

BOROUGH OF WINDBER
Borough Council Regular Meeting
Monday, August 12, 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, Dr. Ledney, Mr. Moore, Mr. Pallo, and Mr. Rummel. Attorney, Joseph Green, Mayor, Michael Thomas, and Manager, Ronald Allison were present.

Approval Minutes A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik to approve the Minutes For July 8 and July 22, 2024, meetings. Motion carried.

Recognition Visitors Steve Napora who lives at 2601 Cambria brought with him supporting evidence that the Borough is the actual owner of the alley behind his house. Attorney Green reviewed the evidence and agreed. He said Mr. McAfee of 2603 Cambria must remove the “No Trespassing” signs and trees that he planted in the alleyway. Manager Allison will contact Mr. McAfee.

Mr. Marcinko said his neighbor does not have his dogs on a leash or obey the leash laws. Manager Allison said Captain Croyle was there and handled the issue. Mr. Marcinko said he had heard they were paying a hefty fine.

Correspondence

1. Windber Municipal Authority Report.

Approval Bills A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the bills for July 2024. Motion carried.

Approval Payroll A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve payroll for July 12 & 16, 2024. Motion carried.

Approval RFP	<u>Bank</u>	<u>Fee</u>	<u>Interest Rate</u>	<u>Term</u>
	AmerServ	\$2,200.00	5.95%	58 interest only
	Slovenian	\$ 750.00	5.75%	59 interest only
	First Commonwealth	\$1,000.00	4.99%	36 interest only

Attorney Green said he reviewed the RFP’s today and it is like comparing apples to oranges but it looks like Slovenian Savings and Loan is the best rate and best term.

Attorney Green said First Commonwealth, while they have a great interest rate, has a loan origination fee of \$1,000 which adds a percentage to the interest rate, and they only go out 36

months interest. The other two banks went 58 and 59 months. Slovenian only has a \$750 loan origination fee and an interest rate of 5.75%.

Attorney Green said once you approve the loan institution, he will send that down to Shaun Garin in Pittsburgh and he will start the DCED paperwork. That takes about 45 days.

Attorney Green said so everyone is aware we need this money to get the engineer started and we only pay on what we draw down.

A motion was made by Mr. Klonicke and seconded by Mr. LaMonaca to approve the Request for Proposal from Slovenian Savings and Loan. The Loan Origination Fee will be \$750, at 5.75% with 59-month interest only. Roll call vote: Mr. Klonicke, yes; Mr. LaMonaca, yes; Mr. Bahorik, yes; Dr. Ledney, yes; Mr. Moore, yes; Mr. Pallo, yes; and Mr. Rummel, yes. Motion carried.

Engineer Report

Mr. Ferrante said they plan on starting the specifications for DCED in September, then the beginning of October they will begin working on the Act 537 Plan and UER. They would like to have that submitted mid-October.

Mr. Ferrante said we will need to have another workshop in a couple of weeks to discuss existing laterals and lateral replacement to see what the council wants to do.

Mr. Moore asked if this was going to correct our problems forever. Mr. Sewalk said that is what needs to be decided as far as the private side/customer side. The borough's lines will be fixed and in good shape for 50+ years. The private side is where a lot of I & I come from. We will talk about that and make that decision so we can move down the line with specs for that decision. If you have people pressure test, then it should be good forever unless they change something in their house.

Manager Allison said what we currently have are terracotta pipes which are not going to pass the test. Until we take that head on, we are going to have I & I, and it is going to be a problem. In the areas we are going to do his suggestion would be to pressure test every one of them at those points. The areas that we already have been in the past we can look at point of sell or given a period of time.

Manager Allison said we are going to be faced with a lot of decisions. He is forming a committee to meet before council meetings moving forward. He reached out to council members who are not on committees already. Joe Pallo and Dr. Ledney did volunteer. If anyone else would like to join the committee let him know. Those meetings will take place before our regular council meetings. We can make decisions a little faster by getting information out there, so the council meetings go quicker. Mr. Rummel said they would like to be involved.

Mr. LaMonaca asked if there would be grants out there for the private sector. Mr. Sewalk from EADS said there are two PennVest loans and a grant Program through USDA that they put in a packet for council. The council can look it over in the next couple of weeks before the workshop.

Mr. Rummel said Scalp Level Borough’s meeting is tomorrow. Mr. Sewalk said Scalp Level Borough, and Mine 40 are going through the same thing. They hold public meetings at the fire hall every Tuesday at 6 p.m. Mr. Sewalk encouraged council members to attend but not all at once because they are doing their private thing, but you can hear what questions they have. Mr. Rummel said he will be down there tomorrow night at 6 but will only be able to stay till 7.

Mr. Sewalk said the Multimodal grant was submitted and the LSA Grant is starting September 1st and due November 30th. It is from \$25,000 up to one million. It can be used for many things like purchasing a truck or for a project. This money is from the state (the gambling money). It is a zero match, and these are out every year.

**Cash Bal./
Treasurer
Report** Mr. Moore pointed out the fee for the attorney regarding civil service meetings. He said he had asked if going to civil service was going to cost us anything. That is why he is pointing it out.

Council Liaison Reports

**Rummel/
Library** Mr. Rummel said he attended the library meeting last month. They were off the month before.

**Ledney/
WAA** Dr. Ledney had nothing to report.

**Bahorik/
Fire** Mr. Bahorik said the merger between Windber and Scalp is moving forward. They have invited other municipalities to attend the meetings. It sounds as though the EMS may be taken over by Conemaugh. They are in bad shape right now.

**Mayor’s
Report** Mayor Thomas was invited to attend the Windber Area School District ESSA Stakeholder Engagement Meeting on Tuesday, July 9, 2024. The meeting brings together stakeholders from many areas of our community to give directions and discuss the ways that the district spends and allocates funds from the federal program.

Tuesday, August 6, 2024, Mayor Thomas participated and completed a PSAB Webinar titled DCED Municipal Assistance Program. The webinar explained what to do when planning projects that would qualify for DCED funding.

Saturday, August 10, 2024, Mayor Thomas was invited to the Windber VFW annual picnic at Recreation Park. He was honored to attend and interact with the veterans and their families.

Mayor Thomas said a few weeks ago Somerset County put out a list of back taxes owed to municipalities and school districts. If you look at the bottom line \$253,913.00 is out there, delinquent between the school, borough, and county. That is why we struggle to pay our bills sometimes.

Mr. Bahorik asked if there was anything we can do about that? Mayor Thomas said no unless you want to purchase them, and most have liens against them. Manager Allison said

sometimes just seeing them in the paper has made people step up and pay them off. Mr. Pallo said years ago it was put into the Windber Spirit and it was actually very effective.

Mayor Thomas said there is one property here in Windber that owes \$162,583.56 back taxes. What usually happens is they arrange payment through the council and pay one or two times and it starts all over again.

Manager’s Report

17th St. Sidewalk Project- The sidewalk project is now complete, and the inspections passed. There will be a drain added to a location along the right-hand side (outbound) to alleviate any water accumulation issues as discussed between EADs and the Contractor.

Public Works- Public Works spent the last month on maintenance to storm water catch basins repairing several, most notably the one on Jefferson Avenue near the Magistrates. Multiple storm lines were cleared and opened for regular maintenance. 18 PA One calls were answered, 60 cross walks were painted, 140 “fish” were painted at storm water catch basins for compliance with MS4 Permitting, and several curb lines were painted. All borough properties were mowed and cleaned as well as the delinquent properties.

The new borough truck is in process, and we received a trade in amount of \$17,750.00 that he negotiated with Tri Star. The remaining balance on delivery is \$30,395.58 on the new 2025 Chevrolet 3500 4X4. Delivery is expected in December/January

Audits- The Borough Administrative Office has undergone four audits this year, (3 year Liquid Fuels audit) (5 year Pension Audit) (1 year Workman’s Compensation Audit) and (2023 Annual Audit), Zero, none, 0 negative findings or remarks. Final closeout on Liquid Fuels is forth coming.

Ballroom- The Ballroom has been nominated to the top five “SIMPLY THE BEST” Wedding/Banquet Category, in the annual Tribune Democrat contest. I’m very proud of the staff for achieving so much with so little in the very short amount of time open. I strongly urge everyone to sign up and cast a vote for the staff and facility. The coordinator has been very busy signing events every week.

Solicitor’s Report

Attorney Green said the only thing he has is about the blinking lights for the school. PennDot drew us up a map. We have to put one pole on private property. The owner said we can do it but we need a survey of that little section so he can draw it out in an easement. Basically, it is the front line drawn and a box drawn from a surveyor. Mr. Sewalk from EADS said they would be able to create an easement for the survey in order for the borough to install the school zone sign.

Code Report

Mr. Mazurkiewicz introduced himself to the council as their Code’s Enforcement Officer from PMCA. They took over officially in January and have been working through the Borough Manager. There have been several issues. They mainly do a lot of zoning that comes through their office from the Windber community. We are into some enforcement now on nuisance property violations.

Mr. Mazurkiewicz said the reason he came here tonight was when they took over, there was a lot of information they did not have. We tried to gather what we could ordinance wise for enforcement. He has three primary ordinances; tall weeds and grass; neighborhood blighted properties; and abandoned properties. Those are the three primary ones they were handed.

Mr. Mazurkiewicz said he has had a few conversations with Attorney Green within the last week. He was looking to find or talk to the council about adopting a few more ordinances with some teeth regarding these property nuisance violations and to look at what the penalties would be.

Attorney Green was kind enough to tell him that Windber had adopted the International Property Maintenance Code. He needs a copy of that to work from. He really does not know what year the borough is following, and this would give him some additional teeth.

Attorney Green said we are using the 2016 edition. Mr. Bloom he believes amended it to 2020. Mr. Mazurkiewicz asked Manager Allison to see what he can find because right now those three ordinances are not that stringent. He is working on five cases that were given to him. A couple of them were closed and some are at 904 Vincent Street, 2919 Jackson Avenue, 711 Graham Avenue and there are two properties on 17th Street.

Mr. Mazurkiewicz said again with the ordinances he is working from, they are weak, and he is struggling to put the violation notices together and if he can get some additional help from what the borough has on the books, we may not need to adopt anything additional. He sent some examples to Attorney Green of examples of what some other municipalities are using. They are decent violation ordinance activities that they have adopted. He thought in maybe a good idea for the borough to look at them, but the property maintenance code may be our answer to other issues with properties in poor conditions.

Mr. Rummel said he would like to see the examples Mr. Mazurkiewicz sent to Attorney Green. Mr. Mazurkiewicz said he would email them to the Borough Manager. He said the fines are up to \$1,000 on some of the examples. The local magistrates have been interesting to work with also as far as their willingness to fine folks. He does believe we can do some things to strengthen the position of the borough. It is not going to be a money maker but to keep your community in better condition.

Mr. Mazurkiewicz said we are just starting into this partnership we worked out with borough council, so the activity with regards to property nuisances is not a lot right now in comparison to some of the other communities. He will send those examples to the borough manager.

Mr. Rummel asked what properties we can put liens on. He asked, can we use Ed's cost as a municipal lien. Attorney Green said he would see although he does not think it would be a municipal lien. Manager Allison said right now if we do maintenance on a property we can put a lien on it.

Mr. Mazurkiewicz said one of the challenges is when these properties are an LLC. We try our best to work through this. Manager Allison said if he is not available when he comes to the borough office the girls can open anything he needs to see. Mr. Mazurkiewicz said he is working three days a week now and Jeff Shaffer will be working on Windber Borough's area.

Ballroom Report There were no questions at this time.

Discussion Mr. Rummel said he was approached by a couple residents regarding the operation of golf

Golf Carts

carts on public roads. Senate Bill 785 was passed making it legal for golf carts to travel for up to one mile on a public road at night.

Mayor Thomas said there are two different kinds. One goes faster than an LSV regular golf cart. He said this is going to be a complicated thing to enforce. Mr. Rummel asked if it was legal. Can someone in Windber ride down a street right now. Attorney Green said yes within one mile.

Chief Frear said electric golf carts have been out for a while, and he found that out after he had pulled someone over in one. He called a friend of his and they looked up the section allowing electric golf carts on the streets. He said he does not doubt that they passed a bill allowing gas ones or propane ones to do it but the only thing he found were the electric ones. The only thing he could find was the bill passed in the senate, but it was not signed by the governor.

Mr. Moore asked where we stand with these electric bicycles. Are they allowed on the street? Chief Frear said we do not have a designated space for them like Johnstown so they can be on the road or the sidewalk.

Chief Frear believes the golf carts accessing public roads are just for the electric ones. They have not received any updates through the police department.

Mr. Rummel asked how we move forward with the golf carts now. Manager Allison said there is an important note under 77A02, Section D, basically erases any liability the borough has. It states that liability may not be imposed on the department or any other state agency or any political subdivision of this Commonwealth as a result of designating any crossing over any highway as a golf-cart crossing as provided under subsection (a).

Manager Allison said it sounds to him that any liability falls upon the driver as it would in any other case with a vehicle. He asked Attorney Geen if we would be liable if someone came down a borough street and for some reason it is too low and they make a turn and they hit someone. Attorney Green said no.

Chief Frear said he has not seen the actual law signed by the Governor. Mr. Rummel asked the council if they wanted to pursue this, waiting for a law, how long will it take. Mr. Bahorik said to allow it and make people happy for a change. Mr. Rummel said, "we will look into it." Mayor Thomas said we should investigate it a little bit further. Chief Frear said for them to remember this does not include a state route.

Attorney Green said they must be registered, have helmets, turn signals, mirrors and lights, etc. Mr. Rummel said we will look into it.

Mr. Rummel said there is a meeting in Berlin on Wednesday. He cannot attend it, but the commissioners are going to be there. Mr. Bahorik said he will go and there is going to be a state push for legalizing side by sides on the trail through Somerset County. There is a certain trail coming up through Windber that could go up Graham over to Verla. He is not sure of the logistics yet. The meeting is at 6 p.m. at Berlin Grove. There will be a lot of municipal officials there. Chief Frear said they would not be able to go up Graham Avenue. Mr. Bahorik said the state is pushing for passage to make it a legal route.

Mrs. Thomas asked how the state was going to patrol this. Some areas do not even have police officers. She said just the other day she saw a vehicle towing a quad down 160. Mr. Bahorik said they don't have a lot of trouble in West Virginia, and it is generating a lot of money. Mrs. Thomas asked who was going to clean up litter and such. Mr. Bahorik said it will be DCNR maintained. Mrs. Thomas disagreed.

**Bishop
McCort
Event**

A motion was made by Dr. Ledney and seconded by Mr. Pallo to approve Bishop McCort to "Paint the Town Teal" to promote Ovarian Cancers annual event. Motion carried.

A motion was made by Mr. LaMonaca and seconded by Mr. Moore for the council to convene to an executive session for personnel matters at 8:10 p.m. Motion carried.

Council President, Rich Rummel reconvened council from executive session at 9:05 p.m.

**Police
Officer**

A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve to hire Mark Anthony Meek as a 32-to-39-hour police officer. He is currently in the Police Academy at Penn Highlands. Windber Borough will pay the tuition of \$6,500 in which 75% will be reimbursed back to the borough through MOPETC. Roll call vote: Mr. Pallo, yes; Dr. Ledney, yes; Mr. Bahorik, yes; Mr. Klonicke, no; Mr. LaMonaca, no; Mr. Moore, no; and Mr. Rummel, yes. Three no and four yes, motion carried.

Attorney Green said we may need to look at that contract because this person was originally sponsored by Ferndale Borough. We are basically buying him out of that contract. Ferndale Borough before he is hired buys him a uniform and a vest because it can take up to six months to get a vest. Manager Allison said if they leave before a certain time they must pay the money back.

**Next
Meeting**

The next council meeting will be September 9, 2024, at 7 p.m.

Adjourn

Meeting adjourned at 9:10 p.m. by Council President, Rich Rummel.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant