

Borough of Windber Council Meeting
Minutes of November 9, 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 were absent. Mayor, Mike Thomas, and Solicitor Joe Green were present, and Manager Ron Allison was present.

Approval Minutes A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve the Minutes of September 12, 2022, Meeting. Motion carried.

Recognition Visitors Jim Serrian said he still has not heard from anyone concerning his issues since the last meeting regarding codes. Mr. Allison told Mr. Serrian if he would like to meet with him, they can set up an appointment with him. He said some of the issues Mr. Serrian brought up were regarding personnel and should be discussed with him not in a public meeting. He will be more than happy to discuss his concerns.

Mr. Serrian told Mr. Allison he has his email address and asked him to respond to him with times he would be available for him to meet with him.

Mark Gyurik Mr. Holden said he believed the incident with the Gahagen property was addressed within 24 hours. Mr. Gyurik said Chief Frear told his wife it was addressed. Mr. Allison said that is correct he was out there with Chief Frear and addressed it. Mr. Gahagen said if there were any issues to let him know immediately and he would address them. He did remove the materials Mr. Gyurik saw.

Mr. Gyurik said that whole apartment building down there is questionable. Whomever moves in there, he can lay money, that the police will be called out the first day new tenants move in there. It is a bad situation and there have been people that have overdosed right on the lawn.

Mr. Gyurik said he saw on the agenda there is a new ordinance to address rental issues, ordinances, and inspections. Neighbors that have been in there said the place is falling down and full of issues. Mr. Holden said what Mr. Gyurik is discussing is the reason we are creating this ordinance. There are landlords that live out of town and do not even know where their property is let alone what it looks like. Mr. Pallo asked him to come to the next meeting. There were 65 people at the last meeting that were against it.

Mr. Holden said this is not intended to penalize the good landlords it is intended to make sure the ones who own the properties take care of their properties.

Correspondence

1. Holiday Boutique Flyer
2. Windber Municipal Authority Meeting of August 23, 2022

3. Denial Letter from Flood Mitigation Program
4. Memo from WAEDC Regarding Camera

Mr. Holden said the WAEDC said they are going to fund the replacement of the camera that is installed on the top of Mimo's that is pointed toward the Gazebo with a live stream. We should have it back up for the holidays. Dr. Ledney said the camera that was up there was a secondhand camera and it broke. Mr. Holden said we have one of the most beautiful downtowns in Pennsylvania.

Approval Payroll A motion was made by Dr. Ledney and seconded by Mr. LaMonaca to approve payroll for September 23, & October 7, 2022. Three absent, Mr. Mash, Mr. Rummel, and Mr. Portante, motion carried.

Approval Bills A motion was made to approve bills for September 2022 by Mr. LaMonaca and seconded by Mr. Pallo. Three absent, Mr. Mash, Mr. Rummel and Mr. Portante, motion carried.

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

Council Liaison Reports

Ledney/ WAA Dr. Ledney said the Water Authority meeting will be on Wednesday and they are going to discuss some new projects for spring.

Holden/ Library Mr. Holden said the library state aid distribution 2023 approved an increase for the Windber Public Library by \$4,500. The library does need to keep the donations coming, in in order to fund it.

Mayor's Report Mayor Thomas said he attended the Somerset County Borough's Association meeting. He spoke with the commissioners and was even able to speak to them about the 17th Street sidewalk project which was approved the next day.

Mrs. Gates said Chief Frear did apply for a grant for a new cruiser. Mr. Holden said they also applied for a technology grant.

Manager's Report

USDA GRANT- Mr. Allison made contact with a response back from Eli Bradach who explained he would be in contact with me the week of 10/3/2022. As of 10/4/22 I had heard nothing.

MS4 Permit PAG136340 - The Annual Municipal Separate Storm Water Sewer Status Report for the reporting period July 1, 2021, through June 30, 2022, has been completed and submitted by EADS Group as required by September 30, 2022.

GPII Debris Removal Permit- LRP-2022-00440 (GP115605122-007) (WINDBER BORO SOMERSET CITY, Windber FPP Debris Basin Restoration, Paint Creek, Windber Borough, Somerset County, PA) has been issued. We now have a permit to remove debris from the levee system when ready.

Grated Storm Sewer Lids- The new storm sewer lids that were ordered prior to last month's meeting have been installed near Jesco. So far, I have we have not received any more information on the issues reported after the paving project was completed.

Police Contract- The contract has been ratified by the bargaining unit signed by all parties.

Community Block Grant Fund- The County of Somerset has approved the funds applied for by the Borough for the completion of the Seventeenth Street sidewalk project.

Solicitor's Report

Attorney Green said he and Anson went over the Inspection Ordinance and made a few minor changes. He said he is perfectly happy with the ordinance.

As to Resolution 2022-7 they came up with a much easier method. What that resolution was meant to do was to allow Anson to use volunteer full-time fire fighters to do the inspection of the rental properties. Once we have a list of those volunteers council can just do a resolution naming their names and stating they are volunteers designated to help codes enforcement enforce the ordinance.

Attorney Green said he also drafted an Ordinance regarding ACT 57. Apparently, there was a disconnect when some people would buy a new house. The taxing person would not notice their first year and there would be fines and penalties added to their tax bill. This eliminates those.

Codes Report

Council received the codes report in their packets. Mr. Bloom said the case against Mr. Blair Murphy has been closed. The old Anderson store will be demolished any day now.

Commonwealth versus Mark Portante, Mr. Portante was found guilty and has appealed. Act 90 has now been implemented which will now give Mr. Bloom a 90-day strong hold on some of these places versus condemning them and waiting two years. He can go after them within 90 days. He said this was part of the blight remediation grant and in addition to that he is working on the second round of that. He is putting the packet together now to see if we can get the monies again. Obviously, 585 and 587 Railroad Street are high priorities for that, followed by 1801 Graham and then there are five additional residential properties. The idea is to get enough money to do 11 more properties. The average cost is \$8,000 for residential units which would come to \$88,000. If it was to be paid for by taxpayers, it would cost 2 mills of tax. His strategy is to find outside sources of monies as to not burden the taxpayers.

Mr. Bloom said we have talked about the ordinance coming up, it is time to stand up and take back the borough so to speak.

Mr. Bloom is also working on the Emergency Management Plan which is also coming due.

Mr. Bloom said he is working with two businesses. The intent is to locate property within the borough that is feasible for their operations. Additional details will be released once the deal is sealed.

Mayor Thomas asked about the properties demolished last fall, he never finished with topsoil. Mr. Bloom said the contractor also has a contract with UPJ and he will be here within the next couple of weeks to take care of that.

**Approval
Advertise
Ordinance**

Mr. Holden said there are great points here. There are 24 properties in the borough right now that need demolished at roughly \$8,000 per demolition. That would be \$192,000 to demolish all those properties. Like Mr. Bloom said we must find alternate measures other than to increasing taxes to find the money to do that.

Mr. Holden said just as a bit of financial background; one mill of taxes is \$46,728; median income has dropped; population has dropped within the borough. A good chunk of that \$192,000 could be realized for demo and blighted properties if back taxes to the borough would be paid. We have \$146,000 in back taxes not paid to the borough. Also, because the population decreased below 4,000 residents, we have lost \$80,000 in CBDG monies which could be used for sidewalk, stormwater and demolition of blighted properties. This ordinance will make properties in the borough more appealing to people looking for a nice house and neighborhood to move into. Why would people want to move into an area where people do not take care of their properties?

Mr. Bloom said the strength of this ordinance comes from the inspections and requiring a license to do business at that property. So, if you own 40 properties and only 10 of them have inspections then those are the only 10 that you are getting a license for.

Mr. Holden said the biggest call out from when we tried to draft this ordinance before was that we were charging a registration fee and an inspection fee. We do not charge a registration fee. We just want these landlords to register their properties because we need to know who owns them in case there is an issue or a problem and secondly inspect the properties to make sure they are safe for the tenants moving in and their families. We want to make sure the landlords are reinvesting in the upkeep and maintenance of their properties. We want to put some teeth into this ordinance so that the people who move here to this borough are safe. Will we have a fight, yes, we know it is going to happen.

Mr. Bloom said it is double sided too, but if you do not take a hold of this problem now the problem will continue to take a hold of you. It's phone call after phone call every single day of problems with the same six landlords. It is time to take a stand or continue to sit back and let them keep doing what they are doing, and he does not think we are in a position to do that anymore.

As a landlord, he would think they would want to have the property inspected. Maybe you have a bad tenant or maybe you did not know the property was in that condition when they left so now you have something to stand on. In there is a pre-rental form for landlords and he encourages them to do that. Sign off on pre-occupancy and after occupancy. Go after those destroying your property. The majority is driven by all these blighted properties.

**Advertise
Ordinance**

A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve to advertise Ordinance No. 2022-4 inspection of residential single family & multifamily rental property registration and inspection in the Borough of Windber. Three absent; Mr. Mash, Mr. Portante and Mr. Rummel. Motion carried.

Ballroom Mr. Holden said the completion date has now been delayed until end of November early December due to the windows being delayed. They are starting to put padding in to finish the roof.

Mr. Holden said that due to the time constraints and if council is okay with it, Ron, Robin and himself will move forward with interviewing the most recent round of applicants for the ballroom coordinator position.

Mrs. Gates said that Dave, along with Ron, will also be interviewing the four applications received for snowplow truck drivers. She said we also advertised for cleaning personnel but have not yet received any applications. Council understood the urgency to move forward with the interviews.

Council convened to an executive session for personnel and contractual issues at 7:35 p.m.

Council reconvened from an executive session at 8:40 p.m.

ARPA Fund Donations Mrs. Gates said we had split up the donations/expense with our ARPA monies received in 2021 and are now expending the rest of the designated monies from the 2022 ARPA monies just received. They include the second half of the designated donations to the Windber Fire Company, library, compassion house, and R.E.A.C.H, along with money designated for 1 new Motorola radio. Also, a suggestion by Mrs. Gates to council would be to put \$50,000 into a ballroom account for start up monies once the ballroom is operational. Money is allowed for recreational uses. Council agreed.

Mrs. Gates said we had a carryover over from 2021 in the amount of \$4,715.73 we received our portion divided by the state in the amount of \$631.43 and we received our 2022 allocation in the amount of \$200,340.29, minus the designated 2022 donation/expense leaves us with \$172,187.45. If council agrees to move \$50,000 to the ballroom account, we will then have a balance left of \$122,187.45.

Donation Fire Co. A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve the donation in the amount of \$20,000 for the Windber Fire Department; \$5,000 for Windber Library. \$2,500 for Compassion House; \$2,500 for R.E.A.C.H; \$3,500 for a Motorola radio; and \$50,000 to the Ballroom Account. Roll call vote: Mr. LaMonaca, yes; Mr. Pallo, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, absent; Mr. Rummel, absent; and Mr. Portante, absent. Motion carried.

Advertise ACT 57 Ordinance A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve to advertise Ordinance No. 2022-8 to implement ACT 57 of 2022 property tax penalty waiver provisions. Three absent; Mr. Mash, Mr. Portante, and Mr. Rummel. Motion carried.

Traffic Signal Maint. Agreement A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve Resolution No. 2022-8 authorizing Borough Manager Ronald Allison to submit traffic signal maintenance agreement and future applications in writing or by electronic signature. Three absent: Mr. Mash, Mr. Portante, and Mr. Rummel. Motion carried.

Civil Service Tabled for further research.

Next Meeting Budget Workshop on October 24, 2022, Next council meeting Monday, November 14, 2022 at 7 p.m.

Adjourn Meeting adjourned at 8:50 p.m.

Respectfully submitted by:

Robin S. Gates,
Administrative Assistant