

Regular Meeting of California Borough Council, June 14, 2018

President Alfano called the meeting to order at 6:30 pm

ATTENDANCE: Mr. Alfano, Mr. Bittner, Mr. Glab, Mrs. Gutosky, Mayor Stetar and Junior Council member Mr. Goroncy

ABSENCE: Mr. Difilippo and Mr. Encapera

MOMENT OF SILENCE PLEDGE OF ALLEGIANCE

ADDITIONS/CHANGES TO AGENDA

Mr. Bittner added alleys and street

Mr. Mariscotti added hire 8th full time officer

President Alfano stated the agenda stands as printed and amended

PUBLIC COMMENT ON AGENDA ITEM

Mr. Maddiex stated he'd be interested in any comments council has on the planning commission bylaws.

PRESENTATION – ASHELY ROTH, RECREATION AUTHORITY

She thanked council for letting her speak tonight. She stated in years passed council has donated fund to the recreation authority for the River fest which will be held the 25th and 26th of August and that is a Saturday and Sunday this year. She stated the entertainment is out and they are working with California University for a Saturday night headliner act. She stated they are doing something new this year by working with the California Volunteer Fire Department and having a fireman's parade Saturday and line up will begin at 11:00 am and they will come down Third Street and will do some awards such as best engine. On Sunday we usually do a nice display of fireworks and the University donates half and we do the other half so in years passed council has donated \$2,500.00 and she was hoping they would be willing to pledge \$2,500.00 again to use toward fireworks for Sunday evening.

Motion by Mariscotti/Bittner to donate \$2,500.00 for fireworks for the River fest from the gaming revenue fund duly carried on a roll call vote with all members present voting yes.

MINUTES – REGULAR MEETING OF MAY 10, 2018

Motion by Mariscotti/Gutosky to adopt the minutes of the regular meeting of May 10, 2018 passed with all members present stating aye.

SECRETARY'S REPORT – MS. EVANS

Ms. Evans read the accounts payable and account balances as of May 31, 2018.

PRESIDENT'S REPORT – MR. ALFANO

REPORT ON EXECUTIVE SESSION

Mr. Alfano stated council held an executive session after the meeting on May 10th for police litigation and personnel.

PIRMA RENEWAL – PROPERTY & LIABILITY

Mr. Alfano stated we have our renewal premium for property & liability insurance through PIRMA at a cost of \$172,675.00. Mr. Alfano asked council for a motion.

Motion by Glab/Mariscotti to renew the borough's property & liability insurance through PIRMA at a cost of \$172,675.00 duly carried on a roll call vote with all members present voting yes.

WIDMER INVOICE - #21805197 - \$1,777.50- 4TH STREET SURVEY – VETERANS MEMORIAL

Motion by Bittner/Glab to approve payment of Widmer's invoice #21805197 in the amount of \$1,777.50 duly carried on a roll call vote with all members present voting yes.

WIDMER ENGINEERING INVOICE - #21805172 - \$1,127.50- MS4 MAPPING

Motion by Bittner/Gutosky to pay Widmer invoice #21805172 in the amount of \$1,127.50 duly carried on a roll call vote with all members present voting yes.

Mr. Alfano gave an update on the Bud Grebb basketball league.

BOROUGH ADMINISTRATOR'S REPORT – DR. MARTIN UPDATES

Dr. Martin stated LED lights were installed on Technology Drive and they will represent a significant savings in our energy costs. The Redevelopment Authority of Washington County paid for the refurbishing of the poles and the armatures to which the lights are attached and West Penn power supplied both the fixtures and the led light. There was no cost to the borough for that improvement. He stated all the replacement streetlights that had been missed in the initial conversion have now been upgraded and everything is in place. The last light is at Szallay Park and they will have to do some hacking through the wilderness but will be done this week again at no charge to the borough. HE stated the new lighting is in place at Second & Wood Street where we had that dark spot down at the old PNC Bank building. We did incur a cost for that but was previously approved by council months ago.

ROAD REPAIR ISSUE ON TECHNOLOGY DRIVE

Dr. Martin state there was a place up there that shortly after the road was put in Jeff and he were called up to look at it and there was some damage to the road and looked as if there was some water underneath it and the base had already started to crack. They reported that to the Washington County Redevelopment Authority who went back to the contractor and made them affect a repair under the one year workmanship guarantee of the contract. Unfortunately the repair they did was not effective and now we have more cracking and more damage in that same area. He reached out to Bob Griffin from the Redevelopment Authority and expressed some concern. Mr. Griffin stated there was some money still being held from the LSA money that was awarded to us for Technology Drive so the bottom line is they will dig out that whole are and restore Technology Drive to Penn dot specifications in that area at no additional cost to the borough.

KEYBANK- PARKING SPACES

Dr. Martin stated Keybank has assumed the spaces that council authorized renting to them and he spoke with the bank today and their check cleared. Ken bagged the meters and we will be getting the signage to put on the pole. Those spaces will be occupied starting tomorrow.

He stated we are grateful to the employees at Keybank as part of some chain wide event that Keybank offers they closed the bank for a half a day and their entire employees do a community service project in the towns where the branches are located. The employees approached him about what they could do by way of a community service project that would benefit the town. He and Jeff helped them to do some painting, cleaning, planting, and some refurbishing up at Liberty Circle. He stated it looks really nice. He said they did a wonderful job and we are grateful to them. Mr. Bittner asked if a thank you was sent to them. Dr. Martin stated they have already received them, each employee, the management, and he sent one to Corporate as well.

ELECTRICAL CONTRACTORS WOOD STREET LIGHTING

Dr. Martin stated he received notification four hours ago from Kerry Fox that Merit Electrical contractors were awarded the bid last night for the 2017 Community Development Block Grant project which involves the conversion of lighting down on Wood Street between Second and First Street. They ordered the poles and could take 45 to 60 days for the poles to be delivered but their completion date to have those lights completely installed and functional at the lower part of Wood Street and over by the Library is late August.

SIGNAGE AT THE WHARF

Dr. Martin asked for a motion to purchase and installation of “SWIM AT YOUR OWN RISK AND NO DIVING SIGNS” for the Wharf Project as per the discussion at the agenda meeting. He’s unsure of the cost for poles and such to make this happen so he’s asking for a cost not to exceed \$100.00 to purchase and get this signage put up.

Motion by Gutosky/Glab to purchase and install signage “Swim at your own risk and No diving” signs at the wharf at a cost not to exceed \$100.00 duly carried on a roll call vote with all members present voting yes.

PUBLIC HOUSING – MR. GLAB

APPLICANT FOR QUALITY OF LIFE APPEALS BOARD MEMBER

Mr. Glab state we have a third member to appoint to the Quality of Life Appeals board and he name is Steve Pichura and he is a resident on Dally Road. He is a code enforcement officer for another municipality and a resident of this borough.

Motion b Glab/Mariscotti to appoint Mr. Pichura to the Quality of Life Appeals board duly carried on a roll call vote with all members present voting yes.

UPDATES

Mr. Glab stated the Code Enforcement officer and the Zoning officer have been out doing inspections and again the grass is required to be under 6” in height or you will receive a quality of life citation. He stated this is not only for cosmetic purposes but for rodent control and being a good neighbor.

PUBLIC WORKS – MR. MARISCOTTI

2018 PAVING PROJECT

Motion by Mariscotti/Bittner to substitute Liberty Street with Meadow Way as long as the material costs are the same duly carried on a roll call vote with all members present voting yes.

2018 PAVING PROJECT

Motion by Mariscotti/Bittner to award the 2018 Paving Project to Victor Paving for a cost of \$136, 490.20 duly carried on a roll call vote with all members present voting yes.

Mr. Agrafiotis stated he reviewed the bid documents and everything is in order. He asked Mr. Tудay if Victor had been notified of the change in the streets being paved. Mr. Tудay responded yes and Dr. Martin stated it is not an issue as long as the square footage is the same.

Mr. Bittner asked that we get an inspector for this job. Mr. Tудay stated we will have an inspector so once they mill it and roll it you will know if the base needs repaired or not. Dr. Martin stated council had requested that we hire an inspector for this project and he asked if those arrangements were made. Mr. Tудay stated yes anytime you do a paving project have an outside inspector. Dr. Martin asked if we have one lined up. Mr. Eby stated he will take care of that.

PUBLIC SAFETY – MR. BITTNER

ALLEYS AND STREETS

Mr. Bittner stated we have the street paving project on its way and we’ve been throwing around doing some alleys. We have some alleys that service some very high traffic content. He stated he’s not making any motions tonight but next week at the continued meeting he will be making a motion to take a \$100,000.00 from the Act 13 money and use it to do as many alleys as we can. He asked council to consider that and he will be proposing that next week.

FINANCE – MRS. GUTOSKY

Motion by Gutosky/Glab to pay the monthly bills duly carried on a roll call vote with all members present voting yes.

SOLICITOR’S BILL

Mr. Agrafiotis stated he did not submit a bill yet he had some sick employees and some on vacation.

PUBLIC HEALTH – MR. DIFILIPPO

Mr. Alfano stated there are some invoices under Mr. Difilippo’s report so he’ll go through those.

Motion by Mariscotti/Glab to pay Britton & Sons invoice # 266 in the amount of \$3,175.00 for the Second Street repair duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Bittner to pay Britton & Son’s invoice #267 in the amount of \$5,600.00 for the Union Street repair duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Glab to pay Widmer Engineering invoice #21805188 in the amount of \$337.50 for the sink hole on Wood Street & Fourth Street duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Glab to pay Widmer Engineering invoice #218055198 in the amount of \$1,365.00 for the Second Street Sewer line easement duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Glab to pay Widmer Engineering invoice #2185200 in the amount of \$600.00 for the Plant Discharge/Part II permit duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Glab to pay Widmer Engineering invoice #21805204 in the amount of \$1,457.50 for the Union & Liberty St. projects duly carried on a roll call vote with all members present voting yes.

PERSONNEL – MR. ENCAPERA & MR. MARISCOTTI

HIRING FULL TIME OFFICER

Motion by Mariscotti/Bittner to hire Nick Ireland as a full time Police Officer per the collective bargaining unit agreement duly carried on a roll call vote with all members present voting yes.

Mr. Alfano stated since he is already one of our part time officer we won't need back ground checks etc.

Mr. Mariscotti stated he'd like to put together some numbers to possibly hire another full time officer. Mayor Stetar stated Ryan approached him last week and asked him if hiring this full time officer will alleviate the holes in the schedule and Mayor Stetar replied we have holes for many different reasons. He stated he is not trying to blind side council or blow the budget on this but we need to have a conversation about the holes in the schedule and what we need to do to fill those holes. Mr. Agrafiotis stated if you hired another full time you would need another memorandum of understanding with the union. Mayor Stetar stated we have 7 full time officers now.

JUNIOR COUNCIL – MR. GORONCY

Mr. Goroncy stated due to a family emergency he doesn't have his notes so if he misses something he apologizes. He stated graduation was extremely successful and ended up with 8 Valedictorians and 1 Salutatorian and 3 graduates that are going on to the military. He stated May Day was also successful and congratulated everyone who was awarded scholarships. He thanked Dr. Martin and Mr. Bittner for working on awarding the foundation's scholarships.

MAYOR'S REPORT – MAYOR STETAR

KENNYWOOD DAY

Mayor Stetar announced that Kennywood Day is July 25th and tickets will be on sale at the fire department on Tuesday and Wednesday before the bus arrives. Mr. Bittner stated they will be selling Monday night also from 6 to 9.

Mayor Stetar stated we are good about making sure the residents take care of the sidewalks in the winter time however, there are a lot of leaves and debris on some of these sidewalks and it looks bad so hopefully with the holiday coming everyone can make it a point to address their sidewalks to make the town look a little bit nicer.

Mayor stated he will be performing his first wedding here to tomorrow.

ENGINEER'S REPORT- MR. EBY

UNION STREET

Mr. Eby stated we ran a camera through the line on Union Street and there is a separation in the line so he'd like to get a motion tonight to advertise and put Union Street out for bid. He asked if Mr. Eby can put all the projects together under one motion.

Motion by Mariscotti/Glab to advertise for bids for the replacement of 1. Union Street sanitary line, 2. Liberty Street storm water line from First to Second St. will be an addendum to get prices, replacement on Union Street from Second to Thirds St. as an addendum, 3. Replace manhole on Route 88 at Wood & Fourth St., and extend a sewer line up Highland Drive as an addendum also duly carried on a roll call vote with all members present voting yes.

BYPASS LINE

Mr. Eby stated he doesn't have full acceptance on the Part II permit but we can put the line in. We have the manholes on site and the materials but they will have to purchase some concrete and 2 24" pipe but the cost shouldn't exceed \$1,000.00.

Motion by Mariscotti/Glab to put a bypass line in and purchase concrete and (2) 24" pipe at a cost not to exceed \$1,000.00 duly carried on a roll call vote with all members present voting yes.

UPDATES

Mr. Eby stated we have a meeting scheduled with Penn dot to be on site to discuss the relocation of pump station. He stated we're also working on the Malden Pump Station and we do have a capacity issue with that. He stated it could be the flow meter so that is being sent back under warranty to ensure the readings were correct.

SOLICITOR'S REPORT

PLANNING COMMISSION BY LAWS

Mr. Agrafiotis stated he reviewed the proposed bylaw amendments for the planning commission and found them to be in good order. He did make a couple additions for clarifications and Mr. Petro reviewed it and Planning Commission reviewed it and he is recommending approval of the bylaws.

Motion by Glab/Bittner to approve the Planning Commission bylaws as amended duly carried on a roll call vote with all members present voting yes.

RENTAL AND SEWER ORDINANCES DRAFTS

Mr. Agrafiotis stated the ordinance drafts are on the fourth revision for both because he's doing them together and should be done by early next week and he will have those to council before the continued meeting.

OLD BUSINESS

No old business at this time

NEW BUSINESS

Mr. Alfano stated it was brought to his attention that a couple of meters on Fourth Street between Union and the alley are not working too good so he talked to Ken about it and he said there is never any money in them but he'll be glad to fix them. Mr. Alfano asked if we really need those meters up there, it's pretty much a residential area and he doesn't know that there's a demand for parking anymore. Mr. Taday asked him where he was talking about. Mr. Alfano stated directly across from the former parish house for the Catholic Church on Fourth Street near Rapp's house. He asked to have that checked out.

RECOGNITION OF CITIZENS

MARQUEL ATKINSON

Mr. Atkinson stated he spoke here in 2013-2014. California Borough police were harassing him for no reason. More recently in 2016 he got harassed for his music to a point that he got tased, for no reason. He stated he pulled into Kwikfill with his music on during a basketball game that you all have during the summer around 9:41 pm. To be more specific it was June 24, 2016. The K9 Officer Thomas McCarthy initiated the whole thing. Now the officer that tased him was Officer Glab. Anyone that wants to contest him or doesn't believe him he beat the resisting arrest. They tased him when he was on the ground. He stated he's disabled and he's been disabled since 2013. He's been disabled in his left shoulder. He asked council if they wanted to watch the tape because he would show them. He asked if they wanted to read the testimony from Officer McCarthy or Officer Glab's testimony because they lied. Weld was the Mayor at that

time in 2016 and he also lied on the stand. Now if you would like to see the video tape that they couldn't produce ever produced when they tased him and then they lied about it and had him in hand cuffs and shackles for 7 hours. Went through an MRI machine handcuffed and shackled. He spoke here in 2013 and 2014 and filed a complaint with Chief Encapera. He wouldn't listen to me. The only way people listened to me because he got tased and he beat the charge. Now people like to see the tape but read the testimony. Officer McCarthy and Officer Glab were asked twice if they produced the video tape and they stated they couldn't produce the tape. Mr. Atkinson stated he received the tape a month and a half after this happened. He had already had the tape but you can't get it you have to go through the court, but I already had it. I'm smarter because now I have their testimony and want to make them look bad. There is only a handful of people in here that have more education than him. He has a masters degree from California University 2006. Look it up it's in the archives. He walked across that stage three times. Why would he tase me over music why? Do you know what Officer McCarthy told me before he slammed me to the ground, he stated his music wasn't loud and he guarantees that none of council heard it and he is very respectful to women and if he was causing any problem Rick would have seen him at 8:30 that morning. He stated it is documented on video and it was posted on Facebook two hours after he'd been arrested saying he did all this stuff. Mr. Alfano asked who posted it. Mr. Atkinson stated whoever posts it under California Borough Police Department. Mr. Atkinson stated don't worry the case is over but it isn't June 24th, 2018 yet. We still go time for that day. Officer McCarthy and Officer Glab tased him and he was arrested within 47 seconds and he has zero felonies, and zero warrants. The only felonies he has ever come across was California Borough Police trying to pin them on him for a firearm that is registered to his wife who has a concealed carry permit that she's had since 2012. He got married in 2009. He will gladly show you the tape now and Judge DiSalle and Judge Gilman already have copies and they saw it. He asked Attorney Agrafiotis if he wanted to see the tape and he responded after June 24, 2018. Mr. Atkinson stated he's been sitting on this tape for almost two years and when he asked about the police camera's and they said they weren't working at that time. Mr. Agrafiotis stated with all due respect he can't allow him to show the tape because you have threatened litigation. Mr. Atkinson stated all he was doing was going into the store and he got tased for no good reason. He stated he has kids, a 15 year old son and 2 daughters that go to California Elementary, do you know they know the officer's that tased him and he complained about this to the Chief of Police and he's done nothing. It's documented in the minutes. Chief Encapera stated you are talking about two different incidents. Mr. Atkinson stated he's complained about being harassed by the police before and now this happened. That officer told him to turn his *&#\$(#* black ghetto music off. Yes he used that language in court because that is what the officer said. He wasn't screaming and he wasn't yelling and he told me to turn off my f-ing black music off. Council and the Solicitor asked Mr. Atkinson not to use any more profanity. Mr. Atkinson stated he's quoting what the police officer had said to him. He stated there was a young white female and a young black female were also there and the one that works in the store got up and walked in the store and the Constable Staley heard it and walked right passed them. Mr. Atkinson stated to Officer McCarthy that he can't be saying that f-ing ghetto music to him and Officer McCarthy asked him for his identification and as Mr. Atkinson pulled out his wallet, and he demonstrated, Officer McCarthy snatched him up and threw him to the ground. Mr. Atkinson stated he wasn't being boisterous or anything but the Officers stated Mr. Atkinson was reaching for a knife in his pocket, and then he got tased. Now these Officers are supposed to protect him and that is who he's supposed to call if something goes wrong. What if someone breaks into his house he's supposed to call 911 and guess who's going to come to my house, California Police, the same ones whose been harassing him? Even after they tried to provoke him he didn't say a word and they still tased him. He said what if his kids would have been with him in the car, what if his son would have been with him. Attorney Agrafiotis told Mr. Atkinson that he can't let him show that video because he threatened litigation when he said June 24th, 2018 which is the statute of limitations. Mr. Atkinson stated this is how black people are treated in this town and it's been going on for years and it's never been caught on tape until now. He stated he has kids and he drives his kids to school every day and Chief Encapera stated he helps his kids every day and Mr. Atkinson stated no because he drives them and walks them into the school every morning. Ask the people at the school. I don't want my kids to have to go through what I've gone through. Come into town to go to Kwikfill and get this treatment and you wonder why enrollment in the University is down because of situations like this.

MR. MADDIEX

Mr. Maddiex reminded everyone that the planning commission meeting is scheduled for July 3rd He stated last year's fireworks got put off and put off due to rain.

CHRISTINE KINDER

Ms. Kinder stated it seems quiet down the street there at the University. Right now most of our students who are studying through the summer are studying online. She stated they do have a very full schedule of sports camps, church camps, and other activities in our convocation center and some of them stay overnight in our residence halls. This weekend they will have about 500 kids there for a Steelers youth camp. This kind of schedule will continue throughout the summer.

ROADMAN PARK SEWAGE MODULE

Mr. Eby stated the University is installing a bathroom facility behind the baseball field and needs the sewage module signed to indicate our plant has the capacity to take more flow. Mr. Glab asked Mr. Petro if he has reviewed this. Mr. Petro stated it's part of the approval process. Mr. Glab asked how many Edu's they are requesting. Mr. Eby stated right now it is one but we can review that after a year on because they are unsure of how many people will be using these bathrooms. Mr. Alfano asked the Solicitor if he's reviewed it and he responded no. Mr. Glab stated let's let Tom review it and act on it at our continued meeting.

ADJOURNMENT

Motion by Glab/Mariscotti to continue this meeting on June 21, 2018 at 6:00 pm. to deliberate over the new zoning ordinance with all members present stating aye