

## **Regular Meeting of California Borough Council, February 13, 2014, 6:30 pm**

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

**ATTENDANCE:** Mr. Alfano, Mr. Bittner, Mr. Difilippo, Mr. Glab, Mrs. Gutosky, Mayor Weld

**ABSENT:** Mr. Encapera and Mr. Mariscotti

### **MOMENT OF SILENCE**

### **PLEDGE OF ALLEGIANCE**

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

Mr. Alfano added on behalf of Mr. Mariscotti – Cable Contract

Mr. Alfano added on behalf of Mr. Mariscotti – 2014 Street projects

**Motion by Bittner/Glab to adopt the agenda duly carried with all members present stating aye.**

### **PUBLIC COMMENT**

No public comment at this time

### **PRESENTATION FROM DISTRICT ATTORNEY – GENE VITTONI**

Mr. Vittone addressed council and stated that Washington County has set a record last year with 58 overdose deaths. He says we have a real problem. He thanked Council and Chief Encapera for permitting the drug take back box in the lobby of the municipal building.

He stated this is the second time he's been to California and he knows council likes to see him when he shows up with checks. He stated the check today is for a search warrant that was executed by the California Borough Police Department back in September 2011 and they recovered money from a gentleman who was selling a great deal of marijuana out of his home. This check represents the equitable share in that money and here is a check for \$4,338.50 and he presented the check to Chief Encapera and thanked him for his efforts in fighting the illegal drug problem in the borough and he supports all of his efforts.

### **MINUTES**

Motion by Difilippo/Glab to approve the minutes of the Reorganization meeting of January, 6,2014 duly carried with all members present stating aye.

Motion by Gutosky/Difilippo to approve the minutes of the Regular meeting of January 9 2014 duly carried with all members present stating aye.

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

Ms. Evans read the accounts payable and account balances for January 2014.

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

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

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

Mr. Alfano announced that the Tri County Borough Association Meeting will be held on February 20, 2014 at 7:00 pm at the Allenport Community Building.

#### **REPROT ON EXECUTIVE SESSION**

Mr. Alfano stated the executive session held on Jan. 9, 2014 was for personnel issues which he cannot comment on further.

#### **MCMILLEN ENGINEERING**

Mr. Alfano stated we have received a contract from McMillen Engineering who has done our third party inspections and he thinks that it is council's wishes that we do not enter into a contract with them but he thinks if someone would make a motion to retain McMillen Engineering as our third party inspector with the fee schedule they submitted with the contract then we could keep them as the third party inspector without entering into a contract.

Motion by Bittner/Gutosky to retain McMillen Engineering as the Third part inspector, without signing the contract, with the 2014 schedule of fees submitted with the contract duly carried on a roll call vote with Mr. Alfano, Mr. Bittner, and Mrs. Gutosky voting yes and Mr. Difilippo and Mr. Glab voting no.

Mr. Melenzyer stated they are a professional service and they don't have to have a written contract as long as there is a motion that they are being used for that purpose within the borough. Mr. Alfano stated and he believes there is a 5% increase over the previous rates.

#### **MEETING WITH KEN KULAK**

Mr. Alfano stated we will be having a meeting with Mr. Kulak, the architect who is doing the building addition to finalize the building plans this coming Tuesday, the 18<sup>th</sup> at 6:00 pm here in council chambers.

#### **SPK ENGINEERS MEETING**

Mr. Alfano stated just to bring everyone up to speed SPK Engineers scheduled a meeting here this afternoon regarding the bridge replacements one at Gorby Run and one at Pike Run. Mr. Alfano stated all the principal players were here and everyone is on board as far as bus scheduling for the school district and so forth. The Gorby run bridge was scheduled to be replaced last year but he funding did not come through so unfortunately both projects will take place this year starting in April or May. Hopefully they will be able to get it started and completed before school starts up again in the fall. Mr. Alfano stated there will be a temporary detour but permanent improvements on those bridges that are long overdue to make them safe.

#### **MEETING WITH KERRY FOX – RAWC**

Mr. Alfano announced that there was a meeting last week with Kerry Fox regarding the Nautilus building demolition. Mr. Fox has asked that we authorize our engineers, Fayette Engineering, to do a survey of that property so we have a pretty firm idea of where the corners are. Mr. Alfano stated there were issues brought up at the meeting regarding possibly surrounding properties sewer lines running underneath the building but we will not know for sure until the building comes down.

Motion by Difilippo/Bittner to authorize Fayette Engineering to survey the former Nautilus property at the corner of Third and Wood Street duly carried on a roll call vote with all members present voting yes.

#### **LSA MONEY**

Mr. Alfano stated a few weeks ago we did a presentation in front of the board for Washington County to try to secure some LSA Grant money and they had probably 100 different projects from different organizations and municipalities. Mr. Alfano stated they beat us up pretty good during the question and answer portion of that presentation so he didn't have high hopes that we would get any money. We asked for \$605,000.00 and we were awarded \$200,000.00. We did get a letter from the commissioners congratulating us for our project being selected as one of the awardees. Mr. Alfano stated once we secure more funding the borough is committed to put \$100,000.00 in and the Redevelopment Authority has committed \$100,000.00 to it. We are going to apply for another grant from the Appalachian Regional Commission in the amount of \$330,000.00. If we are successful securing this grant then we will be close to having enough money to complete that project.

#### **JUNIOR COUNCIL MEMBERS**

Mr. Alfano stated at the committee meeting we interviewed a student who is a junior at California High School and has expressed interest in being a Junior Council Person. Her name is Angel Funk and unfortunately she was unable to be here tonight because she had some minor surgery done but he would entertain a motion to appoint her as a junior council member.

Motion by Bittner/Difilippo to appoint Angel Funk as a junior council members carried with all members present stating aye.

#### **MEETING WITH MACKIN ENGINEERING**

Mr. Alfano stated council did have a meeting with Mackin Engineering a week or so ago and we are looking at updating our comprehensive plan since it is 10 years old now. They will look at

some funding sources and they are contacting contiguous municipalities to see if perhaps they want to do a joint project which will better our chances of securing funding to cut down costs.

## **PUBLIC HOUSING – MR. GLAB**

### **ZONING/CODE ENFORCEMENT UPDATE**

Mr. Glab gave a quick zoning/code enforcement update and reminded everyone of the ordinance mandating you clean your sidewalks within 23 hours after a snow fall. This is a safety issue and last week he encountered one person having to walk down Wood Street because the sidewalks were not cleaned off. He stated so far we have just issued warnings but citations will be forthcoming if these sidewalks do not get cleaned. It is not a monetary issue for council it is a safety issue.

### **CONDITIONAL USE – SEPESKY PROJECT**

Mr. Glab stated council held a conditional use hearing this evening for the Sepesky project and they requested an extension of time to submit the corrected paperwork up to May 8<sup>th</sup>, however if they complete the requirements prior to that date they can come to us earlier than that.

Motion by Glab/Difilippo to grant the Sepesky's request for extension of time on their project submittal until May 8, 2014 duly carried on a roll call vote with all members present voting yes.

### **FAYETTE ENGINEERING TO REVIEW BLIGHTED PROPERTIES**

Mr. Glab stated the zoning office has been compiling a list of about 20 properties throughout the borough that seem to be blighted.

Motion by Glab/Difilippo to authorize Fayette Engineering to inspect and review the properties on the Code Enforcement list and possibly move this list to a condemnation and demolition ordinance lists at a cost not to exceed \$1,000.00.

Under discussion Mr. Melenyzer stated he believes this is aimed to demolishing some of these buildings under the ordinance and the property maintenance code. Mr. Petro stated that is correct. Mr. Melenyzer stated the motion would have to be amended to include having Fayette Engineering examine the properties and give the code enforcement office direction as to whether the properties need to be demolished or not. Mr. Melenyzer stated to be clear we are not condemning the property to buy it we are condemning it to be placed on the demolition list. Mr. Bittner stated it is his understanding that we want Fayette Engineering to look at these properties so we can determine what our next step should be with them. Mr. Johnson stated he would like to clarify something on the cost. When he says \$1,000.00 that would be billed on a property by property basis so if he's looking at 8 or 10 hours on each report and these cost would be different on each one depending on what is required. Mr. Glab stated so there is a possibility it could be \$1,000.00 per property. Mr. Williams stated he doesn't think that would be the case but he just got the list and there are 18 properties on the list so some may cost less. Mr. Petro stated only about 4 or 5 will actually be considered for demolition. Mr. Johnson stated obviously the more severely distressed properties will cost a little more because of the sections that would need to be recited and written and making them non-repairable. Mr. Melenyzer stated the one thing he wants to make clear is the borough still has an ordinance that states you have to get to estimates from contractors on the cost of repairing the building and an appraisal. So he said to make it clear the report that Mr. Johnson will turn in will go the zoning ordinance and let them know whether or not to proceed with the demolition of these homes. Mr. Melenyzer stated the Property Maintenance code does not have the requirement of getting estimates from two contractors however our borough ordinances does therefore it must be followed. So you will give a report to the zoning office which will let them know what they need to procedurally do to either demolish the property or bring it into compliance with the codes. Mrs. Gutosky asked if there is any way we can recoup the money. Mr. Melenyzer stated you will place a lien on the property for the cost of demolishing it. Mr. Melenyzer stated it can take some time to recoup it though. Mr. Alfano stated we still have the issue of the cost.

Motion amended by Glab/Difilippo to authorize Fayette Engineering to review properties and do a preliminary assessment on the code enforcement office's blighted property list and come back with priority list for demolitions and the cost of reviewing each of the properties duly carried on a roll call vote with all members present voting yes.

Mr. Hasbrouck asked President Alfano if the School district could have a copy of that list to make sure there are no tax liens so they may be able to recover some of those.

#### **PUBLIC WORKS – MR. MARISCOTTI**

Mr. Alfano stated the items added to the public works agenda will be discussed at the continued meeting.

Mr. Glab stated just for informational purposes after reviewing the bills and the balance in highway aid that we've spent just in the last month over \$10,000.00 on salt for highway winter maintenance projects. Mr. Alfano stated and our street guys have done a commendable job with all their work and endless hours to take care of the streets.

#### **PUBLIC SAFETY- MR. BITTNER**

##### **RENWE METRO ALERT MAINTENANCE AGREEMENT**

Motion by Bittner/Difilippo to renew the Metro Alert maintenance agreement in the sum of \$1,823.00 duly carried on a roll call vote with all members present voting yes.

##### **LETTER OF SUPPORT**

Mr. Bittner stated we are a member of the Monongahela River Coalition and they are going to visit local legislators to try and get some funding for some of the projects they would like to do and he would like to have this letter approved and signed by President Alfano. Mr. Bittner read the draft letter to be sent.

Motion by Bittner/Gutosky to approve sending the letter of support on behalf of the Monongahela River Coalition and authorize President Alfano to sign the letter duly carried with all members present stating aye.

##### **CIVIL SERVICE TESTING**

Motion by Bittner/ Gutosky to advertise for civil service testing duly carried on a roll call vote with all members present voting yes. Mr. Bittner stated after it is advertised the civil service commission handles the remainder of the procedures.

##### **HIRING PART TIME OFFICER**

Motion by Bittner/Difilippo to hire David Hromada pending all back ground checks and all the regulations per the bargaining unit agreement duly carried on a roll call vote with all members present voting yes.

##### **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.

##### **PUBLIC HEALTH – MR. DIFILIPPO**

##### **PEACH ALLEY PROJECT INSPECTIONS**

Motion by Difilippo/Bittner to authorize Fayette Engineering to be the borough's inspector on the Peach Alley project duly carried on a roll call vote with all members present voting yes.

##### **PAYMENTS**

Motion by Difilippo/Glab to authorize payment of Fayette Engineering's invoice #22549 for the GIS project in the amount of \$5,154.00 duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Bittner to authorize payment of Fayette Engineering's invoice # 22575 for the GIS project in the amount of \$4,776.50 duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Bittner to authorize payment of Fayette Engineering's invoice #22579 for the Peach Alley project in the amount of \$4,0250.50 duly carried on a roll call vote with all members present voting yes.

Mr. Difilippo stated he has contacted the water company again to see if they have done any engineering work on the possible highpoint project and they state they are still trying to get it done.

## **MAYOR'S REPORT**

### **2005 CROWN VICTORIA**

Mr. Weld suggested that we see what is wrong with the crown Victoria and instead of putting out for bid again lets entertain possibly fixing it and using it for the Borough Manager and for the Meter person. Mr. Alfano told Mr. Weld to work with Jeff Tудay and come up with a cost for repairs and bring it back to council.

### **COUNTY HAULING DUMPSTER**

Mr. Weld asked when County Hauling was going to remove their dumpsters sitting down at Rotary Park. Mr. Buchanan responded that this is part of the transition process as Advanced comes in and brings them out we're trying to keep the timeline under a half hour on the switches and we are almost complete and because of the weather during the week they weren't able to get their roll offs out.

## **ENGINEER'S REPORT – MR. JOHNSON**

### **SEWER PLANT UPDATE**

Mr. Johnson stated that the monthly update is in the packet and basically in the last 30 days they have completed the concrete placement. We've been doing structure backfill for the tanks themselves at the end of January. We have approved the submittals on the municipal service building as well as the block storage building.

### **PAYMENT REQUESTS – SEWER PLANT PROJECT**

Mr. Johnson stated we have estimate #6 from Mele & Mele, the general contractor, in the amount of \$132,378.63.

Motion by Bittner/Difilippo to authorize payment of Estimate #6 for Mele & Mele & Sons in the amount of \$132,378.63 duly carried on a roll call vote with all members present voting yes.

Mr. Johnson stated we have a payment request form Xylem Sanitaire invoice #3556771017 for the 10% delivery charge in the amount of \$89,227.00.

Motion by Difilippo/Gutosky to authorize payment of Xylem Sanitaire's invoice #355771017 in the amount of \$89,227.00 duly carried on a roll call vote with all members present voting yes.

Mr. Johnson stated he is delaying the submittal for the H2O grant for 30 days because there is only another \$80,000.00 before we'll reach the maximum reimbursement on it and he expects that to be expended in the next 30 days and in March do a final reimbursement for \$1,710,280.00 and that will close out that grant.

### **PEACH ALLEY PROJECT**

Mr. Johnson stated the Peach Alley sanitary sewer project is well underway. Bella Enterprise has completed Liberty St. from First to Third and Second St. from Peach to Liberty. They have submitted for payment Estimate #1 in the amount of \$68,004.00.

Motion by Glab/Bittner to authorize payment of Estimate #1 from Bella Enterprise in the amount of \$68,004.00 to be paid from the Maintenance Reserve fund duly carried on a roll call vote with all members present voting yes.

Mr. Johnson thanked the police department for their efforts in traffic control.

### **VULCAN VILLAGE PUMP STATION**

Mr. Johnson stated he reported at the committee meeting there was a problem with the generator and it ran for 23 hours. In actuality the technician confused military time with standard time and set it to exercise for 23 hours instead of 23 minutes. Relative to the reimbursement all of the invoices relative to the repair and replace of that generator have been submitted to Travelers insurance about 7 days ago and they should be making a determination on reimbursement.

## **GIS PROJECT**

Mr. Johnson stated we are about 30% completed with that. He explained that they divided the entire borough into 4 quadrants and they're survey crews are working in each quadrant and providing that information to the technicians in the office who are inputting that into the GIS program.

## **EAST ALLEY SMOKE TESTING**

Mr. Johnson stated we need to push it back again for two weeks because of the weather. He thinks if they can get the last week in February once the temperatures stay above freezing but before the spring thaw that would be the best time and report back at the March meeting.

## **SOLICITOR'S REPORT**

### **ADVERTISE ORDINANCES**

Mr. Agrafiotis stated he has drafts of two ordinances that need advertised. One is the neighborhood blight one which is Act 90 of 2010 and the other is Act 70 of 1998 the Municipal housing code avoidance act. He would like council to authorize them to advertise for the next meeting adoption.

Motion by Difilippo/Bittner to authorize the Solicitor to advertise the Blighted Ordinance and Municipal Housing Code Avoidance Ordinance duly carried on a roll call vote with all members present voting yes.

### **STATE FARM RELEASE**

Mr. Agrafiotis stated there was an incident where a light pole was damaged and State Farm wanted to pay us to repair and replace in the amount of \$11,800.00. The problem with that they were proposing a unilateral release whereby we would release the people that did the damage but they could still come after us even though the likelihood of that happening is slim to none. We had done a mutual release so that both parties would give up their right to come back but State Farm would not accept that. The only option at this point is to enter into their original release so if you want the \$11,800.00 authorize the borough to enter into this release.

Motion by Gutosky/Difilippo to authorize President Alfano to sign the release provided by State farm for the light pole damaged along Third Street duly carried on a roll call vote with all members present voting yes.

## **BOROUGH MANAGER'S REPORT – TIM BUCHANAN**

Mr. Alfano introduced newly hired Tim Buchanan. Mr. Buchanan stated we administered a new system when we have a concerned form instead of a complaint form. Everything is being tracked now so every contact whether it is a walk in, phone, call or email will be tracked and numbered and we are finding out what the problem is, where they are, and what the actions are that are required. There is also a place where they are deferred to the other departments and he thanked all the Cal teams because what he's found out is the persistent problems were because it took two or three departments to collaborate together in order to solve them. He stated his clip board as everyone knows is pretty full. We took 347 citizen concerns, 260 non duplicated and 92% of them have already been solved. In social media we are now on Facebook at Calpa and on Twitter we are at calborough. These are where regular updates and alerts will go out. It will initiate s the end time for the end of snow and when the clock stops ticking will be posted on there as well. There is also a smart phone app for android and iPhone which brings all the pieces together from church schedules to different businesses and things like that. He stated he is also currently working on 53 grants and 41 of them are statewide, 7 are federal, 5 are foundation and corporate and what he's been discovering as he researches them is he's found a number of them that are interested in other areas. So what he is doing as you have them right in front of you he's pulled down the guidelines, the applications, and the information and a lot of the answers are preset so he's just filling them in by cut and pasting. He will then pass them along and give them to whoever and whatever position he's interested in doing with that. We have a new recycling initiative that we're working on which we will discuss more in March. Other than that he just hopes the garbage gets picked up and it stops snowing soon. Mr. Alfano stated this is in evolving position so we're still working as a council trying to get some guidelines set up for Tim but it is working out pretty good so far.

## **EXECUTIVE SESSION**

Motion by Difilippo/Bittner to go into executive session at 7:30 pm duly carried with all members present stating aye.

Mr. Alfano stated the executive session will be on personnel.  
Council reconvened at 7:50

## **OLD BUSINESS**

No old business at this time

## **NEW BUSINESS**

Motion by Bittner/Glab to terminate the employment of Officer Justin Shultz from the California Borough Police Department based on the testimony received at the Lauder mill hearing on Jan. 28, 2014 duly carried with all members present voting yes.

## **RECOGNITION OF CITIZENS**

### **JAMES MADDIEX**

Mr. Maddiex congratulated the two teams, the California teams that are going to the championship and he wishes them luck. Second, the Planning Commission held their reorganization meeting and Michael Sears, Chairman- Irene Mariscotti- Chairperson pro tem, Norman Hasbrouck – Secretary, Pete Capanna – Financial Chairperson, and Mr. Maddiex – Vice Chairman. Mr. Alfano stated it certainly is a milestone to have both the men and women teams in the playoffs since it's been quite a while since that has happened.

### **MR. BITTNER**

Mr. Bittner announced the California Area Education Foundation is going to hold the Frosty Frolic this coming Saturday, February 15<sup>th</sup> at 1:00 pm at the wharf in Coal Center and there is still time to register. The money that the foundation raises goes towards scholarships for the students at California Area High School. Last year we gave between 15-20 scholarships away ranging from \$250.00 to \$500.00. The foundation would certainly appreciate all the support.

### **CRAIG BUTZINE**

Mr. Butzine thanked council for having the open dialogue with them, the University. He thinks from their point of view it has gone a long way to improve the town gown relationships and he thinks we are becoming a leader in that. He congratulated council in being awarded the LSA grant and stated it was very competitive thing. He thanked Chief Encapera for his collaborations with their Chief and the entire department and added that it has really made the community a lot safer. He's stated they are doing a great job collaborating together. He congratulated Mr. Bittner on a successful term as President and welcome President Alfano into his roll. He thanked council on behalf the faculty, staff, and students of California University. Lastly he thanked them for the physical improvements they are making around the borough. He stated one other thing he wanted to mention is the convocation is turning into a center now of a lot of high school competitions and when the people come to them they've been looking and noticing all the improvements around town. He stated we've been actually winning more than our share. We really like having the high school competitions because it means prospective students for the University so we really get more bang for our buck. This Saturday we have a dance competition, we've had cheerleading competitions, robotics competition, and he stated there should be about 15,000.00 people over the next 15-18 years in groups of 500 up to as big as 5,000 from the high school competitions. He welcomed Mayor Weld to his new role and thanked council again for all their hard work and effort.

Mr. Alfano stated it is council's hope to improve the downtown and the Planning Commission has been working really hard to this end and we want to have a seamless transition between the borough's property and the University's property. We've got a lot of catching up to do and were working on it.

Mr. Melenzyer stated the Orlandi subdivision has been an ongoing project to say the least and he's being kind. He looked at it again and there are some additional changes that have to occur. He's wanting to add a new piece of property to his original property and it is a mess. It doesn't front a public road but he finds it is legally permissible if he adds the new piece to the property that he already owns and has owned for many many years. He has to redo the deed and make it

all one piece of ground so that it cannot be subdivided in the future. Standing alone the piece that he wants does not meet any of the California Borough ordinances so he needs to combine it with the property that he already owns. Mr. Alfano stated so he'll be able to access the new property through his existing property from the main road. Once he attaches it to his existing property on one deed, then no-one can chop it up later and subdivide it.

**CONTINUED MEETING**

Mr. Alfano thanked those who attended and those who watched from home and continued the meeting until Tuesday, February 18<sup>th</sup> at 5:30 pm.