

**Borough Council Meeting**  
**February 8, 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, Ron Mash, Mark Portante and Rich Rummel. Mr. Pallo was absent. Attorney, Joe Green was present through telecommunications and Mayor Mike Thomas and Ron Allison, Borough Manager were present.

**Approval Minutes** A motion was made by Mr. Holden and seconded by Dr. Ledney to approve the Minutes of January 25, 2022, Meeting. One absent, Mr. Pallo. Motion carried.

**Recognition Visitors** Mr. Lou Kiss addressed council in regard to the Jake Brake noise coming from Route 56. He said he is still fighting it. Mr. Kiss also asked council for consideration to pave the rest of the road near his house on Hillside Avenue.

Mr. Holden said Mr. Allison will contact Rosebud tomorrow and ask them to remind the truck drivers about the Jake Brake restrictions. Mr. Holden told Mr. Kiss to understand those truck drivers are private contractors and Rosebud can only reiterate that to them. We will also be looking at roads to be paved in March and will look at the road he is speaking of.

Mr. Kiss thanked him and council for their consideration.

**Correspondence**

1. Minutes of the Windber Area Authority's December 8, 2021, Meeting.

**Approval Payroll** A motion was made by Mr. LaMonaca and seconded by Mr. Portante to approve payroll for January 28, 2022. One absent Mr. Pallo. Motion carried.

**Approval Bills** A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve bills for January 2022. Question: Mr. Rummel asked if the amount paid from the insurance was for the year? Mrs. Gates said no, and she did not have the amount in front of her for the insurance but total for everything is like forty some thousand. One absent, Mr. Pallo. Motion carried.

**Cash Bal., Treasurers Report** Mrs. Gates told Mr. Rummel if you look at the back page of the Treasurer's Report he will see that the insurance has been paid for the year.

**Council Liaison Reports**

**WAA/** Dr. Ledney said the Water Authority's meeting is tomorrow.

**Holden/  
Library**

Mr. Holden said he gave the report about the library at the last meeting.

**Holden/  
Fire**

Mr. Holden said the Fire Department's meeting is tomorrow night.

**Mayor's  
Report**

Mayor Thomas said as a follow up to our discussion on the Rosebud Mine #78 strip mining permit, following the meeting he was contacted by David Hurst from the Tribune Democrat. He followed up with an article on Thursday, January 27, stating our concerns in Windber Borough.

Manager Allison was then contacted by a representative from Rosebud requesting a meeting. Mayor Thomas, Manager Allison and President Holden met with John St. Clair, the Permit Manager at Rosebud Mining on Friday, January 28, 2022. We discussed our concerns of water runoff from the strip mining, along with other concerns.

Mr. St. Clair promised that he would take our concerns back to the senior leaders of Rosebud. Currently, we are waiting to hear back from the mining company. We will keep you informed of any future developments in this situation.

Mayor Thomas was informed last week that the Somerset Borough's Association will start meetings again in March. All councilmen are invited to attend and participate. The County Association is a branch of PSAB, which takes borough concerns to the state level. It is always a good networking opportunity.

Mayor Thomas has been invited by Vanessa Gardner the Career Coach at the Windber Area School District to participate on a panel to discuss careers in politics. Others participating will be Commissioner Colleen Dawson, Representative Metzgar and Senator Pat Stefano. This event will take place on March 31, 2022.

Mayor Thomas said we continue to work on the planning of the 125<sup>th</sup> Quasquicentennial celebration happening July 1, 2, and 3, 2022.

**Manager's  
Report**

**Local Share Account Statewide Program** – DCED has announced that the program is now accepting applications. Manager Allison received the application and reviewed the eligibility requirements. The window for this application closes March 15, 2022. He forwarded the application to Vinny at the EADS Group for input. Municipalities are eligible and it is for "projects of public interest"; we have some projects that align with this application. He will update information as it becomes available. This grant will run annually. The funds come from the revenues generated by the PA Race-Horse Development and Gaming Act (Act 2004-71). This could be an avenue we can use for the stormwater project.

**CDBG Funding/Follow-up** – Since the January meeting Manager Allison has set up an account with the US Census Bureau and currently is researching if there is a possibility of an appeal of "recount" there is a large amount of information contained within the website that he is navigating through.

Since this report was submitted, he has found out the only thing that can be appealed is the boundaries and districts right now. It does not appear we will be able to do anything with our count right now.

**Blight Remediation Grant** – Communication with Marsh Contracting was made by both codes' enforcement and himself about a start date. Marsh intends to begin within the first few weeks of February.

Mr. Marsh was concerned with the utilities being cut, which has been taken care of. He is requesting payment as the job progresses.

**Community Building Progress** – In communication with the Recreation Director, all work is completed except for the cabinets. Awaiting delivery.

**Mine 78 Surface No. 3 proposed by Rosebud Mining Company located in Richland Township, Cambria County and Paint Township, Somerset County.** Mayor Thomas, Council President Holden and he attended a meeting on Friday, January 28, 2022, with the Manager of Permitting (Rosebud Mining) that opened the lines of communication to resolve concerns with the pending permit. Information given to Rosebud has been forwarded to their Engineering Department. We received a large map of the operation proposed and it is available for viewing.

**22<sup>nd</sup> Street/Upgrade to Stadium Drive** – Manager Allison received an email from the Project Manager of the Department of Transportation explaining that they will not be proceeding with the alternative option at the end of S 22<sup>nd</sup> Street to construct a road to Stadium Drive. Dave from Public Works, Codes Enforcement and the Borough Manager have a meeting scheduled with him and other concerned parties in reference to this project to discuss options but they have informed Mr. Allison that the borough can still move forward with its intentions.

**Kubota Tractor** – The Kubota Tractor approved at the last meeting was put in use today to move some snow and it worked perfectly just as we hoped.

#### **Personnel Policy (Executive Session)**

**USDA Grant** – Nothing to update at this time.

#### **Solicitor Report**

Attorney Green had nothing to report.

#### **Codes/ Report**

Mr. Bloom said another property owner agreed to demo so, once we finish the blight Phase One, he will get a price on demolishing it and do an addendum to hopefully bring down another one.

Council convened to an executive session at 7:17 p.m. for personnel matters.

Council reconvened from an executive session at 8:05 p.m.

<b>Ballroom Bid</b>	A motion was made by Mr. Holden for intent to proceed on the Ballroom Project with CNC Construction Inc. Motion seconded by Dr. Ledney. Roll call vote: Mr. Holden, yes; Dr. Ledney, yes; Mr. LaMonaca, yes; Mr. Mash, yes; Mr. Pallo, absent; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.
<b>Officer/ Rank</b>	<p>Chief Frear said they posted the intentions of rank for officers. Initially four had put in they were interested. One backed out and one can't work anything but 3 to 11 and that couldn't happen because he would have to be available, then the other one also backed out so that left Brian Miller.</p> <p>Chief Frear said the department made a large arrest of the people that broke into the storage sheds of Rock-Solid Storage and the garage behind Martella's Pharmacy, and a location in Mine 40. The people that did all that also hit locations of storage sheds in Paint Township, Stoneycreek and Richland and broke into an antique shop in Reels Corner. 13 weapons, rifles and handguns were recovered. We have had several municipalities come into to try and identify some of the properties from which they were from.</p> <p>Mr. Holden said to pass on our thanks to the officers involved on a job well done. Mayor Thomas said these are the things people need to hear. It takes hours of investigation.</p> <p>A motion was made by Mr. LaMonaca and seconded by Mr. Portante to approve rank of Corporal for Officer Brian Miller. Roll call vote: Mr. LaMonaca, yes; Mr. Portante, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.</p>
<b>Subsidence Insurance</b>	<p>Mr. Holden said this is in relation to the Rosebud project. Manager Allison said it is in council's packet. Dan Watson said this insurance is provided by the state. With him being an agent he can make those communications for us. Everything at the park would cost \$203 for that policy. However, those numbers do not include the pool yet, because it deals with what type of structure it is and they can only pay a certain amount on it if it is damaged. He would assume by the next meeting we will have the total figure. Mr. Holden asked Mr. Allison if he would make sure of the figure on the ballroom since we are putting a million dollars into it.</p> <p>Mayor Thomas said if you are looking into it for your home, it is not very expensive. There is a website you can go on and his wife did it. It is cheap and easy to do. When you put your address in, it will pinpoint all the mine tunnels. He is glad he bought it.</p>
<b>Approval of Agreement Delinquent Per cap/ Occupation Taxes</b>	A motion was made by Dr. Ledney and seconded by Mr. LaMonaca to approve Tax Collection Agreement with Kratzenberg & Associates Inc., d/b/a (Keystone Collections Group) to be the exclusive collector of delinquent per capita and occupational taxes for the borough. One absent, Mr. Pallo, motion carried.
<b>Apply for CFA Grant</b>	A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve to apply for the Local Share Assessment Grant through Commonwealth Financial Authority (CFA) for Stormwater Management (Zero Match). One absent, Mr. Pallo, motion carried.

- Resolution (CFA Grant)** A motion was made by Mr. Rummel and seconded by Dr. Ledney to approve Resolution No. 2022-3 designating Ron Allison and John Holden as the official to execute all documents between Windber Borough and Commonwealth Financing Authority in application for a statewide local share assessment grant. One absent, Mr. Pallo, motion carried.
- Apply Mitigation Grant** A motion was made by Mr. Holden and seconded by Mr. LaMonaca to apply for a Flood Mitigation Grant through DCED (15% match-sewer fund). One absent, Mr. Pallo, motion carried.
- Pay Blight Contractor** A motion was made by Mr. LaMonaca and seconded by Mr. Rummel to pay the blight contractor from the General Fund and then the General Fund will be reimbursed from the Grant. Remarks: Mrs. Gates said she did check with the administrator for the blight grant and it is allowable to pay the contractor and be reimbursed from the grant once they receive the invoices. Mr. Allison said the contractor requested to be paid once four buildings are demolished and the job site will be inspected before payment is released.

Mr. Bloom said there were two phases; the first phase was to identify all the blight and there were 43 properties tagged as blight. With that was a 285-page document he drafted that we received approval for. The initial page was supposed to be for 11 properties. When the bids came in that was cut down to six. It is six right now and hopefully seven. Another one has agreed to demo.

What he wanted to do in the beginning is to have all these homeowners sign the properties over to the borough because they have been dilapidated and abandoned, most had been abandoned for a long time. The plan was to get them to sign the property over to the borough; demo it, sell it and put that money back into a blight fund so we will always have money to demo an emergency structure if the need arises. The first couple came in owing well over \$200,000 in back taxes and liens so it was not financially a good move to make. So, they maintain ownership of the property now and agree to have it demoed at our cost under the blight grant. With that he is hoping to get seven properties done this year and then show a need for the others. It is a multi-phase project, and this is what we have money for right now.

Mr. Rummel asked if the old gas pumps across from Jerley's new building could ever be considered blight property? Mr. Bloom said no, right now they are idle by EPA and ETA so anytime anything changes now you must do a ten-year restoration. You are talking about lots and lots of money so no one wants to touch it. Mr. Bloom said he agrees with Mr. Rummel's thinking but it becomes an extensive and expensive project. He said the Whalley lot is the same thing.

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

**Next Meeting** Next meeting will be Monday, March 14, 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