

**Borough Council Reorganization Meeting  
January 3, 2022**

The regular meeting of Windber Borough Council was called to order by Windber Borough Mayor Michael Thomas, at 7:00 p.m.

Pledge of Allegiance.

The following Council Members were present: John Holden, Pete LaMonaca, Dr. Doug Ledney, Joe Pallo, Mark Portante, and Rich Rummel. Attorney, Joe Green was absent. Mayor Mike Thomas was present and Ron Allison, Borough Manager was present. Ron Mash was absent.

**Swearing In Mayor**

Notary Public, Robin S. Gates, swore Mayor Michael Thomas into office.

**Elected Officials Sworn In**

Mayor Thomas swore in the newly elected council members; Pete LaMonaca, Dr. Douglas Ledney, Joseph Pallo, Mark Portante and Richard Rummel. All members were congratulated and took their seats.

**Nomination President**

Mayor Thomas asked for nominations for council president. Mr. Portante nominated Dr. Doug Ledney for council president. Mr. Pallo nominated John Holden for council president. Motion to close nominations by Mr. Portante. Dr. Ledney recused himself from accepting the nomination due to heavy workload.

Roll call vote for nomination of John Holden: Mr. Pallo, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Portante, yes; Mr. Rummel yes and Mr. Holden, yes. Motion carried. Mr. Holden thanked everyone and took his place at the head of the table as council president.

**Nomination Vice President**

Mr. Holden asked for nominations for vice president of council. Dr. Ledney nominated Joe Pallo for vice president. Motion to close the nominations by Dr. Ledney. Roll call vote: Dr. Ledney, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, absent; Mr. Pallo, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Nomination President Pro-Temp**

Mr. Holden asked for nominations for president pro-temp of council. Mr. Pallo nominated Dr. Doug Ledney for president pro-temp. Question: Mr. Rummel asked what a pro-temp was. Mr. Holden said if anything happens to the president or vice president, the president pro-temp will run the meeting.

Nominations closed by Mr. Portante. Roll call vote: Mr. Pallo, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, absent; Mr. Portante, yes; Mr. Rummel, yes; and Dr. Ledney, yes. Motion carried.

**Appointment Borough Treasurer**

A motion was made by Mr. LaMonaca and seconded by Mr. Portante to appoint Ron Allison as the Borough Treasurer for Windber Borough. Roll call vote: Mr. LaMonaca, yes; Mr. Portante, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Rummel yes. Motion carried.

**Appointment Borough Secretary** A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to appoint Ron Allison as the Borough Secretary for Windber Borough. Roll call vote: Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Appointment Solicitor** A motion was made by Mr. Pallo and seconded by Dr. Ledney to appoint Attorney, Joseph Green as the Solicitor for Windber Borough. Roll call vote: Mr. Pallo, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, absent; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Appointment Auditor** A motion was made by Mr. Portante and seconded by Mr. Pallo to appoint Kotzan CPA & Associates as the Auditor for Windber Borough. Questions: Mr. Rummel asked if we had any accounting firms in Windber? Mrs. Gates said they have been with Kotzan's for years, they are very easy to work with and do not charge if we need a question answered and are very reasonable and familiar with our accounts. Roll call vote: Mr. Portante, yes; Mr. Pallo, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Rummel, yes. Motion carried.

**Approval Banking Institutions** A motion was made by Mr. Pallo and seconded by Mr. Portante to approve the following banking institutions for Windber Borough: First Commonwealth Bank, Slovenian Savings and Loan, AmeriServ Financial Bank, and Somerset Trust Company. Roll call vote: Mr. Pallo, yes; Mr. Portante, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Rummel, yes. Motion carried.

**Approval Meeting Dates** A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve the second and fourth Tuesdays of the month. Questions: Mr. Pallo asked if we could change the meetings to Thursdays due to his new job it will be hard to be here on Tuesdays. Mr. Allison said he could not go to Thursdays. Council agreed on Monday nights. Mr. LaMonaca and Dr. Ledney rescinded their motion for Tuesday meetings. A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve the second and fourth Mondays at 7:00 p.m. beginning February 2022 as the meeting dates for Windber Borough Council. Roll call vote: Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Approval Minutes** A motion was made by Mr. Pallo and seconded by Mr. Holden to approve the Minutes of December 14, 2021, meeting. Motion carried.

**Recognition Visitors** There were no visitors present.

**Resolution 2022-1** A motion was made by Mr. Portante and seconded by Dr. Ledney to approve Resolution No. 2022-1 Appointing Ronald Allison as the Plan Administrator of the Uniformed Pension Plan as of January 3, 2022. Roll call vote: Mr. Portante, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Rummel, yes. Motion carried.

**Resolution 2022-2** A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve Resolution No. 2022-2 appointing Ronald Allison as the Plan Administrator of the Non-Uniformed Pension Plan as of January 3, 2022. Roll call vote: Mr. Pallo, yes; Mr. LaMonaca, yes; Mr.

Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Approval of Right to Know Officer** A motion was made by Dr. Ledney and seconded by Mr. LaMonaca to approve Ronald Allison as the Right to Know Officer for Windber Borough. Roll call vote: Dr. Ledney, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Approval Ott Zoning** A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve reappointment of Allen Ott to the Zoning Hearing Board (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Pallo, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, absent; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Approval Gahagen Zoning** A motion was made by Mr. Portante and seconded by Mr. LaMonaca to approve reappointment of Gwynn Gahagen to the Zoning Hearing Board (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Portante, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Rummel, yes. Motion carried.

**Approval Bartolomucci Planning** A motion was made by Dr. Ledney and seconded by Mr. Portante to approve reappointment of Pete Bartolomucci to the Planning Commission. (Four-year term) January 1, 2022, to December 31, 2025. Roll call vote: Dr. Ledney, yes; Mr. Portante, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Rummel, yes. Motion carried.

**Approval Marcinko Planning** A motion was made by Mr. Pallo and seconded by Mr. Portante to approve reappointment of Ed Marcinko to the Planning Commission. (Four-year term) January 1, 2022, to December 31, 2025. Roll call vote: Mr. Pallo, yes; Mr. Portante, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, absent; and Mr. Rummel, yes. Motion carried.

**Approval Kormanik UCCAB** A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve reappointment of David Kormanik to the Uniform Construction Code Appeals Board. (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Pallo, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Approval Gyurik IPMCAB** A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve reappointment of Mark Gyurik to the International Property Maintenance Codes Appeals Board. (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. LaMonaca, yes; Mr. Pallo, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

**Approval Wargo IPMCAB** A motion was made by Mr. Portante and seconded by Mr. LaMonaca to approve reappointment of Richard Wargo to the International Property Maintenance Codes Appeals Board. (Three-year term) January 1, 2022, to December 31, 2024. Roll call vote: Mr. Portante, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Pallo, yes; and Mr. Rummel, yes. Motion carried.

**Approval  
Jerley  
WAA**

Mr. Holden said this seat is supposed to be filled with a council member. Mr. Jerley filled this seat as a council member in 2012 and was reappointed in 2017 as a member of council. His term as a councilman expired shortly thereafter but because he was seated on the commission he could not be removed from the commission until his term ended.

The seat as a liaison for the council helps build rapport with other organizations. This seat is designated as a council member.

A motion was made by Mr. Portante to approve Barry Jerley to the Windber Area Authority Board. There was not a second, motion did not pass. Mr. Portante asked Mr. Holden where he got his information? He said Mr. Turcato was on the board in the past. He said he wasn't sure why he was on the board because he was on this board.

Mr. Portante said he understands council wants to keep track of what is going on, but the Windber Area Authority has meeting minutes and we have obligations to ourselves and all the other authorities we have appointed. He said why do we not have people like that.

Mr. Portante said he would like to analyze this more. Council also has obligations to having committees of council. Mayor Thomas said he is the liaison for the police and Dr. Ledney is the liaison for the library and Joe is a liaison for the Municipal Authority. Mr. Holden said he is a liaison for the library and the fire department. We will discuss those liaison appointments at the next meeting. He said we also approve the members of the Municipal Authority Board.

Mr. Portante said according to the borough code you must have committees of council. He withdrew his motion for Mr. Jerley. Mr. Portante made a motion to table approval until the next meeting so he can get a legal opinion from Mr. Green. Mr. Holden said we have had discussions with Attorney Green with regards to this appointment. We had reappointed these members to their boards in November but because the question of whether a lame duck council in an election year can make these appointments, we rescinded all of them in December because that was brought up by Mr. Jerley's legal counsel. So, therefore we have all these to approve tonight. We have pretty much investigated everything with the solicitor over the last two months as far as that goes.

Mr. LaMonaca made a motion to table this until next meeting. Motion seconded by Mr. Portante. Mr. LaMonaca asked if this would be a problem? Mr. Holden said probably for the Water Authority who has an open seat on the board. Mr. Allison and Mrs. Gates went to the back office to check the PSAB Code.

Mr. Allison said we were able to contact Solicitor Green and Robin is going to get him on the phone. Attorney Green asked what the specific question was? Mr. Portante said he does not have a specific question regarding committees of council but as to why we can't table the motion to appoint anyone to any position.

Mr. Holden said Mr. Portante wants to table the appointment because there was a motion made and no second to approve Mr. Jerley to the Windber Area Authority. Mr. Portante questioned the forming of committees and whether we were following borough code by not having committees.

Solicitor Green said committees are an entity that are beholden to council. They are things you might want to have or might not want to have. If an issue is too cumbersome for council to look into, they would form a committee that would come back to council and tell them what is going on with whatever it might be. An authority is a separate government entity and not beholden to council. Council makes the appointments, but it is a separate entity. So, committees and authorities are two completely different things.

An authority once it is formed is forever formed. A committee once it is formed is formed at the pleasure of council. So, the fact borough council had some committees over the years but didn't have an exact number makes no difference. They are not required to have committees.

Mr. Holden using the ballroom project as an example said the project is such a big project, we formed a committee with representatives from council and the economic development committee and people representing multiple entities. The Municipal Authority and Water Authority are authorities and self-governed, but appointments are handled by the borough as Solicitor Green said.

Mr. Portante said other entities have people on the Windber Area Authority. Mr. Holden said that is correct, we have three. Mr. Holden said we do the same thing for the Municipal Authority they solicit interest for the board and turn the letter of interest into council to confirm or deny for a designated term. We have the same procedure for both.

Mr. Holden said the borough needs representation on the Windber Area Authority just like the other municipalities do. We have a practice of appointing a council member as liaisons to that authority. Mr. Jerley's term ended during his appointment on council.

Mr. Portante asked who made the various appointments for the other boards. Mr. Holden said those are people whose terms have expired and have expressed interest in resuming or staying on that board or commission.

Mr. Portante asked why Mr. Jerley was even being considered then? Mr. Holden said he requested to have his term renewed so we have to either agree or deny his request and reappoint someone from council. Solicitor Green agreed.

Mr. Holden said we have a motion by Mr. Portante that was not accepted. We now have a motion by Mr. LaMonaca and seconded by Mr. Portante to table the appointment to the Windber Area Authority to the next meeting. Roll call vote: Mr. Portante, yes; Mr. LaMonaca, yes; Mr. Holden, no; Dr. Ledney, no; Mr. Mash, absent; Mr. Pallo, no; and Mr. Rummel no. Motion fails.

Mr. Rummel said that he spoke to someone on the Water Authority board who told him if we have Mr. Jerley on the board, we would be the only municipality that does not have representation versus Richland, Paint Township etc.

A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to appoint Dr. Ledney to the Windber Area Authority Board. Roll call vote: Mr. Pallo, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Mash, absent; Mr. Portante, yes; Mr. Rummel, yes and Dr. Ledney, abstained. Motion carried.

**Next Meeting** Next meeting date will be January 11, 2022, at 7:00 p.m.

**Adjourn** Meeting adjourned at 8:00 by Council President, John Holden.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant