

BOROUGH OF WINDBER
Borough Council Regular Meeting
Monday, March 11, 2024
7:00 p.m.

The Regular meeting of Windber Borough Council was called to order by Windber Borough Council President Richard Rummel, at 7:00 p.m.

Pledge of Allegiance

The following council members were present: Mr. Bahorik, Mr. Klonicke, Mr. LaMonaca, Mr. Moore, Mr. Pallo, and Mr. Rummel. Dr. Ledney and Solicitor Green were absent. Mayor Thomas, and Manager Allison, were present.

**Approval
Minutes**

Mr. Rummel said there were three changes to be made to the last page of the Minutes. Mr. Moore said no, on the motion to advertise for a civil service officer and to approve the rules and regulations of the civil service board. Also, the motion to advertise for the part-time officer was four yes and two no. Mrs. Gates noted those changes. A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the minutes with those changes. Motion carried.

**Recognition
Visitors**

Mr. Jerley said Miner’s Memorial Day weekend will be June 13-16, 2024. He said they will submit all the paperwork for the closure of the streets. They are asking for permission from the borough to hold the event. Mrs. Gates said it is on the agenda for approval. Mr. Jerley said they will also be having fireworks again this year. Mrs. Gates said she will get paperwork for that for Mr. Jerley.

**Barry
Jerley**

Mr. Jerley said the second item is approval of “Crowds” Windber Twilight Cruise, that will take place on Friday, July 19, 2024, from 5 p.m. to 10 p.m. He said it was really nice last year because people, road around town and ate at different places which spread it all out.

Mr. Rummel said he ran into some people at the legion, a Sandy Neri and a guy who was an old radio guy and he was asking if Windber could have an Alan Freed day. They said Windber never recognizes him. Mr. Rummel asked if it can be incorporated in with the cruise-in? Mr. Jerley said they can do that, and to have them call him.

Mr. Jerley said last year he gave approximately \$20,000 for the plate readers for the police department. He asked Mrs. Gates if she knew if there are updates every year to those. Mrs. Gates said she would imagine as is with any technology there would be. Mr. Jerley said to let him know because he would pay for those updates.

Mr. Jerley said he will be giving the funds for the police station as soon as they are released, hopefully this week.

Mr. Jerley said the property he owns on 18th Street originally had 13 lots at one time and he merged them when he purchased it. He said there is a 20-foot paper alley going through the center and he was wondering if he could purchase that off the borough.

Manager Allison asked him if there were any properties attached to it. Mr. Jerley said no. Manger Allison said we would normally abandon that, if Mr. Jerley could take care of the drawings, he would pass that on to our solicitor. Mr. Jerley said yes, he would.

Mr. Jerley asked Manager Allison if Chief Frear mentioned the police department doing the security again this year. Manager Allison said no, he did not. Mr. Jerley said it worked out well last year, better than the year before when they hired security guards. Miner's will pay the cost for the same hours as last year.

Cathie Beal Cathie Beal from Somerset Recycling said Pro Disposal has offered up two maybe three, 8-yard recycling bins to Windber for cardboard. The bins will remain, and Pro Disposal will come empty them two times a week and maybe three if necessary. They will have slots and locked on the top so the only thing that can go in is flattened carboard, both corrugated and paper board, which is your food stock boxes, cereal boxes, that sort of thing. So, nothing else should be able to be put in there, unless people get extremely creative.

Ms. Beal said the only thing she could see happening is if it is full and people leave it on the ground. Pro Disposal reached out and really wanted Windber. Manager Allison said if we see something we can obviously call them. Ms. Beal said Pro Disposal is building a huge recycling facility in Ebensburg.

Mr. Moore asked if they would just be doing cardboard. Ms. Beal said yes, it is Pro Disposal doing and she is asking. Cardboard is a big issue everywhere. Manger Allison said the location they looked at is up at the garage and there are cameras there at the location of where the bins would be put. He also spoke to the police chief about if someone is caught dumping up there, we will pursue it at the law enforcement angle. He recommends that the council vote in favor of this. He believes it is a good thing.

Ms. Beal said Pro Disposal can get your numbers by the end of the year that can be used when applying for a grant with DEP and you can increase some funds to do something else. DEP is encouraging municipalities to apply for these grants. She said she would be more than happy to help with the grant application.

Ed Marcinko Mr. Marcinko said the jake brakes are starting to come back with the trucks going to and from the mine. He knows we had a gentlemen's agreement that truck traffic is not to begin until 6 a.m. There is some sneaking through about 5:20 a.m. and they are cracking them going up to the mine. Some are around 5:40 a.m. Mayor Thomas said he has only heard one around 5:30 a.m. Mr. Marcinko said where they live up above, they are using the jake brakes around the S-curve. Mr. Marcinko asked the council to make mention to the mine or whomever.

Mr. Marcinko said another thing he wants to mention and is becoming more frequent with the nice weather is the dirt bikes and the quads are back up there. He said he was young once and he had dirt bikes growing up there but none of us are as bad as these guys. He said he followed them down Railroad Street the other day and he backed off when they hit 50 mph.

Mayor Thomas asked what time that was. Mr. Marcinko said it is after school lets between 2:30 p.m. to 5 o'clock. What they are doing is either coming straight up Railroad Street, through the allies or over the hill from the ballpark.

Mr. Marcinko said another thing he noticed them doing is they will park on the furthest bony pile and sit up there. Out of curiosity of what they are doing he looked with his high-powered

binoculars, and they are looking down into the houses and properties with binoculars. He does not know if they are watching when people are there or not there, but they are doing something.

Mr. Marcinko does not know what can be done about it, we've tried things in the past without any success. A lot of these bikes are the same repeat offenders. They have a loud modified exhaust, and they are loud. Normal dirt bikes you get the noise, but you can deal with it. They are working on a track on the side of the hill now going round and round and after about an hour or so it gets on your nerves.

Manager Allison asked if he could identify anyone. Mr. Marcinko said you can identify the bikes. He said there are some on Railroad Street that he let the Chief know about. The chief said you must catch them on the road or identify them.

Mr. Marcinko said the last thing he wants to bring up is our people up at the end of the street, the Maffeo's. Their herd is growing again. The last guess from one of the neighbors up there is that there are approximately 10 goats right now. He has not seen any of them out but from the road there are multiple animals in there again.

Mr. Bahorik asked what the goat issue was. Mr. Marcinko said they had 70 animals up there. Mayor Thomas said they had goats up there and we had to take them to court. It was a two-year battle with them. Mr. Marcinko said what is now working against us, is they have a go fund me page to help support them.

Mr. Bahorik asked if they were in a fenced area. Mr. Marcinko said before they were roaming down the road. Mr. Bahorik asked if they talked to the conservation district. He said he had worked in the conservation district for years and that is what he would encourage them to do. If they do not listen, then DEP gets involved and the Department of Agriculture.

Mr. Bahorik said it is going to end up being opened legally everywhere through the state for dirt bikes and side by sides. The best way to get rid of your problem is just to legalize it. What these kids do is they like to run away and have fun and mess with guys like Mr. Marcinko. If you make it legal there is no reason to go 50 mph and no reason for them to run.

Mr. Bahorik said within two years it is probably going to be legal in Windber Borough for side by sides and dirt bikes and that will be from the state level if we do not pass it the year prior, but they are talking that within the next year it is going to be legal through the state with a \$70 registration. If you are living in Windber Borough \$20 of that registration will go back to the borough for upkeep of things. It is going to be happening. If you go to Paint Township all their problems went away when they legalized it. No one is driving 100 mph.

Mrs. Thomas asked, will they be allowed to drive through people's yards. Mr. Bahorik said you are always going to have those people who break the rules. Mr. Serrian said what happens if a juvenile gets hit by a car coming out of an alley. Are these licensed drivers. Mr. Bahorik said they must be licensed registered drivers. He said once you legalize things people have no need to run.

**Todd
Koehler**

Mr. Koehler did not speak at this time.

**Jim
Serrian**

Mr. Serrian said he was here following up on the information he gave council last month on the Innovative Insulation business on Jackson Avenue. He said he filed a Right to Know Request. He asked for all the records that authorized permission of that business to be there. What he got was an incomplete request. We have nothing. The only thing he did receive was regarding the shed he considers invalid because the name of the business needs to be on those applications not Shaun or whomever he is. Sure, he may be the principal owner, but the applications are for the business.

Mr. Serrian said he guesses our codes enforcement officer said he would permit it as long as they followed these guidelines. He spelled it out for them. Mr. Serrian said he barely followed any of them. Manager Allison said what Mr. Serrian has right there is all we have. Attorney Green said everything he has is in there and the business is 100% legal.

Manager Allison said he would defer this discussion until Attorney Green is here to explain everything. Mr. Serrian said he is not an attorney and if you read what FEMA said there is nothing that should be permitted to be in there. That field is not in compliance. It is hard and packed with rock, the only thing that should be in there is soil and small stone. The reason for that is because if there is a wash out it will end up on the homes downstream. That's why it's dirt.

Manager Allison said that complaint would go to DEP. Mr. Serrian said he is afraid that is where it is going to go. It's going to DEP and FEMA. They will be down on that street. Manager Allison asked isn't that what you want. Going back as far as our original conversation, this is a DEP issue. Mr. Serrian brought up Manager Allison's email because he brought it to his attention that there are hazardous materials down there. He has someone in our community who is an extremely reliable source who told him the borough was aware of this when Jim Furmanchik was the borough manager. Mr. Furmanchik spoke to that individual when he was down on the other end of Jackson Avenue down by the high school and he said you need to get out of here you can not have these materials in the neighborhood.

Manager Allison said he cannot answer questions as to what Mr. Furmanchik did or didn't say back when. Mr. Serrian said the person he spoke to knows it for a fact. So, you can't be on this end but you are permitted to be on the other end of Windber so that is why he set up shop there.

Mr. Serrian said he appreciated Manager Allison's assistance, but he has 15 days to file an appeal and since this is incomplete, he will need to do that. He will also have to get an attorney and go the other route. Manager Allison asked Mr. Serrian what information he was looking for because that is all he has to give him. Mr. Serrian said if you have employees showing up in the morning then you are running a business, legitimately running a business, that needs to be rezoned. Manager Allison said he does not debate that at all. He said there are two people coming in the morning and get in a truck and leave. Mr. Serrian said that does not matter. Manager Allison said that is why he is deferring this till Attorney Green is here. Our attorney told us what he is doing is perfectly legal from a zoning standpoint. Not to say DEP may have something to say about it.

Mr. Serrian said, "what about working in a floodplain we must adhere to those regulations. Manager Allison said he is referring this to our Attorney to discuss next week.

Correspondence

1. Minutes of the Municipal Authority Meeting of January 9, 2024.
2. Minutes of the Windber Area Authority Meeting of January 10, 2024.
3. Email from Somerset County Borough's Association announcing first meeting date will be April 18, 2024, at the Somerset Country Club.
4. Report from PA Municipal Code Alliance.
5. Easter Egg Hunt will be Saturday, March 23, 2024, at 10 a.m. in Miner's Park.

Mr. LaMonaca said he had some information for the council that he left in his car from the Windber Municipal Authority that he will present to council.

Approval Bills

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the February 2024 bills. One absent, Dr. Ledney. Motion carried.

Approval Payroll

A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve payroll for February 9, 23 and March 8, 2024. One absent, Dr. Ledney. Motion carried.

Cash Bal./ Treasurer Report

Mr. Rummel asked about Line Item # 410.131 Part-time Patrolmen's Salary is at 50% of that line-item budget already. Mrs. Gates said we lost a 32-to-39-hour officer and the part-time patrolmen are making up that difference. If it gets close to 100%, we will take the rest out of the 32/39-hour officer's line item.

The other line-item Mr. Rummel asked about was 410.220 Maintenance Services. He said there was 50% on that one also. Mrs. Gates said that line item is for maintenance agreements for things of technology like their radios and computer programs and such which hit at the beginning of the year.

Mr. Rummel asked about the line item for the transfer to the bridge account. Mrs. Gates said the money for the bridges comes into the General Fund and then is transferred to the Bridge Account to make those payments. It is an in and an out item.

Mr. Rummel said the transfer to the Ballroom Account money is still in the General Fund. Mrs. Gates said she is holding off on that until we need to transfer it.

Council Liaison Reports

Fire Dept./ Bahorik

Mr. Bahorik said Windber Fire Company is looking to merge with Scalp Fire Department. Last he heard Scalp Fire Department was waiting for Windber to show them their books to see if it is feasible to merge or let it run its course.

Library/ Rummel

Mr. Rummel said there is nothing new with the library. They are doing good.

Mayor's Report

Mayor Thomas attended a meeting of the Somerset Boroughs Association Officers. The purpose of the meeting was to set the county wide dinner meeting locations and dates, along with other business that had come up since the last meeting.

Mayor Thomas was honored to be the guest speaker at the Windber Fire Department annual banquet. This event honors those that reached milestones in calls answered the previous year, along with any other outstanding individual achievements.

He also participated in the Sewer & Water meeting, held here in the Council chambers on Feb. 26, 2024.

On March 5th Mayor Thomas attended a tabletop exercise at the Johnstown Cambria County Airport. The exercise will be live on Sat. May 18th at the airport. The scenario will involve an airplane heading for take-off fully loaded with fuel, and passengers. This drill will test the readiness of local first responders and EMA.

Manager's Report

Workshop- March 25, 2024, at 6 p.m. there will be a workshop in council chambers to further discuss current conditions of the Borough Sewage System and challenges moving forward. There will be a representative from EAD's there to discuss options with a responsible program.

Sewage Work Graham/15th St- Going back to December 20, 2023, there has been an ongoing issue with sewer back up. Two attempts have been made to correct the situation and both times it has failed. We are going to camera the area and attempt to find a solution to this problem in the next few days. We may have to close Graham Avenue to complete the project. PENNDOT has been informed and we do have permits in place for emergency projects.

Zoning/Codes- (Executive Session)

Road Supervisor- (Executive Session)

Solicitor's Report

The solicitor was not present.

Event Coordinator Report

Manager Allison said we do have 13 weddings now scheduled for this year.

Mr. Rummel said regarding executive sessions he reached out to see if we had to have a motion for executive session and we do. We also need to list the reason for executive session.

A motion was made by Mr. Moore and seconded by Mr. LaMonaca for the council to convene to an executive session at 7:48 p.m. for reasons of personnel and litigation matters.

A motion was made by Mr. Moore and seconded by Mr. Bahorik for the council to reconvene from executive session at 8:05 p.m.

Approval Fundraiser

A motion was made by Mr. Klonicke and seconded by Mr. Bahorik to approve Chris Miller of Miller Martial Arts to hold a fundraising event on June 29, 2024, and to close the road from the alley behind his business to Graham Avenue. One absent, Dr. Ledney. Motion carried.

Approval WMA Member

A motion was made by Mr. Pallo and seconded by Mr. Bahorik to approve Robert Kolson to the Windber Municipal Authority for a five-year term. (five-year term/expires 1/1/28).
Remarks: Mr. Moore said it says it is a five-year term but ends 2028.

Mr. Pallo said that is because he is finishing out someone's term. One absent, Dr. Ledney, motion carried.

Approval Subdivision/Merger A motion was made by Mr. Klonicke and seconded by Mr. Bahorik to approve the subdivision/merger for Barry and Elizabeth Jerley as recommended by the Windber Borough Planning Commission with conditions. One absent, Dr. Ledney. Motion carried.

Approval Donation Miner's Day A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to donate \$500 to the Annual Miner's Memorial Day Weekend Celebration June 13-16, 2024. One absent, Dr. Ledney. Motion carried.

Salt Shed A motion was made by Mr. Moore and seconded by Mr. Bahorik for approval to seek grant money for the deteriorating conditions/repairs of the salt shed. One absent, Dr. Ledney. Motion carried.

Replace Truck A motion was made by Mr. Bahorik and seconded by Mr. Klonicke for approval to place the diesel truck out for bid/trade and replace it with a new truck completely outfitted. One absent, Dr. Ledney. Motion carried.

Team Leader A motion was made by Mr. Klonicke and seconded by Mr. LaMonaca to approve Roger Price to be team leader until positions resolve in the rank. (60-day evaluation period). One absent, Dr. Ledney. Motion carried.

Recycling Dumpsters A motion was made by Mr. Bahorik and seconded by Mr. Pallo to approve placement of two dumpsters at the public works shed for cardboard recycling. One absent, Dr. Ledney. Motion carried.

Miner's Day A motion was made by Mr. Bahorik and seconded by Mr. Moore to approve the Annual Miner's Day Memorial Weekend. Closing of roads will be June 13 – 16, 2024, the following street closings include Graham Avenue (SR 160) from the intersection of Jefferson Avenue to 13th Street. On Sunday June 16th the street closing will extend to 12th Street to accommodate the Car Show. In addition, the closing of 15th Street from Graham Avenue to the alley before the railroad tracks beginning on June 13th to June 16th. Mr. Jerley will need to fill out the event packet and obtain approval from PennDOT to close Graham Avenue. One absent, Dr. Ledney. Motion carried.

Cruise A motion was made by Mr. Bahorik and seconded by Mr. Moore for approval of "Crowds" Twilight Cruise Friday, July 19, 2024. One absent, Dr. Ledney. Motion carried.

Next Meeting The next council meeting will be April 8, 2024, at 7:00 p.m. There is a workshop on Monday, March 25, 2024, at 6 p.m.

Adjourn Meeting adjourned by Council President, Richard Rummel at 8:10 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant