

Borough Council Regular Meeting April 12, 2016

The regular meeting of Windber Borough Council was called to order by Windber Borough Council President, Barry Jerley at 7:00 p.m.

Pledge of Allegiance.

The following Council Members were present: John Holden, Jason Hunter, Barry Jerley, Pete LaMonaca, Ron Mash, and James Spinos. James Furmanchik, Borough Manager, Solicitor, Jeffrey Berkey and Mayor Scott Penrod were also present. Absent was Sonya Pekala.

Approval Minutes

A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of March 22, 2016 Meeting. One absent, Mrs. Pekala, motion carried.

Recognition Visitors

PJ McGowan told council he signed up in case there were any questions regarding tonight's proceedings. If any developments come up to where he can speak up or situations arise we can review any statements or clarify anything in regards to the property bid.

John Plunkard, WYBAS President said he was here tonight to voice concerns about the sale of their fields. He said he wanted to reassure council and the community the fields are being used. They have five teams this year. He said they have more girls softball teams this year than they had last year. They have commitments from the parents and volunteers involved and are prepared to put some of their own capital back into the fields.

Mr. Plunkard said Sam Scalia can give you some background information about how we got to where we are at. He was the previous WYBAS President. Mr. Jerley asked Mr. Plunkard if they were still going to do all the maintenance on the grounds up there. Mr. Plunkard said yes.

Mr. Plunkard said it used to be Windber Little League but has been WYBAS since 2009. He said they have always done the maintenance at the field from mowing grass to picking up garbage and working on the concession stand.

Mr. Plunkard said a few years ago Mr. Mash helped them to run power to their T-Ball Field. He said when Mr. Tunstall built his complex a lot of the baseball teams left because they were offering baseball not softball. The softball parents stuck around and maintained that field. Two weeks ago they held their first work day and that was the most people they have seen in seven years.

Mr. Plunkard said he would hate to see the field which is a good thing for the community not be there. Mr. Spinos asked if they are still using the fields for games. Mr. Plunkard said yes. They have scheduled games and they play in the Cambria/Somerset League. Mr. Spinos asked if it is sold will it not be available to you anymore. He said when Mr. Tunstall was going to purchase it he was going to let WYBAS still use it.

They had an agreement with Mr. Tunstall for use of the fields so their organization would always have a place. Mr. Spinosa asked him if they would sell it, then it would not be available to them? Mr. Plunkard said correct.

Visitors

Mr. Furmanchik asked if they had any conversation with any other perspective bidders. Mr. Plunkard said not himself, no. He said they had worked with Mr. Tunstall for eight months to a year and got to know him. He said he was not sure where that situation went south.

Mr. Plunkard said they have two 10 and under teams of 11 girls, and then they have two 12 and under and a 15 and under team with 14 girls. Mr. Tunstall is coaching that team. We also have two girls who are aged out that are in the 18U and in working together with representatives from VE Erickson and Johnstown we were able to put a mixed team together.

Mr. Holden asked him if the agreement he had with Mr. Tunstall would no longer be valid if he buys the field or anyone else who buys the field. Mr. Plunkard said if it is anyone else other than Mr. Tunstall obviously. Mr. Holden said he is asking because Mr. Plunkard said he didn't know when the arrangement went south with Tunstall. Mr. Plunkard said he did not know why Mr. Tunstall did not want to purchase the land now. He said Mr. Tunstall was very clear he wanted us to have an agreement in place before he would do anything to the fields. In replies, email and verbally Mr. Tunstall said if WYBAS did not feel right about it he would just walk away. Mr. Tunstall told them he just wanted to put some money back into the fields. Being a coach last year he saw the fields deteriorating. It is hard for a volunteer organization to be able to maintain a lot of things.

Mr. Plunkard said they have had other members of the community donate money, time and materials. Mr. Petrunak is scheduled to do some excavation work and fix some drainage problems in one of the fields they have issues with. Mr. Plunkard said they are committed to maintaining the property for the long term.

Sam Scalia said he is here on behalf of WYBAS and himself. He was a member up there and enjoyed many wonderful memories there helping coach and he was president the last two years before Mr. Plunkard took over.

Mr. Scalia said he has two boys and they do not play softball so they play at Iron Horse. He said this all started while he was President of WYBAS. The whole purchasing of the land between WYBAS and Tunstall they were the ones who initiated the whole process. He said before that, the land was never even thought about being sold. As a matter of fact according to the lease agreement you could not sell it because of the lease purchased from Berwind.

Mr. Scalia said with Greg Tunstall and the borough, they sought out the lawyers and Berwind to rewrite the lease so it could be sold. So before they decided to write the lease it could not be sold because Berwind did not want it sold for anything but recreational purposes. Once the sale was very close to being finalized it was brought to the borough's attention that it could not be sold like that and had to be done by bid process. There was rezoning that had to be done because there are three parcels included there. One included all the fields and half of the very big field at the end. Half of the very big field was a little too small of a parcel and would have to be rezoned and bid separately. Mr. Scalia said this is where he understands the relationship between the council and Mr. Tunstall went cold.

Mr. Tunstall was very much interested in it. It was to be put up for sale out right to where they could bid both parcels and buy both those parcels together instead of bidding one and hoping to get the bid for the other half.

Visitors

Mr. Scalia said WYBAS has been up there as little league and as WYBAS for many years. He has spent many hours up there maintaining the fields. So for the general public or anyone else who believes it is not still being used or maintained he wants to reiterate that is false. They have already had one good work day since spring began and are planning many more. It has never been thought of a rundown property. The grass has always been mowed and kept.

Mr. Scalia said it is an all volunteer organization and obviously you have to watch your money. There were things that could have been done by Tunstall like putting in brand new dug outs and a brand new concession stand. That is why we wanted to enter into that partnership with him. The fields were still in good condition. Mr. Tunstall could have put money into it and build brand new everything up there. This is why the original agreement of the sale began to take place and we approached him.

Mr. Scalia said when you read the papers basically it is to sell the fields or you do not get a pool liner or the kids do not have a summer. He said up until a year ago that wasn't even being thought of to be sold and that wasn't part of the agreement. He wants the fields to stay with the Windber Community.

Mr. Scalia said he was born in Windber. He moved here 11 years ago. His wife and her family were born and raised here and he was lucky enough to move into this area. It is a great community with a small town feel. He wants the borough to keep the fields or sell it to someone willing to keep it inside the community, so the girls softball will still have a place to play. Kids are still able to come over and use the fields when they are at the park for the weekends to play kick ball or T-ball or whatever else. Mr. Spinosa said that was very well stated and thanked Mr. Scalia for speaking.

Mike Kovatich said he came here tonight to voice a perspective that has been well represented here tonight. He said he has nothing else to add to the discussion and is in support of what is going on so far already.

Joan Albright said she seconds what Mr. Kovatich said. Community support is what she is trying to rally around Windber right now by participating in their economic development meetings and not just community support but enthusiasm like this for our community. Getting people together to fill up some of these empty store windows is what we do here in Windber through our children. Our children are our future. If we do not start nurturing our family and friends in this community we are not going to be successful. This community is based on our children.

Ms. Albright said we need to start getting some enthusiasm together here in this community. One of the things she has done is to fill the store fronts with families who are interested in preserving some of the heritage we have here. She is also working on grants. Grants that will preserve our park as well as expand it with walking trails, nature trails, and camping sites. The process we are putting together is not just encompassed in the park but in the gateway project.

Making our entrances into Windber appealing and just letting people know like our logo says, “Why Not Windber” that this is a great place to live. It is a great place for a business and to raise your family.

Visitors

Ms. Albright said we have a facebook page and a web site started. Our high school children are doing it. Our children are coming to help plant flowers and landscape around these signs. Along with the children they also bring parents.

Ms. Albright said gentlemen’s hearts are like Mike Scalia. He has heart and this is what we want in Windber. She said what Ms. Romano and her have been doing is gathering a number of citizens here and putting together a plan so we can move forward without putting the weight all on one person but sharing the burden and responsibilities in making this community back to a great community where it has always been a great place to raise a family. Mr. Jerley thanked Ms. Albright.

Ms. Maureen Romano said she moved into this area from New York and it is a wonderful community but it will take action. They need people to get involved. That is the only way it will happen. It is a wonderful place and we can make it even better and that is what we want to do. If you want to open up a business “Why Not Windber” and that is what we want to do. Mr. Jerley thanked Ms. Romano for her comments.

Jason Zablotney from the Municipal Authority was speaking on behalf of the Authority on issues of the pool liner and he is reaffirming they do plan to open the pool on May 28th. He said he knows there was some talk at the last meeting about council putting some funding towards the purchase of the pool liner. He said he would also like to thank Mr. Furmanchik for his tremendous work in making some contacts and letter writing campaign along with finding them a large donor. They received \$10,000 donation from a private trust today to be put towards the pool liner.

Mr. Zablotney said to just put a dollar figure on what the Municipal Authority would be able to contribute toward the pool liner; we have the \$10,000 donation plus about \$4,000 in a fund drive account and just from our general fund we could probably throw in another \$5,000 to \$6,000. We do have some other fundraising events coming up and donations to come in but the Municipal Authority can put in approximately \$20,000 towards the liner.

Vicki Hiteshew from the Windber Municipal Authority said they sent out 180 letters this week to perspective donors. We are also working with the Somerset paper to do an ad that will go out to 40,000 homes. That is all the subscribers to the Daily American, Windber Spirit and Our Town. It will include all the things going on at the park this year including the camp schedules and the letters asking for donations.

Mrs. Hiteshew said they are getting ready for the Wine in the Park Event. She said the only other thing she wanted to ask about is if the ball fields are sold to have the respect to keep it the Clinton-White Field to preserve the heritage. Mr. White was the storekeeper for the Berwind store and he was also instrumental in starting baseball here. If we are talking about the community whether it is a local person who buys it or an out of town person we can at least stick with the history of what is there. Mrs. Hiteshew also thanked Mr. Furmanchik for everything he has done for them.

Council convened to an executive session at 7:20 p.m. for personnel issues.

Council reconvened from executive session at 7:40 p.m.

Bids Little League Fields

Council received a bid from Arbutus Baseball League in the amount of \$80,000. Mr. Jerley asked Mr. McGowan if he would like to come forward and discuss the bullet points to his bid.

Mr. McGowan said although he lives in Richland Township he feels like he has been a part of the Windber Community for many years. He has very close personnel ties with many of the people and they have become family. There are too many to mention. He has had personal interaction with many of those on the board and considers them to be friends.

Mr. McGowan said on behalf of VE Arbutus and himself their inquiry in the beginning of this process was never pinpointed with any maliciousness. They were solely interested in being a part of the process to keep it open, to be used by the communities along with their present league.

Mr. McGowan read the points of interest from the bid submitted.

1. VE Arbutus is a volunteer league. We hold a 501 (C) (3), nonprofit status with the state of Pennsylvania and the Federal Government.
2. VE Arbutus will keep the fields and facilities involved in the bid, open to all youth sports of local schools, organized volunteer youth leagues (Windber Youth Softball League), and community events and fund raising events.
3. VE Arbutus will rehabilitate the grounds and facilities over the first few years, if successful in the bidding process. We will keep the grass cut and the facilities clean, as we take great pride in our two other complexes.
4. VE Arbutus will also do work on the parking area(s), to negate any potential safety issues.
5. VE Arbutus would like to partner with The Windber Recreation Board, to offer a discounted rate to all families involved in our leagues. We currently have hundreds of families enrolled with our leagues. Our families support all of our efforts greatly, and we are sure this will be a noticeable increase of pool memberships.
6. VE Arbutus would like to partner with The Windber Recreation Board, to run weekend baseball and softball tournaments with participation from surrounding leagues. We would like to offer weekend or day passes to the pool with participation in the weekend tournaments. VE Arbutus and the Windber Recreation will run these tournaments together and share in the revenue. This would not include All-Star events. They currently do not play on weekends.

Bids

The kids play all week and they want them to spend time with their families. He said if their bid is successful they would like to do it in conjunction with the Windber Recreation Association and invite local teams from other leagues to come in for an entry fee and coordinate with Mr. Grohal to build a fee into that registration for those teams to have access to the pool also.

7. VE Arbutus is in favor of giving Windber Borough the first right of refusal on the land and facilities in the bid, to secure this property stays open for recreation and the youth forever.
8. VE Arbutus hopes to bring volunteer baseball back to Windber. Our league has over 40 players from the Windber community now. We hope to add Windber to our name and again give Windber's history of volunteer youth baseball, a home and expanded league with representation and support. We also hope to further talks of joining together with the Windber Softball program to negate the need to travel. Our VE Erickson complex and the Windber Recreation Complex will combine to offer many fields for this league play.
9. VE Arbutus is currently being sanctioned with Little League of America. It would be a great thing to have our communities along with Windber, represented in our region, state and nationally with our baseball and softball programs.
10. VE Arbutus hopes to work with Windber Borough and Windber Recreation Board to build a mutual working relationship to support each other and the youth of our community.
11. VE Arbutus has increased the number of players in all of our divisions over the past years. Our schedule for all our divisions and leagues is completely full. With bad weather and our younger divisions graduating into the need for larger fields, we are bidding on these fields. Not only does VE Arbutus need the fields for our leagues now, but we are excited to work with the Winder Recreation Board to offer our league more benefits that most volunteer youth leagues cannot offer.

Mr. McGowan said he believes he answered a lot of the things that Mr. Scalia and Mr. Plunkard spoke about at the beginning of this meeting. He said they are not trying to take these fields from Windber but want to secure they stay open. They need more field space. They have a situation next to the VE Complex, a landscaping company is moving in beside them. It negates them from possibly building more field space and they will likely loose parking over it.

He said they are trying to give their hand to help take care of the fields and build them. He asked why can't our leagues play together. We do not need to run it all. He said he will probably be gone before this whole project is done and put together but he would like to stay involved because he has two younger children.

Mr. McGowan said they need more members from the Windber, Richland and Forest Hills Communities. He said this not a Richland member thing by any means. It is for the youth of the surrounding areas. It will also be an asset for the Windber Recreation pool, plus it will bring in teams on weekends to play there that are from Maryland, Philadelphia and all around that might not know there is a pool there. There will be more children playing on those fields then there have ever been on a nightly basis.

Bid

Mr. McGowan said that is their bid. They hope borough council will take it to heart and accept it. They have the funding as offered by many banks that have given them their guarantee. They just haven't chosen one yet because their bid was not accepted yet. He said they are willing to work with council and answer any questions.

Mayor Penrod asked if there has been any interleague communication? Mr. McGowan said there has but not in recent months. Last year whenever the Windber League was deciding where its future might be we did meet with them and with representatives from the Iron Horse facility. Obviously they chose to go with the Iron Horse facility. He said he was not 100% sure what all those reasons were but they did talk to them. At that point in time is when Arbutus and VE Erickson joined together. They used to be separate leagues. At that point in time some of our artists were doing logos with not only VE Arbutus but VE Arbutus and Windber. He said they would like to have Windber back to make it one big league.

Mr. McGowan said there is great history in Windber. His parents would show up to watch them play sports but in Windber the whole community shows up. Businesses and people in Windber are very loyal and supportive.

Mr. McGowan said again we are not trying to take anything away. We are trying to help. He said when they initially called and asked, they thought it was a bid process. Whenever he was explained the situation and was told it was Berwind's and they needed to give the right that would have been like anyone of us trying to sell a piece of land it wasn't any of his business at that point. He said he wrote an email and thanked Jim for answering his questions and they thought they were unable to buy it but they understood that they could not undertake a lot of the things that Mr. Tunstall was offering and they were not the right fix.

He said when that was all said and done and they found out it would have to be a bid process which they did not know it had to be a bid process and weren't sure, they were happy it was though. They would have bid it on the first go around but they did not see it in the paper. He was shocked no one bid in the first go around personally and was happy to know it was being bid a second time and would be able to participate. He said they are a volunteer organization and governed by their own bylaws which pretty much falls under Little League of America. No one individual is capable or able to make a decision without a vote of their board or full body. Mr. McGowan said they are not opposed to working with the borough to help secure that ground is only used for youth sports.

Mr. Furmanchik asked Mr. Berkey if Mr. McGowan's group was the successful bidder and council accepted their bid would it be out of the norm to make an attachment to the sales agreement or deed that would state that the property would be from that time forward be used for recreation, baseball and sports. Mr. Berkey said that is already part of the deed.

Mr. McGowan said if you read the bid proposal there are already provisions in there that were related to that topic but are provisions of this sales agreement. He picked up on that and so did his legal counsel. He said they do not have a problem with that for their league. Mr. Furmanchik said that is why he wanted to solidify that because someone brought it to his attention also.

Bid

Mr. McGowan said this deed for this bid process is on 9.6 acres of ground and only encompasses 75% of the large field and the other three acres are not in the bid. In working with Windber Borough and Recreation they do not feel it is something they need to bid on. If it is something they requested they would work with them on that. They feel that is another handshake between the borough and their leagues or future leagues.

Mayor Penrod said there has been a lot of discussion here in the 11th hour to keep our crown jewel going. He has tried to talk to several people regarding this and it is important that there is discussion between the leagues. Council is charged with a very big decision to make. He said he wants everyone to understand this is not an easy decision.

Mr. McGowan said they do not want to take anymore fields, time or space away from Windber Softball. He said they need more fields and there is more than enough fields up there. They want to help them. He said it is pretty impressive for a nonprofit to stand up during this process willing to help. They want to help keep those fields open and have the right for their teams to play there. He said if they were out bid or someone with a better partnership to exist he would expect that decision. He said they are the only player and they are people of their word and it is for the betterment. They will have representation on the board and will expand their advisory committees for the members of the Windber League and play together to make it a great place. If not and it is going to be a situation where we're not allowed to play on those fields we would honor that too and go out and find a different situation and opportunities for our league to expand.

Mr. Berkey said it is his recommendation that the bid received be tabled to see if it is compliant with the bid specifications and requests for bid. We have every expectation that it would be but we are not sure. We would like to have every opportunity to confirm that the bid as presented is in accord with what was asked. The borough has that absolute right and can make determination at the next scheduled meeting or hold a special meeting then move forward.

Mr. McGowan said if that is the option which is obviously council's right he is asking that it be in a much more timely fashion than next month or next week. He said the borough's bid was asked to be due by April 12th at 4:00 p.m., we met those requirements and are the only bidder that met those requirements. Again, granted you need to review everything but he asked for it to be no longer than a period of 48 hours to grant them an answer. He said that is their legal right from their counsel.

Mr. Berkey said the Borough Code allows it to be at any regular meeting or special meeting. He said the borough has its next scheduled meeting on the 26th of April. Mr. McGowan said we can also rescind our bid if we feel necessary between now and the next meeting. Mr. Furmanchik asked him if he doesn't feel comfortable waiting until the 26th? Mr. McGowan said it would be a little fine but to be honest it doesn't sit well with him.

They are being honest and straight forward and open as they can possibly be. He said they are offering their entire league.

Bid

Mr. Berkey said one of the things borough council must be aware of is if the bid is of fair market value. Mr. McGowan said the appraised value was \$86,500 and they did their due diligence with the appraiser Mr. Hostetler. Mr. Berkey said just so you know it doesn't meet one of the criteria and the borough needs to make decisions relative to that. Mr. McGowan said okay. Mr. Berkey said the borough is required under the Borough Code to have an appraisal and they did and the bid has been received.

A motion was made by Mr. Mash and seconded by Mr. LaMonaca to table the bid for the sale of the Windber Little League Fields until the April 26, 2016 council meeting in order to review the bid. Roll call vote: Mr. Mash, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mrs. Pekala, absent; and Mr. Spinosa, yes. Motion carried.

Opening of Misc. Bids

Mr. Jerley opened the bids for miscellaneous items that were posted for sale by the borough.

Item	Bidder	Amount
1. Western Ice Breaker 8' salt spreader, gas powered	1. Petrunak	1.\$421
2. Air flow 8' Salt Spreader, gas powered	1. Petrunak	1. \$427
3. 8' hydraulic salt spreader	1. Mike Custer 2. Shade Twp. ? 3. Jerry Ferko 4. Petrunak	1. \$151.25 2. 700 3. 306 4. 626
4. Two Meyer snow plows	1. Al Gaudino 2. Mike Custer	1. \$178 2. 177.50
5. 9'Fisher minute mount snow plow	1. Petrunak 2. Al Gaudino	1. \$207 2. 168
6. 2000 ford F550 one ton dump	1. Al Gaudino 2. Charles Peifer Jr. 3. Jerry Ferko 4. B. Thomas Cont. 5. Russell Grieff 6. Mike Veneziano 7. G&G Enterprise 8. Petrunak	1. \$1,678 2. 2,126 3. 2,850 4. 4,218.51 5. 3,000 6. 6,103 7. 4,050 8. 3,126
7. 2006 Chevrolet Impala	1. Randy Wilson 2. Bob Spongross Jr. 3. Charles Peifer Jr. 4. Barry Black	1. \$521.99 2. 357.99 3. 350.00 4. 999.00

The bid from Shade Township was rejected because it did not specify which tailgate spreader they were bidding on.

Western Spreader

A motion was made by Mr. Holden and seconded by Mr. Spinosa to approve the bid for the Western Ice Breaker 8' Salt Spreader, gas powered to Philip Petrunak in the amount of \$421. One absent, Mrs. Pekala, motion carried.

- Air Flow Spreader** A motion was made by Mr. LaMonaca and seconded by Mr. Holden to approve the bid for the Air Flow 8’ salt spreader, gas powered to Philip Petrunak in the amount of \$427. One absent, Mrs. Pekala, motion carried.
- Hydraulic Spreader** A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the bid for the 8’hydraulic salt spreader to Philip Petrunak in the amount of \$626. One absent, Mrs. Pekala, motion carried,
- Two Meyers Snow plows** A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the bid for the two Meyer’s snow plows to Al Gaudino in the amount of \$178. One absent, Mrs. Pekala, motion carried.
- Fisher Plow** A motion was made by Mr. Holden and seconded by Mr. Mash to approve the bid for the 9’ Fisher Minute Snow Plow to Philip Petrunak in the amount of \$207. One absent, Mrs. Pekala, motion carried.
- 2000 Ford F550** A motion was made by Mr. Holden and seconded by Mr. Spinos to approve the bid for the 2000 Ford F550 dump truck to Mike Veneziano in the amount of \$6,103. One absent, Mrs. Pekala, motion carried.
- 2006 Impala** A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve the bid for the 2006 Chevrolet Impala to Barry Black in the amount of \$999. One absent, Mrs. Pekala, motion carried.

Mr. Furmanchik said the items came to a total of \$8,961.

- Approval Bills** A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the bills for March 2016. One absent, Mrs. Pekala, motion carried.

Correspondence

1. Minutes from the Windber Area Authority’s April 5, 2016 Meeting.

- Cash Bal. Treasurer’s Report** There were no questions on the Cash Balance or Treasurer’s Report.

Council Liaison Reports

- Hunter/ Fire Dept.** Mr. Hunter said the fire department is doing well we are down an engine and they are working on that. The cheapest engine is \$480,000.

They do have the Insurance rating or “ISO” it dropped for the borough from a 5 to a 4. They are 2.56 points away from going to a 3. He suggests people contact their homeowners insurance and see what kind of a drop you will get. It should be between \$50 to \$100. The lower the Insurance rate the better rate for homeowners. It drops because of their training, equipment, borough ordinances, water authority, hydrants and etc. Mr. Hunter said that is very good for a volunteer department.

Municipal Authority/ Holden Mr. Holden said the Windber Municipal Authority's "Wine in the Park" event will take place May 14, 2016. Tickets can be purchased at the community building and Something Extra Special. They are holding that in partnership with the Windber Fire Company.

WAA/ Jerley Mr. Jerley said the Windber Area Authority is replacing the two tanks and they just put the first new tank into operation. Now they are excavating and doing assembly on the second tank. Projection is, that it will be on line no later than June 1st .

Mr. Spinos said they will be flushing the lines within the next two weeks. They will be starting on the out skirts of town and then work their way into Windber. They had a water break this morning on Horner Street.

Municipal Authority Jim Spinelli from the Windber Municipal Authority said he dropped off a report last Monday. It was requested by Council to have a structure report done of the under supports of the ballroom floor. It was coordinated with H.F. Lenz Company. Not only did they do the floor, but the rafters too. He asked council if they had any questions regarding the report.

Mr. Spinelli said they have a volunteer force on the Municipal Authority who will make any efficiency corrections in the rafters, some were split. They are also going to go service ones that were repaired and actually nailed together and drill through those thread and bolt those together so they are substantial. The effort is to start on that this coming weekend.

Mr. Spinos asked if Mr. Spinelli was going to be a part of that and if he would be inspecting the work and making sure it would be done correctly. Mr. Spinelli said yes. He said afterwards and he is not holding H.F. Lenz to it, but they said someone can come and view it and tell us if there was proper installation in their opinion.

Mr. Spinelli said there were some split rafters that went girder to girder and sometime in the past they had applied where a 12 footer would have went, they nailed it together. It was a good attempt. He said they are looking to correct those things and make it as safe as possible.

Mr. Spinelli said questions came up about underneath the ballroom. There are some supports that are not on actual concrete piers under there. Problem is they shift the stacks of timber piled on top of each other to support some of the girders at a few locations that were sitting on bare ground. That would not qualify as a correct installation there. They want to be careful with that about getting under there. They are probably going to stay away from that but if there is anything they think is possible they would come back and ask council if they think it would be safe for them to do. He said they can't put a figure on it at this point because you are talking about excavation and if you wanted to put concrete piers in and temporarily brace it up to support the barriers properly at these locations, and that is if they can get under there, would be \$25,000 at minimum.

Mr. Spinelli said the conclusion of the report indicates that the building is sound but it needs some attention and some repairs. Mr. Holden said the dormers are being fixed or replaced. Mr. Spinelli said yes there is an anonymous contractor who is going to vinyl side the dormers so there is no need to go up there and address painting or anything like that.

Mr. Spinosa asked if the building was classified as historical? Mr. Spinelli said it is not but the attempt is to try and reach the status and it was reported to us as one of the criteria to have a structural assessment done.

Municipal Authority

Mr. Spinelli said they have plans they wish to address as monies become available, one being the kitchen area. We discussed updating it and making it user friendly. He said there are four of them from the authority that are going to go and do some work.

Mr. Spinelli said they are going to receive some partitions from the school they pulled out from the restrooms and are going to install them in the showers at the bathhouse. He said there is a large enough amount that this should really improve the facility.

Mr. Spinosa said he was glad they were able to get the partitions from the school, he had asked the school about them when their project first started.

Jason Zablontey said they accepted a bid approximately \$6,000 to resurface the big slide. Mr. Zablontey said commenting on the tabling of the motion earlier they will have to give their engineer a call tonight and ask them to hold off on going any further because we do not know where funding will be coming from for the pool liner. We may have to put off the pool liner replacement until fall. He said in the meantime they will work as diligently as they can to raise money.

Mr. Spinosa asked what the latest was they could let their contractor know. Mr. Grohal said it would have been tomorrow. Mr. Jerley asked Mr. Grohal if he felt they would make it through the summer with the old liner? Mr. Grohal said he was unsure he had limited experience with it and it was patched numerous times last year and the liner is pulling away from the wall. It would only take one thing to puncture it and we would have a massive repair. He doesn't know how long it has been like that. One way or another we have to build on the season we had last year and get it open.

Mr. LaMonaca asked Mr. Grohal what his best guess would be. Mr. Grohal said it is comforting knowing that Brian Aleksa who is a scuba diver can do the repairs. He did a good job patching the pool last year. He feels their chances are 50/50 that they could make it through another season.

22nd Street Parking

Melissa Reynolds from 605 22nd Street said she had been to the borough several times in regards to the parking situation on 22nd Street. She said the borough put up signs "No Parking Without a Permit" on 23rd Street and all that did was push all the students to her street. She said she is one of many families that have had fights with students parking there. She had one young lady throw cigarettes in her yard which did not go very well but then she moved.

Mrs. Reynolds said her fear is in the winter, it takes all of them hours to dig out their parking spots. She said she does not have a garage, driveway or sidewalk in the back of her house. She has spot in front of her house and that is it.

Monday through Friday she said the flood gates open and there are cars everywhere. She said she has a child in elementary school that likes to get there at 8 a.m. She said there is a car that parks in her husband's spot every day but he works.

She doesn't leave the house until 9 a.m. some days. Everyone that parks their car there, is a problem.

22nd Street Parking

Mrs. Reynolds said the other day there was an oil truck there and there was nowhere for him to park to give that house oil. She said she did not know what happened with that. She said she doesn't know if anything can be done with a few weeks of school left but when winter comes it will be a problem.

Mr. Spinosa asked Mr. Berkey if they wanted to add that street would they have to adopt another ordinance. Mr. Berkey said yes.

Mr. Furmanchik said he has been up there numerous times and has spoken with almost everyone in administration at the high school. He has talked to the SRO Officer numerous times and Chief Skiles. As he sees it right now there are 28 days of school left. He spoke to the school board president about this and what they are hoping right now is to devise a better plan by the next school year. A lot of those kids parking on 22nd Street will be gone. Most of the congestion is at the top of Cambria Avenue. Closer to Somerset it is not bad. Those students who choose to park there most of them are leaving school half a day. They are in a work study program or go to Vo-tech and are seniors. Once they leave at the end of school year that problem will be eliminated.

Mr. Furmanchik said in conversations with the Director of Education the new superintendent will be brought into the loop and he will meet with him. Mr. Tokarsky promises him there will be a resolve set forward.

Mr. Furmanchik is asking the residents up there to hang in with him until the end of the school year. The SRO Officer has been gracious enough to speak to those students who have been turned into by our office or himself. Right now that is the direction we are headed. It is a touchy situation and it is not being neglected. It has become a political football between the school district and us.

Mr. Furmanchik asked everyone to stay with them until the end of the school year and we will get a break in the action. Hopefully with a break in the action and the new superintendent coming on we will find new ways of thinking. He feels that it could be resolved very easy. He hopes it will be a better situation by the beginning of the next school year.

Mr. Furmanchik said the signs they put up cost them money to put up and install. He said we could put signs up on every street all the way to 15th Street. It is to the point that it is becoming a game. We put signs up and they park on the next street. He has been to Rizzo's parking lot and Rizzo's has been gracious enough to offer parking to the school students and the highest number of cars he has seen parked there was 16.

Mrs. Reynolds said the 12th graders will be leaving but the 11th graders will be coming up and we will have the same situation. She said she called Mr. Lucas as directed by Mr. Furmanchik and he laughed and said he is passing the buck back to the borough. Mr. Furmanchik said one resident up there he spoke too said what if this happens again. He said we the school, the borough, the school district can't run our lives as what if. If it happens we will address it. She said what if the kids driving next year are worse.

Mrs. Reynolds said her biggest concern is in the Winter. Mr. Furmanchik asked her if she parks strictly on the street? She said yes. Mr. Furmanchik said one resident said they have a parking place in the back and park in the back. They said in the evening they park on 22nd Street in front of their house and now they do not have a problem. By the time the kids come there to go to school they park where ever they need to park. He said if he goes to the school or doctor he doesn't have an issue. He resolved it by taking his car from the back and moving it to the front. Another lady said they have need for a home health care nurse and he talked to her yesterday and he told her to have her home health care nurse park on Cambria Avenue and to give him her license plate number and he will make sure they do not get a ticket.

Mrs. Reynolds said her main concern is winter. She said last Friday she had an issue because they parked in front of her walkway. She said it drives her crazy because she has to change her life to go grocery shopping. She hopes something will be resolved by the new school year. Mr. Furmanchik said he was also told there was a resident last week that was seen throwing something at one of the cars. He advises the residents that they will be the ones in trouble if they are caught throwing things.

Mr. Furmanchik said some people do not have any issues. Mrs. Reynolds said some people do not have a problem because they have a garage or leave later in the morning. Mr. Furmanchik said he could go on for an hour about the stories. He said find some comfort in the fact there has been a lot of networking and communication. Mrs. Reynolds asked if she should still call with the license plate number of cars parking there. Mr. Furmanchik said there is really nothing they can do unless they are blocking a fire hydrant, driveway or parking too close to the curb. Mrs. Reynolds thanked council for their time.

Visitor

Milt Beahr said he wanted to talk about a few things addressed tonight. One is the possible sale of the baseball fields at Recreation Park, and the other things being the banquet hall and the swimming pool. He said he knows everyone has their best interest at heart. He said he has three kids in the school district. One is seven and his twin girls are four years old. He said his seven year old plays baseball at the VE Arbutus League, his twins play there and he coaches there. His daughters also attend the summer camp at the park in the ballroom and they swim in the pool.

Mr. Beahr said the things he is seeing here is a lot of pride in the community. He said he saw that from those who spoke in wanting to keep baseball in the community. No one is saying anything about taking it away. He said one of the reasons he has his kids playing in the VE Arbutus League is because of the opportunity presented to them as being a part of that league. He said it is a large and successful league. There are 540 plus children in that league. He has neighbors in Windber that have teams playing in that league as well.

Mr. Beahr said if you think about it, it is not an attempt to hijack or take away from Windber. It is an opportunity to put a stronger league in place, which his gut tells him will have a much better chance of success in the future based on the revenues they have coming and the support they have. They are not taking away from the guys who have worked so hard on the what his up there.

Mr. Beahr said we are struggling with how we are going to pay for the pool and if we want to have the liner in place for this year we have to make a decision for tomorrow.

He said some of things could be addressed by what the board brought to the table when they put the property up for bid.

Mr. Beahr said another thing he saw from attending the VE board meeting last night was that there is no intention of taking anything away from Windber. If you look at it from a kids eye they do not care whether their hat says Windber or VE or whatever it might be its an opportunity for them to play ball and do stuff with their friends and attend camp up there and do things in the ballroom and all this good stuff.

Mr. Beahr said as you think about this decision you have to make here keep some of this stuff in mind. He said it makes really good sense to him and he just wanted to express his opinion.

Mayor's Report

Mayor Penrod said in regards to the accident involving one of our officers, the incident is being handled by the Pennsylvania State Police. The vehicle damage was estimated to be around \$11,000 and was turned into our insurance. The vehicle is being repaired by Memorial Chevrolet and should be completed by Monday.

Manager's Report

RECREATION PARK PROPERTY (LITTLE LEAGUE FIELDS) - The property has been advertised for the second time and we are accepting bids. Hopefully, the sale can be approve at our April 12th meeting.

SEWER LINE PROJECT- All of the preliminary work with PennVest is nearing completion and construction is scheduled to begin at the beginning of May.

24th & 22nd STREET BRIDGES - Temporary repairs are to begin by the week of April 11th.

Mr. Furmanchik said on 24th Street the abutments on the side, the steel on both sides of the bridge yesterday were removed and the Jersey Barriers are in place. Again a nice job done by Frankie's Hauling and Excavation.

They will be doing temporary remediation to the 22nd Street Bridge tomorrow.

ECONOMIC DEVELOPEMENT COMMITTEE - This group is seeking to open a bank account through the Borough.

CODES INSPECTION OFFICER - Tyler has been through the reorientation process and has begun to address property maintenance issues.

SOMERSET CORRECTIONAL INSTITUTION - Arrangements are being made to schedule inmates, to handle maintenance issues throughout the Borough.

Mr. Furmanchik said the contentious topic has been the situation with the creek that passes through Windber parallel to Route 56. He said at one point in time we had the Army Corp. of Engineers clean that out with equipment but now that is not something the Army Corp. handles. It also brings the situation to light with the involvement from DEP. His intention is to bring the inmates in from SCI and they will be cutting vegetation off the sides of the bank but not going into the water.

As soon as we get into the water and start rooting around would bring the DEP issue to light. He said to his surprise it is a trout stocked area.

Manager's Report

Mr. Jerley said he spoke to an engineer and he said if we go back to our original flood plain information there is probably something written in there about maintenance. Mr. Furmanchik said he talked to DEP and Paint Creek Watershed. Mr. Wargo, head of the Paint Creek Watershed, has been inspirational with repairs and maintenance in this area and he concurred with what he heard from DEP which is once you step foot into that water you have to have all kinds of permitting from DEP and inspections. We are trying to stay away from that. What he has been told is as long as you cut the debris away from the banks there is some kind of vegetation there that is extremely prominent and when we do that and have high waters it will eliminate the possibility of damming up by removing those obstacles that could bring debris to a halt and leaving it pile up.

POLICE VEHICLE ACCIDENT - The 2016 Ford Explorer is being repaired at Memorial Highway Chevrolet. A quick repair process has been negotiated.

WINTER STORM JONAS - Steps are being taken, through PEMA, to recover monies from the January storm. It seems that municipalities will recover 75 percent of their spend. Kudos to Robin for having all documentation well prepared.

SPRING CLEAN UP - The annual event is slated to begin on May 16th. There have been two bidders.

BALLROOM ASSESSMENT - Permission had been given for this in the past. The study reveals that the ballroom is considered sound with some deficiencies.

AGENDA - Since I have been in this position, many citizen's have expressed concern over not being able to speak until the end of the meeting. Would council consider moving Recognition of visitors back to the top of the agenda?

TREES MINER'S PARK. Mr. Furmanchik said the trees in Miner's Park have not be trimmed in several years. He instructed Mr. Hiteshow to get three estimates and the lowest estimate was \$1,200. We had a situation last week where a POW Flag got tangled up in the tree branches and tore it. He said he had the flag taken now and ordered two new flags to replace it.

STORM WATER ISSUES ON JACKSON AVENUE. Mr. Furmanchik said those of you who remember back, we planned to put in a new catch basin and install about 200 feet of pipe. The property has been surveyed we find that we have sufficient drop to aid the capturing of the storm water. That area is an extremely wet area and they are waiting until spring for it to dry up then public works will go down there and dig. It should be somewhere around \$1,200 to \$1,400.

WELCOME TO WINDBER SIGNS. Mr. Furmanchik said at the last meeting we agreed to have a contractor look at the sign in storage at Jerley Auto Body. We were told that repairs are expensive and they cannot even put a dollar figure on it.

They said the sign off the 12th Street Exit is estimated at \$970. We will be following other avenues for repair for those two signs.

BCL Manufacturing is going to make two signs for the borough “Welcome to Windber”, “A great Place to Work, A Great Place to Raise Your Family” Those signs will be constructed out of stainless steel. He will make arrangements to have them erected on the East and West points of town.

NIMS TRAINING. We are still waiting on the Fire Company to prepare for the situation.

PROPERTY CLEANUP. Mr. Furmanchik said we got rid of some equipment that we bid out tonight and we are now advertising in the Traders Guide, Craigs List and the borough’s Facebook Page old traffic lights. He understands there is a market for these. Bids will be opened on the 10th of next month.

MIDWAY. Mr. Furmanchik said he had an extended conversation with the owner of the property on Midway. There is a parking lot and another apartment building. The owner has been interested in selling it and he said he would like to have \$35,000 for that property. Mr. Furmanchik asked him if the borough was interested how much would he sell the parking lot for. He said his concern was his one tenant wouldn’t have a place to park. Mr. Furmanchik said he told him they could agree on a spot for one vehicle. He is waiting to hear back from him. Maybe we will at least be able to negotiate a deal where the employees who work out of this office in the day time could park there.

Mr. Spinelli said there was a sign laying in the ditch on 56 by the 12th Street Exit.

**Solicitor’s
Report**

1800 Graham Avenue. Windber. PA - The new Deed has been prepared, delivered and was recorded on March 23, 2016 to KZ Real Estate Holdings, LLC.

Old Boron Gas Station - 1718 Graham Avenue. Windber. PA -All the above ground structures, but for the gas dispensers and concrete island, have been removed.

Muscatello Property - 308 11th Street. Windber. PA 15963 - The structure on the premises has been razed.

PennVest Loan -2015 Sanitary Sewage Project - PennVest's Closing has been set for April 26, 2016. All documents necessary to submit to PennVest have been submitted for review and refinement, if necessary; this process is being coordinated by The Eads Group specialist in this area.

Sale of Little League Fields - The revised Request for Sealed Bids has been developed and advertised for opening on Tuesday, April 12, 2016.

Council convened to an executive session at 9:05 p.m.

Council reconvened from an executive session at 9:10 p.m. for personnel purposes.

**Windber
Pool**

Mr. Spinos said to try and solve this problem and get on with the pool liner the Municipal Authority has \$20,000 to put towards it. Mr. Zabloutney said yes. Mr. Spinos said the \$8,900 we made tonight on the sale of the equipment we will put towards it. Mr. Spinos asked the Municipal Authority how much money they need to put down to have the contractor begin working on the liner? Mr. Grohal said \$50,000. Mr. Spinos said between the \$20,000 and 8,900 that gives us \$28,900. If council would agree to put up the rest of the money for the \$50,000 and in conjunction with that any monies the Municipal Authority would receive they would reimburse the borough. He said this way the Municipal Authority can get started on the liner.

Mr. Berkey asked the Authority if they had the authority to authorize this. There were only three members still in the room. He said they need the authority to commit to reimburse the borough through donations for the pool liner. Mr. Malisko said they would put the monies in their account and write a check to the borough.

Mr. Zabloutney proceeded to contact one of the board members through a phone vote. Mr. Malisko asked if the difference between the bid of the \$69,500 minus the money given by the borough and their \$20,000 meant it is their responsibility to pay the additional \$19,500? Mr. Berkey said yes. Mr. Malisko said right now they would need an additional \$20,000 to complete the project pending there are no other issues that arise. He said he just wants to be clear up front that they are responsible for the additional \$20,000.

Mr. Spinos said council has agreed that we will give towards this. Mr. Malisko said he just wants to make sure that he understands it that they have to come up with the additional \$20,000 by May. Mr. Furmanchik said also the \$8,961 raised tonight is going to be a donation and does not have to be paid back. Council agreed.

A motion was made by Mr. Spinos to pay \$28,961 from Capital Improvement Fund to be given to the Municipal Authority to begin the pool project. The \$20,000 will be given as a loan and the \$8,961 will be given as a donation. The Municipal Authority is to pay back the \$20,000 with any donations they receive. Remarks: Mr. Spinos said we need to decide how much we are giving them as a donation. Mrs. Gates said the Municipal Authority still had to come up with \$20,000 to pay the remaining cost of the liner, so if they get \$20,000 in donations do they get to keep that and put it towards the remaining cost. Mr. Malisko agreed saying that would be the issue.

Mr. Furmanchik said with the \$8,961 donation they will owe the borough \$21,000. Mr. Malisko said we will then owe the contractor another \$20,000 and the borough so that would be a total of \$40,000. Mr. Spinos asked council how much they are willing to give them without a loan. Mr. LaMonaca asked what is actually needed. Mr. Malisko said the project is \$70,000. If they contribute \$20,000 that leaves \$50,000. If the borough gives them \$20,000 that still leaves them \$30,000 short. They would need to raise \$30,000 by the time the project is completed in May 26th.

Mr. Spinos rescinded his motion. Mr. LaMonaca made a motion to give the Municipal Authority \$20,000 plus the \$8,961 from the Capital Improvement Fund. Motion was seconded by Mr. Holden. Roll call vote: Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mr. Mash, yes; Mrs. Pekala, absent, and Mr. Spinos, yes. Motion carried.

Mr. Grohal said it was very generous what council gave to him but he is very nervous about coming up with the additional monies. The slide repair they are paying for is going to cost \$7,000. Mr. Furmanchik said that he heard there are some people out there that have generous donations in mind. Mr. Grohal said if that happens they could make it.

Resolution FEMA Agent A motion was made by Mr. Mash and seconded by Mr. Holden to approve Resolution No. 2016-6 designating James Furmanchik as the agent authorized to sign the forms and documents for financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. One absent, Mrs. Pekala. Motion carried.

County Dinner Mr. Jerley asked if anyone was interested in attending the Somerset County Borough's Association Dinner on Thursday, May 19, 2016. No one was able to attend.

Donation to Fire Co. A motion was made by Mr. Holden and seconded by Mr. Spinos to approve the request from the Windber Fire Company for their annual budget donation of \$21,000. One absent, Mrs. Pekala. Motion carried.

Donation to Library A motion was made by Mr. Mash and seconded by Mr. Spinos to approve the request from the Windber Public Library for their annual donation of \$15,000. One absent, Mrs. Pekala, motion carried.

Approval Spring Clean-up A motion was made by Mr. Holden and seconded by Mr. Mash to approve Spring cleanup bid to Yonish Disposal at \$120 a ton. Includes landfill fees and worker's hours. Permits will remain the same price as last year at \$45. One absent, Mrs. Pekala. Motion carried.

Approval Curb cut A motion was made by Mr. Spinos and seconded by Mr. Mash to approve a curb cut for Chris Bubalo at 709 15th Street. Remarks: Mr. Spinos asked if this was all legit. Mr. Furmanchik said yes, he was at his property. If you go up 15th Street and you make the left onto Park Avenue there is a shed in the back yard and he plans to build in a garage within the next two years but right now he just wants a curb cut to make a driveway for off street parking. Apparently he has a car he has stored somewhere and wants to bring it home. Mr. Hunter asked if it was right before the alley. Mr. Furmanchik said yes. One absent, Mrs. Pekala, motion carried.

Next Meeting The next Council Meeting will be held on April 26, 2016.

Adjourn Meeting was adjourned by Council President, Barry Jerley at 9:45 p.m.

Respectfully Submitted By:

Robin S. Gates