

Borough of Windber Council Meeting
Minutes of March 14, 2022
7 p.m.

The regular meeting of Windber Borough Council was called to order by 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, Joe Pallo and Mark Portante. Rich Rummel was absent. Mayor Mike Thomas and Manager Ron Allison were present along with Attorney Joe Green.

**Approval
Minutes**

A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve the Minutes of February 8 & 21, 2022. Two absent: Mr. Mash and Mr. Rummel, motion carried.

Mr. Mash arrived at 7:10 p.m.

**Recognition
Visitors**

Matt Scislowicz from the Eureka Coal Heritage Foundation spoke to council about the upcoming Miner's Day Celebration in June. Mr. Scislowicz asked council for their approval to close roads that include Graham Avenue (SR 160) from the intersection of Jefferson Avenue to 13th Street beginning on Thursday, June 16th from 5:00 PM to 11:00 PM; Friday June 17th from 5:00 PM to 11:30 PM; Saturday June 18th from 8:00 AM to 11:30 PM and on Sunday June 19th from 8:30 AM until 6:00 PM. On Sunday June 19th; the street closing will extend to 12th Street to accommodate the Car Show. In addition, the closing of 15th Street from Graham Avenue to the alley before the railroad tracks beginning on June 16th at 5:00 PM to June 19th until 6:00 PM.

Mr. Holden said that Mr. Bloom our Codes and Emergency Management Officer will review the application approval. A motion was made by Mr. Portante and seconded by Mr. LaMonaca to approve the road closures for the Miner's Day event June 16, 17, 18 and 19, 2022. One absent, Mr. Rummel. Motion carried.

**Isabell
D'Arcangelo**

Mrs. D'Arcangelo said she lives at 303 12th Street. On the top of the street there is water just about everyday and during the winter as the water comes down it turns to ice. When people come to visit her, they complain. All the water comes down the road to her house because there is no other place for it to go.

Mrs. D'Arcangelo said she talked to the Water Authority, and they said it is not their problem and she has talked to the borough, and they said it isn't their problem, so now it became her problem. She said when her husband was alive, he was a brick layer and at the bottom of 12th Street between 12th Street and 13th Street they put a big storm drain in. On 12th Street there are no storm drains. Every other street has two to three storm drains. Right now, the sun melts all the snow and there is water all over the street. If you are going to have all these events with people coming in, you need to address that.

Mr. Portante said he understood that it is caused by a spring from under the ground and is not the water company or the sewer. Mr. Holden introduced Manager Allison to Mrs.

D’Arcangelo. Mrs. D’Arcangelo said they did black top 12th Street, which was wonderful, but they never addressed the water problem and so the borough puts patching on the holes that appear.

Mr. Holden said Mr. Allison in making notes as she speaks and will discuss this with Mr. Swiokla tomorrow.

Correspondence

1. Somerset County Borough’s Association Dinner Meeting April 21, 2022.
2. Invitation to Windber Fire Departments Annual Banquet, March 26, 2022.
3. Minutes of the Windber Municipal Authority’s February 1, 2022, meeting.
4. Minutes of the Windber Area Authority’s November 10, 2021, Meeting.

Mr. Holden and Mayor Thomas said they would attend both the Borough’s Association dinner and the Firemen’s annual banquet.

Approval Payroll A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve payrolls for February 11, 25, & March 11, 2022. One absent, Mr. Rummel. Motion carried.

Approval Bills A motion was made by Mr. Holden and seconded by Mr. Pallo to approve bills for February 2022. Mr. Portante said no, motion carried. Remarks: Mr. Portante said he thinks it is a parliamentary procedure. He does not think the council president should be making or seconding a motion. Attorney Green said we do not really follow Robert’s Rule of Order. Mr. Portante said he didn’t say Roberts he said parliamentary. Attorney Green said he really doesn’t know what parliamentary procedure is, but the council president can make a motion at any point or time. Mr. Holden asked Mr. Portante if he could cite the borough code that states that? Mr. Portante said no but he has been to numerous borough meetings and classes. Mr. Pallo said we have important issues to deal with. Mr. Holden said he will rescind his motion and asked Mr. Portante to bring his proof to the next meeting. Mr. Pallo rescinded his motion.

A new motion was made by Dr. Ledney and seconded by Mr. Pallo to approve the bills for February 2022. Mr. Rummel was absent. Motion carried.

Cash Bal./ Treasurer Rpt. There were no questions at this time.

Council Liaison Reports

School/WAA Ledney Dr. Ledney said assessments are coming up at the school and the water authority is still working on leaks. They had found another one.

Library/ Holden Mr. Holden said they have their meeting on Wednesday this week. They have t-shirt samples with the logo for the Quasquicentennial they are using for their fundraiser. There was an article in the newspaper about the logo created by the high school art department that was approved as the official logo of the Quasquicentennial. Mr. Holden said it was a great job by Robin, Mayor Thomas and Anson along with the art teacher at the high school.

Mrs. Gates said the Quasquicentennial is moving forward at a high rate of speed we have all our major sponsorships covered and the parade is growing. Several businesses are putting floats in the parade and there is a Windber Alumni band forming and it is becoming larger by the day. She said it is a lot of work and we need a lot of volunteers to make it work. Mr. Holden said he is very excited for the event and thanked Robin and the committee for all their work.

Mayor's Report

Mayor Thomas said he continues to work closely with Robin and Anson on the 125th Centennial.

Mayor Thomas said they have not heard anything back from Rose Bud other than they pulled the third phase out of the plan. They pulled that because the landowner will not give them access so that is kind of good for us.

Mr. Holden said the project was divided into three sections and section three was above Railroad Street.

Mr. Portante said he received a certified letter from the mining company. The letter asked for permission to look at his property and take photographs of the basement to see if there are any problems from them blasting.

Mayor Thomas said everyone received one of those letters that live within a certain distance. They will pay for someone to come and examine your property and should there be any damage they will make reparations.

Mr. Holden said we talked about mine subsidence insurance because of the park and the ballroom project. He told Mr. Portante he could also investigate that if he was interested, for his own property. Mr. Portante asked if the park was within that mile or so radius it must be in. Mr. Allison said he does not believe it is because phase three has been removed. Mr. Portante said he is not sure that we need the insurance but an ounce of prevention.

Mr. Allison said the mining company said they will begin cutting and hauling trees out soon so you may see some of those trucks.

Manager's Report

USDA Grant: Mr. Allison was able to make contact with the office on March 8, 2022. He was informed that funds are starting to “trickle in” and we are near be able to proceed. They requested 2021 audit information that will be forwarded to complete their process when we receive it back.

Blight Remediation Grant: Marsh Contracting has been in the area completing demolitions as specified. He is nearing completion. When complete, payment will be made with a portion held till spring when the sights can be seeded.

22nd and 24th Street Bridge/Upgrade Stadium Drive: As planned borough staff and the manager participated in a zoom meeting with PennDot regarding the 22nd Street Bridge Project and the alternative selected. Attached is a map along with the alternative that PennDot will proceed with, which is widening 22nd Street and turning the 22nd Street Bridge into a pedestrian bridge.

Mine 78 Surface No.3: Attached is a revised permit map for the Mine 78 Surface No. 3 Mine. DEP requested that Rosebud cut back the permit area (remove Phase 3) which seemed to be the most controversial. Also attached is received correspondence. Some of the concerns are addressed with the new map.

Follow-up to Levee Inspection/Maintenance: The borough has moved forward in the grant application processes and DEP maintenance permit process. The DEP permit is being sought so the borough has it in hand whenever maintenance can be performed without delay.

Pavilion/Skatepark: Mr. Bloom, Mr. Grohal and Mr. Allison met at the skate park to have a preliminary meeting to discuss the permit applications and pertinent information to be included.

**Solicitors
Report**

Attorney Green said he was asked to draft two resolutions, one for Windber Area Economic Development Committee (WAEDC) and one for (WAVE) Windber Area Visioning Experience. The resolutions are making them committees of borough council. The committees are created by the borough so they can also be removed by the borough.

Mrs. Gates said the reason for making the two groups' committees of the borough is so we can cover them under the borough's insurance. In 2017 we added them to our insurance because they were struggling to raise money for things in the borough because they had to pay such high insurance. Now that we have Selective Insurance in order to have them covered under our insurance, we must make them a committee of the borough.

Those two entities do a lot for the borough; WAVE raises monies through their sock hops for things like the Easter Egg Hunt, Light-up Night, new banners downtown etc. Windber Area Economic Development Committee focuses on bringing people and businesses into our town.

**Codes
Report**

Mr. Bloom was on vacation this week. Mr. Holden asked how many buildings were demolished. Mrs. Gates said the ones on the list have been completed and with the remaining money left over Mr. Bloom submitted an addendum and was able to get the one on 22nd Street down also.

The only other item in Mr. Blooms packet was a letter in regard to a variance for D3 Surplus Outlet so they can call for an inspection and obtain an occupancy permit until the downstairs restroom is completed. They will have an accessible porta-john until that is complete. The request will be granted upon the conditions outlined by the PA Municipal Code Alliance.

**Ballroom
Project**

Mr. Holden said he received a phone call at 4 p.m. today about the pursuit of the ARC Grant. Those efforts are being suspended because of issues and bureaucratic red tape we ran into after first getting a resounding yes, proceed, go, no problem. Then we found out from our project coordinator today that representatives of the state government now told us to apply for this grant we would have to cease operations, delay construction and rebid the project. It was just a laundry list of things that inspired us to cease pursuit of the ARC Funding. It comes after a lot of hard work and effort by members of the Economic Development Committee, Project Coordinator, Jim Furmanchik, the office staff, Ron, Cheryl, and Robin and Anson wrote a business plan in like nine hours last week from start to finish, 26 pages.

Mr. Holden said that is the update on the project we are still going to press forward as we had planned before the ARC Grant idea surfaced and hopefully develop some type of aggressive fundraising campaign with events coming up this summer.

Mr. Holden said there will be an Economic Development Committee meeting tomorrow night here at 7 p.m. if anyone would like to attend. He is sure there will be more discussion on the ballroom project.

Approval Proceed w/ Loan A motion was made by Mr. LaMonaca to proceed with financing with Somerset Trust Company as needed in the amount of \$730,000 to complete the ballroom project. Term of 20 years, favorable interest rate and a payment around \$3,700.

The loan will be paid for by rental income generated by the ballroom. It is not going to come from the General Fund or residential taxes.

A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve to proceed with financing for the ballroom project with Somerset Trust Company in the amount of \$730,000. Roll call vote: Mr. LaMonaca, yes; Mr. Pallo, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Portante, present; and Mr. Rummel, absent. Mrs. Gates asked Mr. Portante if he meant abstain and he said he is not voting no or yes, he is present and that is a legal answer. Motion carried.

Approval Proceed w/ DCED Rpt. A motion was made by Mr. Pallo and seconded by Dr. Ledney for approval to proceed with Attorney Green and Dinsmore and Shohl to prepare the DCED Report for the Ballroom loan in the amount of \$20,000. Roll call vote: Mr. Pallo, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, yes; Mr. Portante, yes; and Mr. Rummel, absent. Motion carried.

Approval Advertise Event Coordinator A motion was made by Mr. LaMonaca and seconded by Mr. Pallo for approval to advertise for an Event Coordinator for the Ballroom, compensation to come from the ARPA funds until the ballroom is up and running. One absent, Mr. Rummel, motion carried.

Donation Easter Egg Hunt A motion was made by Mr. Holden and seconded by Dr. Ledney to approve a \$100 budgeted donation in the amount of \$100 to WAVE for the Easter Egg Hunt. One absent, Mr. Rummel. Motion carried.

Approval Block Party A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve the request from Life Church to close Graham Avenue from 13th to 15th Street for their annual end of school block party from 5:30 p.m. to 8:30 p.m. on May 26, 2022. One absent, Mr. Rummel, motion carried.

Miner's Day A motion was made by Dr. Ledney and seconded by Mr. Portante to approve a budgeted donation in the amount of \$500 to the Eureka Coal Heritage Foundation Miner's Day Weekend Event. One absent, Mr. Rummel. Motion carried.

- Resolution 2022-3** A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve Resolution No. 2022-3 request for a 2022 DCED Flood Mitigation Program Grant and Designating Ronald Allison and John Holden officials to execute all documents and agreements with the Commonwealth Financing Authority. One absent, Mr. Rummel. Motion carried.
- Resolution 2022-4** A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve Resolution No. 2022-4 designating Windber Area Visioning Experience (WAVE) a committee of Windber Borough Council. One no, Mr. Portante. Mr. Rummel is absent. Motion carried.
- Resolution 2022-5** A motion was made by Mr. LaMonaca and seconded by Dr. Ledney to approve Resolution No. 2022-5 designating Windber Area Economic Development Committee (WAEDC) a committee of Windber Borough Council. One no, Mr. Portante. Mr. Rummel is absent. Motion carried.
- Next Meeting** Next meeting will be Monday, April 11, 2022.
- Adjourn** Meeting adjourned at 8:50 p.m. by Council President, John Holden.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant