no than it passes. Attorney Green said you cannot have three people. Mr. Moore said if you have four people and two vote yes and two vote, no? Mayor Thomas said he breaks the tie. Mr. Moore said no he is out of it. He said the mayor is not involved in this. Mrs. Gates said yes, he is. She said they spoke with PSAB's legal person and she said if there is a tie vote the mayor breaks the tie. Mr. Moore said if it comes to council than the mayor is excluded. Mrs. Gates said no. Mr. Moore said he looked it up it is state law. Mr. Moore said he doesn't think it is fair. He is not trying to get what he wants to get, he said you don't follow protocol or procedures at times.

Mr. Moore stated that Section 901-C: The vacancy board shall consist of the council, exclusive of the mayor, and one registered elector of the borough who shall be appointed by the council. Mayor Thomas said that is a committee. He said he wasn't on a committee. Mr. Moore said there were three people. Mayor Thomas said yes, Barry, Rich and Pete. He was not on the committee. Mr. Moore said he didn't say he was on it but he was excluded from voting on it. Mrs. Thomas said he wasn't on the committee. Mr. Moore told her she was not supposed to be talking.

Mr. Rummel said everything he read said it has to be a majority vote. Attorney Green said yes. Mr. Moore said according to this if there is a vacancy on the board the mayor is excluded. Mayor Thomas said he did not vote. Mr. Moore said he is just saying. Attorney Green said the vote is done.

**Approval
Minutes**

A motion was made by Mr. Rummel and seconded by Mr. Klonicke to approve the minutes of February 9, 2026. Remarks; Mr. Moore said in the minutes there was a councilman that resigned. He has at hunting cabin somewhere and he sleeps at his mothers' that is where he puts his head and he has his address on his license and everything, how can you say he lives out of the borough. Attorney Green said where you lay your head a majority of the time is where your residence is. He told us where he lays his head is not in Windber Borough. Mr. Moore said he sleeps at his mother's house. Mr. Allison said no he sleeps at his camp and he admitted that to us. Mr. Moore said he was forced to resign. Attorney Green said it is the actual council persons responsibility to come to us and tell us he doesn't live in the borough. Mr. Moore said he sleeps at this mother's place. Attorney Green said if he did that, he would still be a councilman. One absent, Mr. LaMonaca, motion carried.

Visitors

There were no visitors at this time.

Correspondence

1. Windber Area Authority Minutes of January 14, 2026.
2. Conemaugh Valley Conservancy News Letter.

- Approval Bills** A motion was made by Mr. Rummel and seconded by Mr. Klonicke to approve bills for February 2026. One absent, Mr. LaMonaca, motion carried.
- Approval Payroll** A motion was made by Mr. Rummel and seconded by Mr. Klonicke to approve payroll for February 20 & March 6, 2026. One absent, Mr. LaMonaca, motion carried.
- Addition PennVest Application** A motion was made by Mr. Rummel and seconded by Mr. Klonicke to approve adding Graham Avenue and 27th Street to the PennVest application. One absent, Mr. LaMonaca, motion carried.

Amendment Agreement PennVest Application A motion was made by Mr. Rummel and seconded by Mr. Marcinko to approve the amendment to the agreement for the PennVest application. One absent, Mr. LaMonaca, motion carried.

Cash Bal. Treasurer Report Mr. Moore said in our last treasurer’s report in February we are currently at 21.7% of our budget. If you take 12 months each month should be 8.3%. We are already over our budget by 5.2%. If you project that it comes out at 31.2%. At the end of the year, we are always over that. Last year over 71, the year before 18 and the year before that 87. He wants to draw attention to that to council because we are in trouble with money. Last three years a total of 4.85 mills. Out of the general fund the last four years including this year we took out \$396,000 which was supposed to be our savings account and should not be touched comes out to 9.4 mills. We as councilmen better be on top of things with this money.

Council Liaisons

Library/ Rummel Mr. Rummel said he is the library liaison and is going to step up and be a part of the Ballroom Committee and asked someone to take over at the library. He said it is the third Wednesday of the month and starts at 4:00 and lasts about a half an hour. Mr. Klonicke said he would do it.

Mayor’s Report Mayor Thomas and Manager Allison met with the engineers from Rosebud Mining regarding the movement of the material that was removed from the debris basin last year.

On February 24th Mayor Thomas attended the Northern Regional Fire Departments public meeting reporting on the financial status of the department as of the beginning of the year.

February 26th Mayor Thomas met with State Senator Pat Stefano and discussed several items with the senator, including grants, and the state budget.

March 1st, Mayor Thomas had a phone conversation with the codes officer regarding properties that aren’t being addressed in the borough. He assured the mayor that they are being looked into.

Manager's Report

Public Works- Handled 5, Pa1 Calls. Location work on the storm water system at Graham Ave and 27th St. Vehicle maintenance was high priority with heavy use for the storms. 580 Case is repaired and back in use. We did have a contractor on standby to load salt if needed. The new utility truck is expected to be delivered by the end of May and we looked to put it in service in June/July

NIMS Training Link-<https://training.fema.gov> for EMA requirements and certification. I'm asking again that all council members please complete this training and get the certificates turned into the Borough Office for filing. I cannot stress the importance of this enough. I encourage all new and existing council members to participate in the PSATS training offered and also get your certificates from this NIMS training

Windber FPP Debris Basin Restoration GP-11 Permit- Rosebud Mining has completed the sedimentation removal from the floodplain.

In May the Borough Public Works will seed the area. He thanked Rosebud Mining for the donation of time and equipment towards this endeavor.

Ballroom Committee- Schedule first meeting after selection.

Solicitor's Report

Attorney Green mentioned the ordinances that are on the agenda for approval and for advertisement. The Sheetz alley ordinance was already approved for advertisement at the last meeting.

Attorney Green said under new business letter c, approval of fulltime officer, the civil service board was not able to meet because two people were out of town. He took a phone vote and as soon as they are back in town, they will reaffirm their vote.

Attorney Green said he was at the ballroom for the Valentines Event "Dualling Piano's" in February, it was packed and it was a good time. The ballroom looks great; there is a rather large crack in the floor in the men's room that needs patched. Manager Allison said he will look into it.

Mr. Moore said on the top of the roof where the window is it looks like it is starting to deteriorate or something. Manager Allison said that is probably due to the way the wood ages and it will change color. He will check on it.

Codes Report

Mr. Jerley said there are like 31 items on the list so we are following up on our code's issues. Manager Allison said both he and the mayor have spoken to the code's enforcement officer and a couple of those, they actually exhausted every route they could go on it. There are two properties they are basically at a dead end with. They are wrapping up a few others a couple on Graham Avenue have multiple citations filed on them.

Ballroom Committee

Mr. Jerley said he will appoint a committee at the next meeting once the new council person is here. Council had short conversation regarding the possibility of the Municipal Authority

operating the Ballroom. Mr. Moore said he would like to be considered for the committee. Mayor Thomas said Senator Stefano was going to look into whether there were any reasons federally that we could not have an operator run it for us. Mr. Moore said he would like the Municipal Authority to have a chance to run it.

**Noise
Ordinance**

A motion was made by Mr. Rummel and seconded by Mr. Klonicke to approve Ordinance No. 2026-1 making it unlawful for a person to make or cause to be made loud unnecessary noise that either annoys or disturbs a person of ordinary sensibilities within the borough. Remarks; Mr. Moore asked if there was an avenue they could go if no one responds? Mr. Rummel said this is the reason for creating this. Mr. Marcinko questioned from what he is seeing on page number three, this does cover week days, weekends, day light, and night time? Attorney Green said yes. Mr. Marcinko said because in his area it is a lot of day light as well as night time. Mr. Rummel said he likes it and it is a big step forward with a lot of our complaints.

Chief Frear said in regards to a complaint Mr. Marcinko had regarding the officer not responding. He contacted Mr. Marcinko and told him the report was done, that it was the night of the heavy snow and the officer made contact with the neighbor and the neighbor told the officer he would turn it down. He does not know if he did or not. Chief Frear said when you enact this noise ordinance it is going to be up to the officer when he responds. If it is during the day things will change differently. Just because someone hears noise and you can hear it past the board does not mean that a charge will be filed based on the ordinance. It will be what is reasonable to the officer and it is not going to be just because you said.

Chief Frear said he told council that a lot of noise ordinances are unconstitutional when they go to court and the magistrate does not follow them. So, when we go on a call, we know what will go through. He said listen to us, we know what flies and what doesn't, listen to us.

Mr. Moore said he was at a fire company meeting and heard there was an incident where Richland Police pulled a guy over and there was an altercation and they called for backup and the Windber Police had three people on call and they said they were tied up. Why couldn't someone go over there? Chief Frear said he can't say what was said, because they weren't there but when they sent the call in there was nothing of that being said. One of our officers (SRO) was at the school, one was at a hearing and the other was involved with meetings and an interview for Windber Borough. Our responsibility is Windber Borough.

The state police did respond and Richland came down and assisted them. Mr. Moore asked if this happened in the evening. Chief Frear said no it was during the day. Mr. Moore said we pay a lot of money for a police department and in Paint Township and three guys can't help a guy getting punched in the face. Chief Frear said Paint Township is not our responsibility they have state police. Manager Allison said if they call us, we assist if we can. Chief Frear said if we are tied up, we are tied up.

Roll call vote: Mr. Rummel, yes; Mr. Klonicke, yes; Mr. Jerley, yes; Mr. LaMonaca, absent; Mr. Marcinko, yes; Mr. Moore, yes. Motion carried.

**Ordinance
2-hour
Parking** A motion was made by Mr. Rummel and seconded by Mr. Klonicke to approve to advertise Ordinance No. 2026-3 adding 2-hour parking limit signs on 15th Street from Somerset Avenue to Graham Avenue. Remarks: Mr. Moore asked what the reasoning was behind this? Mr. Rummel said during the snowfall we had there was a car belonging to the apartment upstairs above Carlyn's that was there for three weeks and caused havoc. Other than any other reason it was based on that. One absent, Mr. LaMonaca. Motion carried.

**Full-time
Officer** A motion was made by Mr. Rummel and seconded by Mr. Klonicke to approve Mark Meek to move from a 32 to 39-hour officer position to a full-time officer position. Mr. Klonicke asked how many full-time positions we have. Chief Frear said Gavin Pacewicz left for another full-time position and this full-time position is under the grant which pays 75%. Mr. Moore asked if a 32-to-39-hour position is part-time? Chief Frear said yes. Mr. Moore asked what the difference was between part-time and 32 hours? Chief Frear said nothing that is a position made in the contract that guarantees 32 hours. Mr. Moore said but there is a difference between part-time and 32 hours, right? Chief Frear said yes. Mr. Moore said he wasn't aware of that he thought that if you weren't full-time, you were a part-time officer.

Roll call vote: Mr. Rummel, yes; Mr. Klonicke, yes; Mr. Jerley, yes; Mr. LaMonaca, absent; Mr. Marcinko, yes; and Mr. Moore, no. Motion carried.

**32 to 39
Hour Officer** Mr. Klonicke asked if this officer was part of the grant. Chief Frear said no. Mrs. Gates said Officer Jeff Keyser will be taking Mark Meek's position as a 32-to-39-hour officer since Mark Meek will be moving into the full-time position. A motion was made by Mr. Rummel and seconded by Mr. Jerley to approve Officer Jeff Keyser for the 32-to-39-hour position. Roll call vote: Mr. Rummel, yes; Mr. Jerley, yes; Mr. Klonicke, yes; Mr. LaMonaca, absent; Mr. Marcinko, no; and Mr. Moore, no. Motion carried.

Misc. Mr. Jerley said he was asked if once the Dollar General Store opens will those junk cars be removed? Chief Frear said that he is working with the borough manager on that. Manager Allison agreed saying he will remove them once he is forced to comply.

**Miner's
Day** A motion was made by Mr. Klonicke and seconded by Mr. Rummel to approve the request by the Eureka Coal Heritage Foundation to hold the annual Miner's Memorial Day Festival on June 18 to June 21, 2026 and permission to close the attached letter of roads, with the permission of PennDot and EMC, Bob Larson. One absent, Mr. LaMonaca, motion carried.

**Life
Church** A motion was made by Mr. Rummel and seconded by Mr. Marcinko to approve the request of Life Church to hold the annual block party on June 5, 2026 from 3:30 to 8:30 p.m. and permission to close the attached letter of roads with the permission of PennDot and EMC, Bob Larson. One absent, Mr. LaMonaca, motion carried.

Easter Egg Hunt A motion was made by Mr. Rummel and seconded by Mr. Marcinko to approve the annual Easter Egg hunt on March 28, 2026 at 10 a.m. (\$200 budgeted). Roll call vote: Mr. Rummel, yes; Mr. Marcinko, yes; Mr. Jerley, yes; Mr. Klonicke, yes; Mr. LaMonaca, absent; and Mr. Moore, yes. Motion carried.

Next Meeting April 13, 2026 at 6 p.m. workshop to review intermunicipal agreement between us and Paint Township with regards to sewer fees for properties above Baumgardner Avenue.
6:30 p.m. workshop to review the 2025 audit with auditor.
7:00 p.m. council meeting.

Adjourn Meeting adjourned by Council President Barry Jerley at 8:13 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant