

Borough Council Regular Meeting March 22, 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. Mash and seconded by Mr. Spinos to approve the Minutes of March 8, 2016 Meeting. One absent, Mrs. Pekala, motion carried.

Correspondence

1. Minutes of the Windber Area Authority's February 10, 2016 Meeting.
2. PA Municipal Code Alliance Report.
3. Municipal Authority's Minutes and Treasurer's Report.

Approval Payroll A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve payroll for March 4 and 18, 2016. One absent, Mrs. Pekala, motion carried.

Opening Bids Little Little Fields Mr. Furmanchik said there were no bids. A third party who originally claimed some interest in the property surfaced again this afternoon and told him they were interested. They were told the sale had been advertised and the bids had to be in by 4 p.m. today.

Mr. Furmanchik spoke with the original interested party and offered him some different scenarios to help him out. Basically we were at a standstill. He said he doesn't know if council wants to pursue it at any length or not.

Mr. Spinos asked if there was any possible way to extend the bids. Mr. Berkey said the borough code requires an advertisement for a second time before you can negotiate a sale. The borough could advertise for bids a second time, similar to what the borough did the first time to see if there would be any interest. The borough code is very specific in that you have to advertise a second time before you try and sell the property.

Mr. Spinos said so the same scenario is we advertise again and no one bids on it then we can go through with a private sale. Mr. Berkey said yes. He said it is not an extension but a seconded advertisement.

Mr. Spinos said if this property does not sell, it becomes our issue. We will have to maintain it and cut the grass and whatever else needs to be done.

Mr. Furmanchik agreed without any activity from Little League, it is going to become a monumental maintenance issue for the borough.

**Bids
Little league
Fields**

As time goes by the fencing and the dugouts are going to deteriorate and have to be removed, not to mention all the grass to cut.

Mr. Holden asked if we were liable for the property now insurance wise? Mr. Furmanchik said it is our property. Mr. Holden said he saw someone practicing on the softball field and the gate was open. He asked who has the keys and who is taking care of it. Mr. Furmanchik said girls softball and T-ball are still playing there. Practice should be starting.

Mr. Holden asked who the administrative body is. Mr. Furmanchik said it is YBOS. He said John Plunkard is the President. Mr. Berkey said they should have insurances. These little leagues and softball leagues do have insurance as a group. You can check with them to see.

Mr. Furmanchik said one of the parties approached him and asked if we could go ahead with the subdivision and advertise both properties at the same time. If we do that it's \$4,400 for the subdivision, plus advertising, and other costs may occur.

Mr. Hunter said the only way he would be okay with it is if we got something in writing. Mr. Furmanchik said he mention that to the individual, to give us some type of confirmation if he wants council to proceed in that direction so he could present it to council. He did not receive anything.

Mr. Furmanchik said Attorney Berkey and he had a conference call with the interested party. We spent a half an hour or so on the phone going over items of concern. Mr. Berkey offered solutions for three out of the five. Mr. Furmanchik went out of his way to talk to the Windber Area Authority about any costs being handled in house. He also spoke to the Cambria County Assessment Office for about a half an hour. The opinion from them was that it should not be a very heavy tax burden. It would be a land tax because you're not going to have a house there. All you have is fields, dugouts, and a concession stand. He said they tried to work around all these things.

Mr. Spinos asked council what they wanted to do. Mr. Hunter said we almost have to advertise anyway. Mr. LaMonaca said we may as well advertise it.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to do a second advertisement on the first available date, according to whatever the law allows, of the Little League Fields. One absent, Mrs. Pekala. Motion carried.

**Approval
Police SUV
Expense**

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve payment to Team Force for equipment and installation of equipment in the new police SUV in the amount of \$10,870.61 to be paid from the Capital Improvement Fund. Roll call vote: Mr. Spinos, yes; Mr. LaMonaca, yes; Mr. Holden, yes; Mr. Hunter, yes; Mr. Jerley, yes; Mr. Mash, yes; and Mrs. Pekala, absent. Motion carried.

Council convened to an executive session at 7:15 p.m. for personnel issues.

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

**Recreation
Park Pool
Bid**

Mr. Holden said the Municipal Authority received two bids for the main pool and the baby pool. There was only one bid that met the criteria the Municipal Authority outlined in the bid packet. There was one qualified bid for the main pool for the replacement of the liner. The bids for the baby pool were disqualified because during discussion of the bids the parameters for the bids for the baby pool repairs did not include an outline or information to repair the plumbing or reroute the plumbing. It was mainly to replace the liner. The plumbing had to be repaired before they could replace the liner.

Mr. Holden said there are some maintenance issues with the tube slides at the park. Mr. Grohal said they visually inspected them and they are starting to spider web and the next thing is the fiberglass will start and we will have a major problem. He said he has three estimates on resurfacing the slide. The gel coat is obviously the most expensive. It is \$25,900 to do the gel coat. There is a new product out, from a company in Ohio called "Slide Renew". It is a much better product than the gel coat. It lasts longer and is heat resistant. Their price to do the slide was around \$13,000. There was another bid around \$15,000 and that was to fix all the rust on the supports as well.

Mr. Holden said taking into consideration the replacement of the pool liner and the expense involved with that as well tube slides, and the previous discussion regarding the sale of the ball field's, we have some hard decisions to make on what we are going to do.

Mr. Furmanchik said it is his understanding the installation of a new pool liner is under time constraints. Mr. Holden said that is why there is basically one successful bid because the second bid could not meet the time line. Mr. Furmanchik asked when the bid winner would have started the project. Mrs. Hiteshew said tomorrow. Mr. Hunter asked the Municipal Authority if they are asking the borough to pay for all of this. They said yes. Mr. Hunter said that would be \$69,500 for a pool liner and \$13,000 for the slide? Mr. Grohal said no, not the slide. Mr. Spinosa said we do not know what other costs could be involved once we get the liner out.

Mrs. Gates said after we pay for demolitions of the house and gas station and the expense for the new cruiser we will only have \$85,000 left in the Capital Improvement Fund.

Mr. Jerley asked about the bridges on 24th and 22nd Streets. Mr. Furmanchik said after speaking to the EAD's engineer, we have to move expeditiously to have those temporary repairs made to the 24th Street Bridge. There are no real structural issues but issues with the barriers on the side if a car or bus would hit it.

The issues on the 22nd Street Bridge are totally different. There are structural issues there. The structural integrity on that bridge is the worst where the sidewalk is. There is no partition between the sidewalk or the actual bridge deck or surface. It is from years of paving over there. It is one flat area and underneath that sidewalk is where the structural issue is. As a temporary resolve to that particular structural issue what they deemed would be approved is to put in "ball bats." They are cylindrical, they are round and narrow on the bottom and get wider at the top and flatten out with reflectors on them. They are flexible like if a snow plow would hit them they would move. They would keep traffic off of the sidewalk area. When we reviewed that situation you could see the tire marks on the sidewalk.

Park Pool

Mr. Furmanchik said if the unfortunate would happen you could actually shut the bridge down on 22nd Street. He said there are two ways in and out of South 22nd Street. He said their main focus has to be on the 24th Street and he would go into more details later. He said he did talk to every legislator in our coverage area and John Wozniak. John reminded him that he does not represent our area anymore but he is on the transportation board. He said he will try to do something, so we will see. The main thing in our mind is to move forward and make sure the temporary solution is done. The engineer from EAD's said if worst comes to worst it could buy us a couple of years.

Mr. Jerley asked about the levees? Mr. Furmanchik said the levee went through some inspections as well and there are some issues with that also. There is either total replacement as an option or partial replacement or repair. That is down the road too. We have to keep a close eye not only on the levees but Seese Run. Some of us are aware of how overgrown that area is. The Army Corp of Engineers at one point and time would bring in heavy equipment and clean it out. They do not do that type of service. That will have to be addressed.

Mr. Furmanchik said he currently thinking about talking to Somerset County and have some of the prisoners clear out some of the brush by hand, cut some trees and get them up on the bank and haul them away. These issues have just come up in the past few months.

Mr. Jerley said we haven't even talked about paving yet. Mr. Furmanchik said we may have to take a portion of the Liquid Fuels Fund monies that we want to dedicate to paving to use towards bridge repairs. He has estimates from contractors to give us some temporary results.

Mr. Jerley asked Mrs. Gates how the \$85,000 reflects from past years. She said it will have brought us down lower than we have been for a while. Mr. Furmanchik said the big ticket item was the police SUV we didn't expect. We spent a whole bunch of money real quick. He wasn't happy about it and he is sure council wasn't either. Mr. Jerley said we also had the purchase of a car before that.

Mr. Spinos asked what the rest of council's thoughts were. Mr. Hunter said he is uneasy right now. He asked the Municipal Authority if they currently have any money. Mr. Malisko said right now they have \$30,000 but will need some of that for cash flow or capital to get through.

Mr. Furmanchik said this situation with the little league field sale absolutely came back to bite us. He said he is more disappointed than anyone and cannot begin to tell them how much time and effort he has into this. He thought for sure it was going to come through at about 4 p.m. today and save us but it didn't now we have to see what we can do. He said it might work out and he is sure in one way it will but it is not working out in our favor at this time.

Mr. Spinos asked how much money the Municipal Authority could put towards the liner. Mr. Malisko said it is something they would have to take a look at and see how much they would need towards their capital to get them through or to function. He said in addition to the pool liner we can't forget the slides need painted also. Mr. Spinos said the pool could open without the slides though. You could take them out. Mrs. Hiteshew said we are not going to have the baby pool. She said we would be down the baby pool and slides. Mr. Spinos said we have to discuss options, we can't have everything and he would hate to see the big pool not open.

Mr. Furmanchik told Mr. Grohal if it is not feasible one way or another we will try to open it up and see how it goes. If it doesn't then we will deal with that. Another point is if next year we can make it happen there is no denying the fact bids will be higher too. Mrs. Hiteshew said we are basically 12 years beyond the life of the liner. It is 21 or 22 years old. Mr. Holden said to the point of not knowing what is beneath the old liner once you get the old liner off, a \$70,000 bid could easily turn into \$80,000 or \$90,000.

Park Pool

Mr. Furmanchik said he spoke with Mr. Grohal about that. It can be scary when you excavate because of what the electrolysis of the earth does to any steel underground. You do not know until you remove the liner.

Mr. Holden asked where we go from here. We are up against having to replace the liner. Do we approve the bid pending an agreement with percentages of responsibility? Do we pick a number and say we will pay this percentage if you pay that percentage. Mr. Spinos said that is an option.

Mr. Furmanchik said there is another option too and that is a loan but the borough would have to guarantee the loan. That puts the borough in a precarious position. We don't know what we will have to do with these levees at some point and time. The bridges will come back one way or another and we will figure that out but the levee is going to be a big ticket item. We may get into a position to, where we will have to seek a loan to keep our flood control project alive and kicking. These are all things that as of 2016 are surfacing.

Mrs. Hiteshew said she can speak for Scott and herself and a couple of other board members that they have personally taken on fundraising projects to supplement. They are not just resting on the pool. Scott has been handling the Whalley Run. We have Oktoberfest, Wine Fest, the Winter Wine Fest and Mr. Grohal did a lot of new projects this year to try and raise money. We are a working board. Mr. Holden said all the events they do are well documented here with council. No one is saying that. It is just the borough has some unforeseen financial responsibilities that popped up that prohibit us from fully funding any projects but they had to be done. What do we do?

Mayor Penrod asked if the water level was still where they left it in the fall at the pool. Mr. Grohal said he did not know because you cannot see it with the cover on.

Mr. Furmanchik said the very gracious donations that we were receiving every month that actually allowed us to purchase six new vehicles in three years has drastically been cut back. There are a whole lot of things coming to us at once from every direction.

Mr. Spinos asked what the total was for the liner. Mrs. Hiteshew said \$69,500. She said the scope of work includes; removing the existing pool liner, coating the pool interior with a sanitizing agent, different technical parts about pool membrane, laying markings. Pool membrane welds have a 10 year warranty and included in the scope is removal of the old liner. Anything else they would find underneath would not be included in that bid.

Mayor Penrod asked how council feels about a partial payment. He asked Mrs. Gates about a five year loan and then a contribution to be given by the Municipal Authority. Mrs. Gates asked Mayor Penrod if he was asking the borough to take a loan. Mayor Penrod said for whatever certain amount of money or as a co-signer? He asked if this was a bad idea.

Mrs. Gates asked him if he was talking about the borough co-signing for the Municipal Authority. Mayor Penrod said yes. Mrs. Gates said she spoke to Mr. Malisko about this today. It is not a cut and dry process. The borough would have to file a debt statement with DCED. It would be put on paper as the borough's debt even though they are paying it back. Mr. Jerley asked what happens if we have to borrow some money for the borough.

Park Pool

Mr. Holden said that is why we should do it by a percentage. Should we do an 85/15 or 80/20? Mayor Penrod asked about a smaller loan. Mrs. Gates said even for a small borrowing loan you have to file with DCED. Mr. LaMonaca said they should be responsible for so much and we could be responsible for so much. Mr. Holden said that was how they did it for the heating and cooling unit at the community building.

Mr. Hunter asked if the pool opens and we figure this out in June what we want to do, how long would the pool be closed then? Would we lose the rest of the season? Mr. Holden said then you open yourself up to the second bidder because the second bidder offered that solution of mid summer or fall. Mrs. Hiteshew said their bid was also higher.

Mr. Furmanchik asked Mr. Grohal if this current bidder has to start tomorrow because he has a drop dead date of May 20th for completion. He asked if the situation became where you would have to begin the end of July would we have to close down for the year? Mr. Malisko said there is a clause in the bid that states if they did not have the pool completed by the drop dead date the contractor would have to pay them \$500 a day.

Mr. Jerley asked Mr. Grohal if they could go another season. Mr. Grohal said he has had a person who is a scuba diver up there patching it three or four times already. There is still a slow leak we haven't been able to find so every couple of days we are putting a couple thousand gallons of water in.

Mr. Hunter asked the Municipal Authority members if they could pay 20%, if the borough paid 80%? Mr. Holden said their board would have to agree to it.

Mr. Furmanchik asked them if they would be agreeable to a 50/50 split. Mr. Holden said they cannot make that decision without going to their board. Mr. Malisko said fiscally they cannot. Mr. Furmanchik said okay then lets bargain down from there. Mr. Grohal said not to speak on Mr. Malisko's behalf but in the next few months we have a bill between \$4,000 and \$5,000 for all the pumps that are coming back and an audit that is over \$3,000. He doesn't know that this is something they can say "here it is" until the funding starts coming in like the pool pass and day camp money.

Mr. Furmanchik asked how they would get those people back if the pool doesn't open this year. Mr. Grohal said it is not going to happen. Mrs. Hiteshew said that was the issue they had with the baby pool last year. People wanted to bring small children. The pumps are regular maintenance and the audit is required.

Mr. Hunter asked them if the borough took care of liner would the authority take care of the slides. Mr. Grohal said yes. Mr. Jerley asked how much money we have in that fund. Mrs. Gates said it will be around \$84,000. Mr. Spinos said that will only leave us \$15,000.

Mr. Furmanchik said everyone keeps talking about the sale of the ball field. Mr. Holden said he ruled that out, without it. Mr. Furmanchik said if it comes together so be it. Mr. Holden said the pool has been neglected too long.

Park Pool

Mr. Hunter said do we go with a new pool liner or try to get through with the old and keep our fingers crossed. That is basically what we have to decide. Mr. Spinos said the bottom line is that we would drain the Capital Improvement Fund in purchasing this liner. We can't touch the General Fund that is our budget. If something pops up what is the borough to do then.

Mr. Hunter said we would have to get a loan, right. Mr. Holden said you take a loan either way. You take a loan to fix the pool liner or you take a loan in case something happens and you have \$15,000 in the Capital Improvement Fund. Mr. Jerley asked if we can support another loan. Mr. Berkey said that is something your accountant would have to tell you. He said you have to do a debt statement and a borrowing base certificate. Even for a small borrowing loan which is classified under \$100,000 you have to file with DCED. Mrs. Gates said yes, it is not something that can happen in two days. Mr. Berkey said right, there is a process. You have to have a resolution and the supporting documents.

Mr. Furmanchik asked Mr. Grohal if the contractor is to be paid up front or at the end of the project. Mr. Grohal said he believes it is a third down. Mr. Holden said we are jeopardizing the crown jewel of the borough. He said this has been going on for how many months. Mr. Spinos said he doesn't want to declare bankruptcy in Windber Borough. This is a decision we have to think through very carefully. Mr. Furmanchik said it doesn't get any tighter than this. Mr. Holden said we should have thought twice about buying a new cruiser.

Mr. Mash asked what Bob Haddad has had to say about getting any foundation grants? Mr. Grohal said Mr. Haddad is going to be meeting with Patti this week. Mr. Mash asked Mr. Grohal if he has met with him. Mr. Grohal said yes.

Mrs. Hiteshew said Patti is the spokesperson for that. Mr. Mash asked them if they had heard or received any monies yet. Mrs. Hiteshew said there are grants but we had to put this bid in. You can't go after grants and foundation money when you're bidding. Mr. Spinos said you can't count on that either. Mrs. Hiteshew said there are foundations out there that donate money to pool projects but this was already in play and we can't really do anything until we figure this out.

Mr. Furmanchik asked the Municipal Authority members if anyone has approached some of the more generous benefactors in the community. Mr. Malisko said they have not for this project.

Mrs. Hiteshew said three of the fundraising projects if successful for a calendar year would probably total \$30,000 but they haven't taken place yet. Mr. Hunter said if we buy the liner than we get nothing back. He asked Mr. Berkey if there could be something where they get any kind of finance that it would have to be paid back to the borough. Mr. Berkey said yes that could be part of it. The borough has loaned the Municipal Authority money before. That was a line of credit to begin. That's a possibility that if any grant money comes through it could be returned to the borough.

Mr. Spinosa asked what everyone's opinion was. Mr. Hunter said he would be in favor of this if we could do some kind of agreement where any money they can take from grants, donations, or fundraisers be returned to the borough, and if the contractor's work is delayed the \$500 comes back to the borough also. That is the only way he can see this happening. Mr. Holden said this is not going to get approved tonight because they have to go back to the authority.

Park Pool

Mr. Spinosa said he is really worried about draining the Capital Fund and there are things that could possibly happen. Mr. Grohal asked what happens if they roll the dice and make it through this year. What would stop this from happening again next year. Mr. Spinosa said it all goes back to wants and needs. This council was elected to represent the citizens of this town and manage the money and he would not want to be part of this group if we had to go bankrupt. It is a hard decision he doesn't want to see the pool not be there. This has been overlooked for years before they were here.

Mr. Furmanchik said no one wants to see tax increases. A mill of tax is only around \$45,000. That is not a whole lot of operating capital either. We can't talk about what we should've or could've done. If it does not happen now than it has to be taken in consideration come budget time again. He said some people think that Recreation isn't something you should budget for but it is a service that should be included in the services you provide to your committee.

Mrs. Hiteshew said everyone likes it but you have to maintain it. Finances are tough everywhere. Mr. Furmanchik said he is waiting for someone to come look at the roof of this building and if he tells him it needs to be replaced than the funding for the roof replacement would have to come out of Capital Improvement.

Mrs. Hiteshew asked if there were other people interested other than the one interested person. Mr. Furmanchik said another party has expressed interest resurfaced this afternoon. He was made aware of the fact bids had to be in by 4 p.m. on the 22nd which was today. He was told that could not happen until it was brought about or discussed by their group and would be discussed after the Easter Holiday. As you heard council has elected to readvertise and that advertisement will ask that bids be in by April 12th at 4 p.m., for our regular scheduled meeting and we will go from there.

Mr. Spinosa asked if the liner could go in later and the pool would just open up a couple of weeks later? Mr. Malisko said yes. Mr. Spinosa said if this sale with the ball fields would've went through he would not have had a problem. Mr. Furmanchik agreed and said council had agreed the money from the sale would go toward the park. Mr. Spinosa said he had a lot of plans including the RV Park and the revenue produced from that would benefit the park.

Mrs. Hiteshew said it is a loss for the community and the greater area because demographics show that people outside the area use the park. There is no other green space park around here. Mr. Spinosa said the authority needs to understand council's position too. They have responsibilities and have to make sure bills are paid.

Mrs. Hiteshew said they would get a loan if they could do that but since they are restricted from doing that their hands are tied.

Mr. Furmanchik said if you put the contractor off until the 12th that would put him 21 days behind and then you would open June 20th. Mr. Spinos said he may be able to get it in quicker. He asked if he has to get the liner made. Mr. Grohal said if we do not start he will take another job. He will not be able to wait for us. He has already turned down other jobs in anticipation of this one. He said if we do not move we could lose that bid.

Park Pool

Mr. Holden asked if they have to rebid this if we do not accept this bid or react on this bid. Mr. Berkey said under the code these bids are generally open for 30 to 60 days. There was nothing that said the bid had to be accepted tonight only that the municipal authority has a tight time frame. Mr. Holden said if the successful bidder cannot do the work because he has taken another job we would have to rebid it all over again. Mr. Berkey said yes.

Mr. Hunter asked if the pool memberships increased last year. Mr. Malisko said the memberships declined but the walk-ins have gone up. Mr. Jerley asked what the pool income was. Mr. Malisko said the swimming pool memberships were \$7,300, pool daily admissions at \$48,000 and we also had income for pool parties at roughly \$2,800, concession income which is driven by the pool was \$24,000 and day camp which also uses the pool and concessions is also up there. He said \$75,000 to \$85,000. The pool is a main driver for the authority.

Mr. Holden made a motion to approve Andy's Pool Shop's bid to replace the liner at the park in the amount of \$69,500. Motion failed for lack of a second.

Mr. Spinos said hopefully by the next meeting things will be different. He said maybe by the borough's next meeting the authority would have met and sees what percentage they can afford and by then they should have a better handle on what their start up costs are going to be.

Mr. Furmanchik said they will also have to contact Andy to see where he stands on a later construction date. Mr. Holden asked how the municipal authority handles that. Do they communicate to him that he was the successful bidder but the motion died for lack of a second. Mr. Furmanchik said he doesn't think Andy cares whether a motion was made or seconded the fact is that the borough is not in a position right now to subsidize it totally. He said his question to Andy would be if this has to be put off for a month is your bid price still good.

Mr. Jerley said maybe between both of these boards there is someone we can approach in the community that is a little bit well off that could help us. Mrs. Hiteshew said we did have a chart worked out as far as repairs and things and it was based on significance. Mr. Spinos said when we did the air conditioning/heater it was like \$100,000 and the Municipal Authority paid 15% and the borough footed the rest of the bill. Mrs. Hiteshew said it was based on the amount of the repair. Mr. Malisko said \$10,000 to \$15,000 they will go back and look at everything. If they put that towards this he could see that working but it would take away from us being able to paint the slides. They have to figure out a priority list as a group.

Mr. Malisko said the other side is there may be other costs associated with removing the liner. Mr. Spinos agreed saying that is the scary part. If we uncover it and we are both maxed out with the money we have where do we go from there. Mr. Spinos said he is hoping by the next meeting something changes.

Mr. Spinosa said we are going to have someone look at the trees at the park and give us an estimate for those trees. If we would put the RV Park in we would have to take those trees down anyway and there might be some revenue to help pay for that. Mr. Furmanchik said the sale of the fields was also going to help subsidize the RV Park too. We had an arrangement where excavation was going to be handled but you would still have pads to be poured and lines to be run.

The Municipal Authority thanked council for their time.

**Property
Maint.
Officer**

Mr. Jerley said we spoke at our last meeting about hiring a property maintenance officer. He asked council what their thoughts were. Mr. LaMonaca asked if it would be for one day a week, no benefits, for eight months? Mr. Furmanchik said yes. Mr. LaMonaca asked if he would have his own office. Mr. Furmanchik said he will use Mr. Oliveros' old office. He said they will purchase him a lap top and he will be paid \$15 an hour, and no mileage charge.

Mr. Jerley said we need an officer. We have been pushing it to the back burner for years and if you look it is just the same thing meeting after meeting. Mr. Furmanchik said back in the day when we had a codes enforcement officer things were tightened up here and since it was put on the borough manager it has gotten lax. He said he is here to tell you there is a lot more going on here than most people think. It was a situation that was stressed to say the least and frequent abusers know that it is not being attended to like it was back in the day when we had a full time officer.

Mr. Furmanchik said his opinion is if you fill that void with a person who was the original codes enforcement officer of this community and knows who those abusers are and that is where he will start we will be moving in the right direction. Plus at this table over a year ago we agreed to clean up the blight. We spent \$9,700 at 308 11th Street to take that building down and we spent \$1,000 to have the canopy and buildings removed at the old Boron Station.

Mr. Furmanchik said we were willing to spend \$4,975 to have the dispensers removed. He said he was contacted by the President of Mountain Research Company in Altoona. They deal strictly with tank and dispenser removals, contamination and remediation issues. The guy called yesterday and he was very straight forward and apologetic and he said it seemed he had made a mistake and he wanted to touch base with him as soon as he could.

The dispensers at the old gas station are the type that does not have a sump. Since they do not have a sump there would be extra costs incurred. Those costs would come from taking soil samples from beneath the dispensers and having them analyzed. If those soil samples showed contamination, that starts further investigation. That investigation would lead if there was contamination present to remediation by the property owner. Windber Borough does not own that property, Somerset County does.

Mr. Furmanchik said the county has worked with us well up to this point and we do not want to cost someone \$20,000 or \$50,000. He asked the guy if this was a case where it was best to leave sleeping dogs lie and he said absolutely.

Mr. Furmanchik said he did check with another environmentalist and he said the tanks were registered. If the tanks were not registered they could have been removed by an easier less expensive fashion. He said we absolutely do not want to move them.

**Property
Maint.
Officer**

Mr. Furmanchik said he was up there today and he gives the contractor Frankie Donitzen all the credit in the world, he swept that entire lot with a power broom and cleaned it up. That place looks clean and it is 110% better than it did before.

Mr. Spinos said the same contractor tore the house down on 11th Street and there are not too many contractors that seed it and put straw down once the structure is torn down. Mr. Furmanchik agreed.

Mr. Furmanchik said the reason he said all this was because we agreed we were going to take a strong foot hold on the appearances of this community and do everything we can do to tighten things up. He said we will save \$4,975 without the dispenser removal which completely justifies putting Mr. Fischer on as the codes enforcement officer at one day a week, eight hours a day. With a computer this will put us at a cost of around \$4,100 a year.

A motion was made by Mr. LaMonaca and seconded by Mr. Spinos to approve to hire Tyler Fisher as the Property Maintenance Officer at \$15 an hour, one day a week, for eight months and provide him with a lap top computer. Remarks: Mr. Furmanchik said it will be seasonal March through October. Mrs. Gates told council to remember, that we budgeted for the hospitalization for the manager in our budget which Mr. Furmanchik is not taking, so the money left will more than cover a property maintenance officer. Mr. Furmanchik said not only is he not taking health care but council had said he would be trained with pay and he voluntarily put his time in for those two weeks of training with Mr. Oliveros. One absent, Mrs. Pekala. Motion carried.

**308 11th
Street**

Mr. Furmanchik said he spoke with Solicitor Berkey the other day. In order to recoup some funds we have had a request to buy the property at 308 11th Street. The property is still owned by the family and in order to arrange a sale the interested party would have to contact all members of the family. Mr. Furmanchik said with there being an interest in the property to be sold if we put a lien on the property, (which Mr. Berkey is in the midst of drawing up a draft form), and the property is sold we can recoup some of the money spent for the demolition.

Remarks

Mr. Furmanchik said it was brought to his attention by Ron Mash that we could meet with Keith Rofus April 8th at 9 a.m. The meeting was originally supposed to be at 10 a.m.

**Equipment
Advertised**

Mr. Furmanchik said we talked about advertising that list of seven items of equipment including the tan police cruiser. Those items were advertised from last Wednesday until tomorrow in the Trader's Guide for a total of \$27. They were also advertised on Craig's List and in the Tribune Democrat last Friday, Saturday and Sunday for \$250. There have been some inquiries about some of those items. Those bids do not have to be in until the end of business on April 12th.

**Public
Works**

Mr. Furmanchik said we have some communication issues with public works. He said he did not know about this until he took the position of manager that only two trucks have radios in them and those are the old radios. He said we have no communication with public works. Mr. Swiokla is the only one who has a borough phone.

It costs the borough \$22.50 a month for him to have that phone. Roger Price and Ernie Heinrich have their own phones. He approached them and asked them if they would use their own phones for borough business during the course of the work day, if he would have to call them or contact them. He said it seems redundant that if you're out plowing and sometimes other areas require attention or someone is broke down there is no communication.

**Public
Works**

Mr. Furmanchik asked for council's approval to grant \$10 a month to Ernie and Roger to go toward their cell phone bill and Clyde who does not have a phone at all to spend \$22.50 a month to get him a phone. He said it would be in the best interest of safety even if one of them is mowing grass and he falls down and breaks his leg he will not even be able to let anyone know he is hurt.

Mrs. Gates said the biggest issue has been over the winter months when we need a certain area plowed or even when we get a call from 911 we do not know where they are at. Mr. Furmanchik agreed and said then you have to drive all over town to look for them.

Mr. Berkey asked if this was a contractual issue? Mr. Furmanchik said he doesn't think it is. Mr. Berkey said he wanted to make sure there was no question about getting equality in payment. Mr. Furmanchik said he asked the guys if they preferred to have a phone provided to them or would you be okay accepting partial payment for your phone and they said no. He asked them what dollar amount they had in mind and the one said his phone bill was only \$40 a month so anything would help that. Mr. Furmanchik asked them if they would be agreeable to accepting \$10 a month and they said yes. He then asked them if they minded if he called them in the meantime and they said no.

Mr. Berkey said he understands what Mr. Furmanchik is saying but you have to get something in writing because the other guy is getting a \$22.50 phone. Mr. Hunter asked if we had a policy saying that you can't use it outside of work? Mr. Furmanchik said he told them they could not. You don't want them to file a grievance. He said just get them to sign a paper as to what they are getting and that they cannot use the phone outside of work. Mr. Furmanchik said he would write something up and ask them to sign it.

A motion was made by Mr. Mash and seconded by Mr. LaMonaca to approve \$10 a month to be paid to Roger Price and Ernie Heinrich towards their cell phone bills and \$22.50 a month for a phone for Clyde Block pending they sign off on a written agreement and stipulate also in the agreement the phones are to be used for work only. One absent, Mrs. Pekala, motion carried.

**NIMS
Training**

Mr. Furmanchik said Chief Haddad and Anson have not come up with a process yet to streamline the NIMS training for council members and himself. He said Mrs. Pekala asked a question last week about it what she took is still good and she didn't know. There is a transcript request from and it can only be filled out by that individual. He will give one to Mrs. Pekala.

Mr. Furmanchik said Tuesday, March 29, 2016 in council chambers will be our monthly Economic Development Committee Meeting.

Mr. Furmanchik said the poles in Miner's Park need painted. He thought about requesting the prisoners to paint them. He said we would like to see all the poles painted on Graham Avenue and have talked about it at one time but it is out of our realm right now.

**Trees
Maint.**

Mr. Furmanchik said some of the trees the borough had planted along Graham Avenue in the past are dead. Is council of the opinion that we should replace those trees? He said he spoke to Frank DiLoreto and he said he would volunteer his time if public works did the excavation.

Mr. Berkey said there is no longer a Tree Shade Commission. He asked if there was no requirements that any property owner in the borough have to have an application to remove a tree? Mayor Penrod said he removed trees off of the previous property he had and they said he could do it without application. Mr. Berkey said that was the previous manager's position as he remembers. So if you're talking about replacing these trees there is no reason to do anything other than replace them.

Mr. Berkey said there was an issue with a property owner on one of the streets that the tree was between the sidewalk and the curb and was getting really big and they wanted the borough to remove that. It is not the borough's responsibility, it is the property owners responsibility. They can remove that without any questions asked.

Mayor Penrod asked if we ever received restitution from the person that ran over the tree at the community building? Mrs. Gates said yes.

Mr. Hunter said Mr. DiLoreto if he is willing he should drive through town and get an exact number of trees that need to be replaced. Mr. Furmanchik said he already mentioned that to him and they are going to walk the business district and make a list. Mr. Furmanchik said we are only going to replace the ones that fell over or are dead that the borough planted.

Mayor Penrod said he got a price from Stuver's Nursery last fall and the trees range from \$75 to \$125 for a 12' to 14' tree. Mr. Spinosa said people who purchased those trees have asked him in the past if they were ever going to be replaced. Mr. Furmanchik said it was his understanding that the borough was to maintain those trees. Mr. Spinosa said that was his understanding also. Mr. Hunter said then we should. Mr. Spinosa said there are memorial bricks there also.

Mayor Penrod said in speaking with our Junior Council Person at the last meeting she mention that the school has a service club. Could this be something they can be involved in. He also asked if they would need insurance? Mr. Berkey said you will have to call the insurance carrier and tell them who will be working on this day. Mr. Furmanchik said it would be less encumbrance on public works. You would just need one public works person to be there with a truck.

Mr. Furmanchik asked Mr. Jerley if he knew where the other Windber Dog Run sign was? Mr. Jerley said he has it. Mr. Furmanchik said back in the day the Dog Run spent \$3,200 on two signs. The one was damaged by wind two winters ago still hasn't been put up. The sign is not damaged it is basically just the uprights that need replaced. Mr. Jerley said it needs detail work done to it to make it pristine again. Mr. Furmanchik asked if it needs to go back to Big City Signs? Mr. Jerley said yes. Mr. Furmanchik asked if we can get an estimate on the repairs.

Dog Run Sign

Mr. Spinosa said his suggestion instead of using wooden uprights go with 4 x 4 aluminum and then you're done. Maybe we can get it donated from a local business. Mr. Jerley said he agreed because what happened was they were damaged from grass being cut around them. Mr. Spinosa said he was involved in repairing it the last time it was damaged and Bob from Big City Signs still had paint left over and he repainted them exactly.

Mr. Spinosa said the property owner approached him Sunday about the sign and asked when it would be put up because he really liked it. Mr. Furmanchik said the borough agreed by councilmatic action to repair those signs and it has been two years and nothing has been done. The original plan was to have a sign at all four entrances into Windber. Mr. Furmanchik said this is something he will bring up at the economic development meeting about need for two more signs for the other ends of Windber.

Mr. Furmanchik said he would call Big City Signs and ask him to drive out to Mr. Jerley's and look at it. Mr. Jerley said if he fixes it he will install it.

Mr. Furmanchik said the sign on 12th Street needs painted too. The uprights need painted and the landscaping needs redone. Mr. Hunter told Mr. Furmanchik to contact Mr. Podrabarak at the High School. He believes he is in charge of the service club. Mr. Furmanchik said that he would contact him.

Bridges

Mr. Furmanchik said he received bids for the work on the 24th Street Bridge. This is a temporary resolve for the 24th Street Bridge. That means removing the steel on the sides, putting the Jersey Barriers in place and putting Jersey Barriers up in a tapered fashion or turned at an angle since according to PennDot you cannot have a blunt end there. Also, on the 22nd Street Bridge, fastening six of those ball bats to the bridge deck would entail just drilling holes and fastening them.

<u>Contractor</u>	<u>24th Street Bridge</u>	<u>22nd Street Bridge</u>
Berkebile Excavating	\$5,975	\$795
Petrinak Excavating	\$3,400	\$400
Frankie Excavating	\$1,760	\$550

A motion was made by Mr. Spinosa and seconded by Mr. LaMonaca to award the quote to Frankie Excavating in the amount of \$1,760 to do the repairs on the 24th Street Bridge. Remarks: Mr. Furmanchik said the only difference was Franks are 34" high which would suffice the main purpose of keeping a vehicle from going into the creek. Petrinak's were higher. Mr. Berkey asked if one of them was new and one used. Mr. Furmanchik said yes. Mr. Berkey said okay because one bid was lower than the one you are going to accept and you have to make sure there is a reason for that and the reason is they are new. One absent, Mrs. Pekala, motion carried.

Mr. Furmanchik said when he spoke to Frankie about what needed done he knew exactly what I was talking about. There was a little bit of a discrepancy with the other fellows. Frankie new exactly where we were heading. He said for another \$150 his personal opinion would be that he would like to see him get the whole thing because he treated us so well.

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to award the quote to Frankie's Excavating to install the reflectors on the 22nd Street Bridge in the amount of \$550. One absent, Mrs. Pekala, motion carried.

**Miner's
Memorial
Day**

Mr. Spinos said we received a request for June 18, 2016 from the Windber Basketball Team Coach Jude Leonardis to use the Delaney Field for a 3 on 3 tournament as they have in the past. It is good that he requested to use the facility even though it is a public park. Mr. Jerley asked if they needed insurance? Mr. Berkey said it is a playground.

Mr. Holden asked if they needed an events packet. Mrs. Gates said no, she did not believe so it is a public park. Mr. Berkey said it is just a regular playground and he didn't even have to come to the borough for permission to do it, he just did it. They do not need permission to use the public playground.

**Miner's
Donation**

A motion was made by Mr. Spinos and seconded by Mr. Mash to approve the donation to the Miner's Memorial Day Celebration of \$150. One absent, Mrs. Pekala. Motion carried.

**Recognition
Visitors**

There were no visitors at this time.

**Next
Meeting**

Next Meeting will be held on April 12, 2106 at 7 p.m.

Adjourn

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

Respectfully Submitted By:

Robin S. Gates