

Borough Council Regular Meeting June 14, 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, Sonya Pekala, and James Spinos. James Furmanchik, Borough Manager, Solicitor, Jeffrey Berkey and Mayor Scott Penrod were also present.

Approval Minutes

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the Minutes of May 10, 2016 meeting. Motion carried.

Visitors

Scott Malisko from the Windber Municipal Authority told council the pool is now open. The pool liner cost \$69,000. There is \$5,000 estimated for the additional cost to fix some drains that were up there. The total is \$74,500. They raised and received donations for a total of \$66,000 which includes \$9,000 from the event that was held last Friday called "Rockin in the Park". There is still about \$8,500 due.

Mr. Malisko said he had a donor that reached out to him today that said they would make up the difference pending the sale of the property. They wish to remain anonymous at this point but if the property doesn't sale they would make up the difference.

Mr. Spinos asked if the property he is talking about is related to something we own. Mr. Malisko said yes, the sale of the ball park. Mr. Spinos said so if the ball park doesn't sell this individual will kick in but if it does he won't? Mr. Malisko said that is correct.

Mr. Malisko said they are working with Bob Haddad from the fire company to send out some letters for grant money.

Windber Municipal Authority

Mr. Spinos asked Mr. Grohal if they received any monies back since the pool was not completed on time. Mr. Grohal said no. He said the weather was pretty atrocious for a few days and he kept track of the weather when they were working. He said he was frustrated because they were not able to open over Memorial Day but he believes they only lost three or four business days. He said all in all everything worked out really well.

Mr. Furmanchik asked if any thought was given to staying open a week longer after school has gone back in service. Mr. Grohal said it will depend on lifeguards. A lot of them go back to school after the holiday.

Mayor Penrod said the "Rockin in the Park" event was fun and asked if there was any chance of that becoming an annual event. Mr. Grohal said he was unsure. Mr. Furmanchik said about eight or ten people approached him and said the borough should have an event like that about once a month. He told these people that it would be nice but all of this is put on through donations.

Mr. Grohal said a lot of people stepped up to help and a lot of businesses donated to the event. Mrs. Pekala asked how much money it brought in. Mr. Grohal said \$9,000.

**Windber
Municipal
Authority**

Mr. Holden said he commends the Municipal Authority on their efforts over the past few months. He said where we were before when we had the dilemma of where the money was going to come from for the pool liner and where they are at now, they put together the effort to pull this funding together along with the borough manager and this council. It was a great effort by everyone to get that pool done and open in a reasonable amount of time. Mr. Furmanchik agreed. It is nice to see everyone working together. Mr. Holden said there were many volunteers who helped with the “Rockin in the Park” fundraiser.

Mr. Grohal said the Sunday of Miner’s Weekend they will be doing a live remote with Froggy 95. It is a going to be a Luke Bryan give away party type deal. From 12 to 2 there will be free admission and then the rest of the day it will be half price admission. Hopefully we will sell some pool passes and keep the people coming back and enjoying the pool. He said the place looks great. The slide is done, the pavilion is done, and everything came together real nice.

Correspondence

1. Minutes and Treasurer’s Report from the Windber Municipal Authorities May 3 and May 17, 2016 meetings.
2. Codes Enforcement Officer’s Reports.
3. PA Municipal Code Alliance Monthly Report.
4. Windber Area Authority Minutes of March 9 and April 13, 2016.
5. Summary results of Spring Clean-up 2016.

Mr. Furmanchik said we have been tightening things up around here with property maintenance issues. We are having success and some of the more prevalent issues of blight have been addressed and prioritized.

Mr. Holden said there are a lot of properties with out of control hedges and grass. Mrs. Gates said if anyone sees properties with those issues they should turn the address into the office and we will address it. We have sent out numerous high grass letters already.

Mrs. Pekala said she would like to see on the report the progress that was made. She said we see what is wrong but we do not see what has been done. Mr. Furmanchik said that is forth coming. When you send that initial letter or make that first contact it takes ten days, then you have to go through certified mail and then a citation. It is not something that happens overnight. Mrs. Pekala said she has called Tyler a couple of times on a couple of things and he is right on it.

**Approval
Payroll**

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve payroll for May 13 and May 27, 2016. Motion carried.

**Approval
Bills**

A motion was made by Mr. Spinos and seconded by Mrs. Pekala to approve bills for May 2016. Motion carried.

Approval Paving bid

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
New Enterprise Stone & Lime Company	\$77,564.58
HRI, Inc.	\$72,279.80
Quaker Sales, Inc.	\$65,753.75
R & B Contracting, Inc.	\$76,591.50
Laurel Asphalt	\$95,913.00

A motion was made by Mr. Spinos and seconded by Mr. LaMonaca to approve the paving bid from Quaker Sales, Inc. in the amount of \$65,753.75. Motion carried.

Approval Bids for Gym mats.

<u>BIDDER</u>	<u>NUMBER OF MATS</u>	<u>BID AMOUNT</u>	<u>TOTAL</u>
Ted Popivchak	1 or 2 mats	\$51 Each	\$101.00
Somerset Tire	4 mats	\$25.00 each	\$100
Rob Houk	4 mats	\$15 per mat	\$60
Staci Barkley	2 mats	\$10 each	\$20
Addie Marsh	1 mats	40 for all or \$7.00 a mat	???

A motion was made by Mrs. Pekala and seconded by Mr. Spinos to award the gym mats to the highest bidders. Motion carried.

Unfinished Business

Mr. Furmanchik said we have been talking about some work needed to the Municipal Building. The top of the list of items was the repointing of the brick and some work to the roof. He asked for estimates from six contractors, five of those being from the Windber area. He only received estimates from four people.

Mr. Furmanchik said there was a lot of conversation about a complete tear off and an overlay. He spoke to three of the four contractors. The fourth contractor sent his bid in the mail.

Mr. Furmanchik said everyone that he spoke to, said being that this is only one course of shingles on the roof of this building they would see no problem with the overlay, unless he wanted to spend \$7,000 to tear the roof off.

Maddy Construction for layover with Owens Corning shingles would be \$12,700. Timberline HD Shingles would be \$11,100. Tear off with the installation of the Owens Corning Shingles would be \$21,576 and the tear off with Timberline Shingles \$20,000.

Signature Construction for tear off with CertainTeed Landmark Shingles total was \$19,265 and for layover was \$11,358.55.

Mr. Furmanchik said Greg Guy the contractor he spoke to the most gave him the utmost satisfaction and in depth detail.

**Unfinished
Business**

He had him on the roof today and pointed out to him that in the front and the back of the property there are little L-shaped brick walls. Those are known in the architectural world as parapets. When you stand at the base of the parapet it is flat. Mr. Guy brought it to his attention when Pro-Med was here he was called here to address leakage on the flat roofing in the parapets in the front of the building. He explained that is where your problem is because it is where all your ice and water lay.

Mr. Furmanchik said Mr. Guy's personal suggestion is to first address the flat roof area in front of the parapets. He would charge \$2,880 to do that. Mr. Guy said he saw nothing wrong with the overlay considering the price difference and he would do the repair to the flat roofing within the parapets and the layover for \$13,800.

He said we might not be in the position where we would want to repoint the bottom right now because we may run into some extra money. His opinion and Greg agreed with him that we should repoint the chimney and the two parapets before we even shingle the roof because they might sandblast or use an acid solution not to mention just the foot traffic over a new roof. This opens up another door for us and council may want to think about it

Mr. Furmanchik said four times he has picked up green shingles that came off this building and if you stand on the sidewalk and look up at the pitched roof you can see where those shingles have come off. He said people would think if a shingle came off you would have leakage but Greg Guy's recommendation is that the pitch of the roof and the run off would not be an issue. If council would so decide to just go with the repair to the parapets and have the flat roof repaired along with the repointing of the bricks on the parapet, he would get some shingles and splice them in and then we could think about the roof and go to the layover.

Mr. Spinos asked if Mr. Guy thought there were any rotted boards underneath. Mr. Furmanchik said no, he thinks it is okay. He was walking around for a good while. Mr. Spinos said he agrees we should get some pricing. He said we should get that taken care of first as Mr. Furmanchik stated anytime you are repointing bricks you are going to have some mess and that way it will be on the old shingles and not the new. They are probably going to scrub that with an acid after they do that.

Mr. Furmanchik said his opinion and Mr. Guy agreed with him is when you reshingle the roof it is better to reshingle the building with a shingle that has contrast to the red brick building and not necessarily do it in green.

Mr. Furmanchik said Hamacek Constructions estimate came in way over and measured up at 6,800 square feet. Greg Guy measured up that 5,200 was the true square footage.

Council agreed to have Mr. Furmanchik get bids for repairs to the parapets and have the flat roof repaired along with repointing of the bricks on the parapets.

**Cash Bal./
Treasurer
Report**

Mrs. Pekala said the end of this month will be half way through the year and anything over 50% which there are some way over right now have to be watched and now is the time of year we should be pulling back on expenses.

Mr. Spinos asked if the money we will be using for the building will be coming out of Capital Improvement. Mr. Furmanchik said yes.

Council Liaison Reports

There were no reports at this time.

Mayor's Report Mayor Penrod had nothing to report at this time.

Manager's Report **SANITARY SEWERLINE REPLACEMENT** - ongoing with no issues. Mr. Furmanchik said they had a construction meeting yesterday with EADs, the borough and the contractor. They discussed the permanent restoration as far as the project goes and there was some substantial amount of asphalt on the ditch line and were investigating the possibility now of shortening up that amount of material on the ditch line and actually doing a curb to curb restoration.

ROUTE 56 PROJECT- ongoing with no issues. The only problem that has surfaced is that since the 12th Street exit has closed there has been speeding on Jefferson Avenue and the police were notified.

LITTLE LEAGUE FIELDS - A meeting was held between both parties and their legal counsel. There were issues addressed and the process is moving forward. Mr. Furmanchik said a meeting was held between both parties and legal counsel. Issues were addressed and the process is moving forward.

Mr. Furmanchik said one of the sticking points was the land. If you look at the Google earth map picture, in order to streamline things Mr. Tunstall did some measuring and the need for the 2.3 acres is no longer there anymore. There were also some concerns about parking, like liability concerns. In order to work through that we all agreed it would be best for the borough to keep one acre. As you can see in the map it would be a rectangular parcel. If something would happen, pool and park patrons would have parking there.

Mr. Furmanchik said Mr. Tunstall offered to put split rail fencing around the rectangular area and he would post it as parking for pool and park patrons and it alleviates any liability issues.

Mr. Berkey said that is correct Mr. Tunstall had concerns relative to owning a parking lot that would be used by others and we understood that. He has agreed to take less acreage and believes that would be satisfactory for his use and to sign acreage for parking for his purposes such that anyone that parks there that would not be for his purposes would be trespassing.

Mrs. Pekala asked how many parking spaces we would have in that area. Mr. Furmanchik said on a good day there maybe 50 or 60 cars there which probably fits on an acre of ground.

Mr. Furmanchik said the other issue was the right of first refusal. This was brought up by a member of the Municipal Authority one night. Mr. Tunstall said he has no intention of selling the property but when he is done refurbishing the property then he would have an investment of \$325,000. If something would happen in his lifetime or upon his demise and his son was in control of the corporation and there was a right of first refusal and he states that the property would only be sold to garnish money for another business venture or hard times. The right of first refusal is a lengthy process.

Manager's Report

Mr. Berkey said it could take up to 120 to 180 days for a decision to be made and finances to be obtained relative to the acquisition of that back to the borough and he was reluctant to put that in his agreement because he would want to move more quickly if there was a bonifide purchaser for the improvements. He was pretty firm in that regard that he did not want to have any strings related to anyone else like the borough and the shared parking.

Mrs. Pekala asked if that meant the condition the property may be used for recreational purposes would not be in there anymore. Mr. Berkey said that is right. Mrs. Pekala asked if Berwind knows that. Mr. Berkey said Berwind agreed to release that restriction. In the deed it says public purposes; of course this is not a public venture or undertaking. It is a private undertaking. It is intended to be used for recreational purposes and his presentation was for that purpose.

Mrs. Pekala said if he wants to sell it then a store could go up or anything. Mr. Furmanchik said Berwind Corporation agreed they would give their blessing to the sale of the property if all of the proceeds were used for improvements of the park and pool. He said he got to know Mr. Tunstall very well and he is a person of character and a man of his word and for all intense purposes that will be used for ball fields and that is his passion.

Mrs. Pekala said it scares her that first it will be this but what if he changes his mind. Things are changing as this goes along. Mr. Spinosa asked what is changing. Mrs. Pekala said before he had no problem with this and that and now he does. She said every time we talk about it there is a new issue. Mr. Furmanchik said he does not agree with that. Some of these things surfaced when he consulted his legal counsel. He said the meeting they had was about an hour and a half long the other day, and we should have done this months ago because it was straight forward and straight lined and there was a lot of good conversation, and we were able to work things out. This is going to enhance the park.

Mr. Furmanchik said this changes the size of the property in question. It goes from 9.76 acres to 8.76. You could get a new appraisal but common sense would tell you to divide 9.76 into the asking price of \$86,500 and that brings you to \$8,862 an acre and if you subtract that from the \$86,500 the sale price would not be \$77,638.

Mr. Furmanchik said Mr. Tunstall is still adamant that he will share the subdivision costs even though it will benefit the borough. Jason Horner, engineer from Earth Tech will handle the subdivision. If the planning commission gives it their blessing they will pass it onto the township supervisors and if they accept the planning commission's recommendation it will all be done by the end of July.

Mr. Berkey said other items discussed are there will be no need for finance contingency and that will be removed. The borough and the buyer will divide the reality transfer tax evenly, and the parties will equally divide the cost and the expenses to subdivide the property. We have been advised that having those items refined and included in the agreement Iron Horse would execute an agreement of sale which of course would be contingent on the subdivision being approved, which we do not see a problem with that. Mr. Berkey said we need guidance this evening on those particular items relative to the refinements to the agreement of sale.

Mr. Holden asked if there was anything in the sales agreement that would define what the property is to be used for.

Manager's Report

Mr. Berkey said his intent and presentation is to build two or three ball fields there with the reconfiguration of the parcel in such a way that it would be a regular 90 foot baseball field but He has not and we have not provided a requirement because there was no interest in changing the fields. Mr. Berkey said he doesn't think Mr. Tunstall would object to that. Mr. Furmanchik said it was never really mentioned in the sales agreement previously prior. Mr. Holden said if it is not in there he can't be bound by it.

Mr. Spinos said when we originally talked to Earth Tech about that piece of property when they subdivide it they were going to do it all at once where the dog park is. Is that still on the table? Mr. Furmanchik said no that all changed because the scope of the subdivision changed. We were over by the dog park originally but now we are over here.

Mr. Berkey said relative to Mr. Holden's point Mr. Tunstall did say that he has an agreement with WYBOS for a while, not necessarily a forever agreement in the event that changes and their intents and purposes change. For the immediate future there is an agreement allowing them access to these fields. Mr. Furmanchik said it is his understanding that everyone involved with WYBOS is in favor of the Tunstall takeover of the fields and the improvements to be made. Mr. Spinos said he also spoke to several people from WYBOS and they are ecstatic about it.

Mr. Furmanchik said we are looking for a motion to move forward with the sales agreement. Mr. Holden said in no way is he challenging Mr. Tunstall's integrity but unless you have something in writing someone can always change their mind. He said out of respect for the majority of our fathers who worked and sweated to build those fields, we need to have some type of stipulation in the agreement of sale, whether it be termed to be used for recreational purposes or initially developed for recreational purposes something to that end. Mrs. Pekala agreed.

Mr. Berkey said we did not discuss this position with him. Mrs. Pekala said she assumed the old agreement was part of the new agreement. Mr. Berkey said there is a difference between recreational use and public use and this is not a public enterprise. We did not discuss the idea of it requiring that it remain recreation because it was never discussed that it would not be.

Mr. Berkey said that is something the borough can decide this evening and authorize the preparation, and refinement of the completion of the agreement of sale pending that Mr. Tunstall agrees to that specific term. Otherwise it will require another meeting of the borough.

Mr. Jerley said we are going to get \$8,500 less for it too. Mr. Furmanchik said yes but we are picking up an acre of ground. When you take the 2.3 acres out of the picture it streamlines the whole process. Mr. Hunter said we need to decide we have been kicking this around for a long time.

Mr. Jerley asked why it is so important to sell it. Mr. Jerley said we sat here for months talking about the Vespa Building and the person was going to do this and do that and we forgave the taxes. Two weeks after she bought it, it is up for sale already. Mr. Furmanchik said it is not for sale. Mr. Jerley said it was. Mr. Furmanchik said they are keeping it.

Mr. Furmanchik said if you don't sale the property, it is going to be a huge maintenance issue. Some of those dug outs have holes in them and the concrete block, the mortar is gone. It is approaching possible collapse.

Manager's Report

It is going to create a lot of time and expense for upkeep for the borough. We are all proud of the fact that we keep our properties pristine in order to keep properties in the community pristine. At some point in time when little league goes away do we just take all the dugouts and fences down and it becomes a huge grass area. There again we cut so much grass now around here we would have another field to cut.

Mr. Furmanchik said when we first talked about it at this table it was not an issue to subsidize the pool. It was a situation where we were approached by Mr. Tunstall to buy the property and refurbish the property to induce economic development for our community. Those people who would come there to play ball would come in to swim. Mr. Tunstall was going to help clear ground for an RV Park so those people who would come to play would camp here and use the park and travel down 9th Street and utilize the businesses.

Mr. Holden said from day one the sale of the fields was to be used for recreational purposes. Mr. Furmanchik said it is. Mrs. Pekala said her fear is that he is saying WYBOS can use it for a time but that could be for one year and then he could say they can't play there anymore. Mr. Furmanchik said everyone who is involved with WYBOS now is very easy to get along with and very amicable. Who knows maybe 10 or 20 years down the road he might have people that are involved there that are exceptionally hard headed and hard to deal with. He thinks he is just protecting himself in that regard.

Mr. Holden said eight or nine months ago we did not think we would still be having this conversation. Mr. Furmanchik said had it not had to go through a bidding process this would have been a done deal. Mr. Spinos said any good businessman is going to protect himself and this is what he thinks he is doing and he is also working with WYBOS to protect them. Mr. Holden and Mrs. Pekala said we should do the same thing. Mr. Holden said he understands the right of first refusal but he doesn't want to see the ball fields torn down for condominiums.

Mr. Furmanchik said he spoke to Michael Kane from Community Foundation of the Alleghenies. He said they are thinking about spending some money at the park and he will attend their Founder's Day event at the park to hopefully procure some funding for the park. Mr. Kane has some private benefactors who like to make donations to communities. The Economic Development Committee has take focus on revitalization of the ballroom. The focus is to resurrect the ballroom and make it something that can be used 365 days a year. Mr. Furmanchik asked Mr. Kane if he saw any issues with the ball fields and his opinion was it is like comparing apples to oranges. Those ball fields are ball fields they are not really part of the park. There are a lot of good things that are going to happen at the park and that is going to be driven by the Economic Development Committee. It will benefit recreation and the Municipal Authority and that is the direction we are going. It seems like the committee seems to be in agreement that those ball fields will be a shot in the arm for the community too.

Mayor Penrod said he can see Mr. Holden's point and it is a sad day when we give up a green space. Unfortunately the numbers of ball players we have in Windber have declined because there are four different leagues now. There is WYBOS, Iron Horse, Erickson and City League. We have Windber players in all of those leagues now. He said with volunteer groups we have great people and not so great people that run these things and in the future we cannot see if a business owner is going to make it better for everyone or these volunteer groups.

Mayor Penrod said he is in support of this right now. Is council willing to give up taxpayer money to take care of a non income producing plot of ground.

Manager's Report

Mr. Holden said he is not opposed to the sale he just wants the stipulation in there that it be used for baseball or recreation. Mayor Penrod said there is no harm in asking but if it is going to be a deal breaker we are the ones responsible for the property if we turn away now. Mayor Penrod said he is in support of this sale he feels it is a positive thing to do, unless anyone has any kind of prediction of future profit that can come from the park or betterment for the community.

Mr. Jerley said with all this talk about the park if you are going to expand where are you going to go. Mayor Penrod asked when the last expansion was that we had. Mr. Jerley said all this talk of building things. You can only jam so much stuff in. He said when it is gone it is gone. Mayor Penrod said what are we going to expand? What is the plan? He said we talked about turning the ballroom into a 12 month facility. There is also potential for the RV Park. He said it is great to expand but where do we get the money from.

Mr. Jerley asked what the fields cost us now. Mayor Penrod said as long as WYBOS or someone is volunteering to take care of it right now, it doesn't cost the borough anything. It does cost money to play ball there. Mr. Jerley said when the land is gone it is gone and so is the money. Mayor Penrod said we are the people saying yes or no to it and we are the people that will have to maintain it. Mr. Furmanchik pulled out the Master Site Plan for the park. He said this is the plan a tiny sum was paid for in 2008. It is the master plan for the improvements at the Recreation Park. This is the Bible the Economic Development group will follow to try and make this happen.

Mr. Furmanchik said in his opinion when Mr. Tunstall ends up purchasing that property and it ends up looking like what he has in Paint Township it is going to send a message to the community. Just like the stadium is going to. People traveling on this state road will send a message to those people about the community we live in and what direction we are going in.

Mayor Penrod asked what they are afraid of if it is not a baseball field. The property is zoned residential. He said from the amount of taxes that we collect from our citizens we have a lot to take care of when it comes to the amenities of Windber. Mayor Penrod said he does not want to give up the space but with the progress he has shown and the initial investment made in Iron Horse he does not think he will short change this one.

Mr. Spinos said he is in agreement that WYBOS is never financially going to be able to keep that place going and it is deteriorating. Right now we have the opportunity have a state of the art facility there. He asked if Mr. Tunstall would have a problem adding recreational purposes in the agreement. Mr. Furmanchik said he did not know.

Mr. Furmanchik asked Mr. Holden word for word what he would like to see put in the agreement? Mr. Holden asked Mr. Berkey what the property is zoned. Mr. Berkey said the property is zoned R3 in Richland Township, family residential district. Mr. Berkey was looking up what uses that it would be governed for is.

Mr. Holden said if you put something to the end of recreational use. It is already zoned for that so he should not have a problem with that stipulation being in there. If he wanted to do anything different after he sells it he would have to go to Richland Township and have it rezoned.

Manager's Report

Just to have the wording in there to be used for recreational leagues or recreational purposes. Mr. Furmanchik tried to contact Mr. Tunstall to see what he would say by phone. Mr. Holden said it is a simple request.

Mr. Berkey said the zoning provides to these ends that development is limited to a relative medium concentration and uses are typically single and two unit dwelling provided homes for the residents in this choice of dwelling types plus certain additional uses such as parks, schools, churches and certain facilities which serve the residents of the district. Mrs. Pekala said she would be fine with the sales agreement as long as we got that one concession in there.

A motion was made by Mr. LaMonaca that we put something in writing to add recreation. Mr. Mash asked how long they are going to drag this out. Mr. Furmanchik agreed saying till it goes through the planning commission and the township commissioners that would be the end of July. If you put this off another month it will. Mr. Holden asked what if we vote and make the terms of sale based on that one division. Mr. Furmanchik said if that is what council is totally agreeable to make the motion to permit the attorneys to proceed with the sales agreement with the stipulation of the writing as requested is added to the agreement, then you can move forward. Mr. Berkey said that is correct.

Motion was made by Mr. LaMonaca and seconded by Mrs. Pekala to permit the attorney's to proceed with the sales agreement with the stipulation in the writing to add for recreational purposes as requested be added to the agreement. Remarks; Mr. Furmanchik asked council if they wanted him to call Mr. Tunstall now and ask him. Mr. Jerley said yes. Mr. Berkey asked council if they wanted to table the motion until Mr. Furmanchik gets back. Motion was tabled.

Mr. Furmanchik said his message went to Mr. Tunstall's cell phone. He asked him to call him within the next hour or so.

COMMUNITY FOUNDATION OF THE ALLEGHENIES - They will have their annual Founder's Day event at The Recreation Park Ballroom on August 11th at 6:00 PM. I will attend the event hoping to procure funding for park improvement.

COBBLESTONE HOTELS - There will be a meeting with Cobblestone's marketing department on June 30th. They have shown interest in our community.

ROOFING REPLACEMENT OF BOROUGH BUILDING - I have requested estimates from six contractors.

WINDBER AREA ECONOMIC DEVELOPEMENT COMMITTEE - This group has set their focus on the refurbishment of Recreation Park ballroom and filling vacant store fronts.

1321 MIDWAY. Mr. Furmanchik said this property is behind the borough building and is currently vacant. He did some checking of the tax records and there has not been a penny of tax paid in 2014, 2015 or so far this year. They will let us know if it goes up for sheriff sale. It is something we might look into. We can knock that property down and get rid of some blight and supply some much needed parking to the borough building.

Spring Clean Up. Mr. Furmanchik said the Spring Clean Up information is in council's packet. Also Mr. Yonish said to pass along that any time during the year if you want to clean

out your attic or basement call him up and he will charge a \$35 stop and get rid of a whole lot of junk for you.

**Solicitor's
Report**

PennVest Loan - 2015 Sanitary Sewage Project - Construction on the Project has begun. The first PennVest Disbursement Request is in process but payment has not yet been received by the Borough. This matter will be ongoing until the Project is completed.

Sale of Little League Fields - Discussions regarding the transfer of the fields is ongoing. A dialogue with Iron Horse Sports is continuing. Several matters concerning the transaction are to be considered this evening.

**EADS
Report**

Brad Steinbiser from EADS said R&B Construction began work the week of May 23, 2016 at 13th Street. Yesterday they conducted the 1st Progress Meeting with a contractor and borough personnel.

Last month the borough submitted the 1st PennVest drawdown request and yesterday PennVest deposited these funds into the borough's bank account. The borough has paid invoices due from the drawdown.

Mr. Steinbiser said action items for tonight are as follows:

1. R & B has submitted their 1st payment request in the amount of \$55,853.37 for approval by Borough Council.
2. PennVest drawdown Request No. 2 in the amount of \$60,393.58 is offered for borough council's approval consisting of the following costs:
 - a. R & B Contracting and Excavation, amount listed above \$55,853.37
 - b. The EADS Group, engineering funding work, inspection \$ 4,540.21

A motion was made by Mr. Spinos and seconded by Mr. Holden to approve the payment request by R & B Contracting in the amount of \$55,853.37. Motion carried.

A motion was made by Mr. Holden and seconded by Mr. Spinos to approve a PennVest drawdown request no. 2 in the amount of \$60,393.58. Motion carried.

Mr. Steinbiser said as part of the borough's ongoing efforts to comply with DEP MS4 Program, we met with Manager Furmanchik and borough staff to review the status of the borough's efforts to comply with the program, as well as the pending DEP review of the borough's MS4 compliance efforts, scheduled to occur on June 20, 2016.

Council convened to an executive session at 8:32 p.m. concerning personnel.

Council reconvened from an executive session at 8:55 p.m.

**Resignation
Chief Skiles**

A motion was made by Mr. Mash and seconded by Mrs. Pekala to accept the resignation of Chief Richard Skiles from the Windber Borough Police Department effective October 31, 2016. Motion carried.

Mr. Furmanchik said he would make sure Chief Skiles receives a letter from the borough office congratulating him on his retirement and thanking him for all his years of service.

- Resignation
Patty
Simanski** A motion was made by Mr. Mash and seconded by Mr. Spinos to accept the resignation of Patty Simanski effective June 7, 2016 from the Windber Municipal Authority. Motion carried.
- Request
Use of
Gazebo** A motion was made by Mr. Spinos and seconded by Mr. Hunter to approve the request from Medi-Home Hospice to use the Gazebo on Saturday, July, 23, 2016 for a special event to honor area veterans. The event will begin at 11 a.m. and end at 2:00 p.m. The event will include a keynote speaker and a ceremony honoring the veterans. They will also be providing refreshments, and health screenings. Veterans Service Officers will provide benefit information and other veteran services. Motion carried.
- Moose
Picnic** A motion was made by Mr. Spinos and seconded by Mrs. Pekala to approve the request made by the Windber, Moose to hold a block party for their members on Sunday, August 7, 2016. The Borough will block off 14th Street from Jackson Avenue to Jefferson Avenues and provide barriers and signage from 10 a.m. to 8 p.m. on that day. Motion carried.
- Fallen
Run** A motion was made by Mr. Holden and seconded by Mr. LaMonaca to approve the request from the For The Fallen Run, Inc. to use the Community Building parking lot beginning at 8:00 a.m. on Friday morning August 5, 2016. They will use Friday to begin set up and hold the party there in afternoon/evening of Saturday, August 6, 2016. On Sunday morning they will clean the parking lot. They will close Graham Avenue from Jefferson Avenue to 16th Street between the hours of 3:30 p.m. and 12:00 a.m. Motion carried.
- Ledney
Plaque** Mrs. Pekala asked if council could put a memorial to former councilman, George Ledney. She said maybe a memorial at the gazebo would be nice. Mr. Spinos said there is a memorial plaque at the gazebo. Mr. Furmanchik said if there is anything that should be named in his honor it should be the library. He put so much of his time in that library.
- Mrs. Pekala said she did not have a problem with that. Mr. Furmanchik said that if everyone feels okay with it he will get into touch with the library administrator tomorrow and see how they feel about it and go from there. Council agreed. Mr. Mash said there is a board meeting tomorrow but he will be unable to attend. Mr. Furmanchik said that is perfect timing then and he will talk to them tomorrow.
- Little
League
Fields
Sale** Mr. Furmanchik said he was unable to get in contact with Mr. Tunstall. A motion was made by Mr. LaMonaca and seconded by Mrs. Pekala to move forward with the sales agreement and authorize preparation of the sales agreement if the terms are agreed to by the buyer to include the language that the property is to be used for recreational purposes. Roll call vote: Mr. LaMonaca, yes; Mrs. Pekala, yes; Mr. Holden, yes; Mr. Hunter, yes; Mr. Jerley, abstained; Mr. Mash, no; and Mr. Spinos, no. Motion carried.
- Next
Meeting** The next meeting council meeting will be held July 12, 2016.
- Adjourn** Meeting was adjourned at 9:10 p.m.

Respectfully Submitted By:

Robin S. Gates

