

**Borough of Windber Council Meeting**  
**Minutes of October 30, 2023**

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, and Rich Rummel. Mark Portante was absent. Ron Allison, Borough Manager, Mayor Mike Thomas, and Attorney Joseph Green were present.

**Recognition** There were no visitors.  
**Visitors**

**Approval** Mr. Holden said the reason we called this special meeting was largely due to the urgency of  
**Police** leasing the police station We need to review the lease agreement and potential purchase  
**Station** agreement so Attorney Green can enter collaboration and discussion with the solicitor from  
**Agreement** the owner of the police building.

Attorney Green said he has the lease. It is a three-year lease. It is \$3,040.00 a month. It is basically the same as the old lease. The only contingency is it requires a downpayment for the purchase of the building.

Attorney Green said the owner wants \$300,000 for the building. We believe we have a grant for \$100,000 and a donation for \$100,000. The owner will finance \$100,000 for five years at 5% interest. That payment is \$1,800/\$1,900 a month for five years. Mr. Holden said it would cut our liability by 40% from the lease agreement and reduce our monthly agreement from the current lease by about 25%.

Attorney Green said he has everything worked out. He has it all put together and there may be some small details but all the major components of both the lease and sales agreement are in place so we can move to approve.

Attorney Green said the only thing he would caution; move to approve, get it signed and hold it until we can have either a grant come through or a donation come through. Mr. Holden said the grant application required a copy of the bill of sale? He said that is where the sales agreement came into this discussion. The lease expires at the end of the year, and this is why we had to get this moving. If the grant takes a while to come through or the benefactor gets tied up in red tape that is where the lease contract comes into play.

Mr. Holden said initially the lease agreement is paramount to be approved because it expires at the end of this year and moving forward, we need the bill of sale to submit for the grant.

Attorney Green said from what he understands the grant has already been awarded but before they can pay it out, they need to see a copy of the appraisal and sales agreement. Mr. Mash asked if that award was in writing and Attorney Green said yes, that is what Chief Frear told him. Mr. Mash said it makes him nervous if we do not have it yet and what happens if there is no benefactor? Manager Allison said that is why we need the lease in place first. Attorney Green said the only concern is we are putting \$30,000 down on the lease and if we can't come up with the rest of the money in three years, we could lose that. The sale must happen by September 30, 2024. If we must, he doesn't see a problem extending it if we have too. Chief Frear told him that as soon as they pass the state budget the money will be released. Attorney

Green said we can get a loan to pay the rest and it be less than what we are paying now. Mr. Pallo agreed.

Mr. Mash asked if the building we are purchasing is just the police station because someone else owns the auto parts store. Attorney Green said yes. Mr. Holden said if you drive past, it the first roll up garage door is where our space would stop. It is probably the last 25 feet of the building from the roll up garage door on Jefferson Avenue to the end by the Moose parking lot.

Manager Allison said on the inside there is a garage portion he estimated about 650/750 square feet. Enough room for three vehicles. Mr. Mash asked because he wanted to know if we would be on the hook for that half. Manager Allison said no they are sperate parcels.

Mr. Rummel asked if we must pick up the insurance while it is under lease and what about the taxes? Attorney Green said under the lease he pays insurance and taxes. When we buy it, we pay insurance and no taxes.

A motion was made by Mr. Rummel and seconded by Mr. Mash to approve the lease agreement for three years at an amount of \$3,040 per month. Roll call vote: Mr. Rummel, yes; Mr. Mash, yes; Mr. Holden, yes; Mr. LaMonaca, yes; Dr. Ledney, yes; Mr. Pallo, yes; and Mr. Portante was absent. Motion carried.

A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to execute an owner financed mortgage in the amount of \$100,000 at terms dictated by the seller at 5%. Roll call vote: Mr. Pallo, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Mash, yes; Mr. Portante, absent; and Mr. Rummel yes. Motion carried.

**Approval  
Pay for  
Right-of-  
Ways**

Mrs. Gates said PennDOT informed us last Friday that the borough must pay for the right-of-ways purchased for the 24<sup>th</sup> Street Bridge project. Once paid and proof of check cashed is submitted to PennDOT we will be reimbursed 95%.

Mrs. Gates suggested we use the money from the Capital Improvement Fund to pay for the rights-of-way and then we will reimburse the Capital Improvement Fund 95% once we receive it. The total approximate amount for the rights-of-way will be around \$20,000. We are not allowed to use money from the Liquid Fuels Fund to pay for them.

A motion was made by Mr. Pallo and seconded by Mr. Mash to approve paying for the six rights-of-way agreements for the 24<sup>th</sup> Street Bridge Project from Capital Improvement Fund in a amount of approximately \$20,000. Roll call vote: Mr. Pallo, yes; Mr. Mash, yes; Mr. Holden, yes; Dr. Ledney, yes; Mr. Portante, absent; and Mr. Rummel, yes. Motion carried.

**Next  
Meeting**

The next meeting will be November 13, 2023, at 7:00 p.m.

**Adjourn**

Meeting was adjourned at 7:20 p.m. by Council President, John Holden.  
Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant