

Regular Meeting of California Borough Council, January 9, 2014, 6:30 pm

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

ATTENDANCE: Mr. Alfano, Mr. Difilippo, Mr. Glab, Mrs. Gutosky, Mr. Mariscotti, and Mayor Weld

ABSENT: Mr. Bittner and Mr. Encapera

MOMENT OF SILENCE PLEDGE OF ALLEGIANCE

ADDITIONS OR CHANGES TO AGENDA

Mr. Glab added payment for benches out of Gaming Revenue Money

Mr. Glab added subdivision for Zybl

Mr. Glab added payment final bill for MacLaughlin, Cornelius & Filoni

Mr. Alfano stated the agenda stand as amended and printed

PUBLIC COMMENT

President Alfano stated we will break our tradition and let Mr. Dentino come up and speak at this time. Mr. Dentino stated that he is here to complain about the garbage collection in town. The garbage was not picked up last week and the dumpsters were overflowing. He called County Hauling and was told they are no longer the trash haulers for California Borough. They gave him Advanced Disposal's number and he spoke to a fellow named Andrew who gave him his cell phone number. We haven't had trash picked up all week and some of the dumpsters are overflowing and he has been told by some of the people who told him County hauling hadn't done their last pick up either. He spoke to Advanced every day this week and again today and they keep telling him they are working on it. What is their problem just pick up the garbage that is what your contract is for. He wants it straightened out and hopes it will be.

Mr. Alfano stated just to let the people at home know we do have a new garbage hauler and they are Advanced Disposal. They started at the beginning of this year and he's sure there will be some confusion and learning all the routes. He asked the citizens to call the borough if they are not having success in getting hold of Advanced and getting the problems resolved. Mr. Glab stated that last week was supposed to be recycling week and they missed him. Mr. Alfano stated they picked up some routes and missed some routes.

MINUTES

Motion by Difilippo/Mariscotti to approve the minutes of the Special Meeting of December 5, 2013 duly carried with all members present stating aye.

Motion by Difilippo/Gutosky to approve the minutes of the Regular meeting of December 12, 2013 duly carried with all members present stating aye.

Motion by Difilippo/Mariscotti to approve the minutes of the Continued meeting of December 19, 2013 duly carried with all members present stating aye.

SECRETARY'S REPORT – MS. EVANS

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

Motion by Difilippo/Gutosky to approve the secretary/treasury report duly carried on a roll call vote with all members present voting yes.

PRESIDENT'S REPORT – MR. ALFANO

CALIFORNIA BOROUGH & COAL CENTER – TRI COUNTY BOROUGH MEETING

Mr. Alfano announced that California Borough and Coal Center Borough will go together and host the Tri County Association Meeting on January 16, 2014 at 7:00 pm at the Malden Christian Church.

ADOPT SALARY SCHEDULE

Mr. Alfano stated we need to adopt the salary schedule so at this time he will entertain a motion for that.

Motion by Gutosky/Glab to approve the 2014 Salary Schedule duly carried on a roll call vote with all members present voting yes.

SET TAX COLLECTOR'S BOND AMOUNT- RESOLUTION 14-001

Mr. Alfano stated we need a motion to set the Tax Collectors bond at \$195,198.31 under resolution 14-001.

Motion by Difilippo/Mariscotti to adopt Resolution 14-001 setting the bond amount for the Tax Collector at \$195,198.31 duly carried with all members present voting yes.

ADOPT FAYETTE ENGINEERING'S SCHEDULE OF FEES

Mr. Alfano stated he will accept a motion to adopt Fayette Engineering's schedule of fees.

Motion by Gutosky/Difilippo to adopt Fayette Engineering's schedule of fees duly carried on a roll call vote with all members present voting yes.

MCMILLEN ENGINEERING THIR PARTY AGENCY CONTRACT

Mr. Alfano stated we need a motion to adopt McMillen Engineering's third party agency contract.

Motion by Difilippo/Glab to table the adoption of McMillen Engineering's third party agency contract to further discuss it duly carried on a roll call vote with all members present voting yes.

DCNR PROJECT COORDINATOR – TERRY HOAK

Mr. Alfano stated that we have received \$75,000.00 for the grant we applied for a we should be receiving some paperwork to get the process started.

LSA MEETING AT THE COUNTY COMMISSIONER'S OFFICE

Mr. Alfano stated we have a meeting at the County Commissioner's Office for a presentation of the grant we are seeking for the street at the Technology Park so Mr. Bittner and himself will be attending that on January 22, 2014 at 2:15 pm.

PUBLIC HOUSING – MR. GLAB

Mr. Glab asked Mr. Alfano to go over the Public Housing report.

ZONING/CODE ENFORCEMENT UPDATE

Mr. Alfano stated they have been working on several items and the condemnation process for 72 Second St. As far as the revenue they have brought in \$2,661.50 for December 2013.

PAYMENT OF BENCHES – GAMING REVENUE FUND

Mr. Glab stated we purchased the benches last fall in the amount of \$11,844.90 and we need to authorize that payment to be made from the gaming revenue monies.

Motion by Glab/Mariscotti to pay P.E.M. Company \$11,844.90 their invoice for benches and trash cans out of the gaming revenue funds duly carried on a roll call vote with all members present voting yes.

MACLAUGHLIN, CORNELIOUS & FILONI – PAYMENT OF FINAL BILL

Mr. Glab stated we have received a final bill from MacLaughlin, Cornelius, & Filoni for the study that they conducted in the amount of \$9,450.00 and an additional \$310.56 for reimbursement of travel & reproduction costs.

Motion by Glab/Mariscotti to pay the final bill for MacLaughlin, Cornelius & Filoni in the amount of \$9,760.56 to be paid out of the gaming revenue fund duly carried on a roll call vote with all members present voting yes.

Mr. Glab stated they provided us with a very in depth and detailed study and he thinks it will be a good foundation for future improvements in California Borough.

REQUESTS FOR QUOTES – ZONING ORDINANCE

Mr. Alfano stated he has received information from Roberta Sarrif on who to contact and contract concerning redoing our zoning ordinance. He has that and will email it to all of council. He would like to send Requests for quotes out to these three people and would like a motion to do this.

Motion by Mariscotti/Glab to contact the three people whose names will be provided by Mr. Alfano for request for quotes on redoing the California Borough Zoning Ordinance duly carried with all members present stating aye.

During discussion Mr. Glab asked if by sending these letters out to these three firms is that excluding any other firms from applying. Mr. Alfano stated he doesn't know but these are three people that were recommended to us that do this type of work. Mr. Agrafiotis stated it sounds like a professional service so you wouldn't have to bid it anyway.

ZYBL SUBDIVISION

Mr. Glab asked Mr. Agrafiotis to cover the Zyble subdivision. Mr. Agrafiotis stated the County, Fayette Engineering, and he has reviewed it. Fayette Engineering conditional approval subject to the corrections outlined in their letter. Mr. Agrafiotis stated he would like some additional information including a Short Certificate from the Register of Wills naming the individuals who signed the subdivision as executrix and he would also like the deed to the property in question. With all that said he thinks a conditioned approval would be appropriate subject to that information and corrections.

Motion by Glab/Mariscotti to approve the Zybl subdivision conditioned on the corrections noted in Fayette Engineering's letter dated January 7, 2014 and information requested in Melenyzer & Agrafiotis letter dated January 9, 2014 duly carried on a roll call vote with all members present voting yes.

Mr. Alfano stated just so everyone knows we have juggled some of the departmental assignments and not everyone is comfortable with their assignments and information to report yet but will be by next month.

PUBLIC WORKS – MR. MARISCOTTI

STREETP DEPT. UPDATE

Mr. Mariscotti stated it has been normal operation at the Street Department.

COHEN LAW GROUP – INVOICE

Motion by Mariscotti/Difilippo to authorize payment of the final invoice from Cohen Law Group in amount of \$ 1,080.00 duly carried on a roll call vote with all members present voting yes.

PUBLIC SAFETY – MR. BITTNER

Nothing to report

FINANCE – MRS. GUTOSKY

PAYMENT OF BILLS

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

DEPOSITORIES FOR THE BOROUGH FOR 2014

Motion by Gutosky/Difilippo naming First Niagara Bank as our Municipal Depository for 2014 duly carried with all members present voting yes.

Motion by Gutosky/Glab naming PNC Bank as our Municipal Depository for 2014 duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Difilippo to approve the First Niagara's Municipal Depository resolution duly carried on a roll call vote with all members present voting yes.

PUBLIC HEALTH – MR. DIFILIPPO

DOUG BAKER – CLASSES

Motion by Difilippo/Mariscotti to approve Doug Baker to attend the four hour class on Collection System Safety and Pumping Stations on March 25th at 9:00 am in North Huntington at a cost of \$100.00 plus his wage duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Mariscotti to approve Doug Baker to attend the 6 hour class on Waste Water Collection Systems 1459 on April 1, 2014 at 9:00 am in North Huntington at a cost of \$150.00 plus his wages duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Mariscotti to approve Doug Baker to attend a four hour class on Safety Part I for Wastewater and Water on April 8, 2014 at 9:00 in North Huntington at a cost of \$100.00 plus his wages duly carried on a roll call vote with all members present voting yes.

ANNUAL UPDATE ON SEWER PROJECTS

Mr. Difilippo stated Mr. Johnson will cover this under his report.

PERSONNEL – MR. MARISCOTTI

Mr. Alfano stated we have a new position to consider in the borough, a possible borough manager.

Mr. Agrafiotis stated it should go under old business since it wasn't added to the agenda at the beginning of the meeting.

MAYOR'S REPORT – MR. WELD

Nothing to report

ENGINEER'S REPORT – MR. JOHNSON

TREATMENT PLANT UPDATE

Mr. Johnson stated the General Contractor has completed the North and East walls of the SBR digester. All the aeration equipment that we purchased was delivered throughout the month of December and is stored either at the warehouse or on site.

Mr. Encapera entered the meeting at 7:10 pm

PAYMENT REQUESTS

MELE & MELE & SONS

Mr. Johnson stated they have submitted Estimate #5 for \$360,708.10.

Motion by Mariscotti/Difilippo to authorize payment to Mele & Mele & Sons for estimate #5 in the amount of \$360,708.10 duly carried on a roll call vote with all members present voting yes.

XYLEM CORPORATION

Mr. Johnson stated we have an invoice, number 355676948, from Xylem Corporation for the aeration equipment in the amount of \$579,975.50 representing 65% production requisition once all the equipment is produced.

Motion by Difilippo/Mariscotti to authorize payment to Xylem Corporation in the amount of \$579,975.50 for invoice #355676948 duly carried on a roll call vote with all members present voting yes.

H2O REIMBURSEMENT

Mr. Johnson stated we have prepared the next H2O reimbursement submittal and once we get these canceled checks back that were authorized tonight we will submit that. Currently there \$1,710,280.00 remaining in the H2O grant.

PEACH ALLEY SANITARY SEWER PROJECT

Mr. Johnson stated the contractor began on December 22, 2013 and there were a number of test pits completed. He stated we are making pretty good progress considering the weather.

VULCAN VILLAGE PUMP STATION GENERATOR

Mr. Johnson stated all the documents relevant to that failure, meter reads, inspections, etc have been sent to the insurance company under that claim number referenced in his report. Once they get a chance to review it they will come back with a decision.

GIS PROJECT

Mr. Johnson stated this project is underway. What they've done is taken the borough and divided it up into four quadrants and the surveyors are locating all the borough owned sub-surface utilities with in one quadrant at a time and that information is taken back to the office and entered into the Arc software and then moving the next quadrant. He expects to have all the data entry completed and an actual physical map by the end of April. Mr. Glab stated you're not talking about the streets or fire hydrants. Mr. Johnson stated no right now it is only storm and sewer utilities but you will have the capability to add those at a later date.

EAST ALLEY SMOKE TESTING

Mr. Johnson stated we should be conducting the smoke test at the end of January once the students return and we have a snow event.

PROGRESS REPORT ON SEWER PROJECT

Mr. Johnson stated the progress report is in your packet and if you have any questions for him please feel free to contact him.

TRANSFER FUNDS

Mr. Alfano stated to cover the invoices approved for payment tonight from the Sewer fund we will need to transfer \$950,000.00 from the Sewer fund Capital Reserve fund to the Sewer Fund Checking Account.

Motion by Gutosky/Mariscotti to transfer \$950,000.00 for the Capital Reserve fund to the checking account duly carried on a roll call vote with all members present voting yes.

SOLICITOR'S REPORT – MR. MELENYZER & AGRAFIOTIS

Nothing to report

Mr. Alfano stated they will go into an executive session following this meeting to discuss legal matters.

OLD BUSINESS

Mr. Difilippo asked about the house that burned last November and is going to be torn down where are we at with this. Mr. Agrafiotis stated there is a form that needs to be filed by us and we were looking in the zoning office files for the form that has been used in the past but have been unable to locate so he needs to come up with this form and get it filed and then we can move forward on this. Mr. Petro stated the Order of demolition was advertised and this is the next step following that. Mr. Alfano asked who the form needs to be filed with. Mr. Agrafiotis stated the Recorder of Deeds.

ABANDONED PROPERTIES

Mr. Difilippo asked if we are doing anything with the abandoned properties on the list that was approved a couple of months ago. Mr. Petro stated Shannon was at the one property on High Street.

HIRING OF BOROUGH MANAGER

Mr. Agrafiotis stated just to be safe since we are adding this now it is only fair that we permit the public to comment on this at this time.

Mr. Maddiex stated he does not think the borough needs one. You set aside \$35,000.00 in both the General fund & Sewer fund and he doesn't know how much he would get paid. He stated he has been on council and he has an idea how things are run and they run fairly well and that is a

compliment to this council and past councils. He does not believe we need a borough manager and added that if they want to hire somebody he would rather see it be a police officer. He stated his degrees are in urban affairs and regional planning and if anybody would be for it it would be him but he just doesn't see the need for it.

Mr. Dentino stated he thinks that borough manager is needed in the borough. He stated council has jobs outside of their council positions and the borough manager would be in the borough every day and he could handle things on a regular daily basis and get things done more efficiently and timely than what council can. Mr. Alfano stated he doesn't think people realize how busy this town in and it is really easy to get behind the curve quickly if someone is not here to stay on it. Everyone on council has a job and can't devote enough time to be on top of everything all of the time.

Motion was by Mariscotti to hire Tim Buchanan as the Borough Manager with a probationary period of 180 days with a salary to be paid half from the sewer fund and half from the general fund at a rate of \$52,500.00 to start and a \$2,500.00 increase at the end of his 180 day probationary period and \$2,500.00 at the end of his first year for a total salary of \$57,500.00. Mr. Agrafiotis asked if that includes benefits and Mr. Mariscotti stated yes it does. Mr. Alfano stated the borough cannot provide health care benefits for the first six months as per past practice procedure. Ms. Evans stated pension goes into effect immediately and health care benefits go into effect after 180 days as part of the probationary period. Mr. Agrafiotis stated so there is no health insurance for the first 180 days. Mr. Alfano stated we may want to consider some sort of reimbursement for it. Mr. Alfano asked for a second to the motion to permit discussion about it. Mr. Difilippo stated he will second it. Mr. Agrafiotis stated it is an at will job whether there is a 180 day probation or not it is still an at will job. Mr. Alfano stated we would want a memorandum of understanding for one year. Mr. Agrafiotis stated you can do that if you want but it is his opinion that if an employee is an at will employee you don't give them anything in writing as a type of contract because they could say they have a contract right to future employment. Mr. Alfano asked council what their wishes are. Mr. Mariscotti stated this is something that we didn't always do but have recently started doing it. Mr. Alfano stated it protects the borough for a year from having that person take another job and still have a probationary period. Mr. Difilippo stated if it is only for one year they can't come back after two or three and demand something. Mr. Agrafiotis stated you could have the option to renew it every year. Mr. Agrafiotis so he is to have a memorandum of understanding, 180 day probationary period and you already stated the salary if he last through the probationary period. Mr. Alfano stated how about the hospitalization do we want to include it or pay the expense of what he is paying for his own hospitalization now until the 180 days are up. Mr. Agrafiotis stated that past practice is that no-one got it until their 180 days are up and you should try to follow that. Mr. Alfano asked council their wishes. Mr. Mariscotti asked Mr. Buchanan if he could go 180 days paying insurance on his own. Mr. Buchanan stated he is carried until the end of March. Mr. Mariscotti stated so you'll have roughly two months of grabbing coverage somewhere. Ms. Evans stated the borough allowed her to buy the insurance by withholding the premium from her pay for her 180 day probationary period. Mr. Agrafiotis stated we could do that. Mr. Alfano stated to Mr. Buchanan that if he is out of coverage for his the borough can allow him as an employee buy back that two months of coverage of insurance. Mr. Buchanan stated the concern of course is getting up at 3:30 in the morning for a water main breaks and all the other stuff and not having health insurance as a borough manager is just expected. Mr. Agrafiotis stated that is up to them. Mr. Buchanan stated okay that works great thank you.

Motion by Mariscotti/Difilippo to hire Tim Buchanan as Borough Manager with a salary of \$52,500.00 until his 181st day then \$55,000.00 and after 1 year his salary goes to \$57,500.00 with a one year memorandum of understanding and 180 day probationary period and the insurance buy back if need be duly carried on a roll call vote with Mr. Alfano, Mr. Difilippo, Mr. Glab, Mrs. Gutosky, and Mr. Mariscotti voting yes and Mr. Encapera voting no.

NEW BUSINESS

ROADS IN TOWN

Mr. Difilippo stated Third Street for the light to the college is not the State's road it is our property. All these heavy trucks are going through there and they're going to rip the road up so are we going to do anything kind of escrow or anything we have to fix those. Mr. Alfano stated

we should have had that road bonded. Maybe we should look at these road before any of the money is released or decide if they need fixed now instead of waiting. That may be a good project for our borough manager to look into. Mr. Buchanan stated he will do it in the morning.

ROAD PROJECTS THIS YEAR

Mr. Difilippo stated we should also probably get the list together for the road we want to do this year. Mr. Taday stated he talked with PennDOT representative and she said to get with her the first of February and they can work on getting it together. She will measure it up and put the bid together for bidding the project out. Mr. Glab stated the forum that Joe Kirk has been sponsoring and maybe if some of these other municipalities are having streets paved next year we may be able to collectively into one package and get a better deal because it would be a larger contract and we may get more bang for our dollar. Mr. Alfano asked who would like to talk to Joe Kirk about that to see if that is worth looking into. Mr. Glab stated the borough manager. Mr. Alfano stated that is number 2.

RECOGNITION OF CITIZENS

MR. MADDIEX

Jim Maddiex stated at the council's reorganization meeting Mr. Alfano was voted President, Mr. Difilippo was voted Vice President, and Jon Bittner was voted President Pro Tem and what you didn't mention was the change of the legal advertisements for the Herald Standard to the Valley Independent. Mr. Alfano stated good point Jim. Mr. Maddiex stated the Planning commission met on the 7th and were supposed to reorganize and that was tabled and the next meeting is Feb. 4th and will elect new officers. Mr. Maddiex stated our Chief should say something about our drug drop off box out there in the lobby because some people may not have seen in it in the focus. Mr. Alfano stated he also spoke about it at the last televised meeting. Chief Encapera gave a quick briefing about the drug drop off box in the lobby of the borough building.

MR. DENTINO

Mr. Dentino stated he didn't hear anything about a job description for the borough manager. Mr. Alfano stated that is outlined in the ordinance. Mr. Dentino stated he would like to change his first order of duty to garbage and he thinks Tim will do a good job.

MR. HARRIS

Mr. Harris stated that he sees East Alley on the sewer report again. He asked how many times are we going to see that on here before it gets resolved. Mr. Johnson stated there is storm water infiltrating the sewer lines down there and we need to find out where it is coming from and actually locate it and stop it. Mr. Harris asked council why they are not keeping the old zoning ordinance the way it was written it should have been updated every year. Mr. Alfano stated well they changed it and not for the better. Mr. Harris stated that is very bad business move. Mr. Harris stated in the last six months there have been more cars parked in the yards and who is enforcing it. Mr. Alfano stated it should be reported to the zoning office. Mr. Harris stated they're parking in grass sometimes there is gravel thrown down something needs to be done and it needs to be addressed before it becomes a bigger problem.

EXECUTIVE SESSION

Motion by Difilippo/Glab to go into executive session at 7:45 pm and report back at the next meeting duly carried with all members present stating aye.