

Regular Meeting of California Borough Council, June 13, 2013, 6:30 pm

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

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

ABSENT: Mayor Durdines

MOMENT OF SILENCE PLEDGE OF ALLEGIANCE

ADDITIONS OR CHANGES TO AGENDA

Mr. Difilippo added sewer pipe clean out quotes

Mr. Glab deleted police vehicle from his agenda

PUBLIC COMMENT

Mr. Maddix stated when council does their plan for the borough building he hopes they follow the process and it goes before the planning commission.

MINUTES

Motion by Difilippo/Glab to approve the minutes of the Regular meeting of May 9, 2013 carried with all members present stating aye.

Motion by Difilippo/Glab to approve the minutes of the continued meeting of May 16, 2013 carried with all members present stating aye.

SECRETARY'S REPORT – MS. EVANS

Ms. Evans read the accounts payable and account balances for May 31, 2013.

Motion by Alfano/Gutosky to approve the Secretary/Treasurers report duly carried with all members present stating aye.

PRESIDENT'S REPORT – MR. BITTNER

REPORT ON EXECUTIVE SESSION

Mr. Bittner announced that the executive's session held on May 6, 2013 pertained to police department personnel

APPOINTING A CHIEF ADMINISTRATIVE OFFICER

Mr. Bittner stated we need to appoint a Chief Administrative Officer to sign off on all the pension forms so do we have anyone here to volunteer to do that. He stated Mr. Glab is smiling so he takes that as volunteering. He asked if anyone else was interested and no one responded.

Motion by Difilippo/Encapera to appoint Mr. Glab as the Chief Administrative Officer duly carried on a roll call vote with all members present voting yes.

BUILDING EXPANSION PROPOSAL

Mr. Bittner stated we got a proposal from Ken Kulak and his firm on the expansion of the borough building to do the preliminary study. Mr. Agrafiotis stated he spoke to Mr. Kulak today and they revised it twice and the second revised version seems to be in order. It is less than \$5,800.00 which is less than the quoting amount and it is also a professional service. Mr. Bittner stated his proposal states not to exceed \$5,800.00 so if it comes in under that we only pay the amount billed for. Mr. Agrafiotis stated there may be some additional services but those would be requested in writing. Mr. Bittner stated this will be paid for out of the Bond proceed account.

Motion by Glab/Difilippo to accept the agreement presented by Mr. Kulak for CM Services, Architectural Engineering Construction Management and amended by Mr. Agrafiotis at a cost not to exceed \$5,800.00 duly carried on a roll call vote with all members present voting yes.

PUBLIC HOUSING – MR. ALFANO

ZONING/CODE ENFORCEMENT UPDATE

Mr. Alfano apologized for not having a report but stated he will bring everyone up to date next month.

ZONING HEARING BOARD

Mr. Alfano stated they had a zoning hearing board meeting that needed to be continued and that will be held on July 25th so that will still keep us in the 60 day time frame from the application.

PLANNING COMMISSION

Mr. Alfano stated they held a meeting last Monday with Al Filoni from Cornelius, McLaughlin and Filoni and they are doing our Master Plan for the downtown area. They had some really insightful things and they saw a presentation on the proposed loop trail and river walk and he even went as far as to look at Rotary Park and the clock installation and he did a design and sent it over to us for a new placement for the clock. It was completely different than anybody else would have thought. It will entail a little bit more of details. It will be right in the corner of the entrance to the park and on the other side of the walking track and there would be paver brick, a backless bench and a plaque acknowledging the Rotary and whoever was responsible for providing the money for that project. He would like Jeff to look at getting a cost of the additional work. We should save a little on running the electric because it is a little closer. So once we get those costs we can proceed with that project.

RECREATION AUTHORITY- DCED GRANT

The Recreation Authority has agreed to make application to the DCED, Department of Community and Economic Development, for the Greenway Trails and Recreation Grant round that is coming up in July and the application has to be filed by July 31st. The Recreation Authority has agreed to get the environmental planning and design folks to do that grant application at a cost of \$2,403.00 to be paid for by the Recreation Authority and their funds. The grant application is going to be Phase II of the Loop Trail that will be improvements from Rotary Park down to the bridge in Coal Center making a walkway and so forth. The cost of the grant is projected at \$225,000.00 and of course council has to participate and pass a resolution that is on the back page of this. It is a 50% match grant and they did have Cynthia Gormley from the DCED here tonight to raise additional monies through tax breaks with corporations to lessen the amount that council would have to put up for the grant. He stated that this has come up quickly and quick decision was made and he is asking council, and we don't have to show up front where all the funds are coming from, but he is sure that we have some monies and if we were to be successful with both grants we could secure about \$380,000.00 this year. It is too hard to resist the chance to get that much improvement done in this town at this time. There is one more grant they may be looking at in September which is an infrastructure grant and that is a lot bigger money and a smaller match that would allow us to do Phase III of the Loop Trail project.

Motion by Alfano/Mariscotti agree to participate in this project and pass a resolution to apply for this DCED Grant to be filed by July 31st of this year duly carried on a roll call vote with all members present voting yes.

CALIFORNIA AREA SCHOOL DISTRICT – ADDITIONAL INSURED

Motion by Alfano/Encapera to add California Area School District as an additional insured for the Summer Basketball program from June 25th to August 1st duly carried on a roll call vote with all members present voting yes.

PROPOSALS FOR COST OF RECONSTRUCTION OF 72 SECOND ST.

Motion by Alfano/Mariscotti to hire two contractors at a cost of \$100.00 each for proposals for the cost of rebuilding the Ruffolo property located at 72 Second St. according to the demolition ordinance duly carried on a roll call vote with all members present voting yes.

RIVERFEST – AUGUST 17TH & 18TH

Mr. Alfano stated the River fest is scheduled for August 17th & 18th and it will take place down at the parking lot at the public library area. After last year the ambulance service has decided they do not want us to use their facility for power and all that kind of stuff so the recreation authority has already searched for quotes to have a new electrical drop put in and the Recreation

Authority will absorb the cost of \$4,200.00 to have that done. He stated that Jeff Taday was involved and West Penn approved the location which is off to the right of the caboose. There will be enough power for vendors to plug in and hold the event down there.

BANK PARKING IN LIBRARY LOT FOR AUGUST 17TH & 18TH

Motion by Alfano/Gutosky that California Borough will have a temporary ban on parking in that lot area for August 17th and 18th duly carried on a roll call vote with all members present voting yes.

Under discussion Mr. Glab asked what arrangements are being made for the individuals who have leased parking spots in that area for those two days. Mr. Bittner stated last year we let them park up on Second St. Mr. Alfano stated this isn't the first time we have displaced them. Mr. Glab stated okay good then we're not re-inventing the wheel.

Motion by Alfano/Gutosky to approve the Recreation Authority installing a new electric service in the public library area for the benefit of the community at no cost to the borough duly carried with all members present stating aye.

DONATION FOR RIVERFEST FIREWORKS

Mr. Alfano requested that borough council participate as they did last year donating \$1,000.00 to the recreation authority to help cover the cost for fireworks. He stated that if council donates a \$1,000.00 the recreation authority will donate a \$1,000.00 and we can have fireworks arranged for that Saturday night.

Motion by Alfano/Difilippo to donate \$1,000.00 out of the gaming revenue fund to the Recreation Authority to help cover the cost of fireworks at the River fest duly carried on a roll call vote with all members present voting yes.

MECHANIC STREET PLAYGROUND

Mr. Alfano stated just for informational purposes that the Recreation Authority will be replacing some equipment that was damaged down at Mechanic Street this year and they have added Girls Basketball to the summer league. Two evenings the girls will play. There are two big name coaches coming in to coach the girls. Hopefully it will really take off.

PUBLIC WORKS – MR. MARISCOTTI STREET DEPT. UPDATE

Mr. Mariscotti stated there are normal daily activities at the street department.

ELGIN CROSSWIND SWEEPER TRUCK

Mr. Mariscotti stated he would like to rescind a motion and then make another motion. What happened is after that meeting we got information from PNC bank and they gave us a better rate.

Motion by Mariscotti/Alfano to rescind the motion made last month to purchase the Elgin Sweeper at a rate of 3.72% duly carried with all members present stating aye.

Motion by Mariscotti/Alfano to purchase an Elgin Sweeper from A & H Equipment for \$177,517.00 with financing through PNC with an interest rate of 2.65% with five annual payments of \$38,412.95 and the first payment beginning in 2014 duly carried on a roll call vote with all members present voting yes.

Mr. Agrafiotis asked if that was through their municipal program. Mr. Mariscotti stated yes and just as a point of interest we saved \$6,200.00.

ADVERTISE FOR BIDS FOR CASINGS

Mr. Mariscotti stated he would like to place an ad in the paper advertising for bids to sell casing s which we had left over from the bore and he thinks there are 13 pieces in all. Mr. Agrafiotis stated and you are advertising because you think the fair market value of these items is over \$1,000.00. Mr. Taday stated yes.

Motion by Mariscotti/Difilippo to place an ad in the paper for bids to sell the left over casings duly carried on a roll call vote with all members present voting yes.

PUBLIC SAFETY – MR. GLAB & MR. ENCAPERA

Nothing to report at this time

FINANCE – MRS.GUTOSKY

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

PUBLIC HEALTH – MR. DIFILIPPO

Mr. Difilippo stated that he contacted Pennsylvania American Water and he doesn't want to let the Highpoint Sewer Project go down because we have talked about putting water up there also. So he would like to set up a meeting just to discuss it with council. We are not making any decisions as to whether we are doing it or not but simply just to discuss it overall. Council selected 3 dates and Phil will take them back to Pennsylvania American Water and then confirm one date. They agreed on June 20th and 27th.

CLEANING OUT SEWER LINES THROUGH TOWN

Mr. Difilippo stated Doug discussed with him that there are some lines throughout town and he got two bids; Robinson Pipe for \$140.00 per hours and State Pipe Services for \$180.00 per hour. There are approximately 6 lines that need cleaned out. Those bids are for one man and their vac. Truck.

Motion by Difilippo to hire Robinson Pipe Cleaning to come in a clean the sewer lines at a cost not to exceed \$4,000.00 and at \$140.00 per hour not to exceed 3 days duly carried on a roll call vote with all members present voting yes.

PERSONNEL – MR. ENCAPERA & MR. GLAB

Mr. Glab stated they have two items

SHANNON KRATZER- PROBATION

Mr. Glab stated that Mr. Kratzer's probation will expire on July 8th .

Motion by Glab/Alfano to hire Shannon Kratzer as a full time employee effective July 8, 2013 with all the rights and privileges that go along with that status duly carried on a roll call vote with all members present voting yes.

ALYSSA BROWN- PROBATION

Mr. Glab stated that effective July 10th Ms. Browns probation expires and he spoke to Chief and her performance has been very good.

Motion by Glab/Mariscotti to terminate the probation of Alyssa Brown effective July 10, 2013 letting her continue as a part time officer in the borough duly carried with all members present stating aye.

MAYOR'S REPORT – MR. DURDINES

Mayor was absent

ENGINEER'S REPORT – RUSS MECHLING

SEWER TREATMENT PLANT

Mr. Mechling announced that the bids for the Sewage Treatment Plant were opened on the 4th and they came in below Fayette's estimate. The two successful bidders were Contract #1, Construction – Mele & Mele & Sons from Rankin and Contract #2 for the Electrical construction was A1 Electric. Mr. Mechling stated both were low bidders and Fayette Engineering checked them out and contacted the references they listed and other engineers that they've worked for and they were highly recommended by everyone which is in itself unusual that there were no complaints. The bids were turned over the borough' solicitor for review and approval and once that occurs Fayette Engineering is recommending that council awards the contracts to the low bidders being Contract #1 to Mele & Mele in the amount of \$4,397,084.89 and Contract #2 to A1 Electric, Inc. for \$402,000.00.

Motion by Alfano/Difilippo to process a letter of intent to award Contract #1 - General Construction of the proposed Waste Water Treatment Facility to Mele & Mele & Sons, Inc. in the amount of \$4,397,084.89 subject to final solicitor approval duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Mariscotti to process a letter of intent to award Contract #2 – Electrical construction to A1 Electric, Inc. in the amount of \$402,000.00 subject to final solicitor approval duly carried on a roll call vote with all members present voting yes.

PAYMENT REQUEST – KRAFT POWER CORP.

Mr. Mechling stated that Fayette Engineering has reviewed and approved Kraft power to be paid their first installment which is 20% of the contract amount for submittal which is \$21,534.00 and he recommends approval of their invoice.

Motion to authorize payment to Kraft Power Corporation in the amount of \$21,534.00 duly carried on a roll call vote with all members present voting yes.

PEACH ALLEY REMEDIATION PROJECT

Mr. Mechling stated that they have pretty well completed the design and they are going to apply for the Highway Occupancy Permit tomorrow or Monday and they would like permission from council to advertise this project once they get the Highway Occupancy permits issued.

Motion by Difilippo/Gutosky to authorize Fayette Engineering to advertise for bids for the Peach Alley remediation project once the Highway Occupancy permit has been obtained duly carried on a roll call vote with all members present voting yes.

PENNVEST FINAL SUBMITTAL

Mr. Mechling stated that all documents have been submitted to DEP and Pennvest on May 17, 2013 so we should be hearing from them.

DEMOLITION PROJECT – 401 THIRD STREET

Mr. Mechling stated they have talked to Lou Pergola an authorized environmental inspector to go in and make the inspection which has to be done before anything can be torn down. They will check for asbestos and if found it has to be removed prior to demolition work beginning. His price for that was not to exceed \$6,000.00. Fayette Engineering has prepared an agreement for doing this work which includes them laying out the work and how it is to be done and also for providing for inspections. Mr. Mechling stated they will insist that the contractor remove the walls on each floor one at a time and it be done by hand so the chance of the building collapsing will be minimal. They will see that he leaves the floors in place to provide lateral support for the building until he gets down to that floor and the same with the next floor until the building is ground level. He stated that they project a design schedule of 90 days with a demolition schedule to begin in October 2013 subsequent to council's approval the project will be billed in accordance with the 2013 rate schedule. Fayette's cost will include the demolition plan and all required permit submissions for the structure. The possible permit fees as well as hazardous material abatement is excluded from this proposal. The cost associated with the Phase I asbestos survey and assessment should not be greater than \$6,000.00 which is included in Fayette's proposal which is not to exceed \$25,872.00 plus the environmental assessment. He handed Mr. Bittner their proposal. Mr. Alfano suggested that the specs for demolition specify that they must compact the soil. Mr. Mechling stated the building should not be used as fill material but some still try to do that. Mr. Agrafiotis asked Mr. Mechling if he needed approval on these things tonight. Mr. Agrafiotis asked if the demolition proposal submitted by Fayette could wait until next month. Mr. Mechling stated that the environmental assessment could take several weeks and removing asbestos so he'd rather not. Mr. Bittner stated he would like to give some information to council that he doesn't have readily available. Council decided to continue the meeting until next Thursday, June 20th.

SOLICITOR'S REPORT – MR. AGRAFIOTIS

RESOLUTION 13-002

Mr. Agrafiotis stated we were asked by the pension auditor to pass this it is a requirement of Act 44 of 2009 to establish procedures for the procurement of professional services for our municipal

pension system which includes the police pension plan and also the non- uniform employee pension plan. He stated he can read it or not it is up to council.

Motion by Glab/Difilippo to adopt Resolution 13-002 duly carried on a roll call vote with all members present voting yes.

VACATING STREET ORDINANCE – MCFADDIN

Mr. Agrafiotis stated he has proposed Ordinance #538 which would vacate the portion of the 12' wide un-named alley that is appx. 80' long and with both sides on both sides of McFaddin's property between Pennsylvania Avenue and Cross Street. We can't approve it tonight we have to authorize to advertise twice and then it will be good for the next regular meeting for adoption.

Motion by Gutosky/Mariscotti to authorize the Solicitor to advertise the Ordinance vacating the street on Mr. McFaddin's property duly carried on a roll call vote with all members present voting yes.

Mr. Agrafiotis asked Mr. Petro if they were authorized yet to move on the other vacating street ordinance for Mr. Todd. Mr. Petro stated he believes so the motion was made to have the solicitor draft an ordinance pending the one condition needed by Mr. Todd. Mr. Agrafiotis asked if that has been resolved and Mr. Petro stated yes.

OLD BUSINESS

No old business at this time

NEW BUSINESS

No new business at this time

RECOGNITION OF CITIZENS

MR. MADDIEX

Mr. Maddiex congratulated everyone on their primary victories. He announced that the Planning Commission regular meeting is July 3rd and the public is welcome to attend.

GARNET WOOTEN

Mrs. Wooten of Costello&Wooten Property Management informed council that they have just taken over some properties for an individual in town who has a lot of rentals and they will try to get him up to code and try to get him to get his properties where they should be. We don't rent them unless they are up to code. She stated so she is basically informing council that they are in town and will be working with the code enforcement office.

JANET MCGINITY

Mrs. McGinity asked council when the citizens will see a reduction in the sewer bills. She stated at least four years ago when this was enacted and members of councils, some not here and some still here, stated that there would be a reduction in the sewer bills for the resident of the municipality after the final bids were accepted for the sewer treatment plant. She would like to know if someone could tell her tonight when that might occur. She stated she is not talking a \$1.00 or .50 cents she's talking \$10.00 per month to the residents in this town. She stated we were told that there would be a reduction and she wants to know when that will happen. Mr. Alfano asked her if she just heard them approve the 5.7 million dollars for a new sewage treatment plant and you're asking us to lower your sewer bills and he told her to think about that. She stated she thinks a lot about it and there has been a lot of money spent tonight from council and she thinks that council needs to think about giving back to the resident sometimes instead of keep on spending. She told Mr. Alfano that that was stated that the once the final bids were awarded that sewer bills would be reduced. Mr. Alfano asked if that was stated by anyone sitting here tonight. She stated no but there were council members that did state it and it is something that council should think about. There was a lot of money spent here tonight; \$177,000.00 for a street sweeper and they should think about the senior citizens in this town who would benefit more from lowering the sewer bills. She did a rough estimate in her head about legal fees in the municipality and she's not saying that it wasn't necessary but there should be some scrutinizing on how much legal fees we spend and that it again up to council. We spent appx. \$2,500.00 this month and if we spend that much or more then we are paying out a lot for legal fees. Mr.

Agrafiotis stated there is a lot going on right now. She stated Mr. Encapera stated we've saved some money since the last solicitor.

DENNIS POPOJAS

Mr. Popojas stated that he is here tonight representing Mr. Jason Cole as you may know Mr. Cole is a resident of California and a business owner. Recently that he has told me that he, his business, and several other people around the area have been experiencing harassing troublesome conduct at the hands of the local police department. He and many others have submitted various complaints on your standard form to the borough and he has been recently informed that they have either been lost or misplaced but in any event they were unresponded to. Tonight he is here to gladly say that Mr. Cole held on to copies of those complaints and was instructed to come back and reproduce those for you tonight. He has brought them here and these are the complaints from the residents, other businesses and Mr. Cole. There are reproduced copies here for each council member. Mr. Popojas stated he advised Mr. Cole since he has retained separate council for any claims that he may have arising from this not to make a statement tonight and that is why he is here. He asked council to review the documents and to proceed accordingly.

LINDA TESLOVICH

Ms. Teslovich of Sigz Bistro stated she is here tonight on two things tonight. She stated that we have a cat issue in this town. She's called before about the stray cats and she talked to zoning numerous times. The first time that she called animal control they said they weren't paid enough to come take care of it and when she called again they told her it is her responsibility to pay \$25.00 per cat. She understands that if they were her cats and she let them go but they are strays. They are living in the alleys and abandoned buildings and were being fed by the people that have the garage behind her but that has since stopped due to code enforcement informing them. They are mangy and rabid and she went out last night to shoo a couple away from the front of her business and the one acted like it was going to attack her. She stated her main reason for coming is she is going to request minutes from the meetings once they approved because she knows two officers were suspended for a short period of time. Her question to council and the Chief of Police is why her business made channel 11 news in pertaining to this. Her building was plastered on the news once again. She called 911 for a small altercation on the exterior of the property which there are police reports on and the three children were brought up here and she's not had any follow up from the Chief on that. At the time her daughter made the 911 call she was told there was a large disturbance on Green Street of approximately 20+ people which is in the 911 tape and it would take a while for the officers to respond to her and was she in that dire need of them. For her to be plastered all over the news after her struggles and she's not sure why and who is in charge of the news releases. How it was written or spoken to lead channel 11 to her business for two officers being suspended. She's had no follow up about those officers not being able to come to her aid. No one from council, the chief, or the officer that came that night has spoken to her since that night. She stopped in one day and Officer Brown basically wanted to stand in the middle of the foyer and take her report then we went in back she spoke to her for about 5 minutes and she said Rick had everything locked up and they would be contacting her and she has yet to hear from anybody and understand why she was in the midst of the news coverage. She will be filing a formal complaint form and right to know forms on everyone and everything involved and wanted to bring that to council's attention.

JONATHON MCGEE

Mr. McGee stated that he was here and spoke about the issue with the two police officers and it was brought to his attention that council never received the petition that he had circulated and he has brought a copy of the petition, all 80 pages with 1,000 signature and many comments. He is here to tell council what had happened to him personally. He stated he is sure a few of the council members were in college at some time and had the thought of graduating college and being able to approach the job market just like he does. His life has been redirected by this issue. His cousin and he were walking down the street and minding their own business headed to McMo's which is bucket night. They were not drunk since the night had just started whenever someone had approached his cousin and there was an altercation. Five minutes later the police showed up after the altercations and the cop shows up and accuses his cousin punched a girl in the face. He approached the officer and stated he wasn't meaning any disrespect but that his cousin did not punch the girl in the face. The officer looked at him and said shut the F#%# up. He stated again to the officer but he never punched a girl in the face and meant no disrespect. The officer then proceeded to walk over to him grabbed him by his neck and began to attack him. He had witnesses and pictures of it. He stated he is only telling council this to make them

aware. He has graduated this semester and will be starting grad school in the fall and is getting himself back together from this mess. The officer then put him in the back of the car and he started screaming to the officer that his ribs are really hurting and there is something wrong and he needed to go the hospital. They were too busy talking to the girl who they say was punched. That girl did in fact call him the next day and told him that Officer Childs told her, and she would be willing to testify, that if she did not go the hospital then she was going to jail. She was not discharged or nothing. They were in the backseat of the police car and the ambulance arrived. He said to the ambulance woman and asked her if she was going to let this happened and if she believed in God and she stated that she stated no that she worshipped the devil. Now they are in the police station. They also arrested three of his friends because they were there and took pictures. But he and his cousin were the only two in the cells and locked up. He stated that Officer Costello was there and he stated he was the only polite on during this situation. This happened a year ago and he thinks about it every day. They were there till 4:00 am in the morning in the cell and his cousin had to pee in the cell because they didn't allow them to use the bathroom. His friend's mother, one of the ones who took pictures and was arrested, was told to get off the property or she would also be detained. They got arraigned at 4 am by a Burgettstown judge. If you guys were awaken at 4am in the morning you would be grumpy and tired. This judge was and they charged them with 7 charges and among them aggravated assault on an officer, resisting arrest, assaulting an officer, public drunk. He managed without an attorney, because he didn't have money to hire a private attorney, to waive his preliminary and go to common pleas court and without an attorney he managed to get the charges dropped. All he wants to do is to let council read the petition and comments and seriously take a look at these police officers. He is not saying that all officers are bad because he has talked to a lot of the officers and some actually agree with him that he was treated unfairly. The situation should not be overlooked and he thanked council for their time.

Mr. Bittner continued the meeting until June 20, 2013 at 6:30 pm