

Borough Council Regular Meeting April 26, 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: Jason Hunter, Barry Jerley, Pete LaMonaca, Ron Mash, Sonya Pekala, and James Spinos. James Furmanchik, Borough Manager, Solicitor, Jeffrey Berkey and Mayor Scott Penrod were also present. Absent was John Holden.

Approval Minutes

A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the Minutes of April 12, 2016 meeting. One absent, Mr. Holden. Motion carried.

Recognition of Visitors

Glenn Gaye thanked council and introduced himself to everyone. He said he was here this evening to speak on behalf of Windber Youth Baseball and Softball, in regards to the issue that has arisen, basically out of a good idea and good intentions months ago.

Mr. Gaye told council a little bit about himself and how he got to be the person before council this evening. He said he is the sponsorship coordinator for WYBAS, an organization that is serving the youth of Windber here.

Mr. Gaye said he is giving his respective as a Windberite and he is here for Windber. He said his great grandfather was the first practicing physician in this town. His homestead next to Dr. Muha's office is still there. His grandfather worked with gentlemen and members of this council to open Route 56. He did the ribbon planning with Arnie Palmer.

Mr. Gaye said he believes he is a person who speaks on behalf of their league, on behalf of their children and on behalf of our community. He said tonight is not about who is right and who is wrong. It's about what's right and what's wrong. He said he wanted to start by thanking council. He said he was trying to think of a creative way to come up here this evening and he thought to himself they can play two songs that would really be appropriate to this situation. You could "Take the Money and Run" and as a council you didn't do that you tabled it and on behalf of WYBAS, the children and the families he is representing, thank you. The second song he said you could play is "You Don't Know What You've Got Until It Is Gone". Once something is gone you do not get it back. Those are the facts of life.

Mr. Gaye said they are here to say also, thanks to VE Arbutus and P. J. McGowan all the folks who are here this evening to work towards a resolution of what is best for the community. In that he says thank you to each and every one of them. He said he does not want to make this a political matter. He said he went through his cell phone and he has eight of council's numbers and did not call them. He wanted to talk to council freely and openly this evening to discuss the state of WYBAS.

Mr. Gaye said Mr. Ray Bossi is here who has been involved with our league for over 50 years and is here to answer questions from an historical perspective.

Visitors

Mr. Gaye said he appreciates the position council is in from being a fire chief and being involved with the Windber Fire Department from 1987 to 2001 he understands money. His father told him a long time ago money talks and talk walks. It is very easy to be pulled in because council has an issue, an issue involving this community and he is not asking council to pick sides but to stay the course because for us we have learned to become problem solvers. He said they have not been shameless self promoters. He said what is going to make this difficult for council tonight is that you are going to have good Windber folks that are going to say moving forward now and (correct him if he is wrong but this goes towards a private sale if council would so choose) that's going to be good. He can tell you that if a good idea had not been brought to the table months ago, there would be three groups of people not in this room tonight.

Mr. Gaye said borough council did not go looking for a problem. WYBAS did not go looking for a problem. V. E. Arbutus did not go looking for a problem. They are here tonight because they want to solve a problem or be part of solving the problem. They want to raise awareness because baseball and softball are the feeder systems for our high school in this town. Kids having their parents, have the opportunity to choose. They can choose to go to Iron Horse. He said one night when he was out there catching he saw several people come out and begin to engage in discussions and he thought wow our council! Mr. Gaye said like Mr. Furmanchik said a lot of great things are gravitating and he is right and a lot of those things involve discussions that we do not know about.

Mr. Gaye said their financial status is up. The growth of their league is up. They are a softball only league because people made choices to do other things. They have field improvement provided by people like Jay Shaffer and Phil Petrunak. They are supported by Windber's businesses. Cindy Cominsky from H & R Block donated \$150 for a sign and then threw in some more money and said use it for the league.

Mr. Gaye said in closing they want to be partners with council in moving forward. They want nothing more than to leave here tonight to say that WYBAS has taken care of the fields for 50 years. They plan to be there for 50 more. They appreciate the meetings and the work they have done in the last 48 to 72 hours with the folks from V. E. Arbutus and ask council to consider if they would choose not to sell those fields to look to them. They have been here for 50 years and they plan to be there for 50 more and are more than willing. Since this has arisen they have contacted local banks and private individuals to procure the type of funds that can help council to achieve their goal as well. Mr. Gaye thanked council and asked them if they had any questions.

Mr. Spinos said this might solve a lot of problems with everyone speaking tonight. As Mr. Gaye representing WYBAS here tonight what is WYBAS in favor of council doing. Mr. Gaye said just for the sake of clarity when he answers the question, John Plunkard who is their president and would normally be their speaker is working through a situation today with a family member and is in route back from an appointment and hopes to be here so he asked Mr. Gaye to talk, but what his answer to Mr. Spinos' question would be is what he talked about.

He said going back to what started this idea of selling the fields, had that not been brought forth which he believes to be something that would be super beneficial to their community there would be three groups that really wouldn't be doing anything any differently now at 7:10 p.m. this evening. Council would be working through their agenda and they would all be at the fields running practices and V. E. would be at their fields running their practice.

Visitors

Mr. Gaye said with respect to the issues before council and the things that have been publicized (if he is giving incorrect information in his answer please correct him) but the large amount of money that was first publicized to prepare the pool liner has now according to the newspaper article has dwindled. He heard \$20,000 and that is nothing to laugh at and he respects that position council is in. You still have to conduct the business of the borough and do what is best on that end as well. He said their first response would be that if council can do it and can see it in their hearts do nothing. Let it go. Let them do what they do. They have been cutting the grass up there. They have been fixing the fields and partnering with local individuals who have been giving their time, materials, and equipment. They just worked with Mr. Petrunak and he made two more softball fields for them all the while knowing this work might not even be, for their opening day.

Mr. Gaye said he is asking in respect to the financial situation to do nothing. Secondly, if it would go to a private sale we want to be good partners. Let them be, like we have always done in Windber and let us work together.

Mr. Furmanchik said just to clarify for everyone's best interest and in layman's language, originally when a local entrepreneur approached borough council about and mentioned the possibility of buying the fields there was a meeting with WYBAS. Mr. Gaye said yes. Mr. Furmanchik said the result of that meeting was that WYBAS was in total support of the action. Mr. Gaye said he was 100% correct. He said Mr. Plunkard met that individual and were at that point and time able to comprise a seven or nine page document that they were able to work through to move forward to make that come to fruition and between there and here is where things changed course. In that point and time he approached us last August in a good faith effort to say look I won't even pitch these folks this idea if they did not want it. They saw it and discussed it among themselves of whether this was good for their kids and their community. The way he sees it they have something no one else does and that is the facility on Verla Drive. We continue to work, ponder and build things and at that point and time there was full support of that partnership.

Mr. Spinos asked how it was now. Mr. Gaye said we are actually on very good terms. That individual was the manager of our 15U Team last year. He has supported our kids and Mr. Toki was a coach and he was able to take our kids out there throughout the course of the Cambria/Somerset Fast Pitch Season and those teams practiced for free. He managed that team and that team went 15 and 0. Mr. Gaye said they had a 10U team that went 13 and 1, those are the kids that will be wearing Windber Rambler uniforms in a couple of years and he is part of that. He did not charge us anything and took us out there. This winter on Friday nights when everything was done he took us out there and let our 12U team practice all winter at no cost. He is a very good partner to us.

Mr. Gaye said they are planning on doing their thing and opening their league on Saturday. He invited council Friday afternoon and all day Saturday to check out the work going on. He said opening day festivities begins at 12:30. See what is going on because that is a vital park.

Visitors

Mr. Spinosa said he was speaking on behalf of council that they are in total agreement that they want to work with WYBAS as part of the community and make this right and we will talk to them if it goes any further. Mr. Gaye said they appreciate that very much on behalf of their league, parents and kids. Everyone here is here for the kids and that is core. We appreciate it very much.

Mr. Furmanchik said as a matter of general information for everyone, originally, when the borough entered into the situation with the local entrepreneur, we the borough were approached about the possibility of purchasing those fields. Never at that time was that land sale considered to be a vehicle to subsidize improvements at the park and playground. We knew there was an issue with the pool liner but that was not the intent. The drive behind all that was the impact it would make on economic development for this community. When it got to the point where our understanding was WYBAS was receptive to this then it began to flourish even more so. At some point and time shortly thereafter it came to our attention, that because it was a public land sale, it would have to be advertised through a bid process. Once that took place the situation with the need for money for the pool liner moved to the forefront.

Mr. Furmanchik said he wanted everyone sitting here, before they approach the podium and before their mind takes the best of them, please note the original intent was not for subsidizing the pool. It was to bolster economic development and to support our business community.

Mr. Gaye thanked council for their time and on behalf of WYBAS thanked council for tabling the approval of the bid at the last meeting. Council thanked Mr. Gaye.

Dave Arnold said council answered his questions and withdrew his allotted time frame.

Mrs. Catena said she just arrived back into her home town about 10 years ago after living in various parts of the United States. She understands that part of the park has been up for sale. She does not personally understand why an integral part of our town has to be sold in order for activities to continue there. She remembers the park as a young girl and the many picnics they had there, the fireworks over the Fourth of July, and different activities that the people of Windber enjoyed because it was part of their heritage.

Mrs. Catena said the stipulation was when the coal company gave the land to the city for the benefit of the town it was never to be sold. She firmly believes that tradition should be held. She came here because she has friends interested in what is going on in Windber and she personally wants to see the best to be had and done for Windber. She is glad to be part of this retinal of citizens sitting at this table who take time from their home and businesses to run the business of the town. She thanked council for allowing her to state her visit here, and she would like to say the park should be held the way it has been held for these many years. Council thanked Mrs. Catena.

Joan Albright said she has been working on economic development here in Windber over the last few weeks. She found there are a lot of different ways they can make money to sustain the park. It is a sustainable park right now the way it is.

Ms. Albright said we are losing face in selling that park for a pool liner.

That's the consensus of opinion with people who have funding and want to do something, to donate or grant us money to make that park better than it is right now. She said she appreciated what Mr. Gaye said because what Windber is doing shows their heart, shows their soul, and their intention. Selling off the land quickly even if it is for the children and that is what this is all about. This is what she has been doing with the "Why Not Windber" campaign, bringing in the high school kids, the 4H kids, girl scouts and boy scouts into it. Making the children respected by the community but also making the children respect the community.

Visitors

Ms. Albright said if we sell our park quickly it just shows we want quick money and don't really care about our park. If you want funding, grants, donations or what have you, you won't get it by quick money but you get a lot of respect by holding onto the land and working within the Community Foundations available to us. Continue to bring baseball and softball in. That is what it is for. To bring everyone together. That park could be a very valuable asset to the financial aspects of Windber and downtown. She said she wishes council would make a good decision based on what she sees tonight. Mr. Spinos thanked her for her time.

Mark Horner and Steven Toki withdrew their time to speak. They said Mr. Gaye spoke well on their behalf.

Mike Betcher said he is probably the only one here to bring the other point of view. He said he grew up in this town and played his first baseball game up there when he was seven, when Ray and George Halovka were running the league. He played there until he was 15 and his little brother played there and his dad sponsored a team from the entire time he was there. His mother ran the women's auxiliary. When he was too old to play he umpired. He started playing fast pitch softball for the big leagues.

Mr. Betcher said they do not play baseball up there anymore. He has two kids that play. He just came from a practice at Arbutus because his kids do not play baseball up there. That is a very special place to him the little league fields.

Mr. Betcher said he runs the Youth Football League in this town. He is a school board member. He is Chairman of the Windber Legacy Foundation and their stated mission is to "Honor the Past while Embracing the Future."

Mr. Betcher said Mr. Furmanchik mentioned economic development. From an economic development stand point right now, his children and not just his children, but there are probably 30 Windber kids playing baseball at Arbutus right now because it is the only little league option they've got. There is no little league in this town and the fact he drives past those fields and his kids can't play there strikes a chord in his heart. It is important to him. It puts him on an emotional level from a town development standpoint. That league represents 650 families, many of which do not live in this town.

If we were to use that field outside of how it is being used right now WYBAS could remain a tenant of the field in exactly the same structure they are right now. In addition to their use of the field we could schedule little league baseball games from Windber and surrounding communities that come down the hill and drive up 9th Street to little league games.

Visitors

Mr. Betcher said ask yourselves when they are done with their game are they going to go home or go over here and have a burger at the hotel or get a slice of pizza at Mimo's? When you talk about economic development in addition to the price they would pay for the field there are the benefits it can bring. The concept of regionalization is something from a school district, from a community and not just us but from all the towns around here. We have to start embracing that because if we're going to grow in today's economic conditions these sorts of agreements where we put aside personalities and focus on long term benefits for the area are in the best interest of not just us but the communities around us.

Mr. Betcher said if you want to get better and stronger as a region he believes this is the right thing to do. From an emotional stand point he wants to see his kids play little league up at that field and they are not. He thanked council for their time and knows it is not an easy decision and he respects everyone in this room. He has spoken with many members of this community who support this move, families and people of this town who think it is a good move. Financially, short term, economic development, long term for our town, for our kids and for his kids. Honestly for his children and their children to have a place to play baseball because we cannot do it now.

Mr. Betcher thanked council and said whatever they decide they are all in this together. Council thanked Mr. Betcher for speaking.

Correspondence

1. Minutes and Treasurer's Report from the Windber Municipal Authorities April 5, 2016 Meeting.
2. Codes Enforcement Officer's Reports
3. PA Municipal Code Alliance Monthly Report.

Mr. Furmanchik said the PennVest loan process has come to a closure and the sewer replacement construction will start at the beginning of May. It will start at Stadium Terrace and move this way. If anyone would have any questions about where else we might be working please stop and see him after the meeting. We will have a preconstruction meeting in council chambers Thursday the 28th at 1:00 p.m.

Also, as a reminder to those of this community we do have an economic development committee. Our monthly meeting takes place Thursday, April 28th at 7:00 p.m. in council chambers. If you are interested in pushing this town forward then attend if you can. If you're interested in attending future meetings let him know and he will include your email to their mass email listing which is sent out monthly and includes meeting dates and times.

Council convened to an executive session at 7:30 p.m. for land litigation

Council reconvened from an executive session at 7:50 p.m.

Visitors

Paul McGowan thanked council for putting up with himself and V. E. Arbutus through this whole process. At no point in time were any of our ideas, thoughts or conceptions of pursuing the purchase of the Windber Recreation fields malicious or in any other intent but for the betterment of their league and the expansion of their league.

Mr. McGowan said he got a little upset at the last meeting and apologized. When the bid was tabled he was probably out of line and he apologized. He said his emotions grabbed a hold of him because he believed deeply in what they were doing.

Mr. McGowan said he was purvey to some information that he was not at the time able to talk about. That information dealt with Iron Horse Complex. He said it was rumored and now has street credit that Mr. Tunstall and Rick Roberts weren't seeing eye to eye on some dealings with the leagues and operations. He believes for the betterment of the Windber Community, their league, WYBAS, and many others they fixed that and resolved that. Mr. Tunstall is a very impressive businessman and Mr. Roberts is very successful and an honored baseball player. They realized what their talents are over their first year at Iron Horse and he believes that from what Mr. Roberts told him Mr. Tunstall is going to run the business and Mr. Roberts and his company ERA will run the baseball side of it.

Mr. McGowan said the information he was purvey to and could not discuss with council and he really wanted to because it might have changed council from possibly tabling it or not, was, with ERA now running that league there will no longer be a 12 year old or under baseball league playing during the week at Iron Horse as of the 2017 season. This year they will finish up their season. Next year there will be a 13 year old league played in April or May.

Mr. McGowan said he knows for a fact that Rick Roberts and a handful of people that used to be members and players in their league are coming back to play during the week at V. E. Arbutus. They are expecting somewhere between 60 and 120 kids for baseball alone. The need for these fields for their league, they have out grown. They have out grown where they are. He said this was on his tongue and he fought his emotions to tell council but he gave his word to Rick Roberts that he would not divulge any of the information until Mr. Roberts and Mr. Tunstall made everything complete and he was ready to talk about that openly because it was his business and not his.

Mr. McGowan said these dealings from the time they formally bid had a lot of truth, rumors, and concerns have overtaken his life and many others. Like a very personal friend of his and family member, Glenn Gaye and he had enough respect for each other not to talk about this at any family deals or take it into our family meetings or personal lives. He said he knew there would be a point in time when they would need to talk.

He said Mr. Furmanchik sent him an email and asked if they could sit down with WYBAS and discuss the bid, situation and how it would affect them. Randy Yost represented V. E. Erickson met with John Plunkard, Roger Berkheimer and Mr. Horner this past Sunday. They had a very good meeting. A lot of positives came out of it. The one thing that did come out of it was they asked for our understanding and we did put ourselves in their shoes. In one sense that is their sovereign ball field. He understands the history of Windber. The one thing their league stands for is trying to get more kids playing in the games of baseball and softball and they did not want to harm their league at all.

Visitors

Mr. McGowan said after we now understand it, how passionate they were to either run these fields on their own, work out a partnership or explore other options before the hammer is dropped on selling this ground to us or other individuals. We respected that and quite honestly he knows the lives of the borough councilman, citizens of the community and borough have spent a large amount of time debating this, the positives and the negatives.

Mr. McGowan said he knows there were a lot in the community that were spending the \$80,000 before it was accepted and unfortunately and respectfully they are going to rescind their bid to purchase the land in respect to WYBAS. He is hoping that their leagues can begin to work together and that has already started. He and Glenn Gaye have had several talks over the past few days and another very good engaging talk last evening and some talks between their softball leagues have already begun to see if they can do some intermingle tournaments together and start meeting every now and then to discuss how they may be able to work together.

Mr. McGowan said one thing that concerns him because of the timeline that this bid process would have taken and the 100 days they would have had to close on the property as the bid packet requested the baseball season would have probably come to an end by the time the process would have been completed.

Mr. McGowan said if anyone has been looking the weather forecast has not been looking to promising for the next two weeks. They expect a lot of rain outs for their league. He said they are so packed full right now losing one day of play puts them about 16 games behind because of all the fields operating in full capacity.

Mr. McGowan asked is there still a possibility that we could still work something out between everybody because obviously we are not bidding anymore or attempting to buy the land. Maybe we can still bring some teams out later in the season to play a few games when the fields are not occupied or being used. Maybe they can make a donation to the borough or to WYBAS to help their cause. We are hoping to work with Windber Borough and WYBAS and Windber Recreation. He said he had a very good talk with Matt Grohal this morning. Obviously Matt was disappointed that the bid was being retracted but Matt asked him to continue working with him with some of the ideas they built with him about doing a fund drive for their members for pool memberships.

Mr. McGowan said this Saturday is also their leagues opening day and they start festivities and opening ceremonies at 9 a.m. He said Matt and him are going to put up a 12 x 12 pop up tent at the V. E. Complex where they are going to have their ceremony. The banner he had made for it today says basically Windber Recreation Pool Commission Pool Membership Fund Drive, 25% off of it today only and 10% off to all V. E. Arbutus families from this point on. Can he guarantee how many people may sign up, no but does he think we will get a handful, absolutely. He said it is something they can do to help and maybe still work with Windber Recreation.

Visitors

Mr. McGowan said again as a spokesperson for V. E. Arbutus at no time did they have any hard feelings or any intent to derail anything or undermine or pass falsehoods during this process. He hopes council and WYBAS accepts that as truth and he believes that Mr. Gaye does. He hopes that we can all work together and that was a strong point with Mr. Furmanchik. He believes that something positive will come out of this event. Whether the sale of the property goes in a different direction or the borough decides to keep the fields as their own assets. He said hopefully we bridged some gaps.

Mr. McGowan said he has had a good friendship with many of council and he has gotten to know a few of them and he hopes that continues. He is pretty good at putting a fine line between business and friendships. He thanked council for their time.

Mr. Furmanchik said he appreciated Mr. McGowan's comment and he would like to pass on to those in attendance in the gallery there is a lesson to be learned here and that lesson to be learned here again stems from economic development that in order to make economic development successful we need to extend a hand to neighboring communities and help each other, take care of each other and not only help Windber to be successful but our neighbors also.

Mr. Furmanchik said those of you in attendance and the folks from WYBAS it was a pleasure speaking with you over the past few weeks and if they ever need anything please feel free to call him and he will pass it on to council. He extends that hand and we are going to move this town forward and stay strong.

Mr. Berkey asked Mr. McGowan if he was representing the board of V. E. Arbutus and withdrawing his bid. Mr. McGowan said yes that is correct. He said they did state in an official email to Mr. Furmanchik a few days back that they were officially resigning their bid. It was based on many redundant differences, the situation abroad and that never was their intent to cause any of this when bidding this. Although they have members of the borough in their league they do play outside of the borough limits so they did not want to be the organization to create a wedge in Windber. They felt it was in their best interest and WYBAS best interest to formally resign their bid and step back from the situation.

Mr. Berkey said under the request for bids the bids were to be opened and allowed for 60 days. You are withdrawing it within that 60 day period and the borough council will have to decide if they will allow it to be withdrawn because it was to be open for 60 days.

A motion was made by Mr. Spinos and seconded by Mrs. Pekala to accept the removal of the bid from V. E. Arbutus. Roll call vote: Mr. Spinos, yes; Mrs. Pekala, yes; Mr. Holden is absent; Mr. Hunter, yes; Mr. Jerley, yes; Mr. LaMonaca, yes; and Mr. Mash, yes. Motion carried.

Approval Payroll A motion was made by Mr. Spinos and seconded by Mrs. Pekala to approve payroll for April 1st and 15th, 2016. One absent, Mr. Holden. Motion carried.

Approval Thunder in Valley A motion was made by Mr. Mash and seconded by Mr. Spinos to approve the request for street closings for Thunder in the Valley June 24 and 25, 2016. One absent, Mr. Holden, Motion carried.

Next Meeting The next meeting will be May 16, 2016.

Adjourn Meeting was adjourned by Council President, Barry Jerley at 8:15 p.m.

Respectfully Submitted By:

Robin S. Gates