

Borough of Windber Council Meeting
Minutes of September 12, 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, Mark Portante, and Rich Rummel. Mayor Mike Thomas and Solicitor Joe Green were present, and Manager Ron Allison was present.

**Approval
Minutes**

A motion was made by Mr. LaMonaca and seconded by Mr. Rummel to approve the Minutes of August 8, 2022, Meeting. Motion carried.

**Recognition
Visitors**

Jim Serrian asked council how to get ahold of the codes enforcement officer? He said he had called the office on several occasions along with emails and he had a 3:30 meeting scheduled, and he never showed up. He said the last time he was at a meeting he heard that even though people think things are not being handled they are; that it is just a process to go through.

Mr. Serrian said at the last meeting Mr. Bloom told Mr. Rummel that he could not show him a monthly report anymore. Mr. Allison said Mr. Bloom was making a reference to his ORI number and explained to us that he will be putting out a monthly report without that information and his report is in the packet.

Mr. Gyurik said he called Mr. Bloom during the flooding last year. He said he was checking the creek level. There is an apartment building on the corner of 28th Street and Jackson Avenue, owned by Mr. Gahagen. A couple years ago he had a metal roof put on. The creek level was almost to the top of the bank at that time and 2 pallets of debris the contractors had from the roof job were flipped over on the creek bank. He called Mr. Bloom about that and a couple of other things. Mr. Bloom informed him he was out of town, and he never did speak with him.

Mr. Holden and Mr. Allison said he wears multiple hats as the codes enforcement officer, emergency management officer, and fire chief. Mr. Holden said we had a discussion earlier about adding some support for him at no cost to the borough, so we could address blight and these types of issues. Mr. Serrian said he should've called them back. Mr. Allison said he is one man trying to take care of all the complaints in this office. Unfortunately, there are very high priorities that could surprise him during the day.

Mr. Gyurik said he was at the school for a two and a half hour meeting, is that part of his job description? Mr. Holden said yes emergency management is part of his job description. Dr. Ledney said yes, we have had lengthy meetings to discuss what is needed for the security of the building. That does follow his scope and realm.

Isabell D’Arcangelo Mrs. D’Arcangelo thanked Council for putting in the grate on 12th Street and she said there is no longer water coming down 12th Street.

Mrs. D’Arcangelo said she wants to know why we can’t have cars park with the flow of traffic, not in all of Windber but on 12th Street, and 24th Street, the three main thoroughfares into Windber. She comes down 12th Street and cars are parked the wrong way and twice they pulled out and she almost got hit because she is coming one way and they are coming another way from the opposite side of the street.

Mrs. D’Arcangelo said when she brought this up before she was told it was too much trouble. She said she drove down Jefferson Avenue to Scalp and they have a sign there that says you are not allowed to park against the flow of traffic, you, must park with the flow of traffic. She asked why can’t we do that in Windber? She said she doesn’t mean to put a sign on every street because that would be impossible but when you come into Windber, 12th Street is one of the main roads. Can council investigate that?

Chief Frear said you are asking for selective enforcement and you can not do that. Chief Frear said you must do all or you can’t do it. Mrs. D’Arcangelo asked why can’t you just put up a sign? Mr. Allison said if you put up a sign you must do all or none.

Attorney Green said the selective parking enforcement is illegal you can not do it. Mrs. D’Arcangelo asked if they could put a sign up for snow removal that vehicles should be off the road. Chief Frear said they are on Graham, Somerset and 24th Street. Mrs. D’Arcangelo asked why is that because they are a state road? Chief Frear said no. Mrs. D’Arcangelo asked if we can just have rules for Windber Borough. Mr. Allison said not for traffic.

Mrs. D’Arcangelo said she will be stuck then again because of the snow. Does she call the borough when that happens. Mrs. Gates said besides the regular snow plowing people have called us when people move their cars on their block, and we will send a driver down to plow while they are gone.

George Turner Mr. Turner said they have two cars sitting back there for a year and a half. Mr. Holden asked sitting back where? He said behind Graham Avenue. Mrs. Gates asked him if they are in the alley or on the property. Mr. Turner said it was on the property. Chief Frear asked him if he was talking about the Impala. Mr. Panetti said no, it is 406 and 404 Rear Graham Avenue. Chief Frear said he would look at them tomorrow.

Mr. Turner asked about all the street signs that are missing. He said 4th and Graham someone stole the signs a couple of years ago. He said there is another missing on 5th. Mr. Turner said no one obeys the (No U-Turn) sign by his place on 4th and Graham. People drive up on his sidewalk and into his yard. Mr. Holden said the borough manager and chief are making notes on these issues.

Correspondence

1. Minutes from the Windber Municipal Authority on July 19, 2022.
2. Minutes from the Windber Public Library Meeting.
3. Thank you card from Isabell D’Arcangelo.
4. PSAB Update.
5. Somerset County Borough Association Dinner

Approval Payroll A motion was made by Mr. Mash and seconded by Dr. Ledney to approve payroll for August 12, and 26, and September 9, 2022. Motion carried.

Approval Bills A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve the bills for August 2022. Motion carried.

Cash Bal., Treasurer Report. There were no questions at this time.

Council Liaison Reports There were no reports at this time.

Mayor's Report Mayor Thomas said he has been working with Congressman Joyce's office to get this USDA Grant resolved. He is going to contact Manager Allison if he needs anything.

Manager's Report USDA Grant- Nothing to report. There has been no answers or responses since last meeting

12th St. Catch Basin- Road Crew completed the work prior to paving and the installation has abated the nuisance water that was running down 12th St.

2022 Paving Contract- The 2022 paving contract has been completed. Since competition the storm sewer covers have been lifting during rain events. In order relieve some of the runoff pressure Dave has ordered open grate covers to alleviate pressure to keep this from happening. Should be installed in coming weeks.

MS4 Permit- Upon adoption of changes to the Storm Water Management Ordinance I will be meeting with Mr. Paczek of EADS to make a final report to DEP for this current permit period. There will be some other light maintenance work completed prior to DEP's inspection to comply as noted in the August report.

Pickleball Court – the pickleball group that was here a couple of meetings ago wanted to increase the courts from two to four at the Delany Field. They asked Mr. Allison if they borough could remove the tree in the back of the court that has created damage to the court. Mr. Allison said he did not believe we would have monies available this year to do that. It may be something council wants to look at going down the road. Mr. Allison said he would get an estimate to have the tree removed. There is no warranty on the work done in 2018.

Mr. Holden asked Mr. Allison for the latest on the spillway that Rosebud is going to help out with? Mr. Allison said we are waiting on the permit from Army Corp of Engineers. He said he has also called Congressman Joyce's office for help in locating that permit also.

Solicitor's Report Attorney Green said the two tax properties he was asked to research on Midway have mortgages on them and we cannot bid on them. They took out a small mortgage when they bought the place and paid it off then took out another mortgage for \$37,000. This is a company from Philadelphia.

Attorney Green said he did notice a typo on the police contract on page 15, paragraph B, it says \$50,000 but it has a period instead of a comma. Mr. Allison noted said change.

Attorney Green said he believes October 24th is when we are having the mediation thing. It will be a mediator, our attorney, their attorney, Greg Hall and himself. We will discuss more in executive session.

Codes Report

There were no questions at this time on Mr. Bloom’s report.

Approval Resolution

Mr. Holden said Mr. Bloom is asking for approval of Resolution No. 2022-7 Appointment and Scope of Authority of Windber Borough Fire Chief. Attorney Green had not been able to review that and asked to hold that while he read it. Mr. Holden said yes, and council went to the next item while Attorney Green read the resolution.

Request Waiver D3 Surplus

D3 Surplus Outlet has asked council for a waiver of accessible bathroom on the first floor of their building until such time profits of the company can pay for such capital improvement.

Mr. Portante made a motion to approve the request from D3 Surplus Outlet for a waiver of accessible bathroom on the first floor of their building until such time profits of the company can pay for such capital improvement. Remarks: Mr. Portante said we are trying to bring business in here and he should not need to say more.

Public remarks: Mr. Gyurik said when you open a business the building must be inspected and deemed safe for the public to enter the building and an occupancy permit issued. How were they issued an occupancy permit when the roof leaked for so long it created black mold and they do not have a bathroom and are using a port-a-pottie in the front of the building. He can see the whole back of the wall is rotten because the roof leaked and a half a dozen birds are nesting inside the walls, where you can see the electrical wires. He hasn’t seen them make improvements sufficient to allow them to move into that building and have an occupancy permit. Mr. Gyurik said he is all for that business being successful and improving the neighborhood.

Mr. Holden said in the letter it says they obtained a temporary occupancy permit dated 04/25/2022 through PA Municipal Code Alliance. Mr. Allison said what could have happened is they may have gotten certain areas of the building set up for occupancy and are using those areas until they get the other areas opened.

Roll call vote on the motion: Mr. Portante, no; Mr. LaMonaca, no; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Rummel, asked if there was a time limit on the waiver? Mr. Holden said we can approve it with a time limit of six months. Mr. Rummel agreed and voted yes; Motion was carried with two no, and five yes votes.

Approval Resolution

Attorney Green had finished reading the resolution and asked council if it had to be passed tonight because he had some questions. Mr. Holden said no. Attorney Green said he would like to have more background information.

A motion was made by Mr. Portante and seconded by Mr. LaMonaca to table the approval of Resolution No. 2022-7. Motion carried.

Discussion Ballroom Mr. Holden said council received meeting minutes with updates on the ballroom project. In addition to that would be change order number three, to relocate existing electrical feed supplying power to pavilion. Feed was not deep enough to accommodate required depth for the new parking lot. Change order was in the amount of \$1,185.00.

Donation Council received a copy of a letter from Attorney Stofko regarding William Bahorik's Donation of \$50,000. The purpose of the donation would be to ensure that WAVE would be permitted to continue to utilize the ballroom for the purpose of holding an oldies dance on the last Sunday of each month for a period of five years.

Attorney Stofko is asking council if they are agreeable, they could enter into a simple agreement to permit the donation to be used for aforesaid purpose. Attorney Green said if the board approves it, he will write up an agreement for the donation.

A motion was made by Mr. Portante and seconded by Dr. Ledney to approve council entering into an agreement to accept said donation of \$50,000 from William Bahorik and for WAVE to utilize the ballroom on the last Sunday of every month for five years. Motion carried.

Approval Event Coordinator A motion was made by Mr. LaMonaca and seconded by Mr. Portante to move forward and offer the position of event Coordinator for the Windber Borough Ballroom to Kim Miller at a rate of \$15 an hour. Mr. LaMonaca, yes; Mr. Portante, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes; and Mr. Rummel, yes. Motion carried.

Approval Assistant Coordinator A motion was made by Mr. LaMonaca and seconded by Mr. Portante to offer Trinity Krouse the position of Assistant Event Coordinator for the Windber Borough Ballroom at a rate of \$12.50 an hour. Roll call vote: Mr. LaMonaca, yes; Mr. Portante, yes; Mr. Holden, no; Dr. Ledney, no; Mr. Mash, no; Mr. Pallo, no; and Mr. Rummel, no. Motion fails.

Approval Assistant Coordinator A motion was made by Mr. Pallo and seconded by Mr. Rummel to offer Trinity Krouse the position of Assistant Event Coordinator for the Windber Borough Ballroom at a rate of \$11.00 an hour. Roll call vote: Mr. Pallo, yes; Mr. Rummel, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Mash, yes and Mr. Portante, yes. Motion carried.

Council convened to an executive session at 7:48 p.m. for police contract, personnel, and legal issues.

Council reconvened from an executive session at 8:35 p.m.

Meden Grievance A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to deny the grievance placed by Officer Jeffrey Meden for unearned pay. Motion carried.

Approval Police Contract A motion was made by Mr. Mash and seconded by Mr. Rummel to approve the Agreement by and between the Windber Borough Police Department and the Teamsters, Chauffeurs, Warehousemen, and Helpers Local Union 110 Effective January 1, 2023, through December 31, 2027. Roll call vote: Mr. Mash, yes; Mr. Rummel, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Pallo, yes; and Mr. Portante, yes. Motion carried.

- Stormwater Ordinance** A motion was made by Mr. Mash and seconded by Mr. Pallo to approve Ordinance No. 2022-3 updating the Stormwater Management Ordinance. Roll call vote: Mr. Mash, yes; Mr. Pallo, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.
- MMO Non-Uniform Pension** A motion was made by Mr. Mash and seconded by Dr. Ledney to approve the Minimal Municipal Obligation (MMO) for the Non-Uniform Pension Plan for the 2023 budget year in the amount of \$25,600. Roll call vote: Mr. Mash, yes; Dr. Ledney, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Pallo, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.
- MMO Police Pension** A motion was made by Mr. Mash and seconded by Mr. Pallo to approve the Minimal Municipal Obligation (MMO) for the Police Pension Plan for the 2023 budget year in the amount of \$65,909. Roll call vote: Mr. Mash, yes; Mr. Pallo, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. LaMonaca, yes; Mr. Portante, yes; and Mr. Rummel, yes. Motion carried.
- Swiokla PT Status** A motion was made by Mr. Mash and seconded by Mr. Pallo approving David Swiokla to go to part-time status as of September 30, 2022. Motion carried.
- MOU Non uniform Pension** A motion was made by Mr. Pallo and seconded by Mr. Portante to approve the Memorandum of Understanding among Windber Borough and Teamsters Local Union 110 whereas if the borough wishes a part-time employee with 35 years of service covered under this agreement receive hospitalization up to \$1,667.04 and Windber Borough will pay up to (8%) increase in employees monthly health insurance premium for each year of the bargaining agreement. Motion carried.
- Advertise PT- Plow Drivers** A motion was made by Mr. Mash and seconded by Mr. Pallo to approve to advertise for two part-time plow truck drivers for snow removal. Motion carried.
- Civil Service** A motion was made by Mr. LaMonaca and seconded by Mr. Portante to table the discussion on civil service. Motion carried.
- Approval John Todaro** A motion was made Mr. Mash and seconded by Mr. LaMonaca to approve hiring John Todaro as a part-time police officer for the Windber Borough Police Department. Motion carried.
- Approval Karissa Grossman** A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve Hiring Karissa Grossman as a part-time police officer and SRO for Windber Borough Police Department. Motion carried.
- Next Meeting** Next Council Meeting will be Monday, October 10, 2022. A Workshop will be September 26, 2022 regarding blight.
- Adjourn** Meeting adjourned by Council President at 9:10 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant

