

BOROUGH OF WINDBER
Borough Council Regular Meeting
Monday, November 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: Dr. Doug Ledney, Greg Klonicke, Pete LaMonaca, Herb Moore, Joe Pallo, and Rich Rummel. Brian Bahorik was absent. Attorney Joseph Green was present. The Mayor, Michael Thomas, and Manager, Ronald Allison were present.

**Approval
Minutes**

A motion was made by Mr. LaMonaca and seconded by Mr. Pallo to approve the Minutes of October 14 and 28, 2024 meetings. One absent, Mr. Bahorik. Motion carried.

Visitors

Ed Marcinko said he had a few things to talk about with the council.

1. The neighbor at 719 Railroad Street is hunting at the back of his house with a crossbow. He should know better through taking a hunter safety course, you do not shoot towards houses with a bow and arrow, gun or anything.

This is the second time he has dug one of his arrows out of his back yard. Mr. Marcinko had the arrow with him and showed it to the council.

Mr. Marcinko said he needs to be notified not to do this because not only are there pets outside but kids and people around. He said the arrow had a serious point on it and it was stuck down in the ground. The way it landed he is shooting it up in the air and not at an animal.

Manager Allison said Mr. Marcinko needs to call the game commission so they can investigate.

2. Mr. Marcinko said he has numerous run ins with the owner of a dog who lives at 715 Railroad Street. The dog was on his back porch Saturday morning. His ears back, teeth exposed growling at him. He almost went into the back door of his house.

Mr. Rummel asked Mr. Marcinko if he called the police. He said no, they do not do anything. Mr. Rummel said our dog control officer is not getting any calls. We have to make sure people are calling the police department, so they can call out the dog officer.

Mr. Marcinko said still the dog is running around. There is no collar on the dog, the dog is not restrained in the yard. Saturday he was chasing one of his cats through the yard.

Mr. Allison said he had a discussion with the chief, and they are aware down at the police station to enforce the dog law. They know how strongly he feels about it and his background with it, and they will handle it.

Mr. Marcinko said he also had the tailgate down on his pickup truck using it to cut some 1 x 6's and he heard some growling, and the dog came out from under his truck between his legs growling with his teeth exposed.

Mr. Rummel said all of this must be reported to the police department. Mr. Allison said the first time it is a summary offense and second time it is a misdemeanor. That starts rather quickly if you make those reports.

One night Mr. Marcinko said the dog was tied to the garage and barked for about five hours, and no one was home. Corporal Miller stopped but didn't go in, but he had the guy's number and said he was going to call him and tell him he needed to do something about this barking dog. Mr. Rummel told him to please call the police when this is happening.

3. Mr. Marcinko said also at 715 Railroad Street they have two quads. One is being driven by a 10-year-old boy and neither one has a plate on the back. Sunday afternoon he saw Captain Croyle go up the road and down the road and the quads were sitting out along the road, and they have no plates.
4. The other part of Mr. Marcinko's house 709 the two vehicles are still sitting in his driveway with no inspection done. The stickers are up; one was in May, and one was in September. He has called 16 times to Somerset for this person being a nuisance. He was told he has to live with it. Example last night 1:20 a.m. he is in his living, screaming, making all kinds of animal sounds, woke him up and he sat in his living room listening to him till 2:00 a.m.

Mayor Thomas said when he was a police officer he cited someone for the same situation and the magistrate found him guilty, he appealed to the Somerset County Court and the court said it is his house you can't do that. He said this is the experience he has had with the law in these cases.

Mr. Moore said he doesn't think anyone should have to live like that. Mayor Thomas said he does not think so either but as he described to him that is what happened when he cited someone for the same reason.

Mr. Marcinko said he is just a renter he does not own the place. Attorney Green said there is nothing he can do because even though he is bothering other people it is his own house.

Mr. Rummel told Mr. Marcinko to call the police. Mr. Moore told him to contact the Attorney General for a solution.

**Julie
Sulosky**

Julie Sulosky said on election day she had a little back up fender bender at the Community Building. She called 911 because it was a parked car along the side of the building and they were selling Girl Scout cookies there. Her car was dented, smashed and beat up. Mrs. Sulosky's car is a brand-new car with not even a thousand miles on it.

The other driver asked for Mrs. Sulosky's driver's license and registration. Mrs. Sulosky said no we are calling the police.

Officer Woodruff arrived, and Mrs. Sulosky said she was never so disrespected by someone. She called down to the station several times to file a grievance about this. She said Officer Woodruff stated that it is a one-way parking lot, and she should have not pulled out the way she did.

Mrs. Sulosky spoke to Scott Hollern, and he said it is not a one-way parking lot. There is no signage that says it is one-way. Officer Woodruff said the incident happened on private property and he shouldn't have even come to the call. She asked are they not there to serve the public. Mayor Thomas said it is private property.

Mrs. Sulosky said she spoke to the gentleman at the Community Building and that parking lot is owned by the borough. That is not private property. Mrs. Sulosky said another thing, there is no lighting down there and kids hanging out, it is very dangerous.

Mrs. Sulosky said the woman driving the other vehicle finally admitted that the dents in her car were from several years ago and not made by her. Mrs. Sulosky said the police officer was not doing his job.

Mrs. Sulosky said the officer with Officer Woodruff told her to come down to the office and make out a report. She said she called and called down there and no one answered the phone.

Mrs. Sulosky thanked Mr. Rummel for posting about the parade because she belongs to the VFW auxiliary, and no one knew about the parade. She said it is wonderful for the community, but no one knows about it. Mayor Thomas said it was on the Windber Facebook page last week. She said no one knows about it or the other events. She asked him if he sent notices out to the businesses. Mrs. Gates said it was not our event. Mayor Thomas said it was held by the Windber Veteran's Association. She said she was going to talk to them at their meeting on Wednesday because they did not advertise or know anything about it. Mayor Thomas said we share information about events held by other organizations, but it was not our event.

Mrs. Sulosky said they should get the community building parking lot straightened out for the future. People Park illegally and it is not one-way. Mrs. Sulosky asked if there was an accident on her property, does that mean Windber Police will not take care of her stuff? Mayor Thomas said no, it is not a police reportable accident. Her issue is who is taking care of this parking lot. Mr. Allison said we will speak with the manager there and get some lights on in that parking lot.

Attorney Green said the Recreation Authority runs that building and they are a separate entity of the borough. Mr. Allison said if you have a problem with an officer then speak with Chief Frear or the Mayor.

Correspondence

1. Codes Report

Mr. Moore asked if this was all the things they did under codes enforcement for the last three months? Mr. Rummel said yes. Mr. Moore said there are 74 and before we had like 15, why is that? Mr. Rummel said they started out slow and there are some repeat properties on there too.

Approval bills

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve the bills for October 2024. Remarks: Mr. Moore said we talked about one of the public works employees taking a class for pest control why are we paying for pest control. Mr. Allison said it is not pest in the form of bugs the employee got certified for. He got certified to spray weeds and grass in the event we decided to do that. One absent, Mr. Bahorik. Motion carried.

Approval Payroll

A motion was made by Mr. LaMonaca and seconded by Mr. Klonicke to approve payroll for October 18 and November 1, 2024. Remarks: Mr. Moore said there were two typos on the report. Mr. Rummel said yes, they will be corrected. One absent, Mr. Bahorik, Motion carried.

Engineer's Report

1. 22nd Street Bridge Project

- a. Let date is February 12, 2026; Construction planned for 2026.

2. 24th Street Bridge Project

- a. Let date is December 12, 2024; Construction planned for 2025.

3. PENNVEST Sewer Project

- a. Total Project Cost estimated at approx. \$15,000,000 to replace 31,000-ft of existing sewers mains
- b. Schedule:
 - i. Utility Services Group (USG) to return to complete CCTV in project areas.
 1. Manhole access is difficult as most manholes have been paved over.
 - ii. Fall 2024: Act 537 Plan Update, Uniform Environmental Review
 1. Work has begun on Act 537 Plan Update.
 2. The plan is to replace existing sewers with parallel system.
 - iii. Winter 2024-2025: Survey & Mapping
 1. Approval from FAA to fly drone within Windber Hospital airspace is not expected until after 11/17/2024.
 - iv. Spring 2025: Begin Preliminary Design

v. August 2026: PENNVEST Submission (Tentative)

4. DCED Multimodal Transportation Fund (MTF) Program
 - a. Submitted Graham Avenue Sidewalk and Light Pole Replacement project.
5. 2024 LSAS Grant Application
 - a. EADS to submit application for Stormwater culvert on 27th Street
 - i. Estimated cost: \$349,830.00 - No match required
 - b. \$100 application fee - deadline to submit application is November 30.

Cash Bal./ Treasurer Mr. Moore said he is concerned about the loans we have. He asked if the debit balances were the loans we have. Mrs. Gates said yes, they are PennVest loans. Mr. Moore said wages are constantly going up in the contract and we must be aware of that. Mrs. Gates said keep in mind that those loans do not get paid out of the general fund. Those get paid out of the sewer fund. Mr. Moore said they still must get paid. Mrs. Gates said yes but those loans do not affect wages.

Council liaison Reports

LaMonaca/ WMA Mr. LaMonaca said his meeting is tomorrow with the Windber Municipal Authority.

Ledney/ WAA Dr. Ledney said they would meet on Wednesday.

Rummel/ Library Mr. Rummel said the library had a flea infestation and was closed for a couple of days but are now back open.

Mayor's Report Thursday, November 17, the Somerset County Borough's Association held a meeting at Rizzo's here in town. Councilman Lamonica and I attended. The turnout was great, State Senator Pat Stefano was in attendance and updated the group on the current things happening in Harrisburg. Election of Officers was held with all current Officers being re elected. The next meeting will be held in the spring in Somerset.

On Friday, November 18, Councilman Bahorik and I attended the meeting at the Scalp Fire Hall regarding the merger of the Windber and Scalp Level Fire Department.

On Saturday, November 26, I attended the Halloween parade sponsored by the Windber Fire Department.

I had the honor of being selected by PSAB to participate in a Roundtable discussion that was filmed for broadcast on PCN. I, along with three other Mayors from across the state and Chris Cap, Executive Director of PSAB participated. The date for broadcast hasn't been released yet.

Today, November 11th, Veterans Day I participated in the parade, and was honored to be asked by the Windber Veteran's Association to deliver the welcoming speech at the Ceremony at Veteran's Park.

Manager's Public Works-Answered 12 PA 1 Calls. Twice they cleaned up garbage along Ninth St.
ReportSomeone has been dumping garbage in a section of woods. Police were notified. Road patch work completed for Winter.

13th St. Project – A ditch was dug, and they replaced, and installed storm sewer line approximately 315 feet. Trucks prepared for winter season and plows ready. Final cutting on the grass. The entire Ballroom deck was stained with use of donated funds.

We will be digging a place for a Christmas Tree in conjunction with a School Christmas Project- Mr. Rummel and I did meet with Superintendent Vuckovich along with other organizations and volunteers to get the project in motion in time for Christmas

Meeting with Paint Township- Mr. Rummel and I attended a meeting with Paint Township to discuss the current state of EMS/response times and funding. Where we are and what direction we need to go. This was in response to information received from the Police Chief at the October meeting.

Non-Uniform Employee Contract- Reviewed and signed after corrections made to the contract.

Police Cruiser- The Dodge and Ford were transferred over to the Johnstown School District. We decided to go with the \$1,500.00 trade credit on the new one from the remaining Ford as it won't pass inspection for any further use. We are getting the final quote on the new Ford to replace them. It will be a little more than 39k.

Mr. Rummel said they did a little side bar with Frank Meyer's while they were at Paint Township, and he asked the council to please have people call the police department with any complaints about dogs so the police can forward them to Mr. Meyers.

Solicitor's Report There was nothing to report at this time.

Ballroom Report Mr. Rummel said he attended a wedding up there last Saturday and he was very pleased and Lauren did a great job.

Resignation A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to accept the resignation of Cheryl Denk as Borough Clerk effective November 12, 2024. Remarks: Mr. Rummel said her position is currently being filled by Kristy Barnes right now. Mr. Rummel said he would like us to do something for her, for all her years of service. Motion carried.

Post A motion was made by Mr. Pallo and seconded by Mr. LaMonaca to approve to post the full-

- Position** time Borough Clerk’s position. (Union Position) Motion carried.
- Approval Of 2025 Per capita** A motion was made by Mr. Pallo and seconded by Mr. Klonicke to approve the 2025 Per Capita Additions. Mr. Bahorik absent. Motion carried.
- Approval Officer** A motion was made by Mr. Pallo and seconded by Dr. Ledney to approve hiring a 32-39 hour officer, Karl Kinkopf. Roll call vote: Mr. Pallo, yes; Dr. Ledney, yes; Mr. Bahorik, absent; Mr. Klonicke, no; Mr. LaMonaca, no; Mr. Moore, no; and Mr. Rummel, yes. The vote was three yes and three no. Mayor Thomas votes yes to break the tie. Motion carried.
- Mr. Allison said right now the Chief and Lieutenant have been working shifts alone, which is not a good situation. It is not costing us more; we are simply replacing those officers we do not have anymore. Mr. Allison said they come, and they go. The position Kinkopf is filling is a non-benefit position that only gets a \$300 stipend which is a drop in the bucket. So, if a better position opens, they are gone, and we are not the only department to have this problem.
- Next Meeting** The next council meeting will be December 9, 2024, at 7:00 p.m.
A budget workshop will be November 18, 2024, at 6:00 p.m.
- Adjourn** Meeting adjourned by Council President Richard L. Rummel at 7:50 p.m.

Respectfully Submitted By:

Robin S. Gates
Administrative Assistant