

**BOROUGH OF WINDBER**  
**Borough Council Regular Meeting**  
**Monday, September 9, 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, and Mr. Rummel. Attorney, Joseph Green, Mayor, Michael Thomas, and Manager, Ronald Allison were present. Dr. Ledney and Mr. Pallo were absent.

**Approval  
Minutes**

A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik to approve the Minutes for August 12, 2024, meetings. Remarks: Mr. Moore said at the last meeting the alley was questioned at the McAfee residence. It was his understanding that the borough was going to go up the next day and tear everything out and it was not done. Manager Allison said nothing was torn out yet due to a discussion with Mr. McAfee, the property owner who is sitting in the gallery and would like to speak to council tonight.

Manager Allison said after speaking to the borough attorney, before we remove anything it is going to cost taxpayer money for a survey and after that is done Manager Allison will see what Mr. McAfee placed in the alleyway and he will have it torn out.

Dr. Ledney and Mr. Pallo were absent, Motion was carried.

**Visitors**

Marty Washko from Scalp Fire Company and Chief Jamie Bloom from Windber Fire Company spoke to the council. Bob Statler handed out a printout of slides titled Fire & EMS Update. Mr. Washko said the first three slides were basically disclosing studies conducted over the past few years that the number of volunteers are declining, however, the number of calls are increasing.

Mr. Washko said the first slide primarily deals with fire, but they all talk about consolidation and merger, which are ways to resolve shortages of personnel and funding. They talk about municipalities, focus on fire services, monetary needs, and so forth. They must look at the risk they are willing to assume if the fire company cannot respond as quickly as they used to. These studies are out there, and you can find them on the internet.

**Windber &  
Scalp Fire  
& EMS**

Mr. Washko said the third page deals primarily with EMS which has the same issues, where there are consolidations taking place due to a shortage of manpower, funding, and some are closing.

The fourth slide is Corporations and Locations:

1. Windber Fire and Northern EMS are located at 1620 Somerset Avenue, Windber and serves Windber Borough, Ogle Township, and Paint Township.
2. Scalp Level – Paint VFD has two locations: Station 1, 807 Main Street, Paint Borough and

Station 2, at 104 Mill Street, Benson Borough and serve Paint Borough, Scalp Level Borough, Benson Borough, Paint Township and Quemahoning Township.

3. All non-profit charitable corporations.

#### Merger Status:

1. Began discussions in May 2024.
2. Both Departments have voted to pursue a merger.
3. Each Department has a merger committee working out the details.
4. The plan is to merge with one corporation surviving and one not surviving the merger.
  - a. If WFD is to be the survivor, then the merger can be ASAP.
  - b. If SLP is to be the survivor, then a merger cannot occur before Northern EMS Services transfer to Conemaugh Township EMS in December.

#### Working on Finance and Budget:

1. Regardless of whether there is a merger, the departments need to identify a reliable source of income to sustain services.

#### Cost of Everything Continues to Increase.

1. Turnout Gear \$3,200 per set. In the 70's the cost was around \$700.
2. Self-contained breathing apparatus (SCBA) \$8,500.
3. Portable radio \$3,900.
4. Engine > \$850,000. In 1970 \$35,000 was the cost.
5. Ladder > \$1.3 million.

#### Fire Department Income Sources

1. Fund Raising Activities and Events
  - a. Raffles
  - b. Bingo

#### Fund Drives

1. Two mailings to residents and businesses in service area.
2. Federal, State and Private Grants
3. Municipal Sources
4. Donations

Competition for discretionary money continues to increase.

#### Summary

##### Number of Volunteers Continues to Decrease

1. Taken together, the many tasks performed by a decreasing number of volunteers only exacerbates the problem and overwhelms those who remain active.

##### Mergers and Regionalization will Continue

1. Even then, studies show municipal financial support is necessary to sustain services.
  - a. Asking Municipalities for 3 mils starting in 2025.

Chief Jamie Bloom said some of the points Marty mentioned will be written out in the fund drive letter. The growing need with fewer and fewer resources.

If you look at every athletic event in town, they are looking for coaches and referees and the fire department is no different. They are dwindling in numbers and there are no new people coming in. The term volunteerism is a dying term. With that we must try to do more with less and that is why we decided to embark on this journey and merge forces with Scalp because as our numbers dwindle their numbers stay the same or dwindle too. Two are better than one so coming together is really the only goal.

Manager Allison asked how they got to 3 mils from municipalities. Chief Jamie Bloom said it is by law what is allowed to be given without doing a voter's passage right. Manager Allison asked if the number they actually need could be less than that? Chief Jamie Bloom said probably not because if you take things into consideration the Safer Grant provides paid firefighters. If we do not provide an alternative source to continue to pay them, once the grant expires, they are not going to have jobs. We have a \$900,000 tanker on order that is replacing a 1993 tanker that has issues every time we take it out on a call. It goes out of service.

The funding need is probably adequate where we are guessing we should be. The borough already generously gives us about a mil and a half so we would need another mil and a half that we would be asking for from Windber Borough. The same request is going out to all of the municipalities that both fire departments cover. Manger Allison asked how many mils they are paying right now. Marty Washko said Scalp Level Borough gives us about two mils plus donations. Paint Borough we do not get a milage but about \$14,000 a year.

Chief Jamie Bloom said Ogle Township is about half a mil currently and Paint Township gives about \$3,400 to \$5,000 for repairs. We submit the bill to them, and they pay them. Manager Allison said he just wanted to understand how we got to the milage rate and who gives what.

Mr. Moore asked how many paid firemen they have? Chief Jamie Bloom said they currently have three. Technically there are four because of how one was written is shared with EMS. There are two that come straight off of the fire department or EMS payroll and the other two positions are covered by the grant. Mr. Moore asked what the requirement was for them. Do they have to be at the fire department building? Chief Jamie Bloom said yes that is their place of employment. They have a 40-hour work week. Some work 4-10's and one work's 4-8's. We have them spread out during daylight hours, so we have at least one if not more people guaranteed to be there. That is the time when people's lives are the busiest.

Mr. Moore asked if they would object, if they ask for a disclosure of their financial statements. Chief Jamie Bloom said absolutely not. He said they can have them anytime they want them. He said Mr. Bahorik is the liaison to the fire company and they can give him that and he can bring it back to the council.

Mr. Bahorik asked if the two fire departments merge will they still have paid firemen. Chief Jamie Bloom said the grant continues throughout the balance of 2025. So, if we do not find an alternative source of funding solution by the end of 2025 that will expire. There is the chance we can write and extend the grant for two years. However, you must show progress to being self-sufficient and if there is no gain or show of progress, he can almost assure you, it will be denied.

Bob Statler said he has been here before discussing the ambulance service in Windber. With him is John Zellam the Assistant Manager for Conemaugh EMS. So, part of the merger process obviously Northern EMS as you see the ambulances driving around is a DBA of the fire department.

Mr. Statler said we explained to you earlier this year about the money issues and staffing issues and that we were looking at what the best options were for everyone. At that time the fire department was starting talks with regards to merger at the same time. We looked at it two-fold one was ambulance, and one was fire. The best option they came up with for ambulances was to go to Conemaugh Township and do a merger like what the fire department is doing. We are not going to run into any issues with billing or payroll. Insurance we worked out. We are slightly ahead of what the fire department is trying to do. We are trying to break free and make that merger easier. If the fire department kept the ambulance, we would have everything duplicated.

Mr. Statler said they met with Conemaugh EMS Board multiple times. We have an agreement that will go to Windber Borough to look at and sign. Conemaugh Township would take over the EMS portion and keep an ambulance in Windber. It may not necessarily be in our station; it could be at Scalps building but there will be an ambulance in the borough guaranteed. Some of the other situations we looked at could not guarantee an ambulance in the borough and Conemaugh was willing to work with us.

Mr. Statler said all our staff would be absorbed into Conemaugh Township EMS so it would pretty much be all the same people working here anyway. That again, is to cut some costs and we will be able to get rid of a couple pieces of apparatus and it will be a cost savings to insurance and workers compensation.

Manager Allison asked how many ambulances do we have here now. Mr. Statler said one that is staffed and then there are two additional spares. There will be one here definitely and a spare can float between the stations he is guessing depending on what we need.

The big problem as he said a couple of months ago was with the Medicare and insurance. They tried to adjust things, and the income is just not changing. Conemaugh was willing to commit five years guaranteed and then we will look at it after that.

Joe Zellam said Conemaugh Township runs two ambulances every day right now. In merging a staff between them will give them enough staff for both areas of coverage. Guaranteeing an ambulance here for coverage and for Conemaugh Township and the third will be staffed to flip between the two for coverage.

Mr. Zellam said merging companies or creating a different company is what makes it tough because you would need a new NPI number. To start billing Medicare from the start you could have a three-to-six-month delay in payment, and it can cripple a company. So, what the goal is, is to consolidate into Conemaugh Township EMS. Once we get a budget throughout the year and know how much income we have, we can change the name to a more regionalized ambulance name.

Mr. Statler said memberships will run out then the new membership will go to Conemaugh Township EMS. Mr. Zellam said their memberships run from February to February. Mr.

Statler said there's run from March to March. Mr. Zellam said obviously they will honor Windber memberships, and the rates will stay the same.

Mr. Statler said right now the current set up is Conemaugh is Northern's back up. Mayor Thomas asked what percentage of membership they receive. Mr. Statler said theirs is better than the fire department, it is around 25%. Mr. Statler said a lot of those come from the elderly, they make sure they pay for their membership, other people count on their insurance to cover it.

Mr. Moore asked what percentage they receive from people they bill? Mr. Zellam said they do in-house billing, and they bill their insurance first then it goes to your copay. The percentage of who pays, he can't answer that from the top of his head, but most people pay their copays and deductibles. Mr. Zellam said the membership will also reduce that copay or deductible by 50%.

Mr. Zellam said what we run into a lot of times is where we do not get payment from people that have a commercial plan where they receive their insurance check. What we do at Conemaugh Township narrows down what plans those are and who is keeping those checks, and he went into network with those providers. When in network you will see the payment right away.

Mr. Statler said the trouble is with Medicaid. If they transport someone with Medicaid that is an advanced life support bill, our average bill is \$1,200 for the trip. Medicaid through the state will pay us \$300 plus milage and that is it. Medicare right now the reimbursement is less than Medicaid.

Mrs. Gates said a couple of months ago her neighbor went into cardiac arrest. Windber was on a call, and they had to wait for Conemaugh, but Windber Fire Squad came right away. Mr. Statler said that will continue to some extent, they are working on that. Part of the problem with that is it is called Windber Response Service. Part of the problem is we do not have enough EMT's to provide that service. They do provide the service currently, but they do have a bunch of problems staffing them. Scalp currently responds to their cardiac arrests in their area, so someone is getting there with an AD and starting CPR.

Mrs. Gates said that was her concern because it took at least 20 minutes or so till the ambulance could get there. Mr. Statler said he has been a medic for a long time and the main thing is to get someone on scene fast doing CPR. Unfortunately, if that doesn't work an AD and all the medications and stuff, they do advance life support does not change it. It is the fact to get that CPR started early. Mrs. Gates asked if the squad that was out was the first responder? Mr. Statler said yes, and they are not planning on changing that. Mrs. Gates asked if the squad is part of the fire? Mr. Statler said yes.

Mr. Moore asked if they do fundraisers? Mr. Statler said they do the same thing as the fire department and compete with everyone else.

Mr. Rummel asked about state funding. Mr. Statler said they get state funding every year, but it is not a whole lot. The Fire Department gets about \$16,000 and the ambulance gets about fifteen. Mr. Rummel asked if there was any talk at the state level. Mr. Statler said there is talk. Mr. Bahorik asked if they would get more funding if they merged. Mr. Statler said if

they merged now, they would get three allotments. Mr. Washko said if we merge, we actually get less because of the formula they use. Mr. Statler said that's true it will actually decrease a little because of the formula they use.

Mr. Statler said there is talk at the government level which he has been part of. He said the politicians approved to double the funding in June and then turned around in July with the budget, they never funded it. Mr. Moore said he saw in the paper that municipalities and townships receive so much money from the state, but Windber wasn't there. Mr. Statler said it depends if your local representative wants to take credit for it or not. He said some use it for PR, but Windber gets it regardless of whether it is in the paper or not.

Mr. LaMonaca asked Mr. Statler if he thought in the future fire departments would be paid. Mr. Statler said he doesn't think the state or municipalities can afford it. He thinks it is moving towards combination like we are doing but it is not fair for small municipalities. Paid positions are coming up everywhere, more and more in the area. Richland and Westmont have paid guys during the week, so it is coming about more and more. It depends on whether the municipalities can fund it or not.

Mr. Zellam said every municipality is primarily responsible for naming your EMS and Fire Service. He is handing the agreement to Attorney Green to review because Northern will now be Conemaugh Township so a new agreement will have to be signed. It is a five-year agreement that is revisited every five years and resigned. Mr. Rummel thanked Windber Fire, Northern EMS and Conemaugh Township EMS for coming.

**Rodney  
Lough**

Mr. Lough said he had given council some suggestions on increasing tax revenue for the borough and wanted to know if council had any long- or short-term interest. Mr. Rummel said he wanted to call Mr. Lough but he did not leave a phone number on the paperwork he left there. Mr. Lough gave Mr. Rummel his contact information. Mr. Rummel will get in contact with him.

**James  
McAfee**

Mr. McAfee said he is new to the community. He moved into a house at 2603 Cambria Ave. He said he works 16 hour shifts as a corrections officer. He loves Windber and the community so far.

Mr. McAfee said he does have a small issue going on behind his property. He said he cannot locate his survey he had done on his house, but the borough is saying that their property is on his survey. He is asking the borough to do their due diligence and check that out. He is willing to do whatever. He has been working that since last year and the borough does not have to worry about any of the trees. It would be beneficial for the borough to add that on to the deed.

Mr. McAfee said he did plant a Colorado Spruce up there and two Thor Greens there to control water. When it rains there is a stream coming down from the hill there. If you have been on my property water builds back by the house and he was trying to do ramification himself there but one of the neighbors did not like one of the Thor Greens and therefore caused this issue. Mr. McAfee asked the borough to extend that property to him and he is willing to take care of it and the trees on it that need to come down. It would take him a year or two to do that. He said he would like to work with the borough.

Mr. Moore said he saw two trees in the alley why would it take two years to remove them. Mr. McAfee said there are three trees there and he is talking about the trees on the borough property. Mr. Moore said the neighbor can't turn around backing out of his garage. Mr. McAfee said he does not have a problem with that. Mr. Moore said he can't do it because that stuff is there.

Mr. Moore said he didn't understand why Mr. McAfee didn't have a survey if he just bought the place. Mr. McAfee said he does have a survey, but he isn't totally unpacked because he just bought the place. Mr. Rummel said this is a civil matter which is being looked at. Mr. McAfee asked Manager Allison to leave him a message if there is anything he can do.

**David  
Maddy**

Mr. Maddy wanted to see if anything could be done with the left side of his alley to the back. Everything bottoms out unless you're in a truck. The Med Vans are cut lower for wheelchairs. He already got turned down by the Somerset County Transportation Service. They will not pick him up any longer.

Manager Allison asked him if it needed to be patched. Mr. Maddy said on the left side there is a hump and about an 8-inch drop and everyone is hitting the oil pans and frames. The right side isn't so bad, as it still happens. He said he does not know if millings or hot ash will work but it is about an 8-to-10-inch drop and about 40 feet. Manager Allison said he will contact Mr. Maddy on Wednesday, and he will come up with public works and look at it.

**Pam  
Harkcom**

Mrs. Harkcom said she was here last August with her husband, and they asked for a sign for Baumgardner Heights, a street sign, "17<sup>th</sup> Street/Baumgardner". Manager Allison said he would get one.

Mrs. Harkcom said 1601 Hillside, the blue house council let the taxes go for those people to move in is a dump that has been brought into our neighborhood. Are there any ordinances that if they want to live in a dump, we do not have to look at it. Can they put a fence up. Mr. Rummel said we can't force them to put a fence up. Mrs. Harkcom said it has been over a year, there are cats now in their neighborhood. They had ducks and they had goats, but she is not sure if they are still there.

Mr. Rummel said there was a sewer issue there that was resolved. He said if she sees something she needs to call it in. Mrs. Harkcom said the ambulance, fire and police are there all the time. It has just totally uprooted our houses. That was a perfect block.

Manager Allison asked her to stop in and fill out a complaint form so that we can forward it to our codes and zoning officer in Somerset. Mrs. Harkcom said she would.

Mrs. Harkcom asked if there is an ordinance that garbage cans must be put away after garbage pick up because theirs sit out 24/7. Every day of the year and the lid is off and there is litter constantly flying out of the garbage cans. Mr. Rummel asked her to fill out a sperate complaint about that also. She said she would.

Mrs. Harkcom questioned, the lot beside it, why is he allowed to have junk cars. She does not understand why the borough lets some people, but not other people have junk cars. Manager Allison asked which lot. She said the lot that Dave Palko owns.

There are two cars there that have been there for over a year. Manager Allison said the same thing fill out a complaint form.

Mrs. Harkcom said when you are coming into Windber from McDonalds, and you go to turn on Stockholm Avenue there are bushes there and a small tree and you cannot see to make that turn. It needs to be trimmed back.

Mrs. Harkcom said when her husband was there last year, he gave a list of stairs that were hazardous for postal workers and delivery people. She has not seen anything done except to one house. She said when you come up Hillside Extension the house across the street has bricks piled up on his railing that it is not attached, the stairs are falling down. It's a mess. Mr. Rummel asked her to get the address and put it on the form and they will investigate it. She said okay and thank you.

**Todd  
Koehler**

Mr. Koehler had nothing to say at this time.

### **Correspondence**

1. Windber Municipal Authority Report.
2. Windber Area Authority Minutes of June 12, 2024
3. Windber Public Library Report
4. Letter from Attorney Michelle A. Tokarsky, regarding Dog Law
5. Richland Township Supervisors Letter.

Mrs. Gates said we received a letter from Richland Township Supervisors regarding a zoning hearing board meeting September 11, 2024, at 6:30 p.m. to hear the appeal or application of the applicant, Flood City Elite, Inc. to construct a 48,400 square foot commercial-recreation building, upgrade the existing baseball fields and construct a new field and provide for RV/Camper parking spaces

Mrs. Gates spoke to Tiffany Shomo and the camping spaces would be on the last field that was the old dog park and is currently used by large dog owners. The building will contain an actual baseball size field and be used for volleyball. Mr. Rummel said he will try and attend that meeting.

**Approval  
Bills**

A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik to approve the bills for August 2024. Question: Mr. Moore said he saw that one of our public works employees is getting certified for pest control. Manager Allison said this is for spraying weeds not insects.

Mr. Moore asked what UNUM was? Mrs. Gates said that is life insurance. Mr. Moore asked about the bills for Zimmerman's. He said there are towing, service call and vehicle maintenance on the invoices. There is also drive shaft and housing. Mr. Rummel said if it goes out, it goes out. They put a lot of miles on these vehicles. Manager Allison said those invoices are for all the vehicle maintenance for this year to date.

Mr. Moore said under liquid fuels it shows \$35,000 for A & H and Walker Sales and Service. Mrs. Gates said 35.431.000 is the line-item number not the amount and there is no bills under

liquid fuels for the month of August. Mr. Moore said he didn't realize that and apologized. Dr. Ledney and Mr. Pallo were absent. Motion carried.

**Approval  
Payroll**

A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik to approve the payroll for August 9 & 23, 2024. Dr. Ledney and Mr. Pallo were absent. Motion carried.

**Engineer's  
Report**

PENNVEST Sewer Project

Total Project Cost estimated at approx. \$15,000,000 to replace 31,000-ft of existing sewers mains.

Schedule:

- i. Utility Services Group (USG) started CCTV work today.
  1. Notification letters being sent to residents in project areas
- ii. Fall 2024: Act 537 Plan Update, Uniform Environmental Review
  1. EADS needs direction from Council on how to address private lateral connections by October 14, 2024, in order to avoid delays
- iii. Winter 2024-2025: Survey & Mapping
- iv. Spring 2025: Begin Preliminary Design
- v. August 2026: PENNVEST Submission (Tentative)

**Approval Debt Ordinance**

Attorney Green read the Ordinance Summary into record:

An Ordinance of the Borough of Windber (Somerset County, Pennsylvania) enacted September 9, 2024, and numbered 2024-1.

Formal Action Constituting a Debt Ordinance under the local Government Unit Debt Act.

Authorizing the incurring of Nonelectoral Debt by the issuance of a General Obligation Note, in an aggregates principal amount of eight hundred eighty thousand dollars (\$880,000); covenanting to pay, and pledging unlimited taxing power for the payment of, the note; fixing the form interest rate, maturity redemption and other provisions for the payment thereof; authorizing the acceptance of a proposal for the purchase of the note; authorizing a filing of required documents with the Department of Economic Development; ratifying and directing certain actions of officers; and making certain other covenants and provisions in respect of the note.

Mr. Moore asked how many PennVest loans we have now? Mrs. Gates said we have two. Attorney Green said this is not a PennVest Loan this is with Slovenian Savings and Loan. Mr. Moore asked if we have any other loans. Mrs. Gates said just the Ballroom Loan. This loan with Slovenian Savings and Loan will come out of the Sewer Fund not the General Fund.

A motion was made by Mr. Bahorik and seconded by Mr. LaMonaca to approve the Debt Ordinance for the Loan from Slovenian Savings and Loan. This Loan will be interest only and then it will be repaid when we get the PennVest Loan/Grant. Roll call vote: Mr. Bahorik, yes; Mr. LaMonaca, yes; Mr. Klonicke, yes; Dr. Ledney, absent; Mr. Moore, yes; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

**Cash Bal./  
Treasurer's  
Report** There were no questions at this time.

### **Council Liaison Reports**

**Rummel/  
Library** The library is on track, and they are cleaning out their basement. If anyone would like to help they can. They also trying to get new carpeting.

**Mayor's  
Report** On Saturday, August 31, Windber Borough was subjected to heavy thunderstorms that dropped over 3 inches of rain in a short period of time causing flooding in several parts of town. Windber Fire Department, along with several mutual aid departments also responded and assisted where needed. Mayor Thomas thanked all who helped for doing such a great job.

Mayor Thomas is currently working setting up the next Somerset County Borough's Association meeting for Thursday, October 17<sup>th</sup>, @ 6:30 p.m. at Rizzo's Restaurant.

Mayor Thomas spoke to other police chiefs and mayors. There is a continuing shortage of police officers. This is creating an increasingly competitive market for police officers.

**Manager's  
Report** **Public Works-** Public Works repaired catch basins on Jefferson Ave., 13<sup>th</sup> St. and 15<sup>th</sup> Street. The Alley on 27<sup>th</sup> Street was closed due to a sinkhole that will need extensive work before reopening. General Maintenance was completed on street signs, borough garage equipment, painted crosswalks, and 10 PA One Calls were addressed. They located 35 Streetlights that were out, and they were reported.

We have a crew member attending a pesticide class and he will be certified for Borough needs. The overgrowth was cut on Jefferson Ave. and trees removed. Saturday August 31 there was a storm that caused roads to be shut down and the crew came out and remained till storm drains were cleared. Recent storm drain work was checked for performance. They also came out for clean up on Sunday.

**Dog Park-** We received correspondence from Misti Plunkard requesting to assemble a committee for the Dog Park. They wish to make some improvements to the park after some fundraising to install lights and possibly a shelter.

**School Speed Zone-** The easements and survey was completed and recorded for the school to obtain the required PENNDOT permit and proceed with the project to install.

Mr. Rummel asked if there was any way to fix on 24<sup>th</sup> Street where you pull out onto Graham. Any time he pulls out of there it is hazardous. Are there any suggestions for that. Mr. Bahorik agreed he said they need to take the yellow line back so people can not park so close to the curb. Manager Allison said he would look at it.

**Solicitor  
Report** Attorney Green had no comments at this time.

**Codes  
Report** There were no questions at this time.

**Ballroom  
Report**

Mr. LaMonaca said the expense is still exceeding the income on the treasurer's report. Mrs. Gates said we explained that this treasurer's report is only for the year 2024 because we did not have a budget this year due to the fact we did not know what our expenses would be until we got a year under our belt. We however, carried over \$27,000 which was carried over to this year but does not show on treasurer's report because this report is just for this year.

Manager Allison said the facility with the startup money and the \$20,000 from the general fund and the income from events has paid all of its monthly bills and has no outstanding invoices to date. We told everyone that this facility had absolutely no start up money after it was refurbished. Due to donations and money left over from the project it has been standing on its own.

Mr. LaMonaca asked if we received a fee for this weekend's event? Manager Allison said deposits are made on events up until the event. Mrs. Gates said correct we received a \$200 deposit the other day for a wedding happening in 2025.

Mr. Bahorik asked what the events were that took place last weekend? Manger Allison said one was Conemaugh Hospital RICN. Mr. Bahorik asked if there was something Saturday? Mrs. Gates said she did not know the schedule of events.

Mr. Moore asked if we received a donation for \$50,000 for the tables and chairs. Manager Allison said yes. Mr. LaMonaca asked how many years the loan is for? Manager Allison said 30-year loan.

**Approval  
MMO  
NonUniform**

Mr. Bahorik asked for clarification on this pension for the non-uniform pension plan. He asked if this was something they are paying into, and the borough pays into. Mrs. Gates said yes. We pay 4% and the borough pays 8%.

A motion was made by Mr. Bahorik and seconded by Mr. LaMonaca to approve the Minimal Municipal Obligation (MMO) for the 2024 Budget Year for the Non-Uniform Pension Plan in the amount of \$13,200. Roll call vote: Mr. Bahorik, yes; Mr. LaMonaca, yes; Mr. Klonicke, no; Dr. Ledney, absent; Mr. Moore, no; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

**Approval  
MMO  
Uniform  
Pension**

Mr. Rummel asked for clarification on this. Attorney Green said if you do not make your minimum payment your plan could become insolvent. If you are not paying today, this year, next year, next year, or 10 years down the line and you have half a dozen guys retiring and if you do not do the minimum obligation, we won't have the money to pay them. The City of Johnstown was like twenty-five million dollars unfunded. This makes certain that you stay funded. Mr. Moore asked why it gives them options. Attorney Green said you can certainly become unfunded and if you go unfunded then there are certain state monies that are then not available. It is strongly recommended.

Mrs. Gates said if you look at your budget line item for pension income that is the money we get from state aid. Mr. Moore asked if these amounts for both of these MMO's are in our budget. Mrs. Gates said the ones tonight are for next years budget and that is why they need to be approved before the end of September.

Mr. Moore asked if there are already monies contributed and these are additional to? It says providing additional funding above the minimum based MMO. There has to be money in there before hand and we are going to add to it. Attorney Green said it is our minimal obligation, it is the smallest our obligation can be. Mr. Moore said our obligation is that we do not have to do this. Attorney Green said you do not have to do this but then you're in the situation ten years down the road where you do not have the money to pay those five guys.

Attorney Green said this is for a year. Mr. Bahorik said when he worked for Cambria County they did transition from a pension plan to a 401K plan so they did not get into this situation. Is this something going forward we can look at. Mrs. Gates said the police put in 5% and if we went to a 401K would the state provide state aid if we did that, she does not believe so. Mr. Bahorik said it would be a match. We do not pay this entire amount we get state aid towards this. Manager Allison said it is a contractual item.

A motion was made by Mr. Klonicke and seconded by Mr. LaMonaca to approve the Minimal Municipal Obligation (MMO) for the 2024 Budget Year for Police Pension Plan in the amount of \$117,520.00. Roll call vote: Mr. Klonicke, yes; Mr. LaMonaca, yes; Mr. Bahorik, yes; Dr. Ledney, absent; Mr. Moore, no; Mr. Pallo, absent; and Mr. Rummel, yes. Motion carried.

**Accept  
Resignation**

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to accept the resignation from Officer Chloe Shaulis from the Windber Borough Police Department effective September 30, 2024. Question: Mr. Moore said she was hired from the academy last year which is the reason we spent the 25% to take them and she is gone already. Chief Frear said we did not pay for her. Mr. Moore said yes, we did in July. Chief Frear said no we did not. Mayor Thomas said we paid for Gavin through the academy we did not pay for Chloe. Mr. Moore said it is in the minutes. Manager Allison said we approved it, but she backed out and went to Indian Lake after being there she came here at no cost to us. Mr. Moore said he did not know that. Two absent, Dr. Ledney and Mr. Pallo. Motion carried.

**Discussion  
Items**

Mr. Bahorik said he went to the meeting last month regarding the side by sides. He learned a lot and received very good information. A lot of people were there including County Commissioner Fochtman and they had a skype going on with a gentleman from Elk County who has been dealing with this issue up there.

Elk County tried it for three years and it went well. The first-year revenue was seven million, second year was 12 million and third year was 15 or 17 million that was brought in to the county. Locally, trails going through, businesses saw a 30 to 40% increase. A lot of local municipalities and boroughs are just automatically opening their roads to side by sides because if for example Windber Borough does not open the roads, and he runs into a ditch in his side by side he can sue Windber Borough for not opening the roads. He said it doesn't matter if it is a state road or not as long as it is in the borough.

Mr. Bahorik said the people in this town are going to do it either way. The liability issue to him is very big for this town because of where we are located, and we are taking a chance of getting sued. If someone comes down Graham Avenue or 160 in the borough, the borough is liable. Mayor Thomas said that is not true. Mr. Bahorik said that is what the guy said.

Attorney Green said if you are committing an illegal act, you can't then blame that on someone else. Mr. Bahorik said that is what they were told it was like penal code 77.41-something, they were talking about liability to local municipalities and boroughs. Attorney Green said if you are committing an illegal act on borough property you can not then turn around and sue the borough. Manager Allison said that would be operating the ATV there right from the get-go. Attorney Green said right.

Mr. Koehler said you can sue anybody for anything. Mr. Bahorik said it was explained to him as if someone was trespassing on your property and got hurt the owner of that property is held liable even if it was illegal. That is why there are game lands, and the game commission has opened public hunting programs that way the owner is not liable. That is what we need to investigate to make sure we are covered.

Mr. Bahorik wants to know if we are liable if someone wrecks a side-by-side? Attorney Green said absolutely not. Attorney Green said if he has no trespassing signs on his house and you cut yourself on a tree branch, you are there illegally and you cannot benefit from an illegal act.

Mayor Thomas said before we do anything we need to investigate how this works. Mr. Bahorik said it is all mapped out. Mayor Thomas said we have not seen any of it. Mr. Bahorik said he isn't going to have the commissioner here if everyone is ganging up on him. The commissioner said this is low hanging fruit to us.

Mayor Thomas said he has seen a lot of bad comments up north where they disregard peoples property and tear it up. Mr. Bahorik said that question actually came up and when a trail opens up it will be open from dawn to dusk. After that you can get a ticket. Mayor Thomas said how are you going to catch them.

Mr. Rummel said we need the commissioner to come here. Mr. Bahorik said he can set that up with the commissioner, but we need to bring money to this county, and we can try it for a year.

Chief Frear said as of right now the state routes are not open. Mr. Bahorik said they are talking about a trail they want to put in that they are working with the state on. Chief Frear said it would have to be changed by the state. Manager Allison said we cannot just open every road up; we have to look at a plan. Mayor Thomas agreed. Mr. Bahorik said the state is on board. They want the trail to go from Elk County all the way to Hatfield and McCoy. There will be a yearly fee of \$50 for the sticker in which \$25 goes to the state and \$25 to the municipality.

The first few years the Somerset County Sheriff's Office would be patrolling. He said if someone is interested then he can bring a commissioner here to talk. He said we need to figure out how to bring money into this town.

A motion was made by Mr. LaMonaca and seconded by Mr. Bahorik for the council to convene to an executive session at 8:42 p.m. for personnel matters. Two absent, Dr. Ledney and Mr. Pallo. Motion carried.

Council reconvened from an executive session by Council President Richard Rummel at 9:25 p.m.

A motion was made by Mr. Klonicke and seconded by Mr. Moore to Motion to object to the Petition for Unit Clarification under the Public Employee Relations Act. Roll call vote: Mr. Konicke, yes; Mr. Moore, yes, Mr. Bahorik, yes, Mr. LaMonaca, yes; Dr. Ledney, absent; Mr. Pallo, absent; and Mr. Rummel, yes

**Next Meeting**

Next meeting will be October 14, 2024, at 7 p.m.

**Adjourn**

Meeting adjourned at 9:35 p.m. by Council President Richard L. Rummel.

Respectfully Submitted By:

Robin S. Gates  
Administrative Assistant