

**Borough of Windber Council Meeting**  
**Minutes of July 25, 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, Joe Pallo, Mark Portante, and Rich Rummel. Mayor Mike Thomas and Solicitor Joe Green were present. Manager Ron Allison was present through Zoom. Ron Mash was absent.

**Approval  
Minutes**

Mr. Portante said he submitted his remarks to council and Mrs. Gates at the last meeting to save council time. He expected to see them in the minutes, and they are not. Mrs. Gates said she was unsure whether they were supposed to be attached or not. Solicitor Green said they were not discussed by council; they were questions and comments. It is difficult because there was no conversation between members. Mr. Portante said he was questioning some of the things being said in the previous meeting minutes. Mr. Portante said he was stating what he felt and what he believed is true in his opinion.

Mr. Holden asked if his questions needed to be addressed to be part of the record. Solicitor Green said if he wants them as part of the record they should be addressed as part of the record. Mr. Portante said that is what he did whenever he provided them. He did not want to read it all to council because he didn't want to waste all that time. Mrs. Gates asked if council just wanted her to attach his questions to the June minutes? Solicitor Green said that is fine.

A motion was made by Mr. Pallo and seconded by Mr. Rummel to approve the Minutes of the June 13, 2022, meeting. One absent, Mr. Mash, motion carried.

**Correspondence**

1. Minutes from the Windber Municipal Authority on May 17, 2022
2. Windber Public Library Association.
3. Windber Municipal Authority Minutes of June 21, 2022, Meeting.
4. Minutes of WAA June 8, 2022, Meeting.

Mr. Portante said he wanted to add correspondence. He said he submitted a standard Right-to-Know-Request form on July 5th. He had a complaint about the actions of the Police Chief. He is still waiting for the answers. He received a letter from the police chief stating the borough solicitor said they had a 30-day extension. Mr. Portante said he wanted to submit those for the record.

Mrs. Gates said that is a Right-to-Know-Request, she does not believe it is correspondence or part of minutes. Mr. Portante said it was a complaint by him and he received correspondence from the police department. Mr. Portante asked if anyone there knew anything about it. Mrs. Gates asked as far as what? Mr. Portante said that the police chief came to the borough manager and told him that Mr. Portante was harassing someone.

Mr. Holden said the police chief did not tell the borough manager that. Mr. Portante said the borough manager was told by someone. Mr. Holden said he would tell Mr. Portante what he knew about it. Mr. Pallo asked if this was a matter of the borough or personal? Mr. Portante said it was borough and he had a complaint against the chief.

Mr. Portante said no one here has ever gone to a meeting to find out what their jobs or duties are. He said the mayor went to a conference and the only comment he heard from the Mayor was that he learned a lot, but what did he learn? Mayor Thomas said he is not going to teach a five-hour class on the conference. Dr. Ledney asked Mr. Portante what his point is? Mr. Pallo asked if this was a new item because it was not on the agenda? Mr. Portante said it was correspondence. Mr. Holden said Mr. Portante's complaint would come under legal and should be discussed in an executive session. Solicitor Green said it is a Right-to-Know-Request not something for this council. A Right-to-Know-Request is not directed to council.

Mr. Portante said it was directed to Ron Allison the Right-to-Know Officer. Mr. Allison apparently sent it to the police chief because he got a letter that said regarding your Right-to-Know-Request that you dated July 5<sup>th</sup>, (which Mr. Portante said the date is wrong it should be July 2<sup>nd</sup>) they are going to exercise their 30-day extension right, while they go over the request with the borough solicitor. This office will notify him when it is determined if that report will be released to him. If he had further questions, feel free to contact him.

Mr. Holden said so you filed a Right-to-Know-Request with Manager Allison who in turn directed it to the person who filed the report, who was responsible for exercising an order from the borough council president to the police chief? Mr. Portante asked Mr. Holden if he had something to do with this? Mr. Holden said absolutely, he would take full blame. Mr. Portante said it is not blame. Mr. Holden said you're trying to blame someone. Mr. Portante said he wants to know what is going on.

Mr. Holden said he was approached by Fire Chief Anson Bloom at 5 p.m. on July 3<sup>rd</sup> that Mr. Portante had been verbally harassing someone attending the event at the park. Mr. Portante said that is a lie. Mr. Holden said he was approached by Chief Frear and Chief Bloom about Mr. Portante verbally harassing someone attending the event. He told them to please go and explain to Mr. Portante that will not be tolerated. The woman who filed the complaint verbally explained to Mr. Holden after both Chief's told him what Mr. Portante was saying to her which was something about Biden taking her stimulus check. Mr. Portante exclaimed he did not use the word Biden! Mr. Holden said okay, he was paraphrasing, it was in that essence.

Mr. Holden informed Chief Frear and Officer Miller to kindly inform Mr. Portante that, that behavior would not be tolerated and if it happened again, they would have him removed from the event. Mr. Portante admitted he did it again and again. Mr. Holden said did anyone complain? Mr. Portante said no and the person that complained had no right to complain. Mr. Holden asked Mr. Portante if he had rights to complain? Mr. Portante said yes. Mr. Holden said then she had the right to complain. Mr. Portante said yes, but she had the law. Mr. Holden said no one was enforcing the law. Chief Frear was explaining it to you. Mr. Portante said Chief Frear told him he could not say that. Mr. Holden said he explained to you that behavior like that would not be tolerated. Mr. Portante disagreed.

Mr. Holden told them he advised Chief Frear and Officer Miller along with Event Coordinators, Mrs. Gates, and Mr. Bloom in attendance as witnesses that they should go speak with Mr. Portante and advise him that behavior will not be tolerated and if there is another report from another attendee that you would be removed.

Mr. Portante said he was allowed to say what he said. He did not talk about anyone, their clothes, hair, or anything. He just said thank you for your stimulus check and your children and grandchildren will be paying it back, thank you.

Mr. Pallo asked what this has to do with council? Mr. Portante said his Right-to-Know-Request is correspondence. Mr. Pallo said we already addressed that this is not correspondence. Mrs. Gates said this is not correspondence and she stated that they had two complaints regarding his behavior at the event. Mr. Pallo said he is questioning Mr. Portante's complaint.

Mr. Portante said Windber Borough is doing things wrong in his opinion. Mr. Pallo said then put it on new business. Mr. Portante said that is why he is asking the mayor what he learned at the PSAB Conference but the Mayor doesn't want to explain or teach him. Mayor Thomas said Mr. Portante had every opportunity to attend that conference along with anyone else in this room. Mr. Portante said that is not what is says in the minutes.

Mr. Portante said he doesn't understand what half the stuff on the agenda is about because it is not explained just placed on the agenda for approval. He said until he gets the packet on Friday and goes through it, he does not know all the issues that everyone else knows. He said it should be given to us a month ahead of time. Mrs. Gates said these issues do not come to us a month ahead of time and therefore these items are discussed and open for questions before they are approved. Mr. Holden said you get you packet on Friday so you can read through it and if you have any questions, you can ask Mrs. Gates or Ron Allison the Borough Manager before the meeting. Mr. Portante said he called the borough manager last week and he did not call him back.

Mr. Allison said he is only able to hear bits and pieces of what he is talking about. He assured Mr. Portante that he has always called him back and his door has always been open to him but for the last week and a half he has been sick as a dog with covid. He said when he gets back Mr. Portante can have the first appointment. Mr. Portante thanked Mr. Allison.

**Approval Payroll** A motion was made by Mr. Portante and seconded by Mr. LaMonaca to approve payroll for June 17, July 1 & July 15, 2022. One absent, Mr. Mash, motion carried.

**Approval Bills** A motion was made by Mr. LaMonaca and seconded by Mr. Portante to approve the bills for June 2022. One absent, Mr. Mash, motion carried.

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

### **Council Liaison Reports**

There were no reports at this time.

**Mayor's**

Mayor Thomas was presented a Citation during the 125<sup>th</sup> Centennial by Jim Rigby that was signed by him and Representative Metzgar paying tribute to Windber Borough's momentous occasion of its 125<sup>th</sup> Anniversary.

Senator Pat Stefano also presented congratulations to the Borough of Windber on its 125<sup>th</sup> Anniversary and House of Representatives John Joyce also recognized and honored Windber Borough through a Congressional Record on the 125<sup>th</sup> Anniversary of Windber Borough.

**125<sup>th</sup>  
Anniversary**

Mr. Holden said he wanted to recognize the group of people/volunteers that organized the event, who worked tirelessly to make this the biggest event we have seen in Windber since the 100<sup>th</sup> Anniversary; Mrs. Gates, Mayor Thomas, and Anson Bloom. Anson wrote an unbelievable emergency action plan for that event that the folks from Somerset County were just amazed with. Patty Adamczyk was also a big part of the group who organized the event. Public works helped in preparing the property for the event. Ladies and gentlemen of the Windber Fire Company who worked tirelessly preparing the whole week in advance setting up equipment, barricades, tables, and tents. They did just about everything leading up to and during the event. Thank you to Chief Frear and the Windber Police Department for providing the security.

Mr. Holden said he just wanted to go on record to thank all involved that made that event just spectacular. He had nothing but positive comments from everyone he spoke to. He asked Mrs. Gates to please make sure to pass along thanks to all involved.

**Ballroom  
"Debris"**

Mr. Holden said council has a copy of the construction minutes to bring everyone up to speed as to what is going on. Manager Allison addressed the debris under the ballroom. He said about a month and a half ago he was informed by the project manager that underneath the ballroom was a large number of leaves and debris that needed to be removed or a discussion made on how to handle it.

Mr. Allison had Dave and Anson look at that situation. Two things that came out of their inspection was; it was not safe for our own crew to crawl under that building and there was more debris than leaves. There was plumbing parts, glass and large broken pieces of porcelain that needed to be removed. This began the process of how we remove it and who do we get to remove it.

Mr. Allison contacted GAP Inc. early on and they inspected the site and give us an estimate of \$2,347 cost for a vacuum truck and crew for 8 hours and the estimate stated that it could take two days.

Mr. Allison said he was informed about a week and a half ago that CNC Construction had made an offer to remove the debris for under \$3,000. The response today from CNC Construction was there would be additional cost for debris under the leaves and the borough could be responsible for disposing of the debris or CNC would add that as an additional cost. The borough would have to pay dumping fees and possibly sort out the debris. The extra cost is unknown currently.

His suggestion in looking at the proposal from GAP Inc. they would remove all the debris and would be responsible for the disposal of the debris. He has nothing against CNC except for the added costs and borough responsible for the disposal of the debris.

Mayor Thomas asked why the engineering firm did not discover this when they were drawing up the specifications? Mr. Allison said he also questioned that, and the architect said it wasn't a thought until now. Mr. Allison said he spoke with them about their specifications and every single one of them disagreed with him. Mr. Holden said we must address what is in front of us.

Mr. Portante said he understands leaves can't be taken to a landfill. Mr. Allison said GAP Inc, will be responsible for the disposal. Mr. Portante asked what the plastic was for under GAP Inc proposal. Mr. Allison said he was not entirely sure.

A motion was made by Mr. LaMonaca and seconded by Mr. Portante to approve the proposal from GAP Inc. in the amount of \$4,694 to remove the debris and dispose of the debris underneath the ballroom to come from soft costs. 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.

**Approval  
Fallen** A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve the request by For the Fallen Run, Inc. to use the Community Building parking lot beginning 8:00 a.m. on Friday morning, August 5, 2022. and to close the road as in the previous years on Graham Avenue from Jefferson Avenue to 15<sup>th</sup> Street between the hours of 3:30 p.m. and 12:00 a.m. One absent, Mr. Mash, motion carried.

**Resignation  
Officer** A motion was made by Mr. Pallo and seconded by Dr. Ledney to accept the formal resignation of Officer Robert Hayes from the Windber Borough Police Department effective June 13, 2022. One absent, Mr. Mash, motion carried.

**Approval  
Paving bid** Mrs. Gates said the paving bid from Quaker Sales was tabled at the last meeting because the bid was over what we had designated for our 2022 paving. Ron and Dave went back and spoke to Quaker Sales and our PennDot Representative. To remove Jackson Avenue from the original bid according to our representative we still had to stay within in 75% of the original bid or we would have to rebid. We removed Jackson Avenue and added five small areas to be milled and paved that were bad areas in town. That kept us at 75% of the original bid with the same unit price and brought us down to \$72,029.50 which was within our allocated paving amount for 2022.

Mr. Portante ask if we recycle the macadam from the milling? Mrs. Gates said in the past we have worked out a deal with the contractor to keep that and use it for alleys.

A motion was made by Mr. Portante and seconded by Mr. LaMonaca to remove Jackson Avenue and add the five smaller areas and approve the bid amount from Quaker Sales in the amount of \$72,029.50. One absent, Mr. Mash, motion carried.

**Paint Town  
Teal** A motion was made by Dr. Ledney and seconded by Mr. Pallo for approval of Bishop McCort to "Turn the Town Teal" in prevention and awareness of Ovarian Cancer beginning the week of August 29, 2022. One absent, Mr. Mash, motion carried.

**USE Agreement** Solicitor Green said this is just the insurance companies trying to indemnify each other. He said our insurance company says it is necessary to have an agreement between the two entities.

Mrs. Gates said she believes this came about after the Community Building fire. Also, it states in the agreement they need a certain amount of insurance and they do already have that insurance, so they just need to sign off on the agreement.

A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve the Use Agreement between the Borough of Windber and the Windber Municipal Authority. (Insurance). One no, Mr. Portante, and one absent, Mr. Mash, motion carried.

**SRO Agreement** A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve the SRO Agreement for the 2022-2023 school year. One absent, Mr. Mash, motion carried.

**Contribution Fire Co.** A motion was made by Mr. Portante and seconded by Mr. LaMonaca to approve the contribution to Windber Fire Company in the amount of \$45,000. (As budgeted for Truck Payment) One absent, Mr. Mash, motion carried.

**Executive Session** Mr. Portante asked council for an executive session to discuss personnel and wanted to exclude the Mayor and Solicitor Green. Council went into executive session at 7:44 p.m.

Council reconvened from executive session at 7:53 p.m.

**Next Meeting** Next meeting will be held August 8, 2022, at 7:00 p.m.

**Adjourn** Meeting adjourned at 7:54 p.m. by Council President, John Holden.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant