

## **Regular Meeting of California Borough Council, February 14, 2013, 6:30 pm**

Vice President Glab called the meeting to order at 6:30 pm

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

**ABSENT:** Mr. Bittner and Mayor Durdines

### **MOMENT OF SILENCE PLEDGE OF ALLEGIANCE**

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

Mr. Glab added anniversary wage increase for Shannon Kratzer  
Mr. Alfano added the Mid Mon Valley Intergovernmental Cooperate  
Mr. Glab stated we will adopt the agenda as printed and amended.

### **PUBLIC COMMENT**

Mr. Maddiex commented and is opposed to the Ordinance #536  
Mr. Butzine of California University spoke opposing Ordinance #536  
Mr. Demmy a student of Cal U spoke opposing Ordinance #536  
Ms. Getsy a student of Cal U also spoke opposing Ordinance #536  
Ms. Barcus a student of Cal U spoke opposing Ordinance #536  
Ms. Harris a student of Cal U spoke in opposition of Ordinance #536

### **MINUTES**

Motion by Mariscotti/Difilippo to approve the minutes of the January 10, 2013 meeting duly carried with all members present stating aye.

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

Ms. Evans read the accounts payable and account balances for January 2013.  
Motion by Difilippo/Mariscotti to approve the secretary's report duly carried with all members present stating aye.

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

Vice President Glab gave President Bittner's

### **PAYMENT REQUEST BAIANO CONSTRUCTION - \$75,796.75**

Motion by Mariscotti/Difilippo to pay Baiano Construction \$75,796.75 duly carried on a roll call vote with all members present voting yes.

### **FEMA FLOOD INSURANCE RENEWAL- SEWER PLANT**

Motion by Difilippo/Alfano to renew the FEMA Flood Insurance at the higher rate of \$6,205.00 duly carried on a roll call vote with all members present voting yes except Mr. Mariscotti who abstained.

### **WEBINAR – HEART & LUNG ACT**

Motion by Encapera/Mariscotti to approve the cost of \$40.00 for a webinar on the Heart & Lung Act duly carried with all members present voting yes.

### **ELECTRONIC RECYCLING DATES**

Mr. Glab announced that the electronic recycling will be held on May 16<sup>th</sup> and May 17<sup>th</sup> at the same locations as last year.

### **NON-UNIFORM CONTRACT**

Motion by Difilippo/Mariscotti to approve the Non-Uniform bargaining agreement with the addendum attached stating they will get either a \$300.00 uniform allowance or uniforms being provided by third party vendor duly carried on a roll call vote with all members present voting yes.

### **LONG BRANCH BOROUGH – CHESTNUT STREET**

Motion by Alfano/Difilippo to authorize the solicitor to draw up an agreement stipulating conditions of exchanging services on the maintenance of Chestnut Street duly carried on a roll call vote with all members present voting yes.

### **PUBLIC HOUSING – MR. ALFANO**

#### **CODE ENFORCEMENT UPDATE**

Mr. Alfano stated they have been very busy investigating noise, garbage, property maintenance, rentals and so on. Income for the past month is \$911.00 which includes permitting & rental fees bringing the total for 2013 to \$1,703.00.

#### **MISLO SUBDIVISION**

Motion by Alfano/Difilippo to approve the Miso subdivision in accordance with the requirements of Ordinance #475 and review for compliance with the borough's requirements, it appears that all corrections noted in Fayette Engineering's letter dated Jan. 15, 2013 duly carried on a roll call vote with all members present voting yes.

Mr. Alfano stated as part of the record the actual estate is that of Marie Mislo. The review has been limited to the minimum requirements contained in Ordinance #475. Mr. Agrafiotis noted that part of this subdivision is also located in Fallowfield Township and they must approve it also prior to recording it.

#### **WOHAR SUBDIVISION**

Motion by Alfano/Gutosky to approve the Wohar subdivision subject to two corrections being made on the plan as indicated in Fayette Engineering 's letter of review and the Solicitor's recommendation noting on the plan that the stone driveway indicated on the plan is private carried on a roll call vote with all members present voting yes.

#### **WEBINAR – WELCOME TO THE ZONING HEARING BOARD**

Mr. Alfano stated they have already had a webinar and the cost was \$40.00 and hopefully the borough will approve the payment of this \$40.00.

Motion by Alfano/Difilippo to approve payment of \$40.00 for the Zoning Hearing Board webinar duly carried on a roll call vote with all members present voting yes.

#### **SEMINAR – DUTIES OF THE ZONING HEARING BOARD -EMPLOYEES & OTHERS**

Mr. Alfano stated he hopes that council will approve that several of our employees and board members attend a seminar in Marshall Township on the duties of the zoning hearing board and we will have to pay wages for Clancy, Kratzer, & Petro. Mrs. Urick of the Zoning Hearing Board and Mr. Hasbrouck of the Planning Commission will also attend. This seminar has to do with the Zoning Hearing Board and he thinks we need to get everyone as much education on these things as we can. Mr. Hasbrouck has graciously agreed to drive everyone since his vehicle can accommodate everyone and that is with no charge to the borough. The cost of the seminar the meal and wages will be \$655.40.

Motion by Alfano/Encapera to authorize Clancy, Kratzer,Petro, Urick , & Hasbrouck to attend the seminar at a cost of \$655.40 duly carried on a roll call vote with all members present voting yes

Mr. Alfano noted that he sent everyone a breakdown of the fees for this via email.

#### **ALTERNATE ZONING HEARING BOARD MEMBERS**

Mr. Alfano stated he is pleading for an alternate to serve on the zoning hearing board so he is asking publicly that whoever might be interested to send a letter to the borough.

#### **CONTRACT – MACLACHLAN, CORNELIUS, & FILONI**

Mr. Alfano stated we have received a contract from MacLachan, Cornelius, & Filoni and they are going to do our Master Plan analysis of the downtown area and try to come up with some

architectural suggestions that we may come up with a common theme so we can integrate more seamlessly with the University architecture.

**LOOP TRAIL UPDATE  
RESOLUTION NAMING THE BOROUGH AS GRANT APPLICANT FOR  
RECREATION AUTHORITY**

Mr. Alfano stated after many years the California Borough Council and the Recreation Authority have been successful with the help of the River Town contingency in securing a grant for a master site plan. This has been our number one priority to have a master site plan done of our recreation areas because we can't proceed to a project grant status until we have this done. The Environmental Design group is doing this for us and we have scheduled to have a public workshop on February 26<sup>th</sup> from 6:00 to 9:00 pm here at the borough building. It is going to be an open house with a formal presentation of what the proposed loop trail plan is and have some discussions and get as much public input that we can. In light of this fact I make the following motion;

Motion by Alfano/Encapera to pass a resolution naming California Borough as the grant applicant because they look more favorably upon the municipalities being the grant applicant for these type of situations and of course the recreation authority has funds in its budget to pay for matching funds and so forth duly carried on a roll call vote with all members present voting yes.

Motion by Alfano/Mariscotti authorizing the Solicitor to draw up a resolution naming California Borough as the grant applicant for the loop trail project, as described in the previous motion, duly carried on a roll call vote with all members present voting yes.

Mr. Alfano stated that he will be asking from all the legislatures, Cal U community, and others for a letter of support on this project.

**MID MON VALLEY INTERGOVERNMENTAL COOPERATIVE**

Motion by Alfano/Mariscotti to join the Mid Mon Valley Intergovernmental cooperative at a cost of \$1,681.93 duly carried on a roll call vote with Mr. Mariscotti, Mr. Alfano, Mr. Difilippo, Mr. Glab, and Mrs. Gutosky voting yes and Mr. Encapera voting no.

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

Mr. Mariscotti stated the transmission is out on one of the 550's and it was sent to C. Harper for warranty work and we should have that back in a few days.

**PARTICIPATE IN DGS COSTARS SALT CONTRACT**

Motion by Mariscotti/Alfano to participate in the DGS Costars Salt Contract program for the 2013-2014 year duly carried on a roll call vote with all members voting yes.

**BIDS FOR NEW TRUCK**

Mr. Mariscotti stated they are in the process of obtaining bids for a new truck and we've decided on an F550. Some of the bids are in but not all of them so we will address this in the near future.

**PUBLIC SAFETY – MR. ENCAPERA**

Nothing to report at this time

**FINANCE – MRS. GUTOSKY**

**PAYMENT OF BILLS**

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

## **PUBLIC HEALTH – MR. DIFILIPPO**

### **LOCATOR CLASS- SANTO & BAKER**

Mr. Difilippo stated there is an Introduction to Locator Class that Mr. Santo and Mr. Baker would like to attend on Feb. 22<sup>nd</sup> and it doesn't cost anything other than their wages. This deals with locating lines underground.

Motion by Difilippo/Mariscotti to authorize Ron Santo & Doug Baker to attend the Introduction to Locator Class on February 22, 2013 with the only cost being wages duly carried on a roll call vote with all members present voting yes.

### **DELINQUENT SEWER ACCOUNTS**

Mr. Difilippo stated that when he got on here and was assigned the sewage department a lot of people were behind and we got that cleaned up pretty good and I got a new run off the delinquent accounts and the same people are behind. They made a payment and haven't made any payments since so we are going to have to start putting the thumb down on people. It costs Shirley a lot of time and it cost the Borough a lot of money because we have to pay the solicitor to send letters out. So at the next meeting he will have it finalized how to take care of these whether it be a collection agency or start shutting off water.

## **PERSONNEL – MR. ENCAPERA**

### **OFFICERS ROBATEL & DENNISON**

Motion by Encapera/Difilippo to end the 180 day probationary period as per the contractual agreement for Officer Dennison effective Feb. 18, 2013 duly carried with all members present stating aye.

Motion by Encapera/Difilippo to end the 180 day probationary period as per the contractual agreement for Officer Robatel effective Feb. 18, 2013 duly carried with all members present stating aye.

### **CHIEF ENCAPERA**

Motion by Encapera/Alfano to formally hire Richard Encapera as Chief of Police, removing Acting from his current title and his wage remaining the same duly carried on a roll call vote with all members present stating yes.

Mr. Glab stated he wanted it on record that he has completed the non-competitive civil service examination administered by the California Borough Civil Service Commission successfully.

### **SHANNON KRATZER**

Mr. Glab stated that when Mr. Kratzer probationary period was extended we needed to increase his salary because we neglected to include him in the cost of living increase at the beginning of the year so he would like to make the following motion;

Motion by Alfano/Mariscotti to offer Mr. Kratzer half of his increase of \$2,500.00 a year in annual salary duly carried on a roll call vote with all members present voting yes.

## **MAYOR'S REPORT – MR. DURDINES**

Absent with nothing under his report

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

### **GRANVILLE PUMP STATION**

Mr. Johnson stated he spoke with the sales representative with Ram Industrial a number of times and we had a conference call scheduled this afternoon which did not take place. He is going to continue to pursue this but may need to involve your solicitor on this issue. He should know something by the end of business tomorrow.

Mr. Glab asked how long the Granville pump station issue has been going on. Mr. Johnson stated you can make the argument that it has been well over a year and we've had (3) three significant maintenance issues with the same problem. We've contacted Ram Industrial on all three occasions and it's the same issue over and over again. That pump was sent back to the manufacturer in Philadelphia who has done some pretty extensive scientific radiographic

compressor tests and they found some issues with the actual casing on the pump which would have been a blatant defect of the production line and nothing to do with our pump station. That is his contention as to why the warranty should be upheld and that pump replaced in kind. We've been at this for a year and we were told at the end of last year that this would be resolved by the end of January. Mr. Glab asked if he will be having a conversation with this people tomorrow. Mr. Johnson stated that is correct and they were told if they do not call then he will seek the solicitors help in getting this matter resolved.

Motion by Difilippo/Alfano to authorize the Solicitor to take any actions necessary to resolve the issue with the Granville pump station duly carried on a roll call vote with all members present voting yes.

### **SEWER PLANT PROJECT**

Mr. Johnson stated your solicitor is reviewing is reviewing the equipment agreements and he expects to have them back shortly to send them to the equipment suppliers. The DeP comments on the Part II permit have been received on Jan. 31<sup>st</sup> and have been answered and will go back in the mail to the DeP tomorrow morning. Two minor comments, beside the blowers and the type of sludge pump for the new treatment plant have been addressed. We continue to prepare the bid documents and are on target to bid that project the 3<sup>rd</sup> or 4<sup>th</sup> week of March. The NPDES permit has been received and a revised copy has been completed and he will have Mr. Bittner execute that at their 1:30 meeting tomorrow for submission to the DeP.

### **PEACH ALLEY REMEDIATION PROJECT**

Mr. Johnson stated that they have final utility locations and have identified some conflicts that are upstream of 3<sup>rd</sup> Street on Monroe & Fifth St. and they will order some additional Rights of Way and that is also on his agenda for the meeting tomorrow at 1:30.

### **HIGHPOINT SANITARY SEWER PROJECT**

Mr. Johnson stated that this remains in queue for future discussions.

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

#### **ORDINANCE #536 – AMUSEMENT TAX ORDINANCE**

Mr. Agrafiotis stated it has been advertised three times, Jan. 25, 31<sup>st</sup> and Feb. 6<sup>th</sup>. It is a 10% tax for general revenue purposes and we estimate it to be \$30,000.00 annual general revenue. The tax is levied at 10% on all admission fees or charges for any person attending an amusement event unless you are exempt under the Local Tax enabling Act. If passed it will become effective March 19<sup>th</sup> which would satisfy the 30 day required waiting period. Mr. Glab asked if there are any questions and is someone making a motion. He asked a second time and again for a third time. No motion was made.

#### **ORDINANCE #537 –POLICING LONG BRANCH BOROUGH**

Mr. Agrafiotis stated back in December there were negotiations between our borough and Long Branch Borough as far policing their town. We took on the responsibility of policing Long Branch Borough and the motion was passed on Dec. 28, 2012, however under the Intergovernmental Cooperation Act statute you have to have an Ordinance for it to technically be effective. So this ordinance would ratify and make that agreement binding.

Motion by Alfano/Mariscotti to adopt Ordinance #537 duly carried on a roll call vote with all members present voting yes.

### **OLD BUSINESS**

No old business at this time

### **NEW BUSINESS**

#### **CHRISTMAS SNOW FLAKE LIGHTS**

Mr. Alfano stated he has just received a solicitation via email that the Christmas Snow flake lights that we've purchased in the past are on sale for the next month or so and he would like to authorize Jeff to check around and see if there are any other areas in the borough that we could take advantage of lighting while there are at sale price.

## **HIGHPOIN SANITARY SEWER**

Mr. Difilippo stated at the next meeting he will have a date set for a work session to sit down and discuss going further with this project.

## **RECOGNITION OF CITIZENS**

### **MR. MADDIEX**

Mr. Maddiex thanked council for not passing Ordinance #536. He announced that the Planning Commission is on March the 5<sup>th</sup> here in the chambers at 6:30 and the public is welcome.

### **MR. BETZINE**

Mr. Betzine acknowledged and thanked Norm Hasbrouck a long time borough resident and employee of California University of Pennsylvania for his long and dedicated service and wish him well on his recent retirement. He thanked the council members who came to the sharing information meeting and look forward to working with them in the future.

### **MR. ENCAPERA**

Mr. Encapera stated he went to California University too and he donates to a couple of programs there and he asked if he knew who the baseball coach is at the University. Mr. Bentzine stated Mike Conte. Mr. Encapera asked him if he knows where the University plays their home games. Mr. Betzine stated they play at Consol Energy Park in Washington. Mr. Encapera asked if he knew how much they pay to play there every year and are the students aware of that. Mr. Betzine stated he doesn't know if they are or not. Mr. Encapera stated because a small tax like this might sound like a lot to them but there is a lot of money going there that they pay in student fees that he doesn't know if they are really aware of and perhaps they want to look into where those fees are spent instead of the little bit of tax the borough was proposing. Mr. Encapera stated he didn't make the meeting but was lead to believe that Mr. Betzine threw the borough under the bus so to speak in front of the University and just wanted to make that public.

### **ARTHUR HARRIS**

Mr. Harris questioned the bill paid to Fredericktown Real Estate. The secretary explained that was the Tax collector's bond renewal. Mr. Harris asked if the Herald Standard is still the paper we advertise meetings and such in and if so he thinks we ought to look at that. We use to advertise in the Valley Independent and it was cheaper. You should notice that the Herald Standard came out with a new paper and right on the front of it it states for Fayette and Greene County, Washington County is not even mentioned. In the last two week there has been one article about California, the Fish Fry and that is it, except for the police blog and the negative stuff. He thinks council ought to look at going back to the Valley Independent and Tribune and start advertising there. It is a cheaper rate and more people get it. Mr. Alfano stated he agrees. Mr. Agrafiotis stated any general circulation newspaper can be used but there was a motion passed to use the Herald Standard and that can be rescinded at any time if they want to use the Valley Independent instead.

## **ADJOURN**

Motion by Alfano/Mariscotti to adjourn the meeting at 8:00 pm