

Regular Meeting of California Borough Council, August 8, 2013, 6:30 pm

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

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

ABSENT: Mr. Encapera and Mayor Durdines

MOMENT OF SILENCE PLEDGE OF ALLEGIANCE

ADDITIONS OR CHANGES TO AGENDA

No additions and Mr. Bittner stated the agenda will stand approved as printed

PUBLIC COMMENT

No public comment at this time

MINUTES

Motion by Difilippo/Gutosky to approve the minutes of the Regular meeting of July 18, 2013 duly carried with all members present stating aye.

SECRETARY'S REPORT – MS. EVANS

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

Motion by Alfano/Difilippo to approve the secretary/treasurer's report duly carried with all members present voting yes.

PRESIDENT'S REPORT – MR. BITTNER

OLD CHRISTMAS LIGHTS

Mr. Bittner stated that Mr. Tудay checked with the company that we got the new ones from and he said the old ones would be in the vicinity of \$15.00 each so Mr. Bittner asked for a motion to sell those lights at a price of \$15.00 each until they're gone. He stated that Coal Center has expressed some interest in those lights. He asked if it would be permissible between municipalities to just donate these lights to another municipality. Mr. Melenyzer stated yes.

Motion by Glab/Alfano to sell the old Christmas lights at \$15.00 a piece duly carried on a roll call vote with all members present voting yes.

Mr. Agrafiotis asked if they were more than \$1,000.00 total. Mr. Bittner stated there are 30 of them at \$15.00 a piece would be \$450.00 so no.

FEE FOR FLAGGER CLASS

Mr. Bittner stated he would like a motion to pay the fee for the flagger class when that bill comes in but he's not sure how much it will be. There was a misunderstanding when the motion was made because we thought there was no fee but there is a fee and it is a mandatory class and they were already registered so he'd like a motion to pay that bill when it comes in.

Motion by Gutosky/Glab to pay the flagger class bill when it comes in duly carried on a roll call vote with all members present voting yes.

MID MON VALLEY REGIONAL ENTERPRISE ZONE

Mr. Bittner stated the Mid Mon Valley Progress Council and our borough are involved with the Regional Enterprise Zone which we belonged to it before and we just have to renew some of the paperwork so he's going to need two motions tonight one to approve the cooperation agreement with the Mon Valley Progress Council and California Borough.

Motion by Mariscotti/Difilippo to approve the cooperation agreement with the Mon Valley Progress carried with all members present stating aye.

Mr. Bittner stated we will also need a motion to do a resolution to this effect also and Shirley can assign a number to it when she complete it. So he would like a motion to approve a resolution to continue our participation in the Mid Mon Valley Regional Enterprise Zone.

Motion by Mariscotti/Difilippo to approve resolution to continue our participation in the Mid Mon Valley Regional Enterprise Zone carried with all members present stating aye.

CAL U LEASED PARKING

Mr. Bittner stated that he thought if Mr. Butzine was here tonight we could ask him if the University was still in need of the no parking signs on Second & Green St. for their truck route. So we will have to check with the University to see if they want to continue leasing the parking meters along Green St. and Second St.

PUBLIC HOUSING – MR. ALFANO

RIVERFEST

Mr. Alfano stated that the Riverfest is going to take place on the weekend of the 17th and 18th and there will also be a bike race on the 17th and a kayak paddling event that will start in Brownsville and culminate in California and the University was gracious enough to let us have 50 spaces at the borough end of their river lot for the kayak parkers and the bikers will park in the borough lot down on Second St. There will be some streets blocked off but they will be able to maneuver around via First Street and Green St. to get to the events.

ZONING/CODE ENFORCEMENT UPDATE

Mr. Alfano stated this was our big month for rental inspections and permits and stated that they have deposited so far to date \$41,709.16 bringing the grand total for the year to \$194,112.56 in permit fees and inspection fees. Mr. Alfano stated as you can see I have about 8 pages of a code enforcement report and they've been investigating violations for trash and debris, grass, building violations, vacant cars, and student rentals and have been doing follow up.

SEPESKY SUBDIVISION

Mr. Alfano stated that the Sepesky subdivision has been taken off the Planning Commission's agenda and resubmitted for next month.

ORLANDI SUBDIVISION

Mr. Alfano stated the Orlandi subdivision the final phase has been approved and asked Mr. Petro if that was correct. Mr. Petro stated no they are not going through with it. Mr. Alfano stated so we will just table that. Mr. Melenzyer stated we need verification that he recorded the first subdivision then we can do the second.

ELECTRICAL INSPECTOR

Mr. Alfano stated we had a meeting with the folks from McMillen Engineering and in light of the fact they do not have a staff certified electrical inspector he would like to place an advertisement at this time with the solicitor's approval as to the qualifications for applications for an electrical inspector to inspect within the borough. We do have a letter from McMillen outlining all qualifications needed.

Motion was made by Alfano/Mariscotti to advertise for an electrical inspector once the qualifications are established and anyone that wants to apply we can review them and see if they are qualified to do electrical inspections. Under discussion Mr. Glab asked if you advertise he suggests that the advertisement just say we are seeking applicants for electrical inspectors and reference our website and our website will have the entire qualifications where they can look. Mr. Alfano said we could have them here also. Mr. Glab stated he just doesn't want to put all the criteria in the paper because we will pay an exorbitant fee at that point. Mr. Bittner stated and they can pick up the applications in the zoning office. Mr. Alfano stated he should revise his motion to state that we will place an advertisement for electrical inspector after the qualifications have been reviewed and determined and applications can be picked up at the zoning office. Mr. Petro stated he thinks you just need to state that they be UCC certified residential and commercial inspectors and that should do it in his opinion. Mr. Bittner stated and applications can be picked up at the Borough building in the zoning office. Mr. Difilippo stated so we are going to advertise for someone to get on our list to be our electrical inspectors. Mr. Alfano stated no it will be on McMillen's list and they will work through McMillen Engineering. Mr. Bittner

stated but you as a property owner then will be able to choose your own electrical inspector. Mr. Difilippo stated yes but off of their list. Mr. Bittner stated anyone that we approve yes. Mr. Difilippo stated he has his own guy who never got on the list you mean I can't use him even though he might be certified but I can't use him. Mr. Bittner stated we have to keep some control over this. Mr. Alfano stated we have had some concerns over some local electrical inspectors that they're not able to do inspections in the borough anymore like they did at one time because McMillen has the right through UCC to do all those inspections. Once we found out they were subbing out the electrical inspections we said we will get a list and property owners can choose from that list who they want to do their electrical inspections. Mr. Bittner stated right now you are locked in to whomever McMillen sends to your house to do the inspection. You have no choice at this point. This will give some of our local folks the opportunity to work in our community since McMillen doesn't have a person on staff. Mr. Johnson stated that Labor & Industry already has that list online that are licensed through the state to do electrical inspections. If they are not legal they will not appear on that list. Mr. Bittner stated we will have a caveat in there also that they will have to work under McMillen Engineering. They will do the inspection but work through McMillen. Mr. Melenyzer stated where are you advertising and how long are you advertising. Mr. Alfano stated we are going to put one ad in period as far as he is concerned. Mr. Melenyzer asked where. Mr. Alfano stated wherever we advertise in. Mr. Melenyzer stated so you wouldn't advertise to a broader area say Washington, PA to get someone who might want to work in California borough. Mr. Melenyzer asked who is going to determine their fee and rate. Mr. Bittner stated McMillen that is why they have to work through McMillen. Mr. Alfano stated they will have to agree to that. Mr. Melenyzer stated so McMillen will have to tell them what their rate is to charge a fee. Mr. Bittner stated they will have to agree to that to be appointed because we have to keep everything under control. Mr. Bittner stated it is a pretty liberal fee. Mr. Melenyzer stated he hopes so otherwise you're not going to get anybody. Mr. Bittner stated if we don't have that then we've lost control of it. Mr. Mariscotti stated it seems to him we've lost control already and we're trying to get it back. Mr. Alfano stated it is in the contract about certain arrangements we had made with McMillen. Mr. Mariscotti stated but we are still subject to whatever McMillen says. Mr. Difilippo stated and they set the fee. Mr. Bittner stated we've already set those fees with McMillen when we hired them. Mr. Melenyzer stated there is a notice here that McMillen gives 20% administrative fee back to the borough and this notice states that McMillen says we will have to discuss the 20% administrative fee as McMillen Engineering will not be charging for the electrical inspection if the property owner decides to select one of these individuals. So is there a fee and did the borough include fees in the package.. Yes or not because this is the first time he's seen it. How is it if there is no motion on the books? He could have missed something at some meeting. Mr. Petro stated that is part of their contract. Mr. Melenyzer asked whose contract. Mr. Bittner stated McMillen's contract with the borough. Mr. Melenyzer stated this is saying there isn't. Mr. Melenyzer stated what he is saying who on this council voted to fix the amount of fee. Mr. Bittner stated it is already set in McMillen's contract. Mr. Alfano stated he thinks we should submit to McMillen the people we think are qualified and they put them in the pool with their electrical inspectors and when a property owner needs to have an electrical inspector the property owner is given the choice of who to select from that pool. McMillen is going to collect the fees and they are going to pay the electrical inspectors. Mr. Melenyzer stated he understands that but he's talking about who does the inspection and why wouldn't any of them on that list qualify. Are we saying we are excluding those who don't answer our advertisement is that what we're saying? Mr. Bittner stated that is correct and they have to agree with the agreement that we have with McMillen Engineering. Mr. Melenyzer stated yes they all have to do that but the question is if we only have two responding to the ad then they are the only two that can do inspections in California Borough. Mr. Bittner stated that is right because right now we don't have any we only have who McMillen subcontracts to. Mr. Melenyzer stated if you're not advertising to wider district then he doesn't know if you are broadening it. Mr. Bittner stated then let's advertise in the Herald Standard, Valley Independent, and the Observer Reporter and that way we are covering a larger area. Mr. Alfano and Mr. Mariscotti agreed to amend their motion include advertising in the Herald Standard, Valley Independent, and the Observer Reporter.

Motion was made by Alfano/Mariscotti to advertise in the Herald Standard, Valley Independent, and Observer Reporter for an electrical inspector once the qualifications are established duly carried on a roll call vote with all members present voting yes.

SURVEY OF EXISTING BOROUGH BUILDING & GROUNDS

Mr. Alfano stated we discussed this at our agenda meeting about having Fayette Engineering do a survey of our plot here that the borough building sits on so he wants to make a formal motion authorizing that.

Motion by Alfano/Mariscotti to authorize Fayette Engineering to perform a comprehensive survey including elevations for this parcel that the borough building sits on duly carried on a roll call vote with all members present voting yes.

PUBLIC WORKS – MR. MARISCOTTI

STREET UPDATE

Mr. Mariscotti stated there are normal daily operations at the street department. He is told that the street sweeper will be delivered tomorrow. He stated that the new dump is in and has gone to the body shop to get the dump put on. Mr. Difilippo asked where are we going to house the street sweeper. Mr. Mariscotti stated the borough garage. Mr. Difilippo asked then what is coming out of the borough garage. Mr. Mariscotti stated there is room down there. Mr. Difilippo stated for the sweeper and the new dump. Mr. Mariscotti stated when we get the new garage built down at the sewer plant we will be fine. Mr. Difilippo stated what do we do until then. Mr. Mariscotti stated it can sit outside he doesn't think it will hurt it. Mr. Bittner stated let's just see how fast Mr. Johnson gets our service building constructed. Mr. Johnson stated he would like to mention that we bought the street sweeper after we designed the building so it is designed to house all the equipment we currently have so something has to come out to put something new in. Mr. Bittner stated we'll work on it. Mr. Bittner asked if we could put our metal pavilion out there.

DONATE A TREE

Mr. Mariscotti stated he received an offer from the Cushma ladies that live on Park Street have offered to purchase two trees for the Rotary Park. Mr. Bittner stated they need to contact the Recreation Authority and the Rotary Club. Mr. Mariscotti stated they also want a memorial plaque and are willing to pay for it also. Mr. Bittner asked Mr. Alfano to contact Cherie from the Rotary.

PUBLIC SAFETY – MR. GLAB & ENCAPERA

SRO CONTRACT

Mr. Glab stated the California Area School District desires to renew our School Resource Officer contract with them for the up and coming school calendar year. We have updated the compensation rates to match the collective bargaining agreement and all the other specifics remain the same therefore he makes the following motion;

Motion by Glab/Difilippo to renew the School Resource Officer contract for the upcoming school year duly carried on a roll call vote with all members present voting yes.

FINANCE – MRS. GUTOSKY

Motion by Gutosky/Glab to pay the bills with the exception of the bill from Weld Towing in the amount of \$300.00 duly carried with all members present voting yes.

PUBLIC HEALTH – MR. DIFILIPPO

PUMP STATION

Mr. Difilippo stated the pump station generator that went down we got fixed and Doug got a price on getting it refurbished to keep in running so he's making the following motion;

Motion by Difilippo/Glab to have the generator refurbished until we get the new building in and everything at a cost of \$3,407.91 duly carried on a roll call vote with all members present voting yes.

Mr. Glab asked if this generator is not compatible with the new construction is it possible it can be used somewhere else? Mr. Johnson stated he thinks so but he can't recall the numbers on this building but you won't have to throw it out. Mr. Glab stated will it have a resell value if we can't use it? Mr. Johnson stated yes.

DELINQUENT SEWAGE ACCOUNTS

Mr. Difilippo stated we have them pretty well cleaned up but some people are starting to fall behind so Shirley is sending out notices for termination and do not call because it is the same deal.

PERSONNEL – MR. ENCAPERA & MR. GLAB OFFICER VANDIVNER

Mr. Glab stated that Officer VanDivner's probationary period expires on September 9th and our September meeting will not be before that, therefore he makes the following motion;

Motion by Glab/Mariscotti to move Officer VanDivner from probation into the next phase according the collective bargaining agreement duly carried on a roll call vote with all members present voting yes.

MAYOR'S REPORT – MR. DURDINES

REFRIGERATOR

Officer Sheehan stated that the evidence locker had a small apartment size refrigerator and it freezes up every two months and we are running out of space keeping all of our evidence in there so he moved the refrigerator from the operations room and put it in the evidence room so now we are down a refrigerator in the operations room. We can get one at Lowes for about \$300.00 - \$400.00.

Motion by Glab/Gutosky to purchase a refrigerator in the police department to replace the one that is defective for a price not to exceed \$500.00 duly carried on a roll call vote with all members present voting yes.

NOTICES FOR RIVERFEST

Officer Sheehan stated that they have passing around notices to the businesses and churches what roads will be closed down and the officers have been placing notices on all the cars at the borough lot to not park there during the riverfest.

STREET LIGHTS

Mr. Glab asked Officer Sheehan to talk to the officers this evening to go and get the numbers off of the poles near the expressway that the lights aren't working and that we need to maintain. Officer Sheehan stated he believes Chief Encapera asked them last week to look at all the streetlights in the borough to compile a master list and get them all fixed.

ENGINEER'S REPORT – MR. JOHNSON

WASTE WATER TREATMENT PLANT UPDATE

Mr. Johnson stated that we do have an executed contract with the general construction with Mele & Mele & Sons. We have completed the pre-construction meeting with both parties yesterday morning and did a site visit. They are mobilizing now with equipment and we issued a notice to proceed for this Monday the 12th. They will move everything in next week and start digging the following Monday.

PAYMENT REQUEST – XYLAM

Mr. Johnson stated we have an invoice from Xylam Water Solutions in the amount of \$178,454.00 and this is the 20% payment for the aeration equipment in accordance with your pre-purchase agreement.

Motion by Gutosky/Difilippo to pay the invoice from Xylam Water Solutions in the amount of \$178,454.00 duly carried on a roll call vote with all members present voting yes.

PEACH ALLEY REMEDIATION PROJECT

Mr. Johnson stated that the Peach Alley project has gone out for bids and bid opening will be held on Friday, August 30th at 1:00 in council chambers. He stated he will need a resolution authorizing council president to sign the highway occupancy permit and certification from Chip and Shirley as to the resolution. He has that with him tonight.

Motion by Glab/Gutosky to authorize Jon Bittner, Council President, to sign the Highway Occupancy permit for the Peach alley project duly carried with all members present stating aye.

GREENSBURG ENVIRONMENTAL – FINAL PAYMENT

Mr. Johnson stated that the request final payment which is retainage for Greensburg Environmental Services in the amount of \$4,473.75 is your packet along with a letter from the bonding company and would like that check payable to Cincinnati Insurance Company. He stated the solicitor has reviewed the request and has no reservations about it.

Motion by Alfano/Glab to pay the final retainage for Greensburg Environmental but make the check payable to the Cincinnati Insurance Company in the amount of \$4,473.75 duly carried on a roll call vote with all members present voting yes.

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

WASTE CONTRACT

Mr. Agrafiotis stated the waste contract bid documents were submitted to council for review and if no one has any changes then it can be advertised.

Motion by Glab/Gutosky to authorize advertising for bids for a new waste contract duly carried with all members present voting yes.

Under discussion Mr. Glab stated put a short notice in the paper and have them pick up the bid specifications here at the borough.

FORD WARRANTY

Mr. Agrafiotis stated he is still waiting to hear back from Ford and he called again today and they should have an answer for him tomorrow.

DAMAGED LIGHT POLE

Mr. Agrafiotis stated he is waiting to hear back from State Farm approving our amended release on the light pole.

OLD BUSINESS

RUFFOLO PROPERTY – 72 SECOND ST.

Mr. Difilippo asked what is happening with the Ruffolo house on Second St. Mr. Agrafiotis stated that Shannon has three potential contractors who would give an estimate on what it would cost to repair it. Mr. Bittner stated he knows that one has come in but not sure about the other two. Mr. Bittner asked what the next step is after those estimates are received. Mr. Agrafiotis stated once we see what the prices are to see if it is worth rehabilitating or worth knocking it down. Mr. Melenyzer stated the statute requires that someone has to give the opinion that the cost of restoration exceeds the fair market value of the property and then we have the authority to tear it down. Mr. Difilippo stated we got a bid to get it ripped down from what he understands. Mr. Bittner stated we advertised it and awarded it. Mr. Alfano stated anyone can look at the place and tell it is a total loss there is nothing there. Mr. Melenyzer stated the statute requires three appraisals for reconstruction and advertising for demolition bids and if you don't follow the statute you are going to end up paying the property owner and we are not going to let that happen. Mr. Petro stated we have one and we only need two and once you get those in you compare it to the cost of appraisal and once it is established to cost more than the appraisal then you do an order of demolition, advertise that as we've done prior and then we bid it out for demolition. Mr. Difilippo stated we've been fooling around with it for a long time now. Mr. Difilippo stated what do we have to do to get these other properties tearing them down and getting them off the books. Mr. Melenyzer stated you have liens on the property and basically if there is a home there you are not allowed to sell the home but lien it and once you demolish it then you can proceed against the real estate. Mr. Difilippo stated these properties have been sitting here for years and years. Mr. Melenyzer stated if there is a building on it the statute doesn't allow you to sell it for utility services that are not paid but you can lien it. Mr. Melenyzer stated we have and Shirley can testify that we have 4,5,6 years down the road been paid substantial sums when someone decides to buy it and they need a clean lien certification and they can't get it until we get our money so we have gotten the money in some instances that way. Mr. Difilippo stated so technically if those houses are abandoned and sewage and everything else

keeps on building up on them we can't do anything with them except lien them. Mr. Melenyzer stated once they are dilapidated you follow the same procedure as you followed on this Second St. property but you have to follow the procedure. Mr. Bittner stated he has several properties in town and none are livable and one has a hole in the roof and we keep boarding them up. Mr. Melenyzer stated you have to do to the rest of them the same thing you are doing with the Second St. property and follow the procedure. Mr. Melenyzer stated you know the properties you know their addresses so just start making motions and you will pick them off one by one. Mr. Bittner asked Mr. Petro to work with Shannon and start compiling a list of these properties that need to be torn down for our next meeting.

UTILITY WORK DOWNTOWN

Mr. Difilippo stated at the last meeting the utility work that is being done downtown and has all the sidewalks ripped out. Mr. Taday stated the contractors aren't fixing the sidewalks until they go down to Second St. His concern is you have the kids coming back in two weeks and you got the sidewalks pretty ripped up pretty good in town and if you get someone walking down the sidewalks.. Mr. Bittner stated he clarified that with Jeff today and when this phase is done they will put all the sidewalks and everything back in before they move to the next phase down the road. Mr. Bittner stated he will tell Jeff to tell them to try and move along.

NEW BUSINESS

RECYCLE BINS

Mr. Difilippo asked about recycle bins because he has had citizens telling him that theirs are cracked and need replaced. He asked what we can do about getting some more recycle bins. Mr. Bittner stated there are some grants out there for that but he's not sure if we'll be able to get them. Mr. Bittner stated let's hold off for one month and then we can discuss it with the company that gets awarded the contract.

SHANNON KRATZER

Mr. Glab stated it came to his attention this evening that we may have an employee that didn't receive his cost of living allowance. Why he would wait until August is beyond me, but he would like the Secretary/Treasurer to investigate that and come up with some type of number that if he indeed didn't get that Cola that we would owe him. Mr. Bittner stated he believes he has letter where he spells it out but he doesn't have it with him. Mr. Glab stated he never saw a letter he just heard about it this evening. We can put that on for next month.

RECREATION AUTHORITY

Mr. Alfano stated when he gave his report he was remiss to include the recreation items so he will give them right now.

RIVER OF THE YEAR CHECK

Mr. Alfano stated he understands the borough received a check for \$450.00 and requested that check go to CBRA, California Borough Recreation Authority because those monies have to be used for signage outlining the River of Year. At the recreation authority this past week we have contracted someone to make some banners for us so you can get that check to the recreation authority to take care of that.

VANDALISM

Mr. Alfano stated there has been some vandalism at both Mechanic and Hickory Street and there are big kids getting on that stuff and breaking it because it is just made from plastic. They are looking into possibly placing cameras at all the recreation areas so he will get with Jeff Taday and Pete Capanna about getting a cost on placing cameras in these areas.

BUD GREBB BASKETBALL LEAGUE

Mr. Alfano stated the Bud Grebb summer basketball league has just concluded and this year we did have a woman's division as well as the men's. Bee Graphix was the team that won the men's division and Batoni Barrister's won the ladies division. It was very well attended and seems to be growing every year. Our score board quit working during the last game so we are receiving quotes for a new permanently installed scoreboard. The recreation authority will purchase one for about \$3,600.00. Once it comes in we will approach the borough council about how and what it will take to install it.

CLOCK AT ROTARY PARK

Mr. Bittner stated the clock has been installed and is working and he thinks Rotary wants to hold a dedication sometime in September. Mr. Bittner on behalf of California Borough to thank Rotary for that donation.

SWEEPER

The sweeper for the Municipal building needs replaced and we received a price of \$469.00 with a three year warranty, attachments and a set of bags for a Riccar from Charleroi Sweeper store.

Motion by Alfano/Gutosky to purchase a Riccar sweeper from Charleroi Sweeper Store at a cost of \$469.00 duly carried on a roll call vote with all members present voting yes.

SAFE IN THE EVIDENCE LOCKER

Officer Sheehan stated that they will be opening the safe in the evidence room tomorrow. The locksmith will be coming tomorrow to handle that.

RECOGNITION OF CITIZENS

MR. MADDIEX

Mr. Maddiex asked if there are any guesses as to what is in the safe.

ADJOURN: Motion by Mariscotti/Gutosky to adjourn at 7:40 pm carried with all members present stating aye.