

## **Continued Meeting of California Borough Council, May 16, 2013, 6:00 pm**

President Bittner called the meeting to order at 6:00 pm

**ATTENDANCE:** Mr. Alfano, Mr. Bittner, Mr. Difilippo, Mr. Encapera, Mr. Glab, and Mayor Durdines

**ABSENT:** Mrs. Gutosky, Mr. Mariscotti

### **ADDITIONS /CHANGES TO THE AGENDA**

Agenda stands as printed.

### **PUBLIC COMMENT –**

No public comment at this time

### **PRESIDENT’S REPORT- MR. BITTNER**

Motion by Glab/Difilippo to go into executive session on police personnel at 6:05 pm duly carried with all members present stating aye.

Mr. Mariscotti arrived at the meeting

Mr. Difilippo left early from the meeting

Council reconvened at 7:05

### **PUBLIC HOUSING – MR. ALFANO**

Mr. Alfano announced that on June 3<sup>rd</sup> at 6:30 we will meet with Mr. Filoni from McLaughlin, Cornelius, & Filoni here between the Planning Commission, Council, and the Recreation Authority and anybody else that is interested in attending for the initial meeting for the Master Site Plan.

### **PUBLIC WORKS – MR. MARISCOTTI**

#### **PURCHASE STREET SWEEPER**

Motion by Mariscotti/Alfano to purchase the Elgin demonstrator Crosswind sweeper the anticipated total cost of the equipment will not exceed \$177,692.00 and there will be a lease payment with 5 annual payments of \$38,301.31 each with an interest rate of 3.72% to be split between the Street Dept. and the Sewer Dept. and at the end of five years we buy the lease out for \$1.00 duly carried on a roll call vote with all members present voting yes.

#### **PURCHASE NEW MOWER**

Motion by Mariscotti/Alfano to purchase a new mower for the street department; it is a John Deere 1023E and we got nothing for our trade in so the purchase price is \$12,587.95 and we will keep our current mower as a back-up and we are purchasing it from Middletown Tractor Sales in Washington duly carried on a roll call vote with all members present voting yes.

Under discussion Mr. Glab asked if any attachments are included with this. Mr. Mariscotti stated yes there is a 60D seven iron side discharge mower and that’s it. Mr. Glab asked if we will still need the old machine for the broom and all those other attachments. Mr. Tудay stated no it will come with attachments to use the attachments we currently have, the broom and the blade. We just had to get hydraulics for the front and the drive shaft, so they will be universal now and the attachments will be able to be used on both machines. Mr. Bittner asked if this was a drive over mower. Mr. Tудay stated yes it is a heavier deck too. Mr. Bittner stated that is a budgeted item this year also.

### **PUBLIC SAFETY – MR. GLAB & MR. ENCAPERA**

Motion by Glab/Encapera to send Officer Sheehan to an Active Shooter class at no cost to the borough other than his wages on June 26, 2013 and it is sponsored by the Dept. of Homeland Security duly carried on a roll call vote with all members present voting yes.

### **FINANCE – MRS. GUTOSKY**

Mr. Bittner stated Mrs. Gutosky is absent

## **PUBLIC HEALTH**

Mr. Bittner stated Mr. Difilippo had to leave

## **PERSONNEL – MR. GLAB AND MR. ENCAPERA**

Mr. Glab stated they will do it under new business

## **MAYOR’S REPORT – MR. DURDINES**

Mayor had nothing to report

## **SOLICITOR’S REPORT –MR. MELENYZER & MR. AGRAFIOTIS**

Mr. Melenyzer stated he would like to clear up what was discussed with Cheryl Erdely and himself at the regular meeting just so everyone is clear. He stated that on Jan. 28, 2010 her insurance company forwarded a check to the municipality which is required under Act 98 Fire Escrow and part of the letter says that they understand that this money will be held in reserve by the municipality until such time the insured repairs or razes the building. She was trying to convince us at the meeting that we were not doing the right thing with regard to this money and all she had to do is secure the building. There is language in the act about securing the building and that is primarily for a safety issue and the Act and Ordinance say that when the repair, removal, or securing of the building or other structure damaged by fire has been completed in accordance with all the municipal ordinances and borough codes as certified by the Borough’s Code Enforcement Officer and after inspection by the Code Enforcement Officer and required proof of completion then the borough can issue the check. Mr. Melenyzer stated first of all HMT gave them a temporary approval to open up the bar but yet there were damages that still existed in the building so we sent in McMillen Engineering and there report of Nov. 30, 2012 states that the 3<sup>rd</sup> floor appears to have sustained the most damage due to the fire and that is the one that she says is closed off. There are structural members that have been damaged by the fire as well as lots of remaining rubbish that remains in the damaged area. This floor would need to be evaluated by a registered structural engineer to determine the stability of the structure due to the fire damage. The second floor and the first floor pizza shop did not appear to have any substantial damage. What the engineer is saying is that floor from a structural engineering standpoint may be unsafe fall into the next floor down and then the next floor down on to the patrons possibly. She is here saying we are improperly holding her money and we aren’t so he sent a letter to her attorney, Pete Daley, dated May 15, 2013 indicating we have the escrow funds and indicating that Cheryl was here and was improperly stating the status of her repairs to the property and enclosed a copy of the letter from McMillen Engineering and stated if any repairs have been made to the building since Nov. 30, 2012 the date of McMillen Engineering’s inspection please advise us. We also stated that she indicates that her and her sister have come to an agreement to split that escrow money. The repairs have to be made and if there is any money left after the repairs are made they can sign an agreement and we’ll ship the check out immediately but not until the repairs are made and she represents to us that our engineer can go and do another inspection to show all the repairs have been done. He stated that he just wanted to update council on this matter.

## **OLD BUSINESS**

### **PURCHASE OF BENCHES AND TRASH CANS**

Mr. Melenyzer stated there was a motion made that somehow got combined with regard to the benches and the garbage cans so he thinks they should rescind that original motion and then split those motions on each of those items and that will correct the problem.

### **RESCIND ORIGINAL MOTION**

Motion by Encapera/Glab to rescind the motion to rescind the ordering of the park benches and the trash cans duly carried on a roll call vote with all members present voting yes.

### **PURCHASE PARK BENCHES**

Motion by Encapera/Glab to purchase six (60) Lexington Park benches, black at a cost of \$936.00 a piece with the logo of California on them duly carried on a roll call vote with all members present voting yes.

### **PURCHASE TRASH CANS**

Motion by Encapera/Glab to purchase thirteen (13) 32 gallon trash receptacles at a cost of \$312.30 a piece , black and no lettering duly carried on a roll call vote with all members present voting yes.

### **PURCHASE BONNETS FOR TRASH CANS**

Motion by Encapera/Glab to purchase thirteen (13) 32 gallon roll rain bonnets to go along with the trash cans at a cost of \$108.00 a piece plus shipping duly carried on a roll call vote with all members present voting yes.

### **NEW DUMP TRUCK STATUS**

Mr. Glab asked what the status is with the new dump truck that we ordered. Mr. Bittner stated he has no idea. Mr. Tудay stated we were prepared to sign it the other day and he went through it and they did not include the power windows and power package that all the other bidders did so he called them and they will include it but they will redo the quote and include that in the original price quote. Mr. Glab stated so everything is apples to apples now. Mr. Tудay stated yes. They originally put in on as an option where the other bidders put in their specifications already. So it's lucky he caught it or we would have a truck with no power windows or accessories. Mr. Melenzyer asked Mr. Tудay to go over that again. Mr. Tудay stated when he originally received the three quotes everyone except the one we went with included the power package in their price but ours put it as an option and he didn't catch it until he reviewed it again but it is still the same purchase price.

### **NEW BUSINESS**

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

### **GRIEVANCES**

Motion by Glab/Encapera to deny Teamster Local #585 grievance number 4771 duly carried on a roll call vote with all members present voting yes.

Motion by Glab/Encapera to deny Teamsters Local #585 grievance number 4772 duly carried on a roll call vote with all members present voting yes.

### **HIRE PART TIME OFFICERS**

Motion by Encapera/Glab to hire James Jeffrey as a part time officer per union contract contingent on a background check and physical duly carried on a roll call vote with all members present voting yes.

Motion by Encapera/Glab to hire Jamie Quinteri as a part time officer per union contract contingent on a background check and physical duly carried on a roll call vote with all members present voting yes.

### **ADJOURNMENT**

Motion by Glab/Encapera to adjourn the meeting at 8:00 pm duly carried with all members present stating aye