

Borough Council Meeting
January 25, 2022
7 p.m.

The regular meeting of Windber Borough Council was called to order by Windber Borough Council President, John Holden at 7:00 p.m.

Pledge of Allegiance.

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

Approval Minutes A motion was made by Mr. LaMonaca and seconded by Mr. Rummel to approve the Minutes of January 3, 2022, Reorganizational Meeting. Two absent, Mr. Pallo and Mr. Portante. Motion carried.

Recognition Visitors There were no visitors at this time.

Correspondence

1. Minutes of the Windber Area Authority Meeting December 21, 2021.
2. Minutes of the Public Library Meeting on January 19, 2022.
3. Minutes of the Windber Area Authority Board November 10, 2021.

Approval Payroll A motion was made by Dr. Ledney and seconded by Mr. LaMonaca to approve payroll for December 17 & 30, 2021 and January 4, 2022. Two absent; Mr. Pallo and Mr. Portante, motion carried.

Approval Bills A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve bills for December 2021. Two absent; Mr. Pallo and Mr. Portante, motion carried.

Discussion Public Works Equipment Mr. Holden said council was given an invoice from Pristow's Sales and Service for a front loader. Mr. Allison said this purchase would be for a brand-new tractor with a front loader on it and we could add a cab to it for \$5,150 taking us to just over \$18,000. We would like to add it to our list of equipment for cleaning off snow and storm drains. It is small enough to get into narrow places which we do not have anything to fill that void right now.

Mr. Holden asked if this is coming out of the ARPA money? Mrs. Gates said no it would come out of the sewer fund. Mr. Rummel asked if a backhoe could be added to it? Mr. Allison said yes down the line, with many of the Kubota's, you can add the backhoe to any that would fit a 3-point hitch.

A motion was made by Mr. LaMonaca and seconded by Mr. Rummel to approve purchase of a Kubota Tractor with cab in the amount of \$18,477.00, to be paid from the Sewer Escrow Fund. Roll call vote; Mr. LaMonaca, yes; Mr. Rummel, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Portante, absent. Motion carried.

**Cash Bal.,
Treasurers
Report**

Mrs. Gates told council that if they look at the last page of the cash balance report they will see that we ended the year with \$79,874.53. We do not usually end up with a large balance of this sort. We did have some grant money that came in that aided in our good outcome.

Mrs. Gates said every year we create a general fund budget for the year whose income balances with the expenses for the year. We continue to carry money in our general fund account outside of our budget.

Mr. Rummel asked where it showed liquid fuels? Mrs. Gates explained that the Treasurer Report only shows the general fund budget. If you look at the first two pages of the report, you will find the cash balance reports which will show you all of the borough accounts what they started with at the beginning of the month and what they ended with at the end of the month. Liquid Fuels Fund had a balance of \$83,295.32 at the end of December. That is a large balance in regard to what we normally have as a carry over. The reason it is such a large balance is that we have been putting extra aside in that budget to cover our 5% match for the 22nd and 24th Street Bridget Projects.

Mrs. Gates told the new council if they ever have any questions regarding the budget, accounts, or anything else feel free to call or stop in and see her.

Council Liaison Reports

**School/
Ledney**

Nothing to report.

**WAA/
Ledney**

Dr. Ledney said Steve Kormanik was elected as chairperson of the Windber Area Authority as of January 5, 2022.

Dr. Ledney said the biggest thing discussed at the meeting was the purchase of meters that can detect leaks. They are always chasing leaks, and these will help them to save water. It was estimated that one leak they found was losing 10,000 gallons a day.

Dr. Ledney said there was also a discussion about waste and disposing of it properly. The fees are astronomical to disposal of it. Other municipalities are in the same position. Really it was a reorganizational meeting and the meeting in February will be the one with more information.

**Holden/
Library/
Fire**

Mr. Holden said the library and fire department have both held their reorganizational meetings. The library elected a new president because of the passing of Renaldo Feldmen. Leslie Shaffer is now President of Library Board. Their fund drives are going well and they expressed appreciation for the money donated to them from the borough through the ARPA Fund.

Mr. Holden said the library has the logo for the 125th Centennial and are in the process of designing the shirts for the centennial.

Everything is going okay at the fire department, there is nothing new to report there.

Mayor's Report

Mayor Thomas said himself, Mr. Holden and Mr. Allison attended the online public hearing with regards to Rosebud surface mining. The meeting tended to lean towards Richland Township and Windber wasn't even mentioned in it. We had sent some questions into them ahead of time, but they were not answered. After the meeting people were entitled to respond as per public comment. Mayor Thomas said he wrote a lengthy email to them regarding the effects it will have on Windber because of where the runoff from the strip mine is going to go, into our streams. Our basin up here is beyond accepting anymore water. It is probably over half filled with silt. It is in dire straits, and we just barely made it past the Army Corp of Engineering inspection. He said he signed it as the mayor, because he is concerned about flooding in Windber Borough. He needed to voice all our concerns.

Manager's Report

Mr. Allison said he included in his report an attached map, and the public notice. Mr. Holden said on the map they have it divided up into three phases. Phase three is going to be the last surface area they are going to strip which is behind the last 10 houses on Railroad Street which is Richland Township. We have the possible potential impact of them blasting and runoff because they are stripping the brush, shrubs and trees off and that will flow all the way down into the creek behind the 17th Street spillway onto Somerset Avenue, into Windber Borough.

Mrs. Gates said the borough has applied several times for grants that we did not get to clean out what is already there.

Mr. Allison said we received the inspection back from the Army Corp of Engineers and the short of it is those are the problems they did find with it. In looking at the history of inspections we do not know how long we will continue to remain on the active list to be eligible for federal funds because we are expected to keep a level of maintenance there to hold up our end. As he understands we have not been able to utilize the county prisoners to help with the vegetation removal for the last two years due to Covid 19 restrictions. Two things we do not know is when would federal funding become available and how will we be able to remain on the active list.

Mr. Allison said two things he found out late today in speaking to DEP are; once DEP issues the mining permit there is a 30-day widow to file appeals to that permit. The only place they post this is in the Pennsylvania Bulletin which we all know till someone gets to read it 30 days are gone. In speaking to the gentlemen today he asked him to put us on the list so we would know the minute it happens so we can get the word out. We had a few emails from concerned citizens whose concerns can be used in the appeal at that time.

The DEP Representative did seem interested in looking into finding out if there was any state help or anything out there to help clean up the levee system. This was something that he did not seem aware of. Mr. Allison said we remain actively seeking a way to clean that up.

Mr. Allison said they did provide him a link today where council can listen to the meeting. Upon clicking the link, it had asked for a password which we do not have so he is awaiting a response to that.

Mr. Holden said aside from Mayor Thomas' concerns of over burdening the levee system, they talked to residents of Meadow Crest Estates which is above the park, in Richland Township, who are concerned about the blasting and subsidence and blasting causing erosion

underground. They talked about subsidence insurance, and he feels that is probably something we should investigate. We are spending over a million dollars at the ballroom, and we have the pool up there so we should look into it.

The people of Meadow Crest were also talking about the truck traffic on Hoffman Farm Road. That is the road that runs back between Meadow Crest Estate and St. Peter and Paul's Church. That field at one time was stripped so they are worried about what is underneath their houses and those are very expensive homes.

17th Street Storm Water Project – Completed, a complaint was received by this office in reference to ponding/and is/will be evaluated.

CDBG Funding – as previously reported the loss of entitlement due to the Boroughs last census report, assistance has been requested by the Borough to Somerset County, for funds from their Municipal Needs Fund, to make up the difference to complete the sidewalk project, complimenting the completed stormwater project.

Levee Inspection – We received the September 29, 2021, inspection report from Army Corps of Engineers with recommendations. Recommendations include vegetation removal, sod replacement and repair fractures in culvert pipes. The project will remain active and eligible for federal rehabilitation assistance.

Blight Remediation Grant – Awaiting the contractor to commence work. Note: Names, addresses, other personal information of property owners and associates are only privy to council and not for public knowledge.

Community Building Progress – In communication with the Recreation Director, all the work in the hallways is completed, new lights, ceiling, paint, and flooring as well as new exit signs. WMA paid directly to Carols Carpet World for new flooring in hallways, lobby and directors office. Lobby is near completion. Only needs 4 recessed lights added. Kitchen lighting, and flooring is complete, cabinets to be delivered in February. New electric in kitchen should be completed soon. Gym trusses about 50% cleaned. A 2/3 payment to the contractor has been released of the \$88,826.75.

USDA Grant – on January 7, 2022, Mr. Allison reached out to the USDA representative for a status update and did not receive a response as of this date. Nothing further to report.

Mine 78 Surface No. 3 proposed by Rosebud Mining Company located in Richland Township, Cambria County and Paint Township, Somerset County. John Holden, Mike Thomas and himself attended a virtual meeting on January 18, 2022, to obtain information on the proposed permit. The entire permit process, mine operation information and regulatory attachments can be found on DEP's website. Attached are the maps posted by DEP showing the areas affected along with what is existing. Mr. Allison is working to get a link for the recorded meeting and comments. It was noted that the permit review is nearly completed. It was also noted that there would be no increase to truck traffic, all work would be contained to the site, and coal would be removed by rail, however there was a question raised when it came to traffic increased for timber removal and that was not clearly answered at that time. All water discharges would/will be treated per regulation. This information can also be found on DEP website under the Mine 78 link. The public notice is also attached.

**Solicitor
Report**

Attorney Green said he has had back and forth conversations with Attorney Matthews with regards to Greg Hall and is waiting to hear back from him.

**Codes/
Report**

Codes Officer was not present. Council did receive a copy of the report in their packet.

Mr. Rummel asked with regards to the blight property/property owner consent for demolition why are the Fuschino's allowed to own the property once it is demolished. Mrs. Gates said these properties are part of a blight grant. They are able to maintain ownership of the property. All we need is their consent for demolition. Under different demolitions we have done, the borough has either taken possession of the property through taxes or CDBG funds have been used to demolish the properties. A lien is put on property when CDBG monies are used to demolish the property.

**ARPA
Funds**

A motion was made by Mr. LaMonaca and seconded by Mr. Rummel to approve a 1 EX Mark Lazer E Series 52 Zero Turn Mower from ARPA Funds. Remarks: Mrs. Gates apologized to council she had thought this was approved at an earlier meeting and it was not. Roll call vote: Mr. LaMonaca, yes; Mr. Rummel, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Portante, absent. Motion carried.

Council convened to an executive session at 7:40 p.m. for personnel matters.

Council reconvened from an executive session at 8:00 p.m.

**Balderas/
Corporal**

A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve promotion of Officer David Balderas to Corporal. Two absent; Mr. Pallo and Mr. Portante absent. Motion carried.

**Miller/
Rank**

A motion was made to table the approval of Officer Miller's promotion by Mr. LaMonaca. Motion seconded by Dr. Ledney. Two absent; Mr. Pallo and Mr. Portante absent, motion carried.

**Next
Meeting**

Next meeting will be February 8, 2022, at 7 p.m.

Adjourn

Meeting adjourned at 8:15 p.m. by Council President, John Holden.

Respectfully By:

Robin S. Gates
Administrative Assistant