

**BOROUGH OF GREEN TREE
COUNCIL MEETING
FEBRUARY 12, 2024**

Call to Order / Moment of Silence / Pledge of Allegiance

Green Tree Borough Council met on Monday, February 12, 2024 at 7:30 pm in the Sycamore Room of the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, PA 15220. Mr. Tintori asked for a moment of silence for Ms. Cheryl Bakin who passed away recently. Ms. Bakin was a dedicated citizen of Green Tree who has served the Borough for many years, most recently as the Chair of the Planning Commission.

ROLL CALL

Members Present:

Edward Schenck, Mayor
Arthur Tintori, President
Shannon Barron
Ron Panza
David Rea
Craig Romanovich
Emily Schwartz
James Turocy

Also Present:

Judy Miller, Borough Manager
Kate Diersen, Esq., Borough Solicitor
Kim Beck, Stenographer
Brian Bell, American Pool Services Pittsburgh
Jenn Bell, American Pool Services Pittsburgh

PRESIDENT'S STATEMENT

Mr. Tintori gave the following statement:

"Last Monday evening's meeting included criticism of former and current employees which is unacceptable. Council is always happy to hear comments and even criticisms about a policy or an idea but we do not debate employees at public meetings. The Public can only give comments during public comment. That has been the policy forever, Council comments should stay on topic. And the audience, please be respectful."

SOLICITOR'S STATEMENT

Ms. Diersen stated that at last Monday's meeting there were several questions raised regarding the content of the contract in question. She explained that any contract that comes before the Borough and the Borough Solicitor is a work-in-progress. Sometimes the Solicitor will receive a draft from the contractor, and sometimes the draft will begin in the Borough office. There is a lot of back and forth with legal representation from both sides of the contract. Ms. Diersen said that she wanted to assure everyone that there is a process, and there is always at least one attorney reviewing the contract on behalf of the Borough before any decisions are made.

Ms. Diersen stated that she will advise Council when personnel issues are about to be discussed, because discussing such matters during a public meeting can have legal ramifications. She said she knows it can be frustrating because some of these topics seem like they should be worthy of public comment, but she will advise Council when a matter should be discussed in Executive Session rather than in a public format.

Mr. Rea stated that Ms. Bakin had volunteered in the community for many years and knew the codebook better than anyone else. This is a huge loss for Green Tree.

Mr. Rea made the following statement:

"I sense that there's a perception among members of our Council that I am too overly argumentative or prone to picking fights during our discussion. That is not my intent. Sometimes I say things I probably shouldn't say. For instance, at the last meeting I referred to a resident by name as someone who might be qualified for a position and I believe that was inappropriate, so I apologize for that. I want to assure you that my intentions are rooted solely in representing the voices and concerns of the residents in this room and in our community. It's my duty and responsibility to

advocate passionately for the needs of our community, even if it means engaging in robust debate. I will not stop that. Please understand that my intent is never to create discord among the seven of us, but rather to ensure that all perspectives are thoroughly considered in our decision-making process. Furthermore, I'd like to highlight that many residents consistently express their gratitude for my efforts in speaking up and creating transparency and embracing accountability. It is critical that we listen attentively to our residents, and not always agree with advice that is given to us. Our primary allegiance should always be to the community we serve, and it's imperative that we prioritize their needs above all else. For me, their trust and support serve as a constant reminder of the importance of our role as public servants, and I hope it does for you too. Thanks for the opportunity."

Mayor Schenck stated that he has known Ms. Bakin for the last 18 years. She was very dedicated to the Borough. She has recently spent a lot of time working with the Planning Commission on the Borough's Comprehensive Plan. Mayor Schenck read in the newspaper that the City of Pittsburgh is working on their Comprehensive Plan which is expected to cost the city \$6 million. Ms. Bakin and the other members of the Planning Commission have spent numerous hours over the past two years preparing the Comprehensive Plan which is costing the Borough no money. Mayor Schenck attended the Public Hearing in November of 2023 which was chaired by Ms. Bakin and said that they have done a stellar job. The Planning Commission intended to finalize the plan and submit it to Council for approval in January, but due to her illness this has been delayed.

MANAGER – PROPOSED POOL MANAGEMENT SERVICES

Ms. Miller addressed some of the concerns that were raised at last week's meeting and emailed to her throughout the past week.

1. The pool management company would be brought in to hire, schedule, and process the payroll for all lifeguards and lifeguard supervisory personnel.
2. All lifeguards would be paid \$15 an hour, which is higher than what Green Tree Borough has as a rate of pay.
3. All previously employed lifeguards will be rehired, along with any new, qualified, Green Tree residents. The minimum age to be hired as a lifeguard in Pennsylvania is 15.
4. The supervisory personnel provided by a management company would only be responsible for the lifeguard staff. The lifeguard staff responsibilities would not change from prior years.
5. The lifeguard staffing levels for the 2024 season would mirror the staffing levels from 2023 and years prior. The Borough does not plan to cut back on staffing. They would continue to utilize the seven-guard rotation that is scheduled for full-time operating hours.
6. Any lifeguards hired to work at the Green Tree pool will not be reassigned to work at another pool under the direction of the management company. If there is an opportunity where a lifeguard wanted to work as a back-up at another pool it might be an option, but it would not be required.
7. An advertisement for the lifeguard positions will be posted on the Borough's website. The management company could post the advertisement on their website as well. Additionally, all 2023 pool employees would be notified of any changes approved by Council via mail and special care would be given to encourage and welcome them back for the 2024 season.
8. The concession stand and front gate operations would not be managed by American Pool Services Pittsburgh. Green Tree Borough staff would manage these employees.
9. American Pool Services Pittsburgh would work for the Borough. The Borough would direct all aspects of pool operations including admission fees, policies, and hours of operation. The Borough intends to continue hosting community and lap swim, as well as water aerobics, swim lessons, pool

rentals, a Fourth of July celebration, and other pool-related events. Accommodations will also be made for the swim team.

10. The contract is quoted at \$160,000, which includes the payroll for management and lifeguards. Last year, the payroll for management and lifeguards cost the Borough \$143,688. If the Borough hires a manager in-house, they may be able to save \$17,000 compared to this contract.
11. Ms. Miller noted that if the Borough were to hire a manager, if that person were to quit, the Borough would not be able to operate the pool. If the Borough moves forward with hiring a management company, they would be able to cover staffing if the manager they hired did not work out. Most employees at American Pool Services Pittsburgh are Certified Pool Operators (CPO). The company would be able to complete any pool certifications necessary to keep the pool up and running in a safe fashion.

Ms. Miller stated that she understands that the community may be concerned about hiring an outside organization to manage the pool, but the Borough will be running the day-to-day operations including pool hours, swim lessons, water aerobics, and other activities. She said that the management company has assured her that they will give preference to hiring former pool employees and new employees that are residents of Green Tree.

Mr. Rea asked how much the extra insurance will cost the Borough. Ms. Miller clarified that there will be no extra cost. The Borough's insurance company said that the pool management company would be required to name the Borough as an additional insured, which they have agreed to do.

Mr. Rea asked if American Pool Services Pittsburgh was the same company as American Pool Enterprises. Mr. Brian Bell explained that American Pool Management is their parent company.

AMERICAN POOL SERVICES PITTSBURGH – INTRODUCTION

Mr. Bell and Ms. Bell gave brief overviews of their history working with pools and American Pool Enterprises, their parent company. They have been working in Pittsburgh since 2005. Mr. Bell explained that they are looking to make any transition with their company as smooth as possible.

Ms. Bell stated that their company works with several larger, multi-guard facilities in the area. A large portion of their business also involves maintenance. Their company wants to hire staff that are local to Green Tree when possible.

Mr. Bell explained that every seasonal employee that works in their office is certified as a CPO. Any of their employees would be able to go on location and troubleshoot the pool.

Ms. Bell said that their company has a full staffing team. They would hold an initial meeting for all the new staff to introduce themselves and explain expectations for the season and any differences from last season, such as online scheduling. She explained the layers of staffing within the company who would be available to assist throughout the season. A manager or assistant manager would be on duty during all pool hours. Mr. Bell stated that a supervisor from their company will come to the pool every day to make sure the pool is running efficiently.

Mr. Rea asked what other Borough pools are managed by this company. Mr. Bell stated that they manage Baldwin Borough and Brentwood Borough pools. They also do the daily CPO for Avalon Borough and Avonworth Community Park.

Mr. Rea asked how the company typically finds managers for these pools. Ms. Bell explained that they try to hire from previous pool staff when possible. They also look at schools and teachers to try and find a qualified candidate.

Mr. Rea said that he saw a post on Indeed for Baldwin Borough that stated that a pool manager applicant must be a minimum age of 30 with the ability to work independently and as part of a team, and current lifeguard certification is preferred but not required. Applicants must also have a background in supervising

and management. Mr. Bell explained that, if necessary, they would train a manager to be a certified lifeguard if they did not have that qualification. Mr. Rea asked if Green Tree's job posing would have the same criteria. Ms. Bell stated that they would work with the Borough to determine which qualifications they needed for the job posting.

Mr. Rea asked if they would send lifeguards home if the pool attendance was low. Ms. Bell explained that depending on the weather conditions, they would consider sending one or two lifeguards home, but they generally try to keep the pool fully staffed if they would get a large group of people entering the pool later in the day. It is often difficult to determine what the pool attendance will look like in the afternoons and evenings.

Mr. Rea asked what extra costs the Borough should expect from their company. Ms. Bell stated that the only additional cost would be for swim lessons if they needed to bring in additional instructors or lifeguards. Mr. Rea asked what the company's business model was. Mr. Bell stated that there is a small service fee that is included in the contract. This fee is a percentage of the overall contract price. Ms. Miller explained that the \$160,000 that was quoted includes this fee. The cost of staffing additional staffing for private parties and swim lessons would be an additional cost, but generally these costs balance out with the credits that are owed to the Borough due to weather-related pool closures throughout the season. The company would audit the hours throughout the season to determine where the Borough stands with their costs.

Mr. Rea asked how this company would add value to the Borough, as it seems as though they would only be responsible for hiring the pool manager and lifeguards, which the Borough could do themselves. Ms. Bell explained that their company has qualified individuals that would be able to step in and work in the event that the manager does not work out or becomes ill. They would also be able to bring in additional lifeguards if there is a shortage on a particular day or week, which would avoid the need for unwanted closures.

Mr. Rea asked approximately how many hours the pool manager would work in a season if the pool was open Memorial Day through Labor Day. Ms. Bell said she believed it would be somewhere around 500-600 hours, but she could be mistaken. The pool manager would be expected to work around 40 hours per week. Mr. Rea stated that when the Borough quoted last year's payroll at \$143,000, this included over 1,700 hours for the pool manager. He said that the \$143,000 was not an accurate estimate for what the Borough should be paying pool personnel during the season. Ms. Diersen advised Council to stop this discussion.

Ms. Schwartz asked what experience this company had with maintenance on older pools similar to Green Tree's. Mr. Bell stated that every pool has its quirks. Their company will spend time at the pool while it is being filled prior to the start of the season to work out any quirks or concerns. It will be a daily process to see how the pool runs.

Ms. Schwartz asked if the company would work with the Borough to craft the manager position job description and if they would consider looking at hires within Green Tree that may apply for the position. Ms. Bell explained that they would consider any qualified pool employee first before posting the job to the public.

Ms. Schwartz asked if the company would do two trainings with the lifeguards each month. Ms. Bell explained that they do an in-service once a month and do surprise audits throughout the summer. They also hold pre-season training with orientation and in-water training.

Ms. Bell stated that in the event of a shortage of lifeguards on a particular day, the company would ask the lifeguards at other facilities if they would be interested in working at the Green Tree pool for the day. Mr. Bell said that they do not like to bring lifeguards in from other pools unless it is necessary. If outside lifeguards were brought in, they would meet with the supervisor and pool manager to go over any specific pool rules.

Mr. Romanovich asked what background clearances would be required for pool management staff, as they will be managing staff under the age of 18. Ms. Bell stated that all management will be required to have a background check as well as all their clearances.

Mayor Schenck asked if the company has an attorney that is working on their end of the contract. Ms. Bell stated that she handles most of the contract, but if she is unsure of a particular situation, they have a risk manager who is an attorney that she will include in the process. Mayor Schenck encouraged all members of Council to read the contract, because most of it can be understood and important for negotiating purposes.

Mr. Panza noted that the contract states that their industry depends heavily on the International Exchange Program which is run by the State. Mr. Bell stated that they do not use migrant workers in Pittsburgh, but other cities within the parent company do. They agreed to remove that section from the contract.

Mr. Panza asked if the company provided both management services and actual custodial services. Mr. Bell stated that their company can perform repairs if the Public Works Department is unable, at an additional cost.

Mr. Rea asked Ms. Diersen if a resident could request and access timesheets through a Right-To-Know request. Ms. Diersen stated that generally they would be able to access these documents, but some information might be redacted. Mr. Rea asked why bringing up the number of hours recorded last year by the former pool manager was considered a personnel issue if residents could request the same information through a Right-To-Know request. Ms. Diersen said that this matter would be an appropriate discussion for an Executive Session. Mr. Rea stated that he believed Council should adjourn to Executive Session due to the inconsistencies with the dollar amounts and hours being reported. He said they should adjourn to Executive Session to discuss the correct numbers to make an informed decision regarding this contract. Ms. Diersen stated that she would be happy to discuss this matter further in an Executive Session. Ms. Miller said that she calculated the number of hours required by management to have full coverage during pool hours throughout the season and came up with 1,035 hours. Mr. Rea noted that the experts at tonight's meeting said it would require 500-600 hours. Ms. Bell stated that she did not know the total number of management hours required off the top of her head but could get that information to Council in the morning. She said that she is sure that it would be over 1,000 hours between a manager and an assistant manager. When she quoted the 500-600 hours, she was referring to one employee, not overall management.

Mr. Romanovich asked if he was correct in assuming that the manager and assistant manager would not start working until April, and the Borough would be responsible for the opening and closing of the facility. Ms. Bell confirmed that this was correct.

HEARING OF THE CITIZENS

Kara Martorella – 179 Arla Drive

1. Ms. Martorella thanked Council for extending this meeting from last week and thanked the Council members who took the time to speak with her over the past week regarding pool management. She also thanked American Pool Services Pittsburgh for coming to the meeting to help the residents understand more about their services.
2. Ms. Martorella noted that it has been mentioned that Green Tree children will have priority to be hired as lifeguards. She said that she hopes that the first right of refusal for the community will be written in the contract and not just hearsay.
3. Ms. Martorella stated that she left last Monday's meeting extremely frustrated. She said that as a member of this community, it felt as though their concerns were not being heard. Ms. Martorella stated that many in the community are blindly trusting Council because they are peers and neighbors. She hopes that Council will consider multiple avenues for hiring a pool manager and not just the one choice they are being presented with.

Rino Lindsey – 131 Parkedge Road

1. Mr. Lindsey noted that a couple pool events were cancelled last year due to lack of staffing and asked if this pool company would be able to cover those lifeguards. The Borough also had an issue

with low staff at the end of the season due to lifeguards going back to school. Ms. Miller explained that the schedule with the pool management company would provide within three days of what was provided last year.

2. Mr. Lindsey stated that the pool manager was paid for around 1,800 hours of work last year and was probably at the pool half of that time or less. The Borough was also paying another person to be at the pool during the times that the manager was not present. He said that the \$17,000 estimate was not accurate, and the real number would be at least \$40,000.

Jeff Natale – 895 Cherry Street

1. Mr. Natale stated that he had read some of the contract and did not see anything written about hiring lifeguards from Green Tree. He said that this needs to be written into the contract to make it official.
2. Mr. Natale noted that despite what is being said, the pool will not be run the same way if a pool management company takes over. He has outsourced a number of processes throughout his lifetime and things are never run exactly the same.
3. Mr. Natale suggested that verbiage be added to the contract regarding service level agreements. He did not see any mention of service level agreements when he read the draft of the contract. Mr. Natale offered to work with Council if they needed assistance with writing that into the contract.
4. It had been mentioned that there was a resident of Green Tree who may have knowledge about pool management. If they were not interested in the Pool Manager position, Mr. Natale suggested the Borough offer to pay them to help as an advisor. He said that for the Borough to assume that they know everything about day-to-day pool management and just accept what the pool management company is going to tell them would be a mistake.

Bob Gdovic – 10 Crestmont Drive

1. Mr. Gdovic asked who was responsible for choosing to outsource Borough functions: Council, the Mayor, or the Borough Manager? He also asked who would be responsible with oversight once a decision has been made. Mr. Gdovic stated that it is confusing as a citizen to form an opinion about this decision because the process is unclear. Mr. Rea explained that Council would be voting on this agenda item during tonight's meeting. If Council votes to move forward with hiring American Pool Services Pittsburgh, the Borough Manager will be responsible for oversight.

Steve Bonnett – 102 E. Manilla Avenue

1. Mr. Bonnett asked if the \$17,000 overage compared to last year's expenses including the concession stand employees or the two assistant managers. Ms. Miller explained that the comparison in fees only included the pool manager and lifeguards. The concession stand employees and supervisors were excluded from the comparison. Mr. Bonnett asked how many people they hired to work at the concession stand. Ms. Miller stated that they had around 28 employees hired to work at the concession stand last year. She explained that some of the employees are as young as 14, so there are more restrictions on the number of hours they are able to work, which requires more employees to be staffed. Mr. Bonnett stated that the pool is a great Borough asset but loses money every year, and it is important to take into consideration that there are more costs than just the manager and the lifeguards.

Stacey Roberts – 156 Arla Drive

1. Ms. Roberts asked if the pool was going to remain open only to Green Tree residents or if the Borough would be outsourcing it to the public. Mr. Tintori stated that tonight's meeting was limited to discussion regarding the pool management contract. Ms. Barron said that the pool pass fees would be set by Council at a later meeting and has not been discussed at this time.

2. Ms. Roberts asked how the Borough would be making up for the additional cost of the pool management contract. She asked if these funds would be covered by an increase in taxes or an increase in pool rates. She also asked who would be allowed in the pool. Ms. Miller explained that the increase in fees for the pool management company has already been accounted for in the 2024 budget. Depending on pool closures due to inclement weather, the overage may be even less than the estimated \$17,000.
3. Ms. Barron stated that the conversation regarding pool rates would be held at a later date. However, she said that at this point, there has not been any discussion regarding raising rates for Green Tree residents. She reiterated that the cost of hiring a pool management company falls within what has been budgeted for the pool for this year.
4. Ms. Roberts said that her children attend the pool, and she feels safe having them there. When it is limited to Green Tree residents it is nice and controlled. She said that she would hate to see the pool open to the public. Ms. Schwartz stated that the pool is a public pool and Green Tree residents are allowed to bring non-resident guests. Ms. Barron noted that non-residents are allowed to purchase season passes at a higher rate to attend the pool as well.

Michele Buraczewski – 1165 Tranter Avenue

1. Ms. Buraczewski stated that working in the medical field, any vacant position is posted to the public, whether it be in-house or through the Pittsburgh Post gazette. After COVID hit, her company began outsourcing jobs which caused a lot of issues with quality of staffing. Ms. Buraczewski said that she was concerned with hiring a pool management company because she has worked with bad agency people who are not there for the right reasons in the past.

Carrie Miller – 1017 Dale Drive

1. Ms. C. Miller stated that typically contracts of this size have multiple bids and asked who else had bid on this project. Ms. J. Miller said that American Pool Services Pittsburgh was the only company in the area that provides these types of services. Ms. C. Miller asked if the Borough had compared this company's prices to those of companies outside of our area. Ms. J. Miller said that she was not planning to do that.

Aldo Colautti – 143 Sheldon Avenue

1. Mr. Colautti said that he is a lifelong Green Tree resident who worked at the pool for two seasons many years ago. He stated that it does not seem as though anyone who has spoken has been in favor of outsourcing to a pool management company.
2. Mr. Colautti stated that he does not believe that this contract is acceptable as it is written. There is no mention of water aerobics, which requires lifeguards on duty.
3. Mr. Colautti raised his concerns regarding the hiring process. He said he believes there is a possibility that lifeguards will be hired from outside the community and possibly even outside the state. He mentioned that the contract has a provision discussing the possibility of hiring individuals with H-1B visas.
4. Mr. Colautti asked if the Borough would have any input into who was hired as a lifeguard or pool manager.
5. Mr. Colautti noted that there should be a section in the contract regarding the pool company's responsibilities. He said that the contract addresses sexual harassment and hints at child abuse, and the contract says that the Borough is responsible for making the company aware of any known child abusers in the area. Mr. Colautti stated that these kinds of clearances need to be part of a background check prior to hiring. Ms. Barron explained that any individual working with children under the age of 18 is required to complete a background check, as required by state law. Mr. Colautti said that this needs to be stated in the contract.

Andy Grab – 12 Terrace Drive

1. Mr. Grab stated that when the contract was discussed at last week's Council meeting, it seemed as though the vast majority of Council, aside from Mr. Rea, was prepared to move forward with the contract and not give it enough consideration. He said that if this is the case, it is borderline embarrassing. Mr. Grab stated that he understands it is a volunteer position and everyone has limited time, but it seemed to be a dereliction of duty.
2. If the Borough was aware of the pool manager vacancy in September or October, Mr. Grab asked why the job was not posted on the Borough website for people to apply prior to looking at a pool management company. Ms. Miller stated that she has spoken with multiple managers from other communities. She said that if he had hired someone in November, there would be no guarantee that they would be interested in the position come April. Ms. Miller explained that her decision was based on trying to get a depth of coverage so the pool will have a completely uninterrupted season. She said that multiple communities are hiring multiple managers, and the candidate pool is shallow. Mr. Grab stated that he did not understand why the Borough did not even try to post the job prior to contacting a management company.

Phyllis Timbario – 70 School Street

1. Ms. Timbario asked how Council could vote on this contract if they did not have the specific details. She asked if Council could table the vote until a contract has been finalized. Ms. Miller explained that Council often votes to approve contracts without seeing them, such as the contract for the yearly road paving program. Council authorizes the Borough Manager and Solicitor to work through the details with the professional engineers.

Ms. Miller said that she believed the main concerns regarding the pool involved wanting residents hired to work and not wanting to change the hours or admission policies. None of these issues have anything to do with the contract in question.

Ms. Timbario stated that the community was concerned about specific information being included in the contract. She asked how these would be guaranteed. Ms. Miller stated that the company has been open to making the changes that the Borough has asked for. They want to cooperate with the Borough because they want to work together and have a cooperative relationship.

Mr. Rea explained that the difference between this contract and other contracts they have voted on is that most of the other contracts are put out to bid with a specification sheet. The contractors respond to the specification sheet when submitting their bids, and Council votes based on those bids. The contract they are discussing tonight is different.

Ms. Timbario asked if Council would be taking a vote or tabling it for further discussion. Mr. Tintori explained that it would be up to Council to decide if they want to take a vote or table for further discussion.

Breann Farrier – 126 Arla Drive

1. Ms. Farrier stated that she worked as a lifeguard at another pool for three years and encountered some scary situations while working. She asked if there would be an older, head lifeguard at the pool and not just 15- and 16-year-olds. Ms. Miller said that head lifeguards would also be hired.

John Coppler – 57 Rhodes Avenue

1. Mr. Coppler asked for verification of the number of lifeguards that would be on duty. Ms. Miller stated that there would be seven lifeguards working in a rotation which is the same staffing level as in past years.

Jessica Eberlein – 171 Arla Drive

1. Ms. Eberlein asked if there was a deadline that the Borough would have to meet in order to ensure that, if needed, the outside management company would be willing to manage the pool this season. She asked if it would be feasible for the Borough to post the position and try to fire someone through the Borough for four weeks before making the decision to hire the management company. Ms. Miller said that if the Borough chose to table this decision and advertise the position for a month, then it would delay their process.

Ms. Eberlein said she did not understand why they could not come back in a month and start the process if they were a fully staffed company, especially if the Borough is providing many of the lifeguards. She said it is hard as a member of the community who has lived in the Borough for over 10 years with children who attend the pool daily to understand why the residents were not involved or included in any of these decisions. She thanked Mr. Rea for bringing this matter to the attention of the community.

Mr. Bell stated that it would make it very difficult for them to find an experienced manager and get the pool ready to open if they delayed this decision another month. Ms. Bell explained that it takes time to get the schedules set up and the lifeguards trained ahead of the season, so the sooner they know, the more time they have to make sure that they can hire the best possible staff for the pool.

Mary Ann Walsh – 1079 Tomaino Drive

1. Ms. Walsh stated that she was very disappointed in the job that Council and the Borough Manager have done. She said she felt it was a dereliction of duties to not advertise properly for a pool manager before deciding to hire an outside company. Advertising for an independent pool manager would have been similar to getting bids from other companies to explore other options the Borough might have. Ms. Walsh stated that it seems that Council and the Borough Manager had already made up their mind that they wanted to hire this company without considering other options.
2. Ms. Walsh asked who would be responsible for the oversight of a pool management company if one is hired for the season. She also cautioned that once a contract is signed, any changes the Borough wants to enact will end up costing more money. Ms. Walsh said that it was mentioned that it was possible the Borough could have money come back to them at the end of the season, but she did not understand how that would happen if the contract was for a flat fee.
3. Ms. Said that her understanding is that the contract is strictly for the personnel and management of the pool during summer operating hours, and that everything else would be the responsibility of the Borough. She asked who would be responsible for opening and closing the pool, maintenance of the pool, and buying the chemicals necessary to keep the pool running.
4. Ms. Walsh suggested that Council advertise the pool manager position to the public for a month before making the decision to hire an outside company.

Adina Caskey – 1019 Dale Drive

1. Ms. Caskey and her family moved to Green Tree three years ago and plan to call this place their home for a long time. One of the main reasons they chose Green Tree was because her son wanted to have access to a swimming pool. Her son now works at the pool. She asked how long the Borough would be committing to working with American Pool Services Pittsburgh if they vote to approve this contract. Council indicated that the contract would be good for one year.
2. Ms. Caskey said that it seems as though the Borough has not taken the time to consider other options outside of hiring American Pool Services Pittsburgh. She said she would like to see a little more transparency regarding the steps in this process between Council and the Borough. She noted that it might turn out that this company is the best option, but it does not seem that there has been an opportunity to see what other options are even available.

Jacob Smith – 146 W. Manilla Avenue

1. Mr. Smith noted that it seemed one of the biggest concerns was leveraging the vendor to supply or be able to provide management and have that security. With the contract being a flat rate, what would happen if the Borough had an issue with management through the pool management company? He asked if there was a back-up plan in the event that there were issues sourcing management through this company. Ms. Miller said that the contract was for a flat rate, but credits would be due at the end of the year for any staffing not provided for the pool.

NEW BUSINESS**A. Finance and General Policy – Mr. Turocy**

1. **Authorizing the Borough Manager to execute an Agreement with American Pool Services Pittsburgh**

Motion:

Mr. Turocy made a motion, seconded by Ms. Barron, to authorize the Borough Manager to execute an agreement with American Pool Services Pittsburgh for the provision of Pool Management Services for the year 2024.

Mr. Panza said that he had a problem with Ms. Diersen's legal explanation of why the Borough did not bid out this contract. He said that in the Malloy v. Boyertown School District case, the Supreme Court decided that it was okay to special services as long as that company was not also doing the work. When Mr. Panza asked the representatives from American Pools Services Pittsburgh if they would be providing professional services or work, they stated that they would be providing both.

Mr. Panza stated that he had suggested multiple times once the position became vacant that the Borough should post the position. He said that he also believes that this contract should go out to bid because there are other pool management companies in the area.

Ms. Barron asked Mr. Panza why he had not brought any of his concerns to light at the last committee meeting when Ms. Miller gave the update that she was preparing a presentation for Council to vote to hire the pool management company. Ms. Barron said there was no discussion at this meeting regarding posting the job or putting the contract out to bid. She stated that Council has committees that see this information and have the opportunity to discuss any concerns with the Borough Manager prior to an item being voted on at a Council meeting.

Mr. Rea said that he has been asking for Council to begin having Workshop meetings for the past four months. The day after the former pool manager was terminated, he suggested that the Borough consider options to fill the position and sent Council an email with considerations. Mr. Rea stated that even when the possible outsourcing was brought up during the budget meeting, there was no discussion about the consideration of hiring a pool manager. He said that the Borough is going to be paying someone \$40,000 to hire a pool manager for them.

Mr. Panza stated that when he asked for a meeting to be held tonight, he had asked for it to be a Workshop meeting. He wanted the audience to have the opportunity to ask questions that could then be answered by Council. After the meeting, Council would have had the opportunity to consider the information they had gathered during the Workshop meeting before voting at the March Council meeting. Mr. Rea noted that he had made a motion to amend the agenda to post the pool manager position at last week's meeting and the rest of Council had voted against it. He said that if they had posted the position last week, they would have had time to gather resumes and have more information to make an informed decision at tonight's meeting.

Ms. Schwartz stated that she has spoken with many members of the community over the last week regarding the pool, and it seems that the main concern is that this decision is being made without any research. Ms. Schwartz said that she is new to Council but sat in a committee meeting where

this information was brought forth and discussed. She said that she believes Ms. Miller has spoken with local municipalities regarding their pool situations. The committee was presented with a lot of information and research. She acknowledged that there is a difference between hiring a pool manager and hiring a management company, but the main difference is just who is choosing the person who will be overseeing the pool. Any resident who wanted to apply for this position would still be able to submit a resume via the management company. Regardless of which direction Council chooses, there will be changes at the pool due to changes in staff. If Council chooses to move forward with American Pool Services Pittsburgh, it will be a one-year trial.

Mayor Schenck stated that he has spent a lot of time reading Borough contracts and other documents and coming up with substantive changes and typos. He read the original pool contract and suggested changes be made. He said that he did not want the perception that no one reads the contracts.

Mayor Schenck said that he believes that Council needs to be aware of the hot-button issues within the Borough, including the deer population and the pool. On hot-button issues, they should schedule workshop meetings to gather feedback from the community before voting. He said that he hopes the Borough considers having workshop meetings in the future.

Roll Call Vote:

Mr. Turocy	No
Ms. Barron	Yes
Mr. Panza	No
Mr. Rea	No
Mr. Romanovich	No
Ms. Schwartz	No
Mr. Tintori	Yes

Motion failed, 2-5.

Motion:

Mr. Romanovich made a motion, seconded by Mr. Rea, to amend the agenda to direct the Borough Manager to post for a Pool Manager position to be hired directly by the Borough tomorrow.

Motion carried unanimously.

Motion:

Mr. Romanovich made a motion, seconded by Mr. Rea, to direct the Borough Manager to post for a Pool Manager position to be hired directly by the Borough tomorrow.

Mr. Rea asked how this process would be managed with transparency. He asked if Council should put together an advisory committee to oversee the hiring process. Ms. Miller stated that she would advertise the position and keep Council apprised of all applications that come in. If they begin advertising the position on February 13, the Borough should give it a minimum of three weeks. Interviews would be held the following week with the expectation of hiring the week after that.

Ms. Schwartz asked which other municipalities were currently looking to hire a pool manager. Mr. Panza stated that there were 18 open positions according to the information he gathered from ALOM. Ms. Miller said that she knew that Scott Township had an open position and Mount Lebanon had two open positions. There are also several private pools in the area that are looking for a pool manager.

Ms. Schwartz asked if the Borough would require the pool manager to have their pool management certification. Ms. Miller indicated that this would be a requirement. Mr. Rea asked why it was a requirement when it was not a requirement from the management company. Ms. Schwartz

explained that the management company had people on their staff that were certified, but the Borough does not.

Mr. Tintori made the following statement:

"No matter what the vote is, we adhere to it. You don't always agree, and you don't have to get upset if you don't win. But whatever it is, we make sure that we abide by that. It's a vote and whatever it is, that is what it is; there are no regrets, and we don't go back. We don't have people that, just because they were for something else, they have hard feelings. When Council decides to make a motion and it is approved, therefore management has to back that. That's how it always works. There are no hard feelings, people get upset. Some people get over the top, some people don't, but the bottom line is, whatever we decide, we decide as a team. And as a group, that's always the way it is. So tonight, that was the vote. We move on with the vote; we go to the next opportunity. That's what it is. Whatever they vote for, they are entitled. The reason we get elected is to make all these decisions. We do have a lot of information that we review; we don't just casually do this on our own. We do have a process where we all do this; we're elected as your representative. So that's how it is. Not every single contract, every single thing you do, gets brought up in intimate detail to the public. That way you wouldn't need anybody; you would just have a bunch of people trying to make decisions. That's how it goes. It's always the way it is, and it was in process tonight. That's what it's about. But just to let you know, we always take everything into consideration. Some people had their minds made up in the audience on what was going to happen; now you find out that's not necessarily true for everyone. Thank you."

Motion carried unanimously.

ADJOURNMENT

Motion:

Mr. Panza made a motion, seconded by Mr. Rea, to adjourn the meeting at 9:30pm.

Motion carried unanimously.



Arthur Tintori, President

Judy Miller, Borough Manager