

## **Regular Meeting of California Borough Council, July 18, 2013, 6:30 pm**

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

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

**ABSENT:** Mr. Encapera and Mr. Mariscotti, and Mayor Durdines

### **MOMENT OF SILENCE**

### **PLEDGE OF ALLEGIANCE**

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

Mr. Bittner added under Public Safety- Flagger Safety Course

Mr. Difilippo added under Public Health –Masonry Sealer for Main Pump Station

Mr. Bittner stated the agenda will stand approved as printed and amended.

### **PUBLIC COMMENT**

No public comment at this time

### **MINUTES**

Motion by Difilippo/Gutosky to approve the minutes of the Regular meeting of June 13, 2013 duly carried with all members present stating aye.

Motion by Glab/Gutosky to approve the minutes of the Continued meeting of June 20, 2013 duly carried with all members present stating aye.

### **SECRETARY'S REPORT – MRS. CLANCY**

Mrs. Clancy read the accounts payable and account balances for May 2013.

Motion by Gutosky/Difilippo to accept the treasurer's report duly carried with all members present stating aye.

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

#### **RENEWAL OF PROEPRTY & LIABILITY INSURNCE – PIRMA**

Mr. Bittner stated the renewal information was given in your packet at the work session.

Motion by Difilippo/Glab to renew the PIRMA Property and Liability insurance in the amount of \$62,646.00 duly carried on a roll call vote with all members present voting yes.

#### **WORKER'S COMPENSATION RENEWAL - \$94,641.00**

Mr. Bittner stated this was also given to council in the packets for the work session.

Motion by Difilippo/Alfano to approve the Worker's compensation renewal through State Worker's Insurance Fund duly carried on a roll call vote with all members present voting yes.

#### **MID MON VALLEY TRANSIT AUTHORITY ANNUAL MATCH - \$4,144.00**

Mr. Bittner stated the annual contribution is now due and asked council what is their pleasure.

Motion by Alfano/Glab to participate in the Mid Mon Valley annual match contribution of \$4,144.00. Under discussion Mr. Difilippo asked if the college also pays their share. Mr. Gutosky asked Mr. Butzine is he knows the college rate. Mr. Difilippo stated he thinks we are one of the highest totals on that list. Mrs. Gutosky stated last year she called and they said the rate was so high because of the students and it sounds like they are double dipping if the University is paying and the Municipality is paying. Mr. Alfano stated Monongahela pays the highest due to their population. Mr. Difilippo stated then we have to be second.

Motion by Alfano/Glab to participate in the Mid Mon Valley annual match contribution of \$4,144.00 duly carried on a roll call vote with Mrs. Gutosky, Mr. Alfano, and Mr. Bittner voting yes and Mr. Difilippo voting no. Mr. Glab stepped out of the meeting and did not vote.

### **CM SERVICES – KEN KULAK**

Mr. Bittner stated Mr. Kulak of CM Services will be here next week on July 25<sup>th</sup> at 6:00 to discuss the addition and improvements of the borough building. Mr. Alfano stated he has a tentative date to meet with Mr. Filoni and the past developers for August 12<sup>th</sup> at 6:00 pm but he will get confirmation. He also will or has contacted Guy Totino, Kerry Fox, Fairchance, and Ken Kulak will represent Sepeskys’.

### **BAIANO CONSTRUCTION – PAYMENT REQUEST**

Mr. Bittner stated we owed them \$5,999.20 for the completion out here on the project and he was supposed to call him today and forgot to do it. Mr. Bittner stated he did talk to Kerry Fox and Penndot called and said they would like to see us pay that bill. Mr. Bittner stated we still have a little bit of restoration out here so he would like to approve \$5,000.00 and hold back the \$999.20 until the restoration is complete. So he will accept a motion to that effect.

Motion by Gutosky/Difilippo to pay Baiano Construction \$5,000.00 of the \$5,999.20 that we owe him duly carried on a roll call vote with all members present voting yes.

### **CASING BID**

Mr. Bittner stated the casing bid was \$11,207.00 and he asked Mr. Tудay if he had checked to see if that was a good price or not. Mr. Tудay stated that Mr. Johnson of Fayette Engineering came up with a name of someone that may have another use for it and he is going to check with them tomorrow. Mr. Bittner explained to the solicitor that we only received one bid and council doesn’t feel that the amount is substantial enough to cover what they thought they would get. Mr. Bittner stated that Mr. Tудay and Mr. Johnson indicated they have someone else who may be interested in it, therefore we should probably turn down the bid we received this evening and then if we want to sell it again we can re-advertise it.

Motion by Gutosky/Difilippo to reject the casing bid in the amount of \$11,207.00 from P.I.T Pipe Incorporated duly carried on a roll call vote with all members present voting yes.

### **PUBLIC HOUSING – MR. ALFANO**

#### **ZONING OFFICE UPDATE**

Mr. Alfano stated for the month of June up to this date in July we have deposited \$5,816.00 in fees and licenses for a grand total for the year of \$152,403.00 for income in that office. Mr. Alfano stated they have been very busy with high grass and things. It is the borough’s position this year that they get one warning and after that they will be fined.

#### **PLANNING COMMISSION REPORT**

Mr. Alfano stated the Planning commission heard an appeal for a property to be converted to student housing located at 234 Union Street and they approve that and he doesn’t know if anything else went on because he was unable to attend that meeting. Mr. Alfano stated Mr. Filoni was also there to make their first formal presentation and they have sited five general areas in the downtown where there is enough space to do some reasonable development and we are going to meet with some people who had come to us in the past wanting to do developments and see if we can rekindle that interest again. At one time everyone was only interested in building student housing but he thinks now that needs to be revisited.

#### **RESOLUTION –DCED GRANT – MATCH \$210,000.00**

Mr. Alfano stated he presented a resolution to council a resolution to match the DCED grant and council will need to approve and shoulder the responsibility of a \$210,000.00 contribution to this project. That could be met with cash, in kind’s service or different methods. Mr. Alfano asked council to approve this resolution to make application to the DCNR Grant for the Trails and Greenways grant. It has to be filed by the end of this month and we do not know if we are going to get it or not but we need this formality complete before we can file the application. Mr. Alfano stated this grant would improve Rotary Park to the river to Coal Center with a board walk, earth moving, and parking. Mr. Bittner asked if this is obligating the borough for that \$210,000.00. Mr. Alfano stated if we were successfully awarded the grant then the borough would have to come up with the money. Mr. Alfano stated it’s not like you have to write a check out the minute they approve the grant we have up to three years to complete the project. Mr. Alfano stated he thinks we will hear in the fall if we were the successful applicant and construction wouldn’t begin immediately we would have to get costs for contractors and so forth but that is the amount

that the developer is attributing to that project. Mr. Difilippo stated if we don't get the grant then the borough has no responsibility. Mr. Alfano stated that is correct. Mrs. Gutosky stated if it isn't applied for by the end of this month then it's gone. Mr. Alfano stated we could apply in a different round but it just seems that since they had interest going and made a successful application for the first round for Wharf improvement which we don't know if we will get or not, so it just happened that two or three grants came up quickly that we were eligible to apply for and don't know if we would get them. Mr. Bittner asked how much have we already committed for the first grant. Mr. Alfano stated \$64,000.00 or something like that. Mr. Difilippo asked what else they would accept other than cash you mean like labor. Mr. Alfano stated yes and Mr. Difilippo stated so we're still paying for the labor. Mr. Alfano stated yes but if you hire a contractor then you would be paying prevailing rate wages because it is a government contract. Mr. Difilippo asked when the next round is coming through. Mr. Alfano stated he is guessing it will be in April. Mr. Bittner stated we are involved in a lot already; Mr. Filoni, the Cohen Law Group, updating police and street dept. equipment. He likes the idea but \$210,000.00 is a lot of money right now and he's a little apprehensive about it at this time. Mr. Alfano stated we could see how much we could develop in in-kind service and if there is any tax credits and if not then it would come from the Gambling money and Marcella Shale and that is where our bonus money is coming from now. Mr. Alfano stated there is a large amount of it that we may be able to dedicate to the sewer project because it is going to go right along there. If we could get the contractor once he is mobilized for the sewer plant to do the excavation back there it would be a substantial savings and that could be paid for from the sewer fund. Mr. Difilippo stated we can't keep taking out of the sewer fund for everything.

Motion by Alfano/Difilippo for council to approve a resolution for the DCNR Grant for Phase II and the borough's responsibility will be \$210,000.00 failed with Mr. Bittner, Mr. Difilippo, and Mrs. Gutosky voting no and Mr. Alfano voting yes.

#### **SUBDIVISOIN – ORLANDI FINAL PHASE**

Mr. Alfano asked the Solicitor to explain this. Mr. Melenzyer stated there is a problem with that in that Mr. Orlandi had gotten approval for Phase I and he hasn't recorded it and he only has 90 days to do that so he'll have to come to council have it approved again and get council to sign off on it and get it recorded before another 90 days expires. The subdivision final phase can't be done unless he completes the process for Phase I. Mr. Petro stated he told Mr. Orlandi to bring the first subdivision back in tomorrow and he will get it signed. Mr. Melenzyer stated there has to be a motion prior to council signing it. Mr. Petro stated they can just sign it and update the date on it. Mr. Melenzyer stated no it has to be brought back up and voted on again so it can be put on the plan. You can't give it to the county if it's not recorded and voted on in the minutes. From a technical stand point it better come up tonight. You can't do it the way you intended and he's not faulting Mr. Petro for it. If somebody from council is signing it then it better come up before council for a new vote and then the second one can be tabled until the first one is reapproved.

Motion by Alfano/Difilippo to reaffirm the approval the Orlandi/Yankura subdivision Phase I which was previously approved by council on March 14, 2013 contingent upon the change noted in Fayette Engineering's letter dated March 3, 2013 duly carried on a roll call vote with all members present voting yes.

#### **BUD GREBB SUMMER BASKETBALL LEAGUE**

Mr. Alfano announced that last night there was a great article in the Valley Independent paper about the girl's basketball league written by Jeremy Saloo. The girls play on Tuesday and Thursday and there is great support for them so he's looking for bigger things to come.

#### **CONDITIONAL USE – 234 UNION STREET**

Mr. Bittner stated Mr. Alfano has a conditional use under his agenda and Mr. Alfano was part of that process so he will not be voting on that this evening. Mr. Bittner stated that he will handle that this evening for Mr. Alfano. We had the hearing so what is council's pleasure as far as the conditional use is concerned.

Motion by Glab/Difilippo to approve the conditional use for Brookson LLC with the following stipulations; The application be amended from 6 students to 5 students, and they appoint a local managing agent, and that no occupancy take place until final inspection by the code enforcement

officer duly carried on a roll call vote with all members present voting yes except Mr. Alfano who abstained.

Mr. Agrafiotis stated they already have the parking that is required.

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

Mr. Bittner stated that Mr. Mariscotti is absent this evening and he will handle his agenda item. He asked Mr. Tудay to explain the flagger course.

#### **FLAGGER SAFETY COURSE**

Mr. Tудay stated that Penndot is putting on what he guesses is a certification course for flaggers. You have to have it now to flag on a state highway. They are putting it out to the boroughs to help keep their employees safe. It is about a two and half (2 1/2) hour course on July 31<sup>st</sup> from 8:30 until 11:00 at Washington High School and there is no cost for the course. Mr. Bittner stated so that would be all employees in the Street Department and Sewage Department.

Motion by Difilippo/Glab to permit the sewer department and street department employees to attend the flagger safety course on July 31<sup>st</sup> duly carried on a roll call vote with all members present voting yes.

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

Mr. Glab stated there is a sobriety checkpoint class being offered by the West Homestead Police Department that is free of charge and will be held on August 5<sup>th</sup> from 8:00 am to 5:00 pm and the Chief is requesting that we send some officers down to attend that course, so he will choose the officers or they would volunteer to go. Mr. Bittner asked if there are any expenses. Mr. Glab stated just their wages for the day and probably 1 hour overtime because they can use our vehicles for traveling.

Motion by Glab/Difilippo to permit the officers chosen by the Chief to attend the Check point Sobriety class duly carried on a roll call vote with all members present voting yes.

#### **FINANCE – MRS. GUTOSKY**

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

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

##### **ROBINSON PIPE CLEANING UPDATE**

Mr. Difilippo stated that at the last meeting he announced that Robinson pipe was going to come in and take care of some of the lines and that has been completed.

##### **HIGHPOINT SEWAGE**

Mr. Difilippo stated he hasn't got a date yet from the water company to meet and discuss the possibility of getting water and sewage to the highpoint area. He submitted five different dates to them for a meeting and is awaiting their reply.

##### **WATER PROTECTANT BARRIER – NEW PUMP STATION**

Mr. Difilippo stated that either Doug or Bill pulled out a water based weather barrier for masonry concrete and or brick and would like to do the main pump station with it. They would like to keep it updated so it stays dry. They have a quote for Enseal MP and it is a protectant and is UV resistant, water based, and breathable. So he would like to make the following motion. It would be applied by Sewer dept. employees.

Motion by Difilippo/Alfano to purchase 3 buckets of the MP Protectant at \$325.00 per bucket to do the main pump station for a total cost of \$675.00 duly carried on a roll call vote with all members present voting yes.

##### **LATE CHARGES**

Mr. Difilippo stated in the future he would like to look at the late charges for the sewer billing.

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

Nothing to report tonight

## **MAYORS REPORT – MR. DURDINES**

In Mayor's absence Mr. Bittner announced that the annual bike race will be held on August 17, 2013 and will be in conjunction with the river fest. Mr. Alfano stated there will be a kayak paddling race as well that day.

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

### **TREATMENT PLANT UPDATE**

#### **CONTRACT AWARDS**

Mr. Johnson stated they had issues the notice of intent to award subsequent to your solicitor's review and that went out last Friday and they received them Monday and he expects bonds and insurance for both the General and Electrical contractor back by tomorrow or Monday. With that being said he would like a motion authorizing Council President to sign those contracts contingent upon favorable review from the solicitor so they can expedite the process prior to the August meeting. Contract #1 is the General which is Mele & Mele & Sons, Inc. and the total amount of that contract is \$4,397,084.89. Contract #2 is the Electrical which is A1 Electric, Inc. and the total is \$402,000.00.

Motion by Gutosky/Glab to authorize Council President to sign the contract for Mele & Mele & Sons, Inc. with a total value of \$4,397,084.89 upon approval of the solicitor of their insurance coverage and bonding duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Difilippo to authorize Council President to sign the contract for A1 Electrical, Inc. in the amount of \$402,000.00 upon approval of the solicitor of their insurance coverage and bonding duly carried on a roll call vote with all members present voting yes.

#### **PEACH ALLEY REMEDIATION**

Mr. Johnson stated that project has taken a little bit longer due to the Strawberry & Second locations where they will incorporate those sanitary lines in the new main line as well. With that being said he expects to have final review on the Highway Occupancy Permit and submit that on Monday and once that is complete within ten days or so they will have it out for bid and he will notify council of the bid opening date.

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

#### **ORDINANCE #538**

Mr. Melenyzer stated you have before you tonight Ordinance #538. Robert and Patricia McFadden requested the borough vacate a portion of a 12' wide alley which is unnamed and dead ends and they own lots on both sides of the alley, lot numbers 8, 9, 10, & 11. He stated we are talking approximately 80' total along that alleyway. The alley sits between Cross Street and Pennsylvania Avenue and Main Street. No-one could have traversed the whole alley because it dead ends anyway at the end of the property owned by McFadden's. In his opinion this ordinance is ready to be adopted if council wishes. This ordinance does not in any way grant them any right of ways that may be there for utilities and such.

Motion by Glab/Alfano to adopt Ordinance #538 duly carried on a roll call vote with all members present voting yes.

#### **TODD 'S VACATING ALLEY REQUEST**

Mr. Agrafiotis stated Mr. Todd has made the request and has made the amendment to their request and that Ordinance is ready to be advertised.

Motion by Difilippo/Glab to authorize the Solicitors to advertise the Ordinance vacating the alley per Todd's request duly carried on a roll call vote with all members present voting yes.

#### **OLD BUSINESS**

No old business at this time

#### **NEW BUSINESS**

Mr. Bittner asked Mr. Tудay to speak about the gas company's work in town. Mr. Tудay stated that they are here working and addressed the residents in town stating don't worry because they

are going to fix the sidewalks all at one time so don't call down here and say your sidewalk or driveway is tore up. They will be here a couple of months to run a new service through town. Mr. Bittner stated he read in the paper through the end of October. Mr. Taday asked that the residents to bear with them.

## **RECOGNITION OF CITIZENS**

### **MR.MADDIEX**

Mr. Maddiex stated that on the Community Development Block Grant that money is being used to tear down the Olympic Building and he asked what year's grant that covers. Mr. Bittner stated this year. Mr. Maddiex asked if next year's grant was committed yet. Mr. Bittner stated no. Mr. Maddiex stated the River Walk for the thing that you voted down you could use the Redevelopment Block Grant depending on what we get and it has generally been a little over \$100,000.00 as part of that. Also the borough commits 50% of its' gaming revenue to capital improvement which would pretty much meet with what we could do in kind services half of that money and whatever the Recreation Authority puts in. So he asked Mr. Alfano to ask council to reconsider their vote, make a motion to reconsider, with this information. He doesn't know if the capital improvement money from the gaming money isn't committed to anything then this would be a project that money could be used for. Over the years recreation has been fairly down in the list of things to do along with updating the alleys and since it is supposed to help the business we'll get a good shot in the arm. If we don't get the grant then that money can be used on other things. So he asked Patsy to make a motion to reconsider. Mr. Alfano asked council what they thought about that possibility. Mr. Difilippo stated he doesn't like using money that we don't have or know for sure how much we're going to end up getting. Mr. Johnson stated he's not totally versed on this subject but does know that a lot of time you cannot use a state grant as the match. Mr. Maddiex stated he thinks you can if you have a wide latitude for matching funds. Mr. Maddiex stated then make a motion contingent upon that being allowed for that purpose. Mr. Bittner stated if we are going to look at this in the future for the next round we could look at putting in for an LSA Grant through the gaming funds because he knows the City of Monongahela got quite a few grants for their Aquatorium which is almost the same thing we are doing here. He stated to Mr. Maddiex that he will take exception to recreation in the past has been put to the side but this borough council several years ago approved 2 mils toward recreation so we're putting a good bit of money towards recreation and the recreation authority is doing a great job of administering that money also, so he thinks we have stepped forward towards recreation and the last couple of meetings we have put some money forth to go after some grants to try and secure money for these projects.

### **MARK ATKINSON**

Mr. Atkinson stated that he planned on attending a meeting a while ago to talk about the officers that were suspended. He was unable to make it due to scheduling around his kids. Mr. Bittner stated he's been there done that. Mr. Atkinson. Mr. Atkinson passed out a document for council to read. He stated that he made complaints about Officer Shultz and Officer Childs with Chief Encapera. His first complaint was made last year and this stemmed from an incident happened at his home in 2011. The officers came to his home saying that his home was abandoned. He explained that if anyone knows Bob & Colleen Huber well he is married to their daughter and we live in that in house and it has never been abandoned. He was placed in a cop car had his gun taken and his license to carry and he was never charged anything until 7 months later They revoked his gun permit and never gave him anything, no reason why, so why did this happen. The house they were actually called to was two houses up from his house, Diane Diehl called the police and stated that someone was breaking into a house, 952 Pike Run Drive, directly across from her and instead the police came to his home, at 960 Pike Run Drive. There is no way you can confuse this with saying that a house is abandoned. He has signs up saying no trespassing and anything in here isn't worth your life he has motion detectors and his kids toys are everywhere. They came into his house and stayed there for two hours harassing him then placed him in the cop car and took his gun. He went in the house to get a picture off the wall just to show them that he lived there. This happened at 2am in the morning going into Mother's Day and his wife is there. Officer Shultz wasn't the main officer that day. He came out of his house that day and his friend was waiting on him to come and play video game because he and his wife had just come back from watching a professional fight. When he came out of his house Officer Shultz was in his driveway and never knocked on the door and there are a total of nine police cars and they had the street blocked off. Centerville, SW Regional, California Borough, Public Safety and it all got swept under the rug and was never heard about. He never complained about

it either. He stated that he would like to give a little bit of background he has with these officers. This was Shultz he never got charged. He wound up getting picked up 7 months later at Kwik Fill when he was there with his wife while he was getting gas and cigarettes. Officer Shultz followed him from the Beer Distributor and when I went in the store and Officer Shultz stayed outside and when he came out Officer Shultz asked what his name was and when I told him he stated that he has a warrant for your arrest. Mr. Atkinson asked for what? Officer Shultz stated it was for aggravated assault. Mr. Atkinson stated on who? Officer Shultz stated on him because you pulled your gun out on me. Now from May 7, 2011 to December 14, 2011. Aggravated assault is a felony and I had never been placed in jail except that night because he said that he didn't think he would appear the next day for his court date. Mr. Atkinson stated the 24 hour Magistrate Kanalis, comes in and he is upset that he was woken up so he said you are going to jail. Mr. Atkinson's wife asked Officer Shultz what was up with that warrant you obviously know where we lived because you came to our house already. Officer Shultz stated we figured we'd just see you around. Mr. Atkinson stated he ended up eating that charge because he hired Pete Daley. Everyone told him don't hire him but he did. He asked council to keep in mind that he has never been in trouble and he has a master degree and holds three degrees and he graduated from California University in 2006 and the only thing I've ever had is a speeding ticket. Until the night that happened. Fast forward.. in 2012 he at that charge because he hired Pete Daley. So in 2012 he came down here to see Officer Encapera and he knows that he's not supposed to be on probation he's seen the police report and everything. They had his gun for two years and no charges ever filed in reference to the gun and they still have his gun. I've filed a motion to get my gun back. Mr. Atkinson stated his first run in with Officer Childs was in March of 2012 he and his wife were leaving Kwik Fill around 11:30 and there was a crowd of officers inside the store. When he and his wife entered the store the officers all left and went outside. He and his wife bought their cigarettes and drinks and walked out of the store. Officer Childs asked him what his name was because he looked familiar and he asked him for his ID. He never asked anybody else going in or out of the store that questions, but he singled him out because he knew who he was. Now it is July 2012 and he was coming into town to go to Subway and it was closed 11:30 pm and the police are sitting between J.Coles bar and Mariscotti Insurance. He stated that he drove past Subway saw it was closed, made a left and another left at the Dollar Store onto Second St. and he goes to Mechanic Street makes a right towards Coal Center. They followed him and pulled him over stating he didn't use his turn signal on going toward Coal Center. They waited until he got under the bridge going into Coal Center. Officer Childs gets out of the police vehicle and approaches Mr. Atkinson's vehicle and asked him his name and he told him and asked for his license and registration and he gave them to him. Then he asked Mr. Atkinson if there are any weapons or drugs or anything he could hurt himself with. Mr. Atkinson stated no there is not. Officer Childs asked to search the car and Mr. Atkinson replied no what did he do wrong and why is he being pulled over. Officer Childs stated you didn't use your turn signal when entering Mechanic Street. Mr. Atkinson said okay. Officer Shultz stated that he knows Mr. Atkinson likes to carry guns. Mr. Atkinson said yes he carried a gun and his licensed to carry a gun but he's on probation so he can't carry. Officer Childs stated oh and commented about the case and said if that would have been me that you pulled your gun on you wouldn't be here right now because he would have shot him. Mr. Atkinson stated oh so now you're harassing me. Officer Childs stated no now I'm going to harass you and he walks back to the car and writes a ticket. Mr. Atkinson looks at the ticket and it is not a ticket for not using his turn signal it is a ticket for not having his license on him. Mr. Atkinson came in the next day to speak to Chief and it got dropped and he also said if he has any problem with the officers to come and report it to him. Mr. Atkinson stated he's been around here since 1996 and never had any run ins with other officers. Mr. Atkinson stated now it is 2013 and approaching Valentine's Day and he is in his pajamas and heading to Kwik Fill and why are all his troubles happening at Kwik Fill. He see the officers sitting again between J. Coles and Mariscotti Insurance and he drives past them goes into Kwik Fill and he commented to both the security guard and the clerk here comes Shultz and Childs and they'll probably stop me. Officer Childs and Shultz pull out and follow him but do not put their lights on until we get down to Lisa Buday's office and pull him over by Jason Conaway's house. They both get out of the car and Officer Shultz comes up one side and Officer Childs comes up the other side of Mr. Atkinson's vehicle. He stated he's not going to get into it but council can read the complaint that he passed out to them earlier. Mr. Atkinson stated when he came in to make a complaint that he was told by Chief Gillen that he would have to take a polygraph test if he wanted to file a complaint against these two officers. Mr., Atkinson stated that he had his daughters there with him that day. Mr. Atkinson stated he still filed the complaint and then he went up and spoke to the DA's office investigators and asked them about the polygraph test and they asked him for what. Mr. Atkinson asked council to read his complaint.

Mr. Atkinson stated that he even told the probation officer, Jordan Sweeney, that he shouldn't have had his gun taken because he didn't do anything wrong. Call the probation officer and ask him. He told him he could get his gun back when he is off of probation. Mr. Atkinson stated he was off probation on March 19<sup>th</sup> and now that he filed a complaint about those officers in February he has to file a motion to get his gun back. Chief also told him he could get his permit back as well. Mr. Atkinson stated he spoke to Sergeant Donald Jones as well at the Washington County Sheriff's office and he told him that Jeffrey Gillen revoked his permit cause of his character and reputation, because of the night that those officers came to his house. This happened May 2011 and his permit was revoked a month later with no charges filed but because of his character and reputation. Mr. Atkinson stated since 2011 after the first run in with the police it just hasn't stopped. He even put on the paper talk to Trooper and advised. Mr. Atkinson stated he brought it to the Chief's and they swept it under the rug. He went today to talk to the Mayor about the complaints that he had filed and who opens the door no one but Officer Childs, talk about a slap in the face. They put the community in danger and you still let them come back. He's tired of it happening to him and he doesn't want it happening to college students coming into town. More students come and more revenue is generated through housing and businesses and if they stop coming you're going to lose that revenue. He has friends who played football for Cal U and they won't even come down here to visit because of the police targeting the minority groups. He stated that he has tons of paperwork a file full of paper work and the Chief has seen it and if council wants to look at it, just ask. Chief Gillen revoked his gun permit but when they sent the revocation letter it wasn't on letterhead. But when they send the renewal application it is on letterhead. Jeffrey Gillen revoked his permit for no reason and Sheriff Sam Romano looked at him stupidly when he showed him the paper. It was from Jeffrey Gillen but it had Sam Romano's signature on it and Sam Romano knew nothing about it. Jeffrey Gillen back door channeled it and had it revoked for no reason. It just so happens later on I got a DUI but the good thing is the truth came out about what put him on probation in the first place. He portrayed him to be a menace to society and the only thing on his record before all this happened was a speeding ticket and now Childs and Shultz have screwed everything up. He's been here since 1999 and he met his wife in 2006 during grad school. He's never had a problem these cops showed up at his house for no reason and the nightmare began and has been continuing ever since. Mr. Melenyzer asked if the Chief has all the documentation that Mr. Atkinson has here tonight. Mr. Melenyzer stated he would like to see everything that Mr. Atkinson brought tonight. Mr. Melenyzer stated he listened and maybe from the tape we can piecemeal together the documentation with what you said here tonight. Mr. Melenyzer stated he nor the council would tolerate police officers working for this municipality doing things that are basically improper, unfounded, and whether it is discrimination or not he doesn't know because they sure got your number and seem to be after you. Mr. Melenyzer stated he first needs to see the information and we'll get a hold of you and asked for his number. Mr. Atkinson read his number aloud and stated it is on the paper that he handed out. Mr. Melenyzer stated he will probably have someone contact him and get a statement from him. Mr. Melenyzer stated council has directed him to look into these things. Mr. Atkinson stated he just wants a thorough investigation and looked in to. Mr. Melenyzer promised it would be and if nothing happens in the next two or three weeks he told Mr. Atkinson to call his office in Charleroi.

### **MRS. ATKINSON**

Mrs. Atkinson stated that the daughter of the lady who called the police that night lives right next door to them and she watched everything out her window and stated how poorly he was treated. She stated that the police tried to say that he was holding her hostage and when he shut the door to go and get a picture to show them they lived there Officer Shultz came right back in through the door with no permission to enter. She stated they are still riding around our house slow down and look over the property. Mr. Melenyzer stated put it all in writing because he will never remember it. He asked her to write down Mr. Atkinson's statements also. She stated she will have statements from her neighbors also. Mr. Melenyzer asked when will the statements be ready for him. Mrs. Atkinson stated she will do them this weekend and he will have them the first part of next week.

Motion by Difilippo/Glab to adjourn