

## **Regular Meeting of California Borough Council, April 11, 2013, 6:30 pm**

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

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

**ABSENT:**

**MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE**

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

Mr. Difilippo added estimate on Sewer problem at the American Legion

Mr. Mariscotti added prices on a new mower

Mr. Mariscotti added estimates on financing for the new truck voted on last month

### **PUBLIC COMMENT**

Mr. Maddiex commented and opposed Ordinance #537 and he asked if this was a parking tax and asked what will and won't be included as a public charity and he thinks they might or might not qualify and asked what happens if the time limit for reporting has expired can they still have the event and is there flexibility for inclement weather and holidays.

Craig Butzine who introduced himself as vice president of marketing and university relations for California University stated on behalf of the University he is very surprised and disappointed to see Ordinance #537 the amusement tax on the agenda again for a vote this evening. In February the same borough council did not pass a very similar ordinance that we were in opposition to passing. Let us review what has happened in that time frame; the University and the University student body have given their support to the river walk project and the trail loop in the borough which we along with several council members will bring a new vitality to the area. We are excited about those possibilities for all of us. Our students have worked hard on organizing the "Big Event" charitable service projects in the community coming up on April 27<sup>th</sup>, with 350 students set to work on over 20 projects in this community and he wonders if these volunteer hours if billed at minimum wage what the revenue or billable cost would be actually for 8 hours work it would come to \$20,300.00 and he is sure there are many communities that would appreciate that kind of extra person power for free. Also the students, faculty, and community members have been working on the Pike Run Fishing Derby on April 20<sup>th</sup>. The youth fishing derby is a collaboration between the students and the community. How many other communities would like to have this kind of resource to host such a memorial event for the youth and families who participate? Once again many hours and dollars from the University go into making this special day happen along with the community. Anyway those are a few things our University and students have been focusing on in this last brief period as others focused on bringing back this unfair targeted tax.

### **MINUTES**

Motion by Difilippo/Mariscotti to approve the minutes of the regular meeting of March 14, 2013 duly carried with all members present stating aye.

### **SECRETARY'S REPORT – MS. EVANS**

Ms. Evans read the accounts payable and account balances for March 2013.

Motion by Difilippo/Gutosky to approve the Secretary/Treasurers report duly carried with all members present stating aye.

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

### **INTRODUCTION OF VALARIE COSTANZO, CANDIDATE FOR COMMONWEALTH JUDGE**

Mr. Art Harris introduced Valarie Costanzo and added that once every one hears her back ground they will probably be pleased and happy to elect her to the bench.

Ms. Costanzo introduced herself and stated that she is currently a District Judge in Cecil Township and she gave a brief summary of her background and experience; a lifelong resident of Washington County she was born and raised in Canonsburg and she graduated from Canon-

McMillen High School in 1987 and she went to the University of Pittsburgh undergrad in school of law and graduated in 1994. She began her career in the District Attorney's office as an assistant District Attorney and she was initially hired to design and implement the Washington County Fast Track guilty plea program which she did. It took a few months to get it up and running but 18 years later it is still running and is very successful and saving a lot of tax dollars. She was also assigned to handle juvenile and adult cases, trial lists from preliminary hearings to trials to appellant work. In 1998 she was appointed District Judge by Governor Tom Ridge and she has been elected three times to that office 1999, 2005, and 2011. Most of you probably know what a District Judge does but for those of you who do not, we preside over civil cases when the amount in controversy is up to \$12,000.00, landlord, tenant, traffic, and criminal. So she is in court everyday hearing cases. As far as the criminal cases go they preside over preliminary hearings and preliminary arraignments in all cases whether it be a DUI, simple assault, rape, or a homicide. There are currently four judges in the court of common pleas doing the work of six. She thinks it is more important than ever to elect judges with experience, especially criminal law and she is the only candidate with judicial experience running. She asked for everyone's consideration on May 21<sup>st</sup> and thanked everyone for their time.

#### **PAYMENT REQUEST – BAIANO CONSTRUCTION – EST. #009**

Mr. Bittner stated we have a payment request from Baiano Construction in the amount of \$75,527.99 and would like a motion.

Motion by Glab/Mariscotti to authorize payment to Baiano Construction in the amount of \$75,527.99 for estimate #009 duly carried on a roll call vote with all members present voting yes.

#### **TRI COUNTY BOROUGH ASSOCIATION MEETING**

Mr. Bittner announced that the Tri county Borough's Association meeting will take place on the 18<sup>th</sup> at West Brownsville Fire Dept. and West Brownsville will be the host.

#### **ADDENDUM #2 TO CDBG FUND**

Mr. Bittner stated in your packets there is an addendum that increases the community development block grant money used on the streetscape project to \$460,000.00.

Motion by Alfano/Glab to approved Addendum #2 to increase the CBDG funds from \$450,000.00 to \$460,000.00 for the Streetscape project duly carried on a roll call vote with all members present voting yes.

#### **ELECTRONIC RECYCLING**

Mr. Bittner announced that the Electronic Recycling this year through County Hauling will be held on May 16<sup>th</sup> and 17<sup>th</sup> and if you pick up a May focus the schedule will be in there. The recycling drop off point will be in the area between East Street and Green Street on Third Street. They asked us to make everyone aware that after January no electronic recycling can be put out for garbage and if it is put out the garbage hauler will not pick it up so if you have a TV or a computer that has been left at the curb that is why they are not permitted to pick it up due to a new state law. Mr. Bittner also added that two weeks prior to graduation at Cal U the garbage haulers will go with a daily pick up throughout the community with one truck to pick up the large items that may be put out. They will still have the regular garbage pick up on Fridays. This is just one of the many services that County Hauling provides for us.

#### **TRASH HAULING CONTRACT – EXPIRES SEPT. 30 2013**

Mr. Bittner stated the trash hauling contract will expire Sept. 30, 2012 and he would like permission to have the solicitor to start working on that now because we always wait to last minute and then are under the gun to get it done.

Motion by Gutosky/Mariscotti to authorize the Solicitor to work on Trash Hauling Contract to prepare it for bid duly carried on a roll call vote with all members present voting yes.

#### **PUBLIC HOUSING – MR. ALFANO ZONING /CODE ENFORCEMENT UPDATE**

Mr. Alfano stated for the month of March the Code Enforcement office took in \$2,725.00 for a grand total of \$13,549.00 for the year. The Code Officers investigated a minimum of 34 code violations complaint for the month varying from trash and debris, unsafe structures, student

rental issues in the R1 zone, garbage complaints, and working without permits. They have been very busy as usual and have also attended five hearings.

#### **WEBINAR ON BLIGHTED PROPERTIES - \$40.00**

Mr. Alfano stated that the Zoning office sponsored a webinar on April 4<sup>th</sup> and the cost is \$40.00 and they went ahead and participated in that but he needs a motion to approve the cost.

Motion by Alfano/Difilippo to authorize payment for the blighted properties webinar that took place on April 4<sup>th</sup> in the amount of \$40.00 duly carried on a roll call vote with all members present voting yes.

#### **PLANNING COMMISSION UPDATE**

Mr. Alfano stated that last week at the planning commission meeting they invited the engineer and the developer for the Hotel project up on Technology Drive and to clarify their intentions on the hotel project. They assured us that the project is still on target and the only thing that is being deleted will be the banquet facility and it is still going to be a four story structure containing 85 rooms and will be a first class hotel. They will be meeting regularly with them while the construction is ongoing so they can address any issues. They also delivered plans for the police dept. and the fire dept. in the case of an emergency.

#### **PLANNING COMMISSION BY LAWS**

Mr. Alfano stated he submitted a copy of the amended and approved by laws to the borough for signing and the planning commission approved those at their last meeting and they would like to make it legal and have it voted on that the council accepts the planning commission bylaws as approved and amended.

Motion by Alfano/Difilippo to accept the Planning Commission bylaws as approved and amended duly carried with all members present stating aye.

#### **LOOP TRAIL PROJECT GRANT**

Mr. Alfano stated just this week we have successfully submitted a project grant for the loop trail project in coordination with the river town project and it is with the DCNR and it is a C2P2 grant and is for approximately \$160,000.00 in work. The project that they selected is going to be improving the "Sailor" Union Street Wharf. It will have a new concrete mat and a dock and outcropping where people can sit and fish. We are hopeful that we get approved for this grant but will not know until September.

#### **RECREATION AUTHORITY**

Mr. Alfano stated there is a youth fishing festival on the 20<sup>th</sup> down at Rotary Park and it is very well attended.

#### **CONDITIONAL USE HEARING – AUBELE**

Mr. Alfano stated prior to this meeting we had a conditional use hearing for the Aubele property located at 327 First Street and he would like to make the following motion

Motion by Alfano/Difilippo to approve the conditional use for the property owned by David Aubele and located at 327 First Street with the following conditions;

1. It would be subject to the basement, where the 4<sup>th</sup> bedroom is planned to be located, Meeting all borough codes.
2. Mr. Aubele would provide proof that a fourth parking space is available if the fourth bedroom is put in the house.
3. Aubele provides a contract to the borough showing that he does have a managing agent.

Under discussion Mr. Glab questioned the second means of egress from the basement and the fire rated door and no lock on the handle. Mr. Melenzyer asked if the parking is on site or at another location. Mr. Agrafiotis stated he has three on site spaces and he has a proposed a fourth bedroom and if he constructs that bedroom he is going to meet code and provide them with a long term parking lease. Mr. Melenzyer stated the condition should state that if he loses that parking space then he has to vacate that room and not use that room.

Motion as amended by Alfano/Difilippo to approve the conditional use for the property owned by David Aubele and located at 327 First Street to include all of the following stipulations

1. It would be subject to the basement, where the 4<sup>th</sup> bedroom is planned to be located, meeting all borough codes.
2. Mr. Aubele would provide proof that a fourth parking space is available and provide a long term lease and if he loses that parking space the fourth bedroom must be vacated.
3. Mr. Aubele provide to the borough a contract showing he has a managing agent for this property.
4. The second means of egress from the basement is fire rated and no lock, just a passage set installed.

duly carried on a roll call vote Mr. Glab, Mr. Mariscotti, Mr. Alfano, Mr. Bittner, Mr. Difilippo, and Mr. Encapera voting yes and Mrs. Gutosky voted no.

#### **HEARING FOR VACATING STREETS**

Mr. Alfano asked council when would be a good time to have a hearing to hear applications from Mr. Todd and Mr. McFaddin requesting the vacating of streets. He stated we may want to do this before our continued meeting or extend it out past that. Mr. Agrafiotis stated next week we have a continued meeting and a hearing so that probably wouldn't work. The hearing date was set for May 2, 2013 at 5:30 pm.

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

Mr. Mariscotti stated we are bringing the grass cutter back in on Monday and the crew has been doing their usual duties.

#### **REQUEST FOR EARTH DAY**

Mr. Mariscotti stated that he has received a request from the Earth Day coordinators' that they would like the road crew to remove the grates from around the trees and replace them once they clean out underneath them.

Motion by Mariscotti/Alfano to authorize the road crew to remove the grates along the road for the Earth day clean-up duly carried on a roll call vote with all members present voting yes.

#### **FLAG POLE – TAYLOR CIRCLE**

Mr. Mariscotti stated that he has price to replace the 25' flag pole at Taylor circle and that is \$1,098.50 and this is an aluminum flag pole with a wind speed of 120 miles per hour with the flag and without the flag a 154 miles per hour.

Motion by Mariscotti/Glab to purchase the flag pole for \$1,098.50 and have the road crew install it duly carried on a roll call vote with all members present voting yes.

#### **POCONO DUST – BALLFIELDS**

Mr. Mariscotti stated that annually we have purchased two truckloads of Pocono dust for the youth baseball programs and it is that time of year again.

Motion by Mariscotti/Encapera to purchase two truckloads of Pocono dust for the youth baseball fields at a cost not to exceed \$1,100.00 for both loads duly carried on a roll call vote with all members present voting yes.

#### **FINANCING –NEW TRUCK**

Mr. Mariscotti stated we have a price for financing the new truck and it is from PNC and it is 2.55% and it is three payments over 3 years each payment is \$24,533.32. He stated hopefully we can get more financing options but this is the only bank that has gotten back to us at this point so I will extend this until the next meeting.

#### **NEW MOWER – STREET DEPT.**

Mr. Mariscotti stated the mower is okay for now but it is getting to the point where we are going to need to replace it so we are gathering some prices on a new mower. He stated he will have those prices next week at the continued meeting.

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

Nothing to report

## **FINANCE – MRS. GUTOSKY**

Mrs. Gutosky stated that council has received their quarterly printout of budget and expenses and she would like them to review them so everyone can see where their departments are at with the budget.

## **PAYMENT OF BILLS**

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

## **PUBLIC HEALTH – MR. DIFILIPPO**

### **E2 COURSE – DOUG BAKER**

Mr. Difilippo stated he would like to send Doug Baker to the Energy Efficient Course for wastewater operators. It is at State College May 1<sup>st</sup> & May 2<sup>nd</sup>, the cost is \$95.00 plus wages and he will take the zoning vehicle so there will not be a cost of mileage.

Motion by Difilippo/Mariscotti to send Doug Baker to the Energy Efficient course for wastewater operators at a cost of \$95.00 plus wages duly carried on a roll call vote with all members present voting yes.

### **HIGHPOINT POSSIBLE SEWER LINE**

Mr. Difilippo stated that an informational meeting was held for the people along Highpoint to let people know that we were discussing possibly sewerage that area. There are still some more questions to be answered so not doing anything right now. We're looking at tying in water along with the sewage.

### **STREET SWEEPER BIDS**

Mr. Difilippo stated that he was going to get bids on a street sweeper and he can't find anybody that will rent a street sweeper. He stated he called about ten different places so that may be a dead issue right now. Mr. Alfano stated what about a street sweeper with an operator and Mr. Difilippo stated one person did say that they could do that but not until late June or early July.

### **DELINQUENT SEWER ACCOUNTS**

Mr. Difilippo stated it has been announced at the last couple of meetings that these have got to be paid up, even the ones that had agreements because none of them are actually following the payment arrangement guidelines so those agreements are no good. The delinquent sewer accounts will be posted on April 18<sup>th</sup> and the shut offs of water will get started on May 1, 2013.

### **AMERICAN LEGION SEWER PROBLEM**

Mr. Difilippo stated we have been ongoing at the legion about the sewer backing up into their basement. They did have a plumber and our sewer dept. went down there and checked everything out and it is our problem and we do have to take care of it. When he came in today he had two estimates on doing that work the first from Britton & Sons for labor for sewerage repair at a cost of \$3,995.00 and the other one is Maund Industries for labor at a cost of \$4,125.00. Mr. Agrafiotis asked if these were estimates or quotes. Mr. Difilippo stated they are estimates. Mr. Agrafiotis asked if they can come back and ask for more money if they are estimates. Mr. Difilippo stated that one says at the top it is an estimate and at the bottom it says thanks for the opportunity to quote and the other one says estimates only. Mr. Alfano stated we should get them clarified and vote on them at the continued meeting. Mr. Difilippo stated we could do that because when he came in these were in his basket. Mr. Mariscotti asked if we could to a not more than X dollar amount in the motion. Mr. Glab asked if we could also put in the motion contingent upon clarification of quote or estimate. Mr. Melenyzer asked what is the problem with that line. Mr. Baker stated they had a plumber come in and camera the line and there is a piece of steel that runs through the center of their tap out in our road. We don't know if it is a piece of rebar or an old gas line or water line we're unsure but it is causing a problem and has to be removed. We will provide all the materials so we just needed costs for labor. Mr. Melenyzer stated so you are getting quotes on labor only because you are providing all the materials so when they state labor only in their it is because they talked to you directly.

Motion by Difilippo/Encapera to hire Britton & Sons to repair the problem at the Legion at a labor only costs at a cost not to exceed \$3,995.00 duly carried on a roll call vote with all members present voting yes.

## **DEDICATION & RECEPTION OF BROWNSVILLE AMERICAN LEGION**

Mr. Difilippo announced that there will be a dedication and reception at West Brownsville American Legion tomorrow at 2:45 for Private Smokey Bakewell who was killed in Vietnam and he thinks they are naming a bridge after him.

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

Mr. Glab stated we will do it under the Mayor's report

## **MAYOR'S REPORT – MR. DURDINES**

Mr. Glab gave the Mayor's report in Mayor's absence.

## **TRAINING SEMINARS**

Mr. Glab stated the Chief would like to send officers to some training for Detecting improper identification and it is available to any of our officers and will only cost wages on May 23<sup>rd</sup> & 24<sup>th</sup>.

Motion by Glab/Encapera to send officers to some training at the University on detecting improper identification and it is available to any of our officers at a cost of wages only duly carried on a roll call vote with all members present voting yes.

## **ENGINEERS REPORT – MR. JOHNSON**

### **SEWER TREATMENT PLANT**

Mr. Johnson stated that we have received final copy on the DEP Part II permit and they are requesting authorization to bid the general construction & electrical portion of that contract in accordance with the bid schedule on his report, which states the first ad on April 24<sup>th</sup> and the second on May 1<sup>st</sup> with a pre-bid meeting on May 10<sup>th</sup>, and bid opening on June 4<sup>th</sup>. Mr. Johnson stated he provided in his report the budget for this project and the total anticipated cost will be just under 6.4 million dollars.

Motion by Difilippo/Mariscotti to authorize the engineers to advertise the project for the general contract and the electrical contract duly carried on a roll call vote with all members present voting yes.

Mr. Bittner asked about the time frame after the bids are opened. Mr. Johnson stated after the bid opening on June 4<sup>th</sup> he will have a couple of days to go through the bids and make a recommendation at council's committee meeting for action the following week and he expects within the next 30 days thereafter that they would have a contractor moved in to start the grading work. The high end equipment items you've already purchased and the lead time on that we are going through now and he believes one piece is to be delivered every Friday in September and the first of October. The construction is estimated at 365 days start to finish depending on next year's winter.

### **PEACH ALLEY REMEDIATION PROJECT**

Mr. Johnson stated that they are still resolving an alignment issue with Penndot and they have a couple of questions on roof drainage before we actually bid out that project. He still expects to request authorization to bid that out at the May meeting.

### **BOROUGH ROAD INSPECTION PROGRAM**

Mr. Johnson stated that the borough road inspection program is completed and he is in the position to conduct it with the street department personnel so they can out and conduct these inspections. He expects to schedule that one day next week.

### **GRANVILEL PUMP STATION PUMP #1**

Mr. Johnson stated that he has spoken to the National Sales Representative who assures him that the testing at Granville will be completed by April 18<sup>th</sup> and he thinks that is next Thursday. Once they complete those tests he expects they will find nothing and they will send the results to Philadelphia and then we will get our decision on the pump. The other pump has been repaired a 4<sup>th</sup> time and is sitting under a bench. He offered to reinstall for us and Mr. Johnson told him there is no sense in that at this point because we don't want that pump back. He stated we should know something by end of shift next Thursday.

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

### **ORDINANCE #537**

Mr. Melenyzer stated this is the Amusement Tax Ordinance which has been properly advertised and it is appropriate at this time that council either votes to approve it or decline to adopt it be vote. The last meeting there was no vote so it had to be re-advertised. Mr. Bittner asked the wishes of council.

Motion by Glab/Encapera to approve Ordinance #537 duly carried on a roll call vote with Mr. Bittner, Mr. Difilippo, Mr. Encapera, Mr. Glab, and Mrs. Gutosky voting yes and Mr. Mariscotti and Mr. Alfano voting no

### **ESCROW AGREEMENT – CALTECH STORMWATER**

Mr. Agrafiotis stated we have a storm water maintenance agreement with Cal Tech dated December 14, 2012. He worked with Bill Johnson on that he thinks that \$10,000.00 is sufficient security and he has a check from Cal Tech for \$10,000.00. We have a final version of the escrow agreement and it is ready for a vote.

Motion by Glab/Difilippo to accept the Storm water Escrow agreement with Cal Tech duly carried on a roll call vote with all members present voting yes.

### **ZONING ORDINANCE – C2 ZONE & PARKING**

Mr. Melenyzer stated he has been looking into the C2 district and take some action in regard to retail businesses. It is inconsistent that we have some sections that require new businesses to have parking and they can't it is impossible. As a practical matter that has to be amended and in looking at the ordinance it appears that we should also do that for retail businesses in the mixed use area and also in the C1 zone. There are some parcels of ground in the borough which should be looked at and one of them is Kulikowski's property at the intersection of Malden and West Malden and it is extremely attractive and ideal for residential development and if he is not mistaken it is zoned for a mixed use and he thinks these should also be looked at. He says he is sure that there are other things that need to be looked at and the only reason he is suggesting this is because the cost to amend a zoning ordinance is high and if you are going to incur the cost you might as well do it all and do it right.

### **OLD BUSINESS**

No old business at this time

### **NEW BUSINESS**

No new business at this time

### **RECOGNITION OF CITIZENS**

Mr. Maddiex stated that he is disappointed that the Amusement tax ordinance was adopted.

### **CONTINUED MEETING**

Mr. Bittner announced this meeting will be continued until April 18, 2013 at 5:30 pm