

Borough of Windber Council Meeting
Minutes of December 12, 2022
7 p.m.

The regular meeting of Windber Borough Council was called to order by Council President John Holden at 7:05 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 was absent. The Manager, Ron Allison and Attorney Joseph Green were present.

Approval Minutes A motion was made by Mr. Mash and seconded by Mr. Pallo to approve the Minutes of November 14, 2022. Motion carried.

Recognition Visitors Tom Panetti asked the council how they can justify the codes enforcement officer's salary? Mr. Allison asked him how he knows about his salary? Mr. Panetti said he saw it here in an agreement being approved for five years. He said he walks the streets he doesn't see it he sees high grass. He said the school bought a piece of property, tore the house down and did it about halfway and it dropped the value of all the houses up there. Mr. Panetti said he walks a lot and the grass on Graham Avenue is high and Railroad Street is also bad.

Mr. Panetti said he understands there will be no tax increase, so hooray for the council and for him. Mr. Holden thanked Mr. Panetti for his input.

Correspondence

1. Windber Area Authority Minutes of October 12, 2022.
2. Windber Public Library Minutes from November 16, 2022.
3. Conemaugh Valley Conservancy Newsletter.

Approval Payroll A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve payroll for November 18, and December 2, 2022. Motion carried.

Approval Bills A motion was made by Mr. Pallo and seconded by Mr. Mash to approve bills for November 2022. Motion carried.

Cash Balance & Treasurer Report

There were no questions at this time.

Council Liaison Reports

No reports at this time.

Mayor's Report

There were no reports at this time.

Manager's Report

USDA GRANT- Still no response from Eli Bratich other than the hope is funds will be available by years end. Conference call was made with inquiry through Congressman Joyces Office. We were advised they will contact USDA and report back to us.

MS4 Permit PAG136340-This Office is investigating a complaint ID#368266. It is alleged a local business is depositing oil into a drain within the business.

GP11 Debris Removal Permit- LRP-2022-00440 (GP115605122-007) (WINDBER BORO SOMERSET CITY, Windber FPP Debris Basin Restoration, Paint Creek, Windber Borough, Somerset County, PA). The work under this permit is set to begin. Rosebud has begun getting their equipment into place and making survey points in the basin. They will be contacting this office and contact will be made with the property owner in which easement crosses after flagging to make sure all are good with the path in and out. I did give a key to Rosebud so they can secure the property and gain access at their leisure for the work. Key will be returned upon completion.

Economic Development- This Office has a December meeting scheduled with a developer and national chain store. More information to come.

Complaints/Concerns- I held a meeting in office to address complaints raised at previous meetings with Mr. Serrian and a neighbor. They had a list of concerns and complaints. I researched those and answered them via email.

Council President

Mr. Holden said regarding economic development at the last meeting we approved the purchase of the OWL, a multimedia device. A donation request was made to pay for that system and the equipment needed for it.

Also, Laurel Net Technologies is going to purchase back the poly-com equipment we had been using, that will create the funding where we could purchase the multimedia device.

Mr. Holden said we are preparing for economic development and are doing everything we can to move forward and that included addressing blight and the rental ordinance. We will be having a meeting with some of the landlords to work on that ordinance.

There was an article in the Tribune Democrat about how blight effects economic development and people moving in and out of the borough. It has been paramount by our code's enforcement officer over the last few years to secure funding to demolish blighted properties and to address properties in disrepair and not being managed. Not only rental properties but private properties and personal housing.

We are going to be expanding the function of property maintenance and addressing blight and adding support for our codes officer and to focus on that greatly in the coming years and it will not cost the borough a dime because we are using the resources of public safety to aid in that.

With the Grand Ballroom opening it is going to bring a lot of attention to the borough in a good way. We are excited about new businesses coming into town. We are doing what we

can to move this borough into the future. Mr. Holden said there is a lot coming to the borough and the hospital and economic development.

Mrs. D’Arcangelo asked why we need people to come into our town to tell us what is wrong with it. Mr. Holden said economic development is not a development but a process. If someone comes to Windber and you did not live here and you wanted to buy a house, we want to make sure a realtor is taking you around looking at houses that are not close to a blighted property.

Mrs. D’Arcangelo asked why it took so long. She was here years ago, and she told the borough manager at that time if we were not careful, we would end up like Moxham in Johnstown. Mr. Holden said a lot of that has to do with the legal system. Mrs. D’Arcangelo asked what is wrong with our rules.

Mr. Bloom said it is not our rules but the legal system and how it works out. He said since he has been here, he has brought down 11 houses and has another 28 others tagged that need demolished. That is \$183,000 he is trying to find right now because we do not have it.

Mrs. D’Arcangelo said she understands that but like Mr. Panetti said when you walk through Windber there are porches with junk and yards with junk. Do we not have an ordinance that addresses that? Mr. Bloom said we do but 80% of those are rental properties. This all goes hand in hand with the ordinance we are trying to pass. Not only is the property owner responsible but the tenant is responsible. The transient traffic does not care about fines. They appeal it and appeal it, or they are fined and pay a \$1 a month for the next 25 years. A lot of these people have repeat citations. They are not afraid of the legal system. Now it is time to attack the people responsible for those properties.

Mrs. D’Arcangelo said she read in the paper there was a small town that changed that. Her son said they would never get away with that where he lives. Even in Jerome cars are not allowed to park on the road when there is a snowstorm you must remove your cars from the road. Why can’t we do that in Windber. Why can you do it in one place and not another. Do we have different rules? Mr. Bloom said rules are good for those who want to follow them. Mrs. D’Arcangelo asked if Mr. Bloom had read all those property management rules. Mr. Bloom said yes, he can recite it forbadem. She said you can go in there and fine them for that. Mr. Bloom said that is his point, the fines don’t matter. He could give you a case of a couple of different people paying over \$7,000 for grass and a \$10 a month payment for the rest of their life.

Mr. Holden told Mrs. D’Arcangelo we are doing everything we can. Mr. Bloom is by the book, and it is not as easy as it was years ago when they could throw people out. We must follow the legal system. Landlords and tenants exploit the legal system, they appeal or get a \$10 payment on a \$7,000 bill. Somerset County controls the taxes and we are trying to build relationships with them. Mrs. D’Arcangelo said that’s where you have got to go. She asked if there is anything they can do in Windber? Can any of us do anything to change that.

Mr. Bloom said the borough did just enact Act 90 and that is why now he doesn’t just condemn houses. If you condemn a house, it must be condemned for two years before you can do anything about it. So, if the day before the two-year mark you paint the siding of the building that stops all legislation for another period.

Act 90 also has a section in there regarding people who owe back taxes or repeat code violators. Let's say this is your 9th time you go to the magistrate for a codes violation you are going to do jail time. If you owe the borough back taxes, you do not get to buy anymore property. All this is new.

Mr. Panetti said why can't we rehab some of these properties? Mr. Bloom said because of the census drop we lost \$90,000 in CDBG funding so we must find money elsewhere. Mr. Holden said that all goes back to people not filling out the census or are transients and do not care. Mr. Holden said we are doing the best we can.

Mr. Portante said jobs are the most important thing. There used to be steel mills and now they're gone, and houses are empty. People who work at the hospital are not going to live in Windber, they come from Richland or Johnstown. We are losing people because we are losing jobs.

Mr. Holden said that is why economic growth and blight go hand in hand. Mr. Portante said we have been talking about economic development for 20 years. Mr. Holden said we are doing the little things that will lead up to the big things.

Solicitor's Report

There were no reports at this time.

Codes Enforcement Report

There was no other information.

Ballroom Update

Mr. Holden said they are still waiting for windows to be delivered. They should be delivered within the next week. CNC Construction will be painting the outside of the ballroom and we are looking at the colors for the inside. Structurally there had to be some repairs to some of the main joists to support the weight.

Mr. Panetti asked where we stand financially with the grants and money for the project. Mr. Holden said we are on track and have received donations from Berwind and Bill Bahorik and a possible donation in the future.

Approval Scapes n Shines

A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve Scapes n Shines Cleaning for the ballroom (\$25 an hour). Roll call vote: Mr. Pallo, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, no; Mr. Portante, no; and Mr. Rummel, yes. Motion carried.

Resolution Ballroom

A motion was made by Mr. Rummel and seconded by Mr. Portante to approve Resolution 2022-8 amending Ordinance No. 2021-2 submittal of the ballroom business plan. Remarks; Mrs. Gates said there were nine conditions in the beginning that the Office of the Budget requested. The resolution for the business plan was one of those conditions and what they need is the actual figure to be mentioned in the resolution and it was not so we have to amend it through this resolution which includes the actual monetary amount of one million dollars.

Attorney Green said it is a resolution amending a previously agreed on resolution. Mrs. Gates said it is about how it was worded. Motion carried.

The council convened to an executive session at 7:37 p.m. for personnel and contractual matters.

The council reconvened from executive session at 8:30 p.m.

Approval Bloom Agreement A motion was made by Mr. Mash and seconded by Mr. Pallo to approve the contract for Codes Enforcement Officer Anson Bloom, with the requested revisions that were discussed in executive session. Mr. Allison stated those revisions were as follows: to remove the term Fire Marshal from his title, change the use of his email address to the Windber Borough Comcast rather than Gmail and for Mr. Bloom to attend borough meetings. Motion seconded by Mr. Pallo. Roll call vote: Mr. Mash, yes; Mr. Pallo, yes; Mr. Holden, yes; Mr. LaMonaca, no; Dr. Ledney, yes; Mr. Portante, no; and Mr. Rummel, no. Motion carried.

Vasas Planning Commission A motion was made by Mr. Pallo and seconded by Dr. Ledney to reappoint Keith Vasas to the Planning Commission (4-Year Term) January 1, 2023 – December 31, 2026. Remarks; Mr. Portante asked if anyone else was interested in this position, Mrs. Gates said not that we know of, we have searched for people in the past and have had no luck replacing members to our commissions; past practice we have asked those involved if they would like to stay on and if so we add them to the agenda for council to approve or disapprove a new term. Roll call vote: Mr. Pallo, yes; Dr. Ledney, yes, Mr. Holden, yes; Mr. LaMonaca, yes; Mr. Mash, yes; Mr. Portante, yes and Mr. Rummel, yes. Motion carried.

Balchin Planning Commission A motion was made by Mr. Portante and seconded by Mr. LaMonaca to reappoint Michael Balchin to the Planning Commission (4-Year Term) January 1, 2023 – December 31, 2026. Roll call vote: Mr. Portante, yes; Mr. LaMonaca, yes, Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Pallo, yes and Mr. Rummel, yes. Motion carried.

Approval Civil Service A motion was made Mr. Pallo and seconded by Mr. Mash to table Ordinance No. 2022-7 establishing a civil service board. Motion carried.

General Fund 2023 Budget A motion was made by Mr. Mash and seconded by Mr. Pallo to approve the General Fund Budget for the Year 2023 in the amount of \$1,850,431.62. Remarks: there is no tax increase for 2023. Roll call vote: Mr. Mash, yes; Mr. Pallo, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Portante, no; and Mr. Rummel, yes. Motion carried.

Sewer Fund 2023 budget A motion was made by Mr. Portante and seconded by Mr. Mash to approve the Sewer Fund Budget for the Year 2023 in the amount of \$206,800.00. Roll call vote: Mr. Portante, yes; Mr. Mash, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Pallo, yes; and Mr. Rummel, yes. Motion carried.

Next Meeting Next council meeting will be on January 9, 2023. A workshop will be set up in the near future with the public and some of the landlords to discuss the new ordinance regarding inspections.

**Council
President**

The Council President, John Holden wished everyone a Merry Christmas and a Happy New Year. He said it has been a heck of a year. It started out with a new manager, then the 125th Centennial Celebration lead by Robin, Anson, Mike, Patty Adamczyk and the entire staff. The celebration was beyond compare. We have Mayor Mike's involvement in the Somerset County Borough's Association and Attorney Green's litigation work.

Mr. Holden thanked the council and said they are not always going to agree but they come together to make the tough decisions. He thanked the fire department, Robin, Cheryl, Rose, public works, the police department and Andy and Dan and Dan HitsheW, WAVE and all our volunteers.

Adjourn

Meeting was adjourned at 8:50 by Council President John Holden.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant