

Borough of Windber Council Meeting
Minutes of June 13, 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, Dr. Doug Ledney, Mark Portante, Ron Mash and Rich Rummel. Mayor Mike Thomas and Manager Ron Allison were present. Attorney Joe Green was absent. Pete LaMonaca and Joe Pallo were absent.

**Approval
Minutes**

A motion was made by Mr. Mash and seconded by Mr. Rummel to approve the minutes of May 9, 2022. Remarks: Mr. Portante passed out a list of issues he said he had and that council did not have to review them tonight, but he is voting no to approval of minutes because of these issues. One no, Mr. Portante and two absent: Mr. LaMonaca, and Mr. Pallo, motion carried. (Mr. Portante's list is attached)

**Recognition
Visitors**

Tim Layton introduced himself to council as the new President of Windber Fire Company. Mr. Layton said Anson Bloom stepped down as President and took over as the Chief so they needed a president and that is how he became involved. Jerry Hilemen is the new manager of Northern EMS.

Mr. Layton said he is relatively new to the fire department, but he is extremely happy with the way things are going with the fire department right now. They have two people in place that make good management decisions and they are in the right place for where they need to be right now.

Mr. Layton thanked council for their financial support they have given the fire department over the years and the ARPA money that came in during a really important time. They really do appreciate council's support and continued support.

Mr. Layton said we are getting ready for the 125th Centennial. We are cleaning things up out front and we appreciate our ability to assist with the 125th Centennial. Mr. Portante asked who plows the snow at the fire company? Mr. Bloom said usually the borough. Mr. Portante said he tried to get that done in the past and at the library. He asked who plows at the library in the winter? Mrs. Gates said we have done it at times in the past.

Mr. Holden thanked Mr. Layton for stepping up and assuming the role of president and he agrees 100% that Windber Fire Company has turned a corner with their membership and leadership and is looking forward to much better days ahead and they are always proud to be able to support the Windber Fire Company.

Mr. Layton said these guys have really stepped up to make sure the transition has been as smooth as possible.

Barb Shark Mrs. Shark said last time she was here was approximately four years ago when Mr. Furmanchik was here, and they had requested a surface be put in at the Delaney Courts for pickleball. It was approved and the borough did it at cost of around \$11,000. She said it is the best surface from Johnstown to Somerset and no one else has a surface like ours.

Mrs. Shark said the surface needs repair and is cracking. So, before it deteriorates any further, she would like to ask that Laurel Asphalt come in and assess what needs to be done to repair the cracks. Some of the cracks are very bad.

Mr. Allison said he went down to the courts this morning and he agreed repairs need to be made on the court. He has some questions, when you play pickleball do you need the whole space fence to fence. Mrs. Shark said the court is where it is outlined, that is it. Mr. Allison asked, so you want to put courts in that same area? Mrs. Shark said where the existing nets are now on the big poles, they are going to leave those in to be ball catchers between the two courts, so the balls are not rolling into the other courts while they are playing. There would be a court on either side of those nets and a total of four courts.

Mrs. Shark said all the cracks need repaired. Mr. Allison said there is a tree in the back that was paved over, and he is not quite sure how that happened but that must be hurting the area. Mrs. Shark said yes. Mr. Allison said the roots are lifting all the material off the surface there, which is causing more damage, so do we need to think about removing that tree and fixing the surface. When you put the other courts in, the new court will overlay that area.

Mr. Holden said we need to ask Laurel Asphalt how removing the stump may damage what's there. Mr. Bloom said they literally paved over the tree roots and all the water literally runs right down the tree and follows those cracks. Mr. Holden said they only did it four years ago so could there be a warranty. Mr. Allison said a good bit of the damage wouldn't be there if the tree wouldn't have been there in the first place. Mr. Holden said the tree should have been removed before the court was paved.

Jim Griffith said what they are looking to do is, there are two courts there now and there is enough room without doing anymore expansion to the area, fencing or anything else to put another court in on either side. When you are looking at it now, when you walk in, there are two courts in front of you and there would be two on this side of the net and two on the other side of the net. He said the corner being discussed is not actually in the playing area but in the peripheral area. He said they could ride it out and see because he thinks it would be pricey to remove that tree and whether it would impact play or not but if you tear the tree down, it might stop it from getting worse. Mr. Allison said letting the tree there will cause it to continue to lift and crack the area.

Mr. Griffith said the purpose of him coming here tonight is not a money ask but to ask for permission to raise money and with volunteer labor and a contractor to expand the pickleball court and add the other two courts and buy nets and posts.

Mr. Griffith said Mrs. Shark was 100% right we have the best courts in the area. The only difference is they are not pickleball nets but tennis nets so they are a little bit higher than they should be. The other nets would be 100% pickleball nets. Right now, there are 28 to 32 people there sometimes and with only two courts it sometimes become an issue.

Mr. Griffith said they put three courts in at Roxbury and they got permission from the city to do that and what they did was sold signage to raise the money and that is what they are asking from council to be able to do and to be able to make improvements. Before they can do any of that they would provide a drawing and show them what they are going to do.

Mr. Holden said the play on the tennis courts now are basically east and west with the net separating them between, so your proposing putting a pickleball court on each side of the east side of the net and each side of the west side of the net so play would go north and south? Mr. Griffith said no, play would go the same way, same direction and that is why they would leave the nets so the balls going out of the back of the one court closest to street would not go onto the other court and it would stop it and the fence would stop the other. You would not interfere with each other's court. The two courts on one side of the net are going the same direction as the net. So, there would be three nets in the same direction. There is enough room from the net to the fence to put a pickleball court.

Mr. Holden asked if the pickleball posts are fixed. Mr. Griffith said they are a permanent post with steel cable and a permanent net that is 100% weatherproof. It is the same type of netting as a tennis net, but a pickleball net is lower.

Mr. Holden asked how this expansion impacts people that want to play tennis? Mr. Griffith said you would not be able to play tennis at all. He said there are no tennis lines there now. Mr. Holden said he just asked because they approved moving the skate park to take over one of the tennis courts at the park now. Mr. Griffith said to play tennis there you would have to reline it. Mr. Holden said he would rather see 30 to 32 people there who use it now.

Mr. Holden asked them if their group had a name? Mrs. Shark said they are the WPBC Picklers. Mr. Griffith said when he started this in Roxbury, he started the Laurel Highlands Pickleball Association to put them in through the Community Foundation because they were nonprofit. Since then, it has gone a different direction, but he still has a relationship with them. They could funnel everything through Laurel Highlands Pickleball Association. That way the Community Foundation would handle all the donations and money, and it would be audited by the Community Foundation.

Mr. Griffith said he would speak with the Community Foundation tomorrow. Mr. Holden said then it would be Windber Pickleball Club in association with Laurel Highlands Pickleball. Mr. Griffith said he would like to meet with Mr. Allison at the site to go over everything.

A motion was made by Mr. Mash and seconded by Mr. Rummel to allow the Windber Pickleball Club in association with the Laurel Highlands Pickleball Association to pursue improvements and expansion of the courts for pickleball at the Delaney Field. Two absent, Mr. LaMonaca and Mr. Pallo. Motion carried.

Roy Heidorn Mr. Roy Heidorn said he had a question about 107 Hillside Avenue. He asked what can be done about that property? Mr. Bloom said right now it falls under the blight ordinance and you must give it 90 days to hit Act 90.

There are a lot of new avenues we can travel because of the ordinance he drafted last year. Right now, it is just letting time expire and then going after them with criminal citations instead of civil citations. We are approximately 45 days in and then they will get another notice at 60 days and then at 90 days, he can attach the criminal citations. Criminal has a lot more power than a summary offense.

Mr. Heidorn asked if someone can buy it and get rid of it? Mr. Bloom said yes but if they buy it, they must sign an acknowledgement of the existing violations and that is no different than a lien. If the property owner is agreed to demolishing it, then those would get waived.

Mr. Heidorn said he heard there is a lien against this place. Mr. Bloom said yes there is. He said this is also one of the problems. He said when he originally wrote the blight remediation study for the borough that was one of the target properties. The idea was to take ownership of these properties, demolish them, and sell them off and put money back into a blight remediation account. The first couple he tried to do that with, owed taxes more than \$40,000, to \$50,000. So, it was not advantageous for the borough to do that. So now what he did with the 11 properties that were brought down was the property owner maintained that property they got to keep it and it was knocked down for nothing. They benefited, we did not. We benefited the community by eliminating that blight.

Mr. Bloom said from a legal standpoint he must let time expire and then he can throw criminal charges on top of everything else, but the liens are significant on the property. That is an easy process when someone buys it foreclosure, tax sale, those kinds of things. Most municipalities will wave those fees because no one wants to see it sitting there or wants to look at that blight.

Mr. Heidorn asked can't we go back to the homeowner and say let's do something with this? Mr. Bloom said there is only so much that you can push, and we have traveled every avenue there is other than the criminal citation. When you receive a warrant for your arrest based off your property that tends to get your attention.

Mrs. Heidorn asked if you must wait the 90 days if no one cleans anything up? Mr. Bloom said part of the difficulty in traveling this in the legal sense, is everyone has the hardship capability and the right to an appeal.

Mr. Bloom said if someone is cited for a property violation, and they make a reasonable effort to remediate that, then that clause starts over again. He can go in and say you have 30 days to clean that up, because no judge is going to grant that because they are making a reasonable effort and file hardship, or they appeal it. So, we go from the local level to the state level. He even has cases go to the supreme court level. Mr. Bloom said it is sometimes frustrating and a waste of time because guilty is guilty, but that is the law.

Mrs. Heidorn said their property value has gone down because of this property. Mr. Bloom said he understood, but he must do it the right way and the legal way. He said when he did the whole blight study there was 43 properties tagged.

Mr. Mash said his dad tried to buy it and he walked through it; it was packed floor to ceiling. Mr. Heidorn said it smells bad. Mr. Bloom said he tries not to condemn a property because once he does it can not be touched for two years.

That is why he goes the legal route with the Act 90. He said he knows it is difficult for neighboring residents to deal with. Safety is another thing. If the wall starts shifting or roof starts falling, then it becomes a safety issue and can become an emergency demolition.

Correspondence

1. Windber Public Library Association Meeting of April 20, 2022.
2. Minute from the Windber Area Authority Meetings of January 12 & February 9, 2022.
3. Minutes from the Windber Municipal Authority on March 15, 2022.

Paving Bids

Council received one bid for paving from Quaker Sales Corporation in the amount of \$108,164.00. The amount allocated to spend from Liquid Fuels is \$94,500. The bid was for:

Option #2

Ninth Street – Jefferson to Lincoln Avenue

Thirteenth St. – Somerset Avenue to Graham Avenue

Fourth St. – Graham Avenue to the Municipal Line/Somerset Ave.

Option # 2 was estimated at \$63,199.00. An addition was added to the bid package for the 1300 block of Jackson Avenue. The bid from Quaker Sales contained the additional add on of 1300 Block of Jackson Avenue.

After council discussion, it was decided to table the paving until the borough manager could contact Quaker Sales for a break down of cost to paving area, and/or find out if we deduct the paving of the 1300 block of Jackson Avenue if the remaining expense is within the \$94,500 and the borough can move forward with paving.

A motion was made by Dr. Ledney and seconded by Mr. Portante to table the approval of the 2022 paving until the next meeting. Two absent; Mr. LaMonaca and Mr. Pallo. Motion carried.

Mr. Holden asked if we get clarity on this bid can we approve it by phone vote before the next meeting. Mrs. Gates felt we could and then ratify that vote at the August meeting.

Approval Payroll

A motion was made by Dr. Ledney and seconded by Mr. Portante to approve payroll for May 20 and June 3, 2022. Two absent; Mr. LaMonaca and Mr. Pallo. Motion carried.

Approval Bills

A motion was made by Mr. Mash and seconded by Mr. Rummel to approve bills for May 2022. Two absent: Mr. LaMonaca and Mr. Pallo. Motion carried.

Cash Bal./ Treasure Report

There were no questions at this time.

Council Liaison Reports

Ledney/ WAA

Dr. Ledney said Senate Bill No. 597, asks that every authority of water must develop a wastewater assessment management plan. That is coming down the pike and still being investigated.

Ledney/ School	Dr. Ledney said at the last meeting we discussed the webcam to be mounted on top of Mimo's Restaurant building. He spoke to the IT Director at the school, and it looks like he can have it done prior to the 125 th Centennial.
Holden/ Library	Mr. Holden said the library has their meeting tomorrow night and he will put that information in council's packet for the next meeting.
125th Centennial	<p>Mrs. Gates said we need volunteers for Sunday, July 3rd and felt it is important to have council involved. She passed the schedule around. Mrs. Gates also passed out the Johnstown Visitors Guide to council which has our ad in it for the 125th Centennial. She said we also have schedules being printed for the event and radio and newspaper advertising taking place.</p> <p>We are in the final stages of preparing the park for event with the assistance of the Windber Fire Company. Mr. Bloom said we are expecting between 15,000 and 20,000 visitors to the event. We have a security plan and emergency management plan in place along with a communications trailer.</p>
Mayor's Report	Mayor Thomas said he continues to help with the 125th Centennial. He went to the PSAB Conference in Hershey. He learned a lot and did a lot of networking out there too. He spoke to a representative from Farm and Agriculture about our USDA Grant for the new cruiser. The guy there promised him they would get ahold of our representative so we can move forward with the grant.
Manager's Report	<p>Mine 78 Surface No. 3- No complaints filed with this office to date. Nothing to report</p> <p>Windber Borough Building and Council Chambers- attached you will find an estimate from Barclay Electric. It is my wish to upgrade the buildings security considering some incidents recently occurred at the office as well as past incidents that I have been made aware of. I believe it is time to screen individuals and their intentions at the door before entry. I would also like to add that I don't ever want to look back and say, "I wish we would have secured that building," unfortunately the climate requires it... There is more work to be quoted for new doors and a partition with some protective coating for the windows and I hope to do this in stages. I would like to use capital improvement funds to accomplish this project. The doors for this portion of the project are anticipated to be \$500.00 each depending on selection.</p> <p>Police Contracts Scalp Level Borough/Paint Borough- Currently awaiting the signed contracts from Paint Borough. We have received the signed contract from Scalp Level Borough.</p> <p>UDSA Grant- Spoke with USDA Representative and he explained to me that we should be hearing from them soon. No timeframe given.</p> <p>MS4 Program- Attached you will find a denial letter that our waiver had been denied. After a closer look by EADs they discovered a miscalculation in acreage in DEPs assessment and we will be responding to that and may appeal.</p>

Mr. Allison said he spoke with Vinny after we received this and based on his information, they are giving us too much credit for acreage. We should be somewhere around 295 acres and they are saying there is a discharge area of 6.43 acres. That takes us over the 300 which has been abandoned and is no longer functional as a discharge and he will use that in our appeal process.

Building Security - Mr. Allison said he wants us to do a better job in securing this building. The bid provided to us by Barclay Electric is for a card access system also called a fob system for each door, then we can start screening people before they reach the door. Example last week, an irate individual walks in and this guy comes straight in through the door and towers over Rose and starts yelling at her. The office staff should not have to worry about this sort of thing happening.

We could use capital improvement funds or ARPA Funds and if we need, we can do this in phases. We can start with the doors and fob system and move in with an upgrade to the camera system. Mr. Holden agreed that there are times when the girls are here by themselves throughout the day. Mr. Bloom said we have had altercations before but fortunately one of us have been here.

Dr. Ledney asked if it would be an id card system, and would there be an intercom? Mr. Allison said for everyone who works here it would be a fob system and for a customer they would step into the entry way out front and push an intercom button. We will keep the back door either locked or have an intercom also, because we need it for handicapped access.

Dr. Ledney asked if the camera would be available on the computer. Mr. Allison said yes. Dr. Ledney asked if we can see it on the computer now with the existing system? Mrs. Gates said no, the monitor is only in one office which is Ron's office. Dr. Ledney said his suggestion is for everyone to be able to view it on the computer.

Mr. Allison said to provide all labor and material for upgrade NVR system for current camera system to monitor up to 16 cameras, would be \$1,686. Installation of any additional cameras would be \$300 per camera. Two new exterior doors would be approximately \$500 a each. Mr. Bloom said our secure doors should be our interior doors. That way you get into the breezeway from the weather and use the intercom to come in.

Mr. Rummel asked why we got the bid from Barclay and if they installed the original cameras? Mr. Allison said yes, they did, and he said he would also be able to get subcontractors to do the installation of the doors. Labor and material for installation of a card access system on the building would cost \$6,501.25 which does not need to be bid out.

Dr. Ledney asked if we would have the ability to program this? Mr. Allison said he believes they will program it, but we will have control. Dr. Ledney said that is why he asked because it could be an additional cost if we can not program them. We also need to know if there is an additional cost to add someone new or if someone leaves. Almost every employee should sign a waiver that they need to return it if they leave.

A motion was made by Mr. Portante and seconded by Mr. Rummel to proceed with the first scope of the project which would include \$6,501.25 to install the card access system funds to come from ARPA Funds. Roll call vote: Mr. Portante, yes; Mr. Rummel, yes; Mr. Holden,

yes; Mr. LaMonaca, absent; Dr. Ledney, yes; Mr. Mash, yes; and Mr. Pallo absent. Motion carried.

A motion was made by Dr. Ledney and seconded by Mr. Mash to authorize Manager Allison to proceed to gather all the costs and bring those back to council for the ancillary funds associated with phase one. Roll call vote: Dr. Ledney, yes; Mr. Mash, yes; Mr. Holden, yes; Mr. LaMonaca, absent; Mr. Pallo, absent; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.

MS4

Program

Mr. Portante asked for more information on the MS4 program. He said there was a denial letter where a waiver was denied. Then EADS looked at it closer and discovered a miscalculation. What was that? Mr. Allison said that deals with the 300 acres. You can achieve getting a waiver if you are under 300 acres. The drainage area DEP calculated to be 300.8 acres of discharging to waters with sediment impairments. One of those areas had served six acres at one time. When Mr. Paczek redid the calculations, he found that we are at 295 acres and not 300.8 acres. He is going to appeal that denial due to that mistake. There is an abandoned shed out there that is no longer used and does not contribute to the system anymore and should not be on there. Mr. Portante asked if that is the levee system? Mr. Allison said the entire watershed that we serve. Mr. Portante said he thought 300.8 acres was a lot. Mr. Allison said the denial is on the basis that the MS4 serves a population of 1,000 in the urbanized area and has a drainage area of at least 300 acres. Mr. Allison said we should win an approval on that.

Solicitor's Report

No report at this time.

Codes Report

There is no report at this time.

Ballroom Project

Mr. Holden said the ballroom is proceeding as planned. They found three additional piers underneath that had shifted causing issues with the line of site or the leveling of the ballroom floor and they are going to take corrective measures for those three additional piers.

They framed out the stage end of the building and Penelec has installed the transformer. A couple pieces of the floor were removed to get underneath the floor. There is significant number of dry leaves broken bottles and stuff that will need to be removed due to a fire hazard. Space is restricted and safety is a concern, so we are going to get a price from GAP Inc. to have it cleaned out.

We are sprucing up the outside area for the 125th Centennial Celebration. We may have to purchase a couple triaxle loads of gravel.

Fire Dept. Donation

A motion was made by Mr. Portante and seconded by Dr. Ledney to approve the annual budgeted donation of \$21,000 to the Windber Fire Company for the Year 2022. Two absent, Mr. LaMonaca and Mr. Pallo, motion carried.

Approval Fire Chief

A motion was made by Mr. Mash and seconded by Dr. Ledney to approve Anson Bloom as Windber Borough's Fire Chief. Two absent; Mr. LaMonaca and Mr. Pallo. Motion carried.

**Alarm
Cards**

Mr. Bloom said it is no secret that volunteerism is way down and manpower shortages across the commonwealth. We are combination department, others, are not. We fall at the mercy of having enough people to handle a house fire. Fortunately, he has had several positive communications with our neighbors around us and it updates the alarm cards to utilize our resources more than we had to in the past. NFDA requires 15 personnel on scene within 9 minutes for a house fire. He can usually do that from his own firehouse, but he does not want to roll off “usually”. So that guarantees and solidifies he has things moving to protect this town. It comes off milage, closest unit, guaranteed staffing, and those sorts of things.

Mr. Holden said, so the alarm cards increase coverage by neighboring departments to anything that happens in the borough and visa versa. Mr. Bloom said their call load is way up they are the second ladder in Bedford, which is a 40-minute ride for them. They are first to Alum Bank. They are going a lot of places and doing a lot of things, so that covers their back door also.

A motion was made by Dr. Ledney and seconded by Mr. Portante to approve the updated alarm cards for Windber Fire Company. Two absent, Mr. LaMonaca and Mr. Pallo. Motion carried.

**Approval
Resolution**

Mrs. Gates said when we receive an invoice for the bridge project, we need to go onto two different PennDot sites to approve and submit the invoices. I am already the site administrator, so it is easy for me to do it. The invoices are printed off by me and then reviewed and approved by the borough manager. After he gives me the okay I go into the site and approve and submit the invoices.

A motion was made by Mr. Mash and seconded by Mr. Portante to approve Resolution No. 2022-6 authorizing Robin Gates, Administrative Assistant, to sign the attached agreement and the borough secretary, Ron Allison, to attest for the 22nd and 24th Street Bridge Projects. Two absent, Mr. LaMonaca and Mr. Pallo. Motion carried.

**Next
Meeting**

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

Adjourn

Meeting adjourned at 8:30 p.m.

Respectfully Submitted By:



Robin S. Gates
Administrative Assistant

MR. JOSEPH GREEN, ESQUIRE

Freedom of Information Request. Submission of questions of the following council actions.

May 9, 2022 meeting minutes...

Adam Kopp: RE: Mr. Miller, Somerset Trust company. Mr. Miller asked if the "committee" looked at the proposal. Mr. Holden said they have and are going to open discussion during new business tonight.

Mr. Holden said we will discuss that further. WHAT COMMITTEE??

Mr. Holden said we are going to continue with that review and discussion of this issue later. WHO, WHAT COMMITTEE??

MAYOR'S REPORT: Somerset County Association Dinner Meeting. Is this the Somerset County Borough's Association?? The Mayor is NOT a part of borough council, according to Title 8, Chapter 10A, 10A01.

There IS a Pennsylvania Mayor's Association. Is the Mayor a member of the Mayor's Association??

Manager's Report RE: Levee Inspection. RE: MS4 Waiver Denial. ...drainage area of at least 300 acres... first paragraph of the letter dated June 3, 2022.

12th Street Water Complaint. Public Works is working on this. Should we employ EADS or an organization to do this plan??

Police Contract: Our police budget is over \$730,000. Scalp Level Borough and Paint Borough are "contributing" approximately ten percent or about \$73,000.

According to the police reports this year, all three boroughs have approximately 200 plus "police incidents" monthly.

So, Windber Borough is paying 90% for police coverage and Scalp Level and Paint boroughs are paying approximately 10% for police coverage.

Windber Borough is paying \$2,500 monthly for rent for the police department. We should look into building a police department building. Grant money is possible for this investment.

According to the "loan money" for the \$770,000 for "soft costs" of the Ball Room at \$3,700 monthly, \$2,500 rental for the police department, we could build a \$500,000 police department building without any grant money.

This is not fair to Windber borough tax payers.

2022 Liquid Fuels Paving Options: Windber borough previously had an agreement with PENNDOT with a "cooperative agreement". This agreement was for Windber Borough to cut grass at 12th exit off of route 56, levee and other places. Windber Borough also sweeps Graham Avenue that is route 160, and Railroad Street which is a Legislative State Route. Are we being compensated for the work we do on Pennsylvania state property??

Solicitor's Report: Mr. Holden wants to support the resistance of the Quaker Sales Corporation's new asphalt plant in Richland Township, just west of Mine 37 in Richland Township. Class action suit in California is completely different than Pennsylvania's Rules of Civil Procedures.

PADEP has rules and regulations that do and will protect the people of Pennsylvania. Windber Borough only needs to let PADEP do their job.

Former Somerset County judge David Klementic is the owner of the 100 acres that Quaker Sales Corporation (QSC) wants to purchase. QSC has two asphalt plants in Johnstown. One plant is 20 years old and the other plant is fifty years. There have been no complaints or medical issues that have been reported. This may be why QSC would be the largest asphalt plant between Pittsburgh and Harrisburg.

Therefore, my opinion is for Windber Borough to NOT get Involved and allow PENNDOT, PADEP and other PA regulatory agencies do their job and protect Windber Borough. Solicitor Green should keep Windber Borough out of his business and the business of Windber Borough and allow Richland Township Zoning and Hearing Board to do their business. Title 8, chapter 11D, 1116 Solicitor

to have control of legal matters. Title 8, 11D, 1117 (a) (3) Solicitor Duty Furnish the council or committees of council... with any question of law.

Mr. Holden said Windber Borough is not in favor of it and Solicitor Green will draft a letter. This is NOT within the duties of the solicitor, in my opinion. This is the third time that I have disagreed with the solicitor's advice and or opinion.

Ballroom Project: In my opinion, aluminum wire is not a good idea to replace copper wire. Aluminum stretches with voltage and special connectors are required.

Approval Debt Ordinance: ..."nonelectoral debt"... as I would like to know what is our borrowing base in relation to PA Statutes Title 53 requires "250% of our borrowing base"...2nd by President of Council.?? I request a legal opinion in writing whether President of Council, as he makes the agenda and without a committee of council advice.

Mayor PSAB Delegate: Pennsylvania State Association of Boroughs. In my opinion, the Mayor should belong and vote with the Pennsylvania State Mayors Association and NOT PSAB. Title 8, Chapter 10A, 10A01 the mayor shall NOT be a member of council. The mayor has his own budget and duties and responsibilities.

Approval Paving Option: Windber Borough should be in a "cooperative agreement" with PENNDOT. We were in a "cooperative agreement" with PENNDOT. When did this agreement change.??

A motion by Mr. Holden... to approve Option #2. I want an opinion from the solicitor, in writing, as to whether the President of Council is permitted to make motions or 2nd of motions as he is the chair of council...

(3)

Title 8, Chapter 29 Licensure and Fees: 2901 (b) licensure not needed (3) (B) personal property if charitable or philanthropic.

Title 8 Chapter 10: Maximum payment for borough council is \$1,875. Windber Borough pays council members \$1,800. Mayor maximum payment \$2,500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Portante".

Mark Portante