

**BOROUGH OF WINDBER**  
**Borough Council Regular Meeting**  
**Monday, July 8, 2024**  
**7:00 p.m.**

The Regular schedule 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. Klonicke, Mr. LaMonaca, Dr. Ledney, Mr. Moore, and Mr. Rummel. Mr. Bahorik and Mr. Pallo were absent. Attorney Green, Mayor Thomas and Manager Allison were present.

**Approval Minutes** A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the Minutes of June 10, 2024, meeting. One absent, Mr. Pallo. Motion carried.

**Visitors** Ed Marcinko told the council that the dirt bikes were back with a vengeance on Railroad Street. There are three dirt bikes and one side by side. They are open pipe and super loud. There are others that transit through that behave and there are no problems. It is just these three bikes and one side by side that are terrible and loud.

**Ed Marcinko** Mr. Marcinko said the second item he has is his neighbor has an issue and he witnessed it. His neighbor's property is 707 and 705 Railroad Street. 703 was then purchased. The people that live at 705 have a no trespassing sign on the building yet the people who purchased the 703 residence keeps parking in his driveway. He called the police and told them they cannot park there. The Windber Police showed up, one cruiser showed up and the officer got out and asked the gentleman why he was in the driveway. The gentleman told him the driveway was on his deed and was his property. It's not.

Attorney Green said that is a civil matter not a municipal matter. Mr. Marcinko said he is just saying though that once the officer heard that he jumped in his car, and he left. Manager Allison said that is what he must do. Mr. Marcinko, said the owner, called the police again and this time two officers showed up. After discussion both vehicles that were parked in that driveway left then.

Mr. Marcinko said with his incident the realtor who is trying to sell 713 and 715 Railroad Street has her clientele parking in his yard. He said he explained to her and showed her where her property line is. He had to tell her the property line was up there and not in his yard. Mr. Marcinko said his concern is, is someone giving out the wrong information. He said the property at 703 was listed with a lot of square footage, and it is a small lot.

Manager Allison said we do not have or give that type of information out and we don't even know when a property will go up for sale. We only get lien letters from realtors asking if there are any liens on the property. Surveys and Civil Court is where these matters end up Manager Allison said.

Mr. Moore asked if a person goes on to your property are you saying you cannot get the police to remove them for trespassing. Mayor Thomas said they could be cited.

Attorney Green said if you are certain they are trespassing then yes. Mr. Marcinko said they have been told numerous times and the building is posted. Manager Allison said there is a difference between a civil property line dispute and a defiant trespass. Mr. Moore said if a person is on your property and will not leave that is a trespass. He said if you have a survey and you can prove it is your property then cite them.

**Rodney Lough**

Mr. Lough said he noticed on the news that people find the Pittsburgh regional area is highly desirable to move to. Real estate prices are very affordable at the time we area living at now. He came up with a few ideas to entice people to come to our area. Every home and business should generate tax revenue for the benefit of the borough.

Mr. Lough passed out folders to the council, mayor, solicitor and manger of some ideas he has for council to look over and if they would like to speak about this later we can. The council thanked him for his time.

**Dave Palko**

Mr. Palko said he had asked Manager Allison about marking the sewer line. The lot is cleared and he wants the sewer marked to put up a 40' x 60' garage. He said someone told him there is a terracotta sewer line that runs from the blue house down through his property.

Manager Allison said if it is the blue house he is thinking of, the lateral runs straight out their property and down underneath the street. Mr. Palko asked if he was saying there was no sewer line that goes diagonally. Manager Allison said the main may, but he can't imagine it would be on Mr. Palko's property without an easement. Manager Allison said the easiest way to do this is to call in a PA One Call and all the public utilities must answer that. He is also pretty sure public works was up there and made some marks and he will talk to them about that in the morning but if you are ever in doubt make a PA One Call.

Mr. Palko said a couple of months ago he brought up about two culverts, one on 17<sup>th</sup> and Hillside and one on the lot, that are sinking. He said if Manager Allison would get a hold of him one of these days they can go down and look at it. Mr. Palko gave Manager Allison his contact information.

**Emeril Petula**

Mr. Petula said he wasn't sure if this was appropriate for this council, but he was curious whether they are going to purchase that facility in Ashtola? Council told Mr. Petula that is the school board not Windber Borough.

**Correspondence**

1. Conemaugh Valley Conservancy Newsletter.

**Approval Bills**

A motion was made by Mr. Klonicke and seconded by Mr. LaMonaca to approve bills for June 2024. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

**Approval Payroll**

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the payroll for June 14 and 28, 2024. Two absent, Mr. Bahorik and Mr. Pallo, motion carried.

**Engineers  
Report**

1. 22<sup>nd</sup> Street Bridge Project
  - a. Working on Line and Grade (L&G) submission.
2. 24<sup>th</sup> Street Bridge Project
  - a. Let Date December 12, 2024
3. 17<sup>th</sup> street Sidewalk Replacement Project - RASC
  - a. Berkebile Excavating Co., Inc.
    - i. On schedule, over 50% complete.
4. Stormwater Management Program (SWMP)
  - a. PRP Projects - need completed per MS4 Permit
    1. Stream Restoration - 100 linear feet
    2. Vegetated Swale
5. PENNVEST Sewer Project
  - a. Replacement of approximately 31,000-ft of existing sewers.
  - b. Total Project Cost estimated at approximately \$15,000,000
    - i. Engineering Agreement
      1. PENNVEST submission must include completed design and approved permits.
  - c. Schedule:
    - i. Fall 2024: Act 537 Plan Update, Uniform Environmental Review, CCTV
      1. Program Directives needed to complete these tasks
    - ii. Winter 2024-2025: Survey & Mapping
    - iii. Spring 2025: Begin Preliminary Design
    - iv. August 2026: PENNVEST Submission (Tentative)
6. Multimodal Transportation Fund (MTF) Program
  - a. Need Resolution to apply for grant.
    - i. Can request 30% match be waived.

**Multimodal  
Grant  
Resolution**

A motion was made by Mr. Klonicke and seconded by Mr. LaMonaca to approve Resolution No. 2024-1 for the Multimodal Grant. Remarks: Mrs. Gates said the estimated amount for the Resolution is likely going to increase. We will need to approve the Resolution with the correct estimation amount of the project once the final number is obtained. We will be replacing sidewalks in Midway behind Miner’s Park and streetlights and poles on Graham Avenue. Several of the poles are lifting out of the sidewalk. Mr. Bahorik and Mr. Pallo were absent, Motion carried.

**Cash Bal./  
Treasurer  
Report**

Mr. Moore asked about the loans on the back of the Cash Balance Report. He asked if these were all the loans that we have. The Graham Alley Project Loan will be paid off in 2024. Mr. Moore asked when that one was started. Mrs. Gates said she believes the last project was in 2016. He then asked about the 2016 PennVest Project. Mrs. Gates said the 2016 PennVest Sewer Project was part grant and loan. Mr. Moore asked if it was a grant why did we get a loan. Mrs. Gates said because part of that project was eligible to receive grant money and the rest was a loan.

Mr. Moore asked about the General Fund CD if that was a loan. Mrs. Gates said no, that is a CD. Mr. Moore asked if the Somerset Trust loan was for the ballroom. Mrs. Gates said yes.

Mr. Moore asked if the Police Technology grant was a loan. Mrs. Gates said no it is a grant and that is just showing you the balance left to be spent in that grant.

Mr. Moore asked if the new PennVest Project we are doing will be a grant. Mrs. Gates said part will be a grant and the other part a loan.

Mr. Moore said the last page of the Treasurer's Report shows expenses of \$2,151,427.07 and on page 2 we have a budget of \$2,031,650.66 which is less than our expenses. He said this figure is less than our expenses how are we making this up. Manager Allison told him we still have taxes and income coming in for the rest of the year.

## **Council Liaison Reports**

### **WMA/ LaMonaca**

Mr. LaMonaca said the last Wings n Waves Event will take place on July 18, 2024.

### **WAA/ Dr. Ledney**

Dr. Ledney said WAA is actively collecting and reviewing data that is necessary for the completion of the water service inventory that is required to be submitted to DEP. They are conducting inspections of water service lines at their point of entry into structures. Everyone will be receiving the letter in the mail. In lieu of inspections you can also complete the online survey. It only takes a few minutes.

### **Library/ Rummel**

Mr. Rummel said there was nothing new to report about the library.

### **Mayor's Report**

1. On June 15<sup>th</sup> and 16<sup>th</sup> Mayor Thomas participated in the Miner's Memorial Day celebration. This included giving the welcoming remarks before the parade and participating in the parade.
2. June 20<sup>th</sup> President Rummel and the Mayor attended the Somerset County Borough's Association Dinner Meeting at the Meyersdale Elks. Steven Spochart, Director of the Somerset County Redevelopment gave a presentation on how boroughs and townships can receive grants to help remove blight and do other projects in their town. Mayor Thomas said he had the electronic version of that in his email if anyone wants it, he can send it to them.
3. Sharlene McCoy from Somerset County Emergency Management Agency did a presentation on a new program being started by that agency. The program is called Somerset County Community Organizers Active in Disaster (SC-COAD). This is a volunteer organization and community based. It is in addition to the Emergency Management Services. If anyone is interested in participating in this program Mayor Thomas can give them the contact information.

### **Manager's Report**

**Public Works-** Public Works continues to struggle in keeping up with the grass cutting responsibilities and could use one or two seasonal employees. The new truck order is in progress. He will be meeting with a Costars Dealership in the coming weeks for a trade/purchase proposal. I hope to have the new truck in service by winter.

**Ballroom-** The Ballroom continues to book events. Currently we have a light duty employee assisting with maintaining the building and setups. The Event coordinator and Assistant are a constant on the weekends with events and preparations throughout the week.

**Paving Projects-** Public Works and I met with Laurel Asphalt. It was discussed that a catch basin was needed on the Graham Avenue portion across from Conjelkos to fully address the water laying in this area. After the 4<sup>th</sup> of July holiday the paving projects will be completed.

**MS4 -** I will be meeting with EADS on a restoration project requirement with the MS4 Permit to meet compliance. This meeting will be to discuss the project scope and the budget necessary to achieve compliance.

**Executive Session-** Workman's Compensation, Labor Contract.

Mr. Moore asked Manager Allison if he could tell him exactly what we have to mow in the borough. Manager Allison said we maintain a list of those properties; we must mow so that a lien is put on them for payment if they are sold. Mr. Moore said so we mow borough properties, and delinquent properties too. Manager Allison said yes. Mr. Moore asked how many days a week they mow grass. Manager Allison said that depends if we have a catch basin to install, that is a priority, and we get behind on grass. If we have a town event, we try to keep up with it before the event.

Mr. LaMonaca asked about a house on 8<sup>th</sup> Street with high grass. Mr. Rummel said he had stopped there, and no one answered but he would go back again. Manager Allison said this is a good example of a property we may end up having to cut. Mr. Moore said everything here is we are overwhelmed and we are getting ourselves in such a hole. He said when he talks to other municipalities, they don't keep handing out raises or hiring people. Why do we have that problem. Mr. Allison does not feel we are overspending on the budget, it is a personnel issue if we do not have enough people to get it done.

**Solicitor's Report** Attorney Green said we are set to close on the police station August 31<sup>st</sup>. We got a donation of a hundred grand and a grant for a hundred grand and about \$92,000 that the owner is going to mortgage for us at 5%. We should just keep paying them what we are paying in rent now and we should have it paid off in about 24 months. Attorney Green said he must draw up a draft settlement statement for DCED and then they will release the grant money.

**Codes Report** There were no questions on the code's report at this time.

**Ballroom Report** Mr. LaMonaca was concerned by looking at the treasurers report that we are losing money. Mrs. Gates said we are not in a hole. Since this is our first year running the ballroom we did not complete a budget for the Ballroom. What you do not see in the treasurer's report for 2024 is the carryover from 2023. Mr. Moore said he was concerned about the Ballroom. Mrs. Gates said we started a business with no start up money. Manager Allison said none and we were lucky to get a huge donation to purchase our tables and chairs.

**Approval Storage unit** Manager Allison said in the basement of our building we house the Christmas decorations. The condition in the basement is very humid and there could be mold down there with the smell. He would like to get those decorations in a secure location and get the basement looked at and taken care of, so we do not ruin those decorations.

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve a storage unit to be paid for by the Capital Improvement Fund in the amount of \$3,100. Roll call vote: Mr. LaMonaca, yes; Mr. Klonicke, yes, Mr. Bahorik, absent; Dr. Ledney, yes; Mr. Moore, yes; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

**For the Fallen Run** A motion was made by Mr. Klonicke and seconded by Dr. Ledney to approve the “For the Fallen Run” August 2, and 3, 2024. Two absent, Mr. Bahorik and Mr. Pallo. Motion carried.

Motion made by Mr. Moore and seconded by Mr. LaMonaca for the council to convene to an executive session for personnel and legal matters at 7:50 p.m. Two absent, Mr. Bahorik and Mr. Pallo. Motion carried.

Council President, Rich Rummel reconvened council back in from executive session at 7:50 p.m.

**PennVest Agreement** A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the Agreement for PennVest Application. Roll call vote: Mr. LaMonaca, yes, Mr. Klonicke, yes; Mr. Bahorik, absent; Dr. Ledney, yes; Mr. Moore, yes; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

**Summer Help** A motion was made by Dr. Ledney to approve summer help for grass cutting. There was no second. Motion dies from lack of a second.

**Resignation** This approval to accept the resignation of Officer Lupton was tabled.

**Misc.** Mr. Rummel said the Windber Municipal Authority put in surveillance cameras at the community building. They asked us to help cover some of the expenses. He said it is up to the council to decide if they want to pay some of it, all of it, or none of it. Mr. Moore said it is our building.

Manager Allison said we have an agreement with the Municipal Authority. We gave them \$45,000 startup and our agreement was to turn recreation over to them. If they can't stand alone or want out, they must give it back to us. We are not financially responsible for their operation. Attorney Green said this has been a point of contention and for the last couple of years the thought process was they are to stand alone.

**Next Meeting** The next meeting will be a workshop at 6 p.m. followed by a regular council meeting. An email will be sent to the council as a reminder.

**Adjourn** Motion made by Mr. Moore and seconded by Mr. Klonicke to adjourn at 8:20 p.m.

Respectfully submitted by:

Robin S. Gates,  
Administrative Assistant