

## **Regular Meeting of California Borough Council, May 11, 2017**

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

**ATTENDANCE:** Mr. Alfano, Mr. Bittner, Mr. Difilippo, Mr. Encapera, Mr. Glab, Mrs. Gutosky and Mr. Mariscotti

**ABSENCE:** Mayor Weld

### **MOMENT OF SILENCE**

### **PLEDGE OF ALLEGIANCE**

#### **PUBLIC SPEAKERS: REPRESENTATIVE BUD COOK**

Representative Cook thanked council for letting him speak and informed them of two upcoming events. The first one is a workshop on May 17<sup>th</sup> with local communities to discuss growth in the Mon Valley. The DCED will be there as well. The second event will be on May 25 is one of a series of what we call Town Hall Visions and we are attempting to get stake holders to invest in our communities. We put a vision together for a trail which would unite 23 towns along the river. He stated we have to have quality of life jobs and quality of life neighborhoods because it does us no good to have businesses here if the employees don't live here. He stated another thing the day before the Annual Pike Run Fishing Festival Beth Center took three school buses from their middle school with approximately 100 children and they spent the day at Ten Mile Creek releasing trout that they grew in the classroom and they got to fish for an hour. He stated Ringgold has now adopted the same program for their next school year. He stated he's spoken with every Superintendent this side of the river and asked them to provide him a minimum of 3 students and a maximum of 6 and we're asking them to do the following things. We want their vision of what they want in their community going forward, we want them to get involved in local government. He stated our greatest export from our local communities is our youth and we need them to stay and get involved.

#### **CHUCK KUROWSKI – CANDIDATE FOR JUDGE - WASH. COUNTY**

Mr. Kurowski thanked council for letting him speak and stated this will be his last speech to give this year. Mr. Kurowski stated you should never bring shame to your families name and over the past several years he's seen a lot of things go down in that courthouse including the Pozonsky matter. He stated he and his wife are familiar with the drug problem in Washington County because they own a rehab house for girls and they know what it means to fight drug addiction. Today we have two candidates running for judge who have family criminal histories and that is unprecedented even for Washington County. You have the ability to shape the bench to pick up candidates and select candidates who are suited to serve on the bench. More often than not when you pick up a newspaper you're reading about public officials convicted of crimes so we have to start vetting our candidates. He is running on the platform that if you take a taxpayers paycheck then you should have to take and pass a drug test. He stated presently 18 states in the United States require you to take a drug test before you get a check from the federal government or the state. Why Pennsylvania's legislatures haven't passed anything like that he doesn't know. He stated it was published that we are spending 1/2 million dollars paying masters and mini judges to do the work that judges should be doing. He feels if you don't want to do the work why run for judge and then pass your work on to masters and mini judges. Let the taxpayer have a break.

#### **ADDITIONS OR CHANGES TO AGENDA**

Mrs. Gutosky added the Solicitor's bills- \$3,647.00

Mr. Agrafiotis added executive session for Ruffolo settlement and Geokinetics agreement

Mr. Alfano stated the agenda stands as printed and amended.

#### **PUBLIC COMMENT**

Mr. Maddiex asked why we got a door quote for the basement door. Dr. Martin replied because it was brought to his attention this week that it has deteriorated more than they realized and the water can get in coming under it now.

## **PUBLIC ANNOUNCEMENTS – MR. ALFANO**

Mr. Alfano announced that the California Volunteer Fire Dept. will have a fish fry tomorrow from 11:00 am until they sell out.

## **J.BUDD GREBB BASKETBALL LEAGUE**

Mr. Alfano stated there will be sign ups the first two weeks of June for the women and men J. Budd Grebb basketball league. This will be the 10<sup>th</sup> year for this.

## **MINUTES -**

Motion by Difilippo/Mariscotti to approve the minutes of April 12, 2017 carried with all members present voting yes.

Motion by Difilippo/Bittner to approve the minutes of the Continued Meeting of April 27, 2017 carried with all members present stating aye.

## **SECRETARY'S REPORT –MS. EVANS**

Ms. Evans read the accounts payable and account balances as of April 30, 2017

## **PRESIDENT'S REPORT – MR. ALFANO**

### **FEMA FLOOD INSURANCE**

Motion by Difilippo/Glab to renew Option 2 of the FEMA flood insurance for the Library duly carried on a roll call vote with all members present voting yes.

### **ORDINANCE REQUIRING BANKS & MORTGAGES TO REGISTER CERTAIN PROPERTIES**

Mr. Alfano stated he recommends council instruct the solicitor to draw up an ordinance requiring Banks & Mortgage companies to register certain properties within the borough to the borough. He stated some length of time can go by during these processes and the grass gets high and the sewer bills go delinquent and having the ordinance will alleviate some of these issues.

Motion by Bittner/Gutosky to authorize the Solicitor to draft an ordinance requiring banks and mortgage companies to register vacant, defaulted and foreclosure properties with the borough and bring it back to council for review duly carried on a roll call vote with all members present voting yes.

### **WHARF PROJECT**

Mr. Alfano stated we have elected to re-advertise the wharf project. We have two construction companies that are interested in this project and it will be for a little more money than the grant amount but it is far less than the bids that came in originally. Bid openings will occur on June 8<sup>th</sup> at 12:00 noon.

## **BOROUGH MANAGER'S REPORT – DR. RICHARD MARTIN**

### **INFORMATIONAL UPDATES**

Dr. Martin stated Electronic Recycling program will take place this weekend. Friday the dumpster will be there early in the morning down by the public library and will be taken out at the end of business on Monday. The second related item is we are in that period in the contract with Advanced Disposal where they are doing more regular pick-ups as students move out of their apartments. They made one slight modification the second day they picked up less than a ton so we had them take two days of pick up out of the last week of school and extend the pick-ups to the Monday and Tuesday following graduation. He stated at the Historical Society's request we have begun the process of moving the old borough records down to the borough and we are getting them together here so we can go through them and see what can be disposed of and what may need archived as historical documents. He stated we got a couple of truckloads out of the Historical Society already. We will of course follow all the regulations involved in the disposition of records.

### **REQUEST FROM PAT VTICHOFF**

Dr. Martin stated he sent each member of council a copy of a letter he received from Mr. Patrick Vitchoff concerning a sewer line and he believes it is in the hands of the Solicitor but he has

provided this information to council. He stated the Solicitor can further address this under his report.

#### **PURCHASE NEW BASEMENT DOOR**

Dr. Martin stated there is in your packets a quote for a new door for the basement door. It needs replaced as a result of water damage to the old metal door. He is requesting a motion from council to approve \$730.00 to replace the metal door in the basement with one of more durable construction. He stated Mr. Taday will be in charge of the having the door delivered and installing it.

Motion by Difilippo/Glab to purchase new door for exterior basement door at a cost of \$730.00 from AG Mauro Company duly carried on a roll call vote with all members present voting yes.

#### **A1 ELECTRIC INVOICE \$10,565.00**

Dr. Martin stated at the last council meeting council approved the replacement of lighting fixtures with LED fixtures. He stated these are the lights we acquired from the turnpike commission. Council authorized a cost of \$8,300.00 for 11 fixtures. After getting into the project Mr. Taday found there were three additional lights that we weren't aware of and rather than send the contractor home that was installing the LED lights we verbally authorized him to replace those three as well because they believed that was council's wishes. So he is asking Council to approve \$2,265.00 to replace the three additional lights that we found in this process. The other clarification that the secretary/treasurer had asked for when the original motion was made council did not designate which fund this was to be paid from. He stated he thought we could pay for them out of savings. Mr. Alfano stated we can pay them from the Gaming Revenue fund.

Motion by Difilippo/Encapera authorize an additional three lighting fixtures be replaced with led lights at a cost of \$2,265.00 and that all the lights be paid for from the gaming revenue fund duly carried on a roll call vote with all members present voting yes.

#### **PAPER RECYING BIN AT LIBRARY**

Mr. Bittner stated to his surprise today the paper recycling bin at the public library is gone. Dr. Martin stated he is aware of what happened there. He stated someone put a second box down there to collect clothing and things and did not have the borough's approval or the Library's board approval to place the clothing box there. He stated he spoke to Amelia Mitchell on the Library board to see who authorized that box to be put there and what transpired after that was that the Library Board wants both of those boxes removed and they contacted both of those vendors and had those boxes removed. She stated originally the paper recycling box down there has been placed there at the request of the School District for a particular student group and they receive a token sum of what paper is collected there. When that club ceased to exist the Library board took on the responsibility for that box and they were receiving that small token sum. The library board stated they weren't receiving enough revenue to continue to maintain that box so they had it removed. Mr. Bittner stated in his opinion he thinks she overstepped her bounds and thinks she should have come to this council to have it removed since it was on borough property. That dumpster was heavily used by this town and now people including him want to know what they are going to do with their recycling. Why would they wrap their paper recycling for the garbage haulers to take it when they can just take it to the dumpster. He wants that contractor contacted and that box placed back down there for our residents. Dr. Martin stated he will be very happy to make those arrangements. Mr. Bittner stated will you also inform that library board that when they make decisions like that they need to contact us since we are the governing body of this borough.

#### **PUBLIC HOUSING – MR. GLAB ZONING DEPT. UPDATE**

Mr. Glab stated there are some properties that the grass is exceeding the required height and the Code Enforcement Officer is actively going out and patrolling and notifying them by a quality of life citation. We would prefer that these individuals cut the grass and maintain their property as opposed to going that process. If your grass exceeds the height of 6" you are in violation of the ordinance and you will be cited accordingly, so please maintain your properties for the safety of the community.

**PUBLIC WORKS – MR. MARISCOTTI  
STREET DEPT. UPDATE**

Mr. Mariscotti stated the Street Dept. is ongoing with operations patching holes, and cutting alongside country roads etc. Mr. Mariscotti stated it is the Street Commissioner's birthday so he is absent tonight.

**WIDMER INVOICES**

Motion by Mariscotti/Difilippo to pay Widmer Engineering Invoice #21704179 in the amount of \$445.00 for DEP dump permit duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Difilippo to pay Widmer Engineering Invoice #21704180 in the amount of \$530.00 for the Technology Drive Survey duly carried on a roll call vote with all members present voting yes.

**NOTICES TO PROCEED PAVING & SEAL COAT PROJECTS**

Mr. Agrafiotis stated Ms. Evans provided him a copy of their bonds and everything is in order. Mr. Difilippo stated that we were provided a map of the pipeline project and none of these streets are going to be ripped up is that correct. Mr. Mariscotti stated that is correct.

Motion by Mariscotti/Glab to authorize the Notice to Proceed to Derry Construction duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Difilippo to authorize the Notice to Proceed to Suit-Kote pending receiving a Certificate of Liability insurance duly carried on a roll call vote with all members present voting yes.

**PUBLIC SAFETY – MR. BITTNER**

**VEHICLE BIDS**

Mr. Bittner asked Ms. Evans the results of the vehicle bids that were opened at the last meeting.

2011 DODGE CHARGER

MIGS - \$1,601.00

DABBAGH - \$2,168.00

Motion by Bittner/Encapera to sell the 2011 Dodge Charger as is in the amount of \$2,168.00 to Mr. Dabbagh duly carried on a roll call vote with all members present voting yes.

2010 FORD EXPLORER

MIGS - \$1,001.00

DABBAGH - \$668.00

Motion by Bittner/Encapera to sell the 2010 Ford Explorer as is to MIGS Auto at a price of \$1,001.00 duly carried on a roll call vote with all members present voting yes.

**NATIONWIDE INSURANCE RENEWAL – K9 MEDICAL AND WELLNESS**

Mr. Bittner stated in council's packets is the renewal notice for the K9 Medical & Wellness insurance and the cost is \$576.57.

Motion by Bittner/Encapera to renew the Wellness & Medical insurance for the K9 through Nationwide Insurance at a cost of \$576.57 duly carried on a roll call vote with all members present voting yes.

**FINANCE – MRS. GUTOSKY**

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

**SOLICITOR'S BILL**

Motion by Gutosky/Difilippo to pay the Solicitor's bill in the amount of \$3,647.00 with Admin being \$1,459.00, Zoning - \$2,067.00, and Sewer fund - \$121.00 duly carried on a roll call vote with all members present voting yes.

## **PUBLIC HEALTH – MR. DIFILIPPO**

### **LENNON, SMITH & SOULERET INVOICE**

Motion by Difilippo/Glab to pay Lennon, Smith, & Souleret invoice #201702073 in the amount of \$2,812.50 for lift station dispute resolution duly carried on a roll call vote with all members present voting yes.

### **WIDMER INVOICES**

Motion by Difilippo/Mariscotti to pay Widmer Engineering Invoice #21704178 in the amount of \$337.50 dealing with flow meter at the Malden Pump Station duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Mariscotti to pay Widmer Engineering Invoice #21704181 in the amount of \$187.50 dealing with discharge at the waste water treatment plant duly carried on a roll call vote with all members present voting yes.

## **PERSONNEL – MR. ENCAPERA & MR. MARISCOTTI**

Mr. Encapera congratulated Mr. Bittner for receiving the distinguished service award from the Pennsylvania State Association of Borough this week at the convention. He received the award for his tireless efforts given to California Borough. Mr. Bittner thanked council and stated he thinks this was one of the best and informative conventions he has attended over the years.

## **MAYOR'S REPORT – MAYOR WELD**

Nothing to report

## **ENGINEER'S REPORT – MR. EBY**

### **MALDEN PUMP STATION**

Mr. Eby stated the Malden Pump station had a problem with the circuit board but was covered under warranty so it will be taken care of.

### **SURVEYORS**

Mr. Eby stated the surveyors have been out this week for the downfall for the storm sewers.

### **DEP PERMITS**

Mr. Eby stated we have applied and submitted all documents to the Dep for both the dump site and the proposed fill site.

### **TECHNOLOGY DRIVE**

Mr. Eby stated we've got the data and need to do a drawing tying it into the existing drawing so we should have that information for next month and give council the drawings and blueprints.

### **LSA APPLICATION**

Mr. Eby stated it is getting closer to October and asked council if they want to resubmit the LSA application for the same project as last year.

## **SOLICITOR'S REPORT – MR. AGRAFIOTIS**

### **EXECUTIVE SESSION**

Mr. Agrafiotis stated he'd like a motion to go in to executive session for legal matters and one or two of these will need voted on so we can't wait until the end of the meeting.

President Alfano stated lets go into executive session now and we will reconvene shortly.

Council went into executive session at 7:30 pm

Council reconvened the meeting at 9:10 pm

Mr. Agrafiotis stated the executive session was on litigation and legal matters. He stated the Cat Ordinance #558 was not advertised for tonight so no formal action can be taken and council is still reviewing that.

## **GEOKINETICS- SEISMIC TESTING**

Motion by Encapera to permit Geokinetics to perform seismic testing on all borough property excluding any borough parks and they will pay the borough \$400.09. Motion died for lack of a second.

## **RUFFOLO SETTLEMENT**

Mr. Agrafiotis stated there was a settlement reached between the borough of California and Joseph Ruffolo at a non-jury trial held last Tuesday, May 2<sup>nd</sup>. Mr. Agrafiotis stated council needs to ratify the settlement and it states that Mr. Ruffolo will pay \$8,400.00 for the satisfaction of all his liens and he also has a comprehensive detailed schedule for rehabilitating his properties, 149-153 by August 1<sup>st</sup> and if it is he gets his rental permit. 659 High Street by Aug. 1<sup>st</sup>. 751 and 779 Park St. by Dec. 1<sup>st</sup>. If they are not finished he can seek an extension from Mr. Garlowich who will decide when Mr. Ruffolo needs to meet his deadline and if he hasn't the borough can ask the court to sanction Mr. Ruffolo and also demolish the property. Mr. Ruffolo cannot sell any of these properties subject to these conditions without disclosing this settlement to the buyer.

Motion by Glab/Mariscotti to ratify the court settlement with Joe Ruffolo duly carried on a roll call vote with all members present voting yes.

## **OLD BUSINESS**

No old business at this time

## **NEW BUSINESS**

Mr. Alfano stated we've received a letter from Michelle Kinsey to serve on the recreation authority so he would like council to consider her when an opening becomes available.

## **RECOGNITION OF CITIZENS**

### **JIM MADDIEX**

Mr. Maddiex pointed out a piece of chipped paint that fell on the floor. Mr. Maddiex agrees with Mr. Bittner on the paper recycling dumpster. Mr. Maddiex stated the planning commission will meet on the 30<sup>th</sup> at 6:30 here in council chambers. Mr. Maddiex asked everyone to get out and vote.

### **KEN BAIRD**

Mr. Baird stated one of the cats that he feeds was killed and the vet said it was caught in a trap. The neighbors took it and it cost \$200.00 to be treated. He stated he provided pictures to council of the injured cat. He stated you have to have a little bit of skill to set this type of trap because it was not a box trap so it was somebody who knows a little bit about traps. Mr. Mariscotti asked how it got out of the trap. Mr. Baird stated he has no idea. Mr. Alfano stated what if a child would have got caught in this trap this is crazy. Mr. Alfano asked if he knows the area where this occurred. Mr. Baird stated it was between his house and the Washington Health System office. He said one of the girls who works at Washington Health System found it in their parking lot and she came here and spoke to Mr. Glab about it and he said the borough can't do anything about it. His question is this if I got bit by a dog with rabies would a police officer come put the dog down or leave it there. Mr. Baird stated he is asking the attorney this question. Mr. Agrafiotis stated the animal control officer would handle it. Mr. Baird stated the animal control officer was called about my cat and she stated there is nothing she can do California doesn't pay her to do cats. His question is what is the borough's responsibility when it comes to cats. He said you want to pass an ordinance to make him pay between \$100.00 and \$600.00 for feeding a cat so his question is where is the appeals process in that ordinance. There is nothing in there about appealing. Mr. Agrafiotis stated it hasn't been passed yet. Mr. Baird stated there is nothing about who determines whether he pays \$100.00 or \$600.00 so what constitutes the amount of the fine. Mr. Agrafiotis stated the magistrate would determine that. Mr. Baird stated you as the Solicitor what designates whether he pays \$100.00 or \$600.00 is it whether I put one or two pans of food out. Mr. Agrafiotis stated the magistrate determines that. Mr. Baird asked if any council or the solicitor have any control over any of this. Mr. Agrafiotis stated he doesn't have to answer his questions. Mr. Baird stated then council shouldn't pay him because his tax dollars is what pays you. Mr. Agrafiotis stated he guesses. Mr. Baird stated if your guessing then you must not be to intelligent. Mr. Agrafiotis stated apparently not. Mr. Baird stated he would like to know if and who is going to fine him for feeding these cats and you better bring a lot of people to back you

up. He stated it is a shame you people are worrying about cats and you don't have any businesses left in this town so why don't you worry about something that is a little more stable.

**ADJOURN-** Motion by Mariscotti/Difilippo to adjourn the meeting at 9:25 passed with all members present stating aye.