

Borough of Windber Council Meeting
Minutes of August 14, 2023
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, Joe Pallo, and Rich Rummel. Ron Mash, Dr. Doug Ledney and Mark Portante were absent. Ron Allison, Borough Manager, and Mayor, Mike Thomas, were present. Attorney Joseph Green was present.

Approval Minutes A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve the Minutes of July 10, 2023, meeting. Three absent, Dr. Ledney, Mr. Mash and Mr. Portante. Motion carried.

Recognition Visitors Alan Ott said he wanted to talk about the conditions of some of the homes in our area. He questioned the council as to what they are doing about them. He said last September Mr. Bloom had said that he and the solicitor were looking into ordinances regarding property maintenance, and he has not seen anything more about it since then. There are a lot of unsafe buildings in our area. He lives on Baumgardner Avenue. There are stairs falling down, concrete is broken, garages where the foundations are falling apart, siding falling off, and windows with plastic over them instead of glass.

Mr. Holden asked Mr. Ott if he has specific addresses? Mr. Ott said he does. Mr. Holden said they were working on a landlord/tenant ordinance at the end of last year and we still have that proposal and are refining.

Codes/Zoning Officer Anson Bloom said there are currently 61 homes in the borough tagged, meeting blight criteria. Mr. Bloom said we just did 12 and we are out of money right now.

Mr. Ott said the ones he is speaking about are privately owned houses. Mr. Bloom said correct but 39 of them are owned by landlords. Some of them from the same landlord. There have been three attempts and three failures to try and get ordinances regarding landlords and how they keep their properties. Seventeen of these homes are in litigation. We are out of money to demo, and he is working on another grant to take down another 12 houses, but we just spent \$84,000 to do that this year.

Mr. Bloom said it is an ongoing uphill struggle. Mr. Ott gave Mr. Bloom a copy of his list of homes he was questioning. Mr. Holden said we take these issues seriously and Mr. Bloom follows the letter of the law, and the law is wrapped up in red tape.

Mr. Bloom said all you have to do is make an attempt. For example, there were 84 grass notices last week. If you cut the back yard and not the front yard, then he must wait another two weeks because you make an attempt. If you fix one window and file a hardship complaint it doesn't matter what you do, the judge sees that as an attempt.

Mr. Ott said he does give him credit, 1601 was taken out of taxes and is being fixed up. Mr. Ott said at Baumgardner and 17th Street there is no street sign there. Manager Allison noted that.

**Julie
Sulosky**

Julie Sulosky commended the borough on how well they took the house down on Stadium Drive.

She said she understood about the houses and making an attempt because there are four houses on her street. They attempted to mow the grass. One house is rented from Rizzo, but that house is a total mess. It is horrible and they have kids. Mr. Bloom said he spoke to Dom about that last week. Mrs. Sulosky said there are shrubs there and you cannot even drive around them.

Mrs. Sulosky asked why Windber Ambulance would come around that corner instead of going down Route 56 to get to her father-in-laws at 4:30 a.m.? They came around that bridge instead and around that curb is terrible. Mr. Bloom asked if they came over the bridge? Mrs. Sulosky said yes.

Mrs. Sulosky said back when all this construction started on her street, they asked if Stadium Drive would be shut down during football games because of the traffic backup pulling in on both sides of the road. Here we are in August with football beginning on August 26, 2023. They used to close the streets down at the end and they would go around by Rizzo's and pull up the side of the street and park which narrows the street preventing fire trucks from passing through.

Mrs. Sulosky said they told people if they wanted to pull in their yard then they would have to pay \$10 to park there. She asked why they should do that when the other streets are legal? Is the borough going to do anything this year before football season starts?

Manager Allison asked Chief Frear if they could post that there was no parking for football games. Chief Frear said if you want to post it you can post it. Mrs. Sulosky said it was like that 10 years ago. They would block that road and you could not even go down it. She remembers you could not come down the street and would have to come in from 21st Street down. Then the traffic from the other schools would just park and last year they had to call the police because they were throwing their cigarette butts and beer cans into their yard. They asked them to please leave, and they started cursing at us and it just got worse.

Mr. Bloom said you can post it and it will have to be covered under ordinance for any type of enforcement.

Mrs. Sulosky said back when they did the sewer project at her house, her and her husband paid all the fees, which was \$26,000, but just across the road the borough stated they would pave or gravel that section. Manager Allison said we are down a person on the borough crew, and we will get to it when we can.

Mrs. Sulosky asked if the borough could take care of those properties down there, that would be great! Mr. Holden thanked Mrs. Sulosky for speaking.

**Ed
Marcinko**

Mr. Marcinko said he wants to talk about the ATV's and dirt bikes that are transitioning to the alleys, roadways, and boney piles in the Borough of Windber. Its still random hours throughout the night whether it is p.m. hours or a.m. hours they are still coming through. They are still up and down the road. The latest episode he caught last Saturday two quads straddling the center yellow double line holding hands motoring straight down the whole way down Railroad Street as far as he could see.

Mr. Marcinko said he has been doing some research and he knows large cities have had issues with nuisances and all that. They categorize them as the A, B, C's and take appropriate measures. He has done further research on the internet and one of the cases he found goes all the way back to 2017. A small little town named Mill Haul Pennsylvania which he is using as his example here. According to the 2020 census their population was 1,479 people, so it is a smaller borough than Windber. What they did was their borough council, with an appropriate vote, managed to put in a ban on those vehicles.

Mr. Marcinko said we can't stop them because of the fact you cannot catch them on those vehicles to do any citation or anything towards what they are doing as far as a nuisance. According to the research he found a borough did put through a ban on ATVs, and dirt bikes. They also added snowmobiles, mopeds and scooters and other motorized recreational vehicles. It did not affect motorcycles and they did put in exceptions for emergency vehicles and emergency cases. In the case of an emergency, they could use one of those types of vehicles.

Manager Allison asked what Mr. Marcinko meant by ban? He said we already have that; they are not allowed to ride on the public streets. Mr. Holden said it is enforcement that is the problem. He said he ran into the same issue on Park Avenue near his house. The only way to enforce it is to catch them. He does not know if catching them on a ring camera outside your house if that will hold up. Chief Frear said yes if you can identify them. Manager Allison said you must testify also. You must have a witness. Mr. Holden said ring cameras have night vision. Mr. Marcinko asked if they would capture the necessary video content we need?

Mr. Bloom said if you go with a ring doorbell setup they are generally triggered by motion. They usually only have a 15 second window. If you go and get a security camera like he has at his house he can set it to record for one minute, or two minutes. So whatever triggers it you set the amount of content you want to record on it. The camera's he has is relatively inexpensive, but the picture clarity is crystal clear.

Mr. Marcinko said the only complication with that would be they wear helmets so it would be just the bike rather than the person. Mr. Bloom said everyone in this town knows everyone's business so when you start putting out the traffic, they are going to tell you.

Mayor Thomas said last winter they had an incident on Railroad Street and a pile of them came down Railroad Street and went to Sheetz and the police pursued and they ended up getting caught. There were five or six of them. Mr. Marcinko said it is the same six or seven people that are ruining it for everybody. There are quite a few that transition the alley and they go up and they go slow, not silent but respectable.

Mr. Holden said he has the same at his house. He doesn't care if they ride up the street but not revving it the whole way up because they have elderly people and pets up there.

Mr. Gyurik said he had the same problem and ever since he filed a complaint, they have had a couple of stragglers, but it is not the same as it was. Mr. Bloom said the other problem is our ordinances need to be updated to make the fine worthy of imposing. Chief Frear said they can not ride on private property unless they have permission from the owner.

Correspondence

1. Minutes of the Windber Area Authority's May 10 and June 14, 2023, Meeting.
2. Conemaugh Valley Conservancy Newsletter.
3. PSAB Update.
4. Letter from concerned residents of 22nd Street.
5. Rosebud Mining Blast Plan Notification.

Approval Payroll

A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve payroll for July 14 & 28, 2023. Three absent, Dr. Ledney, Mr. Mash, and Mr. Portante. Motion carried.

Approval Bills

Mr. Rummel said he had a question regarding the bill for Yoder Landscaping \$6,987.60. At that price do we have to bid something like that? Manager Allison said there were two separate invoices. Mr. Rummel said we always say, "Why Not Windber". He said he didn't even know who Yoder's were other than they were from Johnstown.

Mr. Rummel said he saw Frank DiLoreto from DiLoreto Landscaping and asked him if got a call from the borough for a quote for landscaping and he said no. Mr. Rummel asked why we did not have a Windber landscaper do this. Manager Allison said he started down the list, and he asked for quotes. We asked for quotes and Yoders was the fastest and most available. If we want to bid everything out, we can do that. Mr. Rummel said when he proceeded with the conversation with Mr. DiLoreto, Mr. DiLoreto said that's good to know because when that car ran into the island on 12th Street, he only charged the borough \$800 and told them to keep the rest of the money. So, he did us a favor and we did not even call him.

Mr. Rummel said we only asked Yoder's to look at the ballroom and that really ticked him off. Manager Allison apologized and said we have weddings coming up in September and October and they were the only ones that could do it right away. Mr. Rummel said that is \$7,000 that is not serving Windber but is now in Johnstown.

Mr. Allison said he begs to differ we were running out of time, and he was using his own time running around and speaking to landscapers and the first available was what he was taking so he could meet these deadlines. Mr. Rummel said Mr. DiLoreto did not get any phone calls about that. Manager Allison said he started with a list of available people and when he found one that was available, he went with them. If he wasn't under a time constraint, he would be able to put out for quotes/bids of that nature.

Mr. Gyurik said if you use that Penn Bid that they use at Penn Highlands College. There are considerable savings when you use that. You save money on a \$600 newspaper ad. It automatically puts the word out to the contractors it deals with. Mr. Allison agreed with him. There were things that were not thought about when this ballroom was put together that has now fallen in his lap to get completed so whatever resource he can draw from that is what he was doing.

Mr. Holden said Mr. Gyurik had mentioned Penn Bid to him when we were looking for someone to paint the ballroom. We did not have to use that because Mr. Allison was able to get the prisoners to come up and paint it for free. Manager Allison said the one bid they got for painting was for \$27,000. Mr. Holden said all it cost us was for paint and materials.

Mr. Gyurik said the other good thing about using that is the contractors post their bids online and that saves you time. Mr. Holden said the landscaping at the ballroom and in the driveway, area is critical that it is done. We have a benefactor that is going to put the driveway in. They already had it measured, and they are waiting to get the bid back. They are going to pay for it so we must have the landscaping completed, so they can stake it out, put forms in, and concrete it.

Mr. Holden said there are a lot of moving parts that go on and he agrees with using Windber businesses but sometimes we must circumvent the process. Mr. Pallo said as far as the bid process is less than \$10,000 the manager can make the decision without them. Manager Allison said he believes that up to \$6,000 that was agreed upon here. He said the thing was if he followed any of the processes, he would have never completed it on time for the weddings.

Julie Sulosky asked if these contractors must have their own insurance because Yoders is a smaller company. Manager Allison said yes, they must have a certificate of liability insurance. She said she used Jeff Borischak, and he did wonderful work.

A motion was made by Mr. LaMonaca and seconded by Mr. Rummel to approve bills for July 2023. Three absent; Dr. Ledney, Mr. Mash and Mr. Portante. Motion carried.

**Cash Bal/
Treasure
Report**

There were no questions at this time.

Council Liaison Reports

**LaMonaca/
WMA**

Mr. LaMonaca said they talked about the Winter Wine Fest at the Windber Municipal Authorities July meeting which will be held on November 11, 2023.

He said the Municipal Authority's Attorney is trying to coordinate a good time for all to be present to meet with the borough. Manager Allison said they have been going back and forth through emails trying to find a date to fit all. He will give their Attorney a call this week.

Mr. LaMonaca said the Treasurer's Report is listed in their Minutes and part of correspondence.

There was nothing to report on their lawsuit with Selective Insurance.

**Holden/
Library**

Mr. Holden said the library did not have a meeting last month and they had their meeting Wednesday. He received an email with correspondence and emailed it to Robin for the next meeting.

Holden/ Fire	We are acting on the donation to the fire company. It is on the agenda. He commended Windber and Scalp Fire Companies for taking action on the accident on Route 56 today. A high-profile vehicle, a cement mixer rolled spilling its load today. It was a mess and took about seven hours.
Mayor's Report	<p>Mayor Thomas said he and his wife were invited and attended the VFW picnic last Saturday. They got to meet the widow of James Crew. James was a bombardier and navigator during the Vietnam War and was declared Missing in Action on November 10, 1967.</p> <p>Mrs. Sulosky said World War II Veteran Clyde Gindlesperger was also there.</p>
Manager's Report	<p>Ballroom-The DOC completed the stain on the Ballroom except for the upper window areas and just above the porch. This will be completed by Boro employees. Yoder Landscaping completed the areas immediately in front including shrubbery, soil, and mulch. Work is ongoing to complete the circle with a flagpole that had been donated and is in shipping. The assistant coordinator has resigned and there is a need to hire a replacement for this position. There is also a need to add a part-time groundskeeper/set up assistant as the current will be cutting hours without full commitment. Without these positions it will be impossible for the coordinator to fulfill her obligations in her position.</p> <p>Stadium Drive/22nd & 24th St-The property at 200 Stadium Drive has been demolished. I'm currently discussing possibilities and options with EADs and Pen Dot on how this affects the 22nd St bridge project. No further information currently.</p> <p>BELLAS- Completed</p> <p>Road Crew- There is a need to add one part-time employee to the Road Crew, one member is still on w/c with no definitive return date. The current part-time help will only be able to help with snow plowing during the season and possibly with some of the grass cutting assignments as needed after August.</p>
Codes Report	<p>Mr. Bloom said there are alterations to the report. Today the American Polish Educational Club dropped the application off for a driveway curb cut, which needs approval by council. They want to make a driveway off 7th Street and exit in the alley. There were two houses they purchased and demoed to make that a parking lot.</p> <p>Mr. Bloom said he also has two things from the Planning Commission. The first is a subdivision between Margaret Gray and Nate Gray at 1505 Somerset Avenue. That was approved by the planning commission to split the property and the plans are here.</p> <p>The second one is a land merger. James DeBiase 2604 Jackson Avenue is making four parcels into four reconfigured parcels. That was also approved by the planning commission.</p>
Solicitor's Report	Solicitor Green said he has some items to go over in executive session.

Ballroom Report	Manager Bloom said in addition to Mrs. Smalley's Report he met with a contractor today. There were some odds and ends with doors not functioning properly and handrails loose. They took care of that today, so hopefully moving forward we will not have any further issues.
Visitors Mike Sotosky	<p>Mike Sotosky said he was hoping Dave Petrunak and Barry Jerley would've have been able to be here tonight with him. They wanted to thank council and Robin who is always a phone call away and ready to help, Chief Frear and the on-duty officers for the assisting with the event they held on July 21st "Crowds" Memorial Windber Twilight Cruise.</p> <p>Mr. Sotosky said they didn't spend a dime on advertising. They advertised on social media. It was just something they wanted to do for Bob Giesel. The cruise turned out to be something rather special and we might be onto something here. It was not a formal event, and the borough allowed us to block off 15th Street up to the railroad tracks, which was great. It had quite an economic trickle-down effect based on the amount of people in town.</p> <p>We did not know what to expect for a first-time event and we all know there is a learning curve, and we learned a lot. So, him being here on behalf of some of Bob Giesel's friends and stuff is the segway into, hopefully, we can approach you guys' next year about doing it again and even involving some of the businesses.</p> <p>It's not really a formal event so it has no overhead. The advertising scheme of it is just come to Windber, have a good time, park, walk around to the Jerley garage, the legion, or Mimo's and that is exactly what happened.</p> <p>Frostburg does something like this and it is absolutely huge. We will never be able to duplicate theirs, but he thinks there is something here, an attraction to Windber.</p> <p>Mr. Holden thanked Mr. Sotosky, Mr. Jerley, and Mr. Petrunak for what they did in bringing the people together on a car cruise.</p>
Approval Donation	A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve the \$45,000 donation to the Windber Fire Company to be used towards payment of Rescue 611. (As budgeted). Roll call vote: Mr. LaMonaca, yes; Mr. Pallo, yes; Mr. Holden, yes; Dr. Ledney, absent; Mr. Mash, absent; Mr. Portante, absent; and Mr. Rummel, yes. Motion carried.
Resignation Meden	A motion was made by Mr. LaMonaca and seconded by Mr. Rummel for approval to accept the resignation of Jeffrey Meden from the Windber Borough Police Department. Three absent, Dr. Ledney, Mr. Mash and Mr. Portante. Motion carried.
Part-time Laborer	A motion was made Mr. LaMonaca and seconded by Mr. Rummel for approval to advertise for a part-time laborer for the public works department. (\$13.70/hr.) Three absent, Dr. Ledney, Mr. Mash, and Mr. Portante. Motion carried.
Part-time Maintenance Ballroom	A motion was made by Mr. LaMonaca and seconded by Mr. Rummel for approval to advertise for a part-time Maintenance/groundskeeper for the ballroom. (\$13.70/hr.) Three absent, Dr. Ledney, Mr. Mash and Mr. Portante. Motion carried.

Part-time Assistant Event Coordinator	A motion was made by Mr. LaMonaca and seconded by Mr. Rummel for approval to advertise for a part-time Assistant Event Coordinator for the ballroom. (\$11/hr.) Three absent, Dr. Ledney, Mr. Mash and Mr. Portante. Motion carried.
Storage Unit	A motion was made by Pallo and seconded by Mr. Rummel to approve to pay for storage unit fee of \$3,000 out of Capital Improvement Fund. Roll call vote: Mr. Pallo, yes; Mr. Rummel, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, absent; Mr. Mash, absent; and Mr. Portante, absent. Motion carried.
	The council convened to an executive session at 7:50 p.m. for police and personnel.
	The council reconvened from executive session at 8:24 p.m.
Emergent Action SRO	A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to perform emergent action in hiring an SRO officer Brandon Fatula for the Windber Area School District, pending physical, psychological, and background check. Remarks: Solicitor Green said the reason this is emergent is that we do not want to lose this officer because school is starting in less than two weeks. Roll call vote: Mr. Pallo, yes; Mr. LaMonaca, yes; Mr. Rummel, yes; Mr. Holden, yes; Dr. Ledney, absent; Mr. Mash, absent; and Mr. Portante, absent. Motion carried.
Next Meeting	The next council meeting will be September 11, 2023, at 7:00 p.m.
Adjourn	Meeting adjourned by Council President, John Holden at 8:37 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant