

## **Regular Meeting of California Borough Council, May 9, 2019**

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

**ATTENDANCE:** Mr. Alfano, Mr. Difilippo, Mr. Encapera, Mr. Glab, Mrs. Gutosky, Mr. Mariscotti, Mayor Stetar, and Junior councilmember Mr. Kotchman

**ABSENCE:** Mr. Bittner

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

### **ADDITIONS/CHANGES TO THE AGENDA**

Mr. Alfano added looking at current burning ordinance

President Alfano stated the agenda stands as printed and amended.

### **PUBLIC COMMENTS**

No public comments

### **AUDITORS PRESENTED THE DRAFT RESULTS OF THE 2018 AUDIT**

Steven Cypher and Dan Starceski reviewed a power point and handed out the draft audit to council. He reviewed the results with council and thanked the administration for working with them. He added that the audit is only in draft from since PMRS hasn't mailed any year end reports out yet and California is number 21 to receive them and there are over 1,000. The auditors suggested that the borough move from a modified cash accounting to accrual accounting, which means that council recognizes expenses and income when it occurs rather than recognizing once the bills are paid and income is in the bank which helps give the borough a better picture of the long term rather than cash in and out the door.

### **MINUTES**

Motion by Difilippo/Mariscotti to approve the minutes of the regular meeting of April 15, 2019 carried with all members present stating aye.

### **TREASURER'S REPORT**

Ms. Evans read the Accounts payable and the Account balances as of April 30, 2019. Mr. Glab asked Ms. Evans why Mr. Matsko's fire escrow is still on the report. Ms. Evans stated because the check has not cleared the bank yet.

### **BID OPENINGS FOR 2019 PAVING PROJECT**

Ms. Evans opened and read the bids for paving of Fourth Street : Morgan Excavating-\$62,039.40 and ElGrande Industries \$77,883.00. Ms. Evans handed the bids to Mr. Agrafiotis to review and he will report later on in the meeting. Mr. Difilippo asked Mr. Taday if the water company is digging it up in four years now rather than a year. Mr. Taday stated that is the last he heard but the gas company is coming in. He guesses they talked to their people so he's working on them to get it done prior to our paving starting. He stated he's supposed to find out Monday exactly when they are coming. Mr. Difilippo asked if it is this year or next year. Mr. Taday stated it is this year. They have some steel pipe they didn't know they had in there. He stated first of all he and Steve talked they weren't coming in here then they found out they were. He stated he talked to them yesterday and should find out the first of next week what is going on and they'll come down and meet with us and show us where and what exactly they are doing. Mr. Agrafiotis stated so are we going to award this bid tonight with contingencies. Mr. Difilippo stated yes because we have to find out when everyone else is coming in to dig it up. Ms. Evans stated Ms. Whitlach has to review them also. Mr. Difilippo asked if we have bid out the curbs yet. Ms. Evans stated no we've not done that yet. Mr. Difilippo stated he thought we were bidding the curbs out. Ms. Evans stated the motions were made to bid out Fourth St. paving, the curbs, and the handicap ramps. Mr. Difilippo stated if the curbs have to be done first should we even award this bid to pave. Mr. Agrafiotis stated he's sure the contractor is backed up so we may still have time. Mr. Difilippo asked so when are we going to get these bids out for the curbs. Mr. Eby stated he needs information from the gas company which ones they are doing or we could just do a linear curb price and go from there. Mr. Difilippo stated okay but that didn't answer his question when is going out for bid. Mr. Alfano stated we can move to do that tonight. Ms. Evans

stated the motions for this and the ramps were made the last meeting. Mr. Difilippo stated so what are we waiting on. Ms. Evans stated she doesn't have the information to put it out for bid yet. Mr. Eby stated we can get it out for Monday if that works. Mr. Difilippo stated yes please because we're putting the cart before the horse. Mr. Taday stated he will set a meeting up between the gas company and council to discuss their work in town.

#### **PRESIDENTS REPORT – MR. ALFANO REQUEST FROM WEST EASTON BOROUGH**

Mr. Alfano stated they are a small municipality in the Eastern part of the State and their biggest concern is basically nuisance right to know requests. They would like council to consider a resolution requesting the right to know law be changed to address these repetitive nuisance requests. He stated that smaller boroughs just do not have the time and resources to research and handle all of these requests. He asked council to consider supporting this cause.

#### **BURNING ORDINANCE**

Mr. Alfano stated we casually talked about the burning ordinance and it's more than 20 years old and he thinks we need to look at it and update it. Mr. Agrafiotis stated he will forward it to all of council tomorrow. Mr. Alfano stated people are burning all times of the day and night and we really don't have a whole lot of guidelines there for us to fall back on. Mr. Mariscotti asked if there was a state ordinance or anything. Mr. Alfano stated the DEP at one point had a burning ban and something about the basins he's not sure.

#### **BOROUGH ADMINISTRATOR'S REPORT – DR. MARTIN UPDATE**

##### **SPRING CLEAN UP AND ELECTRONIC RECYCLING**

Dr. Martin wanted to remind everyone that we are having daily garbage truck runs come through town and pick up anything that was placed at the curb for this two week clean up period. We also have a recyclables dumpster down at the library. A letter did go out to all accounts concerning this clean up and electronic recycling. He stated we have students moving out followed by one week of landlords cleaning up after them. He stated basically during this two week period you can set anything out to the curb and a truck will come by daily and pick it up.

##### **REIMBURSE OWNER OF 140 SECOND STREET**

Dr. Martin stated you will find in your packets a request from the property owner at 140 Second Street and he's requesting a reimbursement of \$900.00 for sewage back up issue. Dr. Martin stated he sent council an email about this today and his paperwork is in your packets a bill for him having to camera his line and a plumber and the problem was in fact the boroughs. Dr. Martin stated he did authorize some overtime in the department yesterday to get it fixed. Mr. Alfano stated he spoke briefly with the plumber down there and told him it should tie into Second Street. Mr. Eby stated there is no sewer line on Second St. Mr. Alfano stated all those homes go to the alley? Mr. Mariscotti stated it must be a wildcat line.

Motion by Difilippo/Gutosky to pay Owen Jones a reimbursement of \$900.00 for his expenses from our sewer problem duly carried on a roll call vote with all members present voting yes.

Mr. Difilippo asked Dr. Martin if there are steps our sewage department takes before they advise homeowners to get their own plumber or should we be running a camera up to their tap and then tell them it is not our problem you need to get a plumber. Dr. Martin stated from his personal perspective we're the public servants if there is a back up the borough should examine their lines first and assure that there is no problem on the borough side and if there is not then the homeowner should be told to camera his system at his expense and fix the problem. He stated that is his personal opinion and that is not always the way things are handled in the sewage department. Mr. Alfano stated we could write a policy and then yes. Dr. Martin stated he can certainly put out a memo tomorrow directing on council's behalf that this is the procedure to be followed henceforth. Mr. Difilippo stated it sounds good to him. Mr. Alfano stated it is as if the homeowner is assumed guilty and has to prove their innocent you know. Dr. Martin stated what he often hears is that is some kind of wildcat line and they are not sure where it goes and they don't know how to camera it. We don't know where it connects so we can't get a camera in it. Ms. Evans asked how would they have found this particular one if no one knew where it went. Mr. Eby stated they know where it went you just run a snake down or dye test it and that dye is

going to come out somewhere, it runs downhill so we knew where it was. Mr. Alfano stated that job down on Union Street they didn't connect anyone's sewer lines. Mr. Alfano stated when they put that storm line in they didn't hook those sewer lines back up they cut them off and went down the street. Mr. Eby stated we ran a sanitary line there and hooked everyone back up. Mr. Alfano stated yea now but the contractor that did that job never connected the sewer lines back up. Because 131 and 121 were never tapped back into the sanitary, they cut them off and left them there and they washed out on the street and went underneath and you wonder where all the sink holes came from. Mr. Eby said prior to this project we camera'd the line and every wye was supposed to go back in then Ronnie came out and said don't hook that one up cause it's a storm line so cap it up and that's what happened to 140 Second St. he told them not to hook it back up. Ms. Evans stated that was part of the contract and we were paid for them to hook up so many wyes. Mr. Eby stated yes and Ronnie told them not to hook that one up. Mr. Glab stated he does not think it is appropriate for our guys to recommend a specific plumber or hand them a business card of one. Mr. Difilippo stated they can hand them a list with several plumbers on it but not make recommendations to homeowners. Dr. Martin stated he will include this information in tomorrow's memo.

#### **PUBLIC HOUSING – MR. GLAB**

Mr. Glab asked Mr. Petro to give an update on the Zoning Hearing Board. Mr. Petro stated they met to render a decision on Mr. McMonagle's appeal and they voted 2 to 1 to reject Mr. McMonagle's appeal.

#### **PUBLIC WORKS – MR MARISCOTTI**

Mr. Mariscotti stated there are ongoing operations in the street department. They have been out cutting grass and did some roads and they are starting to fix some potholes and sinkholes.

#### **RECEIVED NEW STREET DEPT. F550**

Mr. Mariscotti stated we took delivery of our new vehicle last Friday.

#### **SELL STREET DEPT. VEHICLE**

Motion by Mariscotti/Encapera to put the 2008 F550 out for bid to sell it, as is, council has the right to reject all bids and comes with snow plow/salt spreader in the local newspaper duly carried on a roll call vote with all members present voting yes.

Mr. Tудay stated it's going to need tires, inspection, and there is some front end issues so he wouldn't go with a minimum bid. He's thinking we'd get anything from \$5,000.00 to \$10,000.00 for it. Mr. Glab stated a few months ago we had some discussions about converting that. Mr. Tудay stated yes he was until he looked at the front end and it's going to take some money to get it fixed. There was some discussion with using Municibid to advertise the sale of the truck but nobody knew how exactly that works or what it costs so Mr. Tудay was looking into that for future vehicles sales.

#### **PUBLIC SAFETY – MR. BITTNER**

#### **FINANCE – MRS. GUTOSKY**

Motion by Gutosky/Difilippo to pay the monthly bills as presented with the exception of the Mid Mon Valley Transit Authority invoice in the amount of \$4,725.00 duly carried with all members present voting yes except Mr. Encapera and Mr. Mariscotti voting no.

Dr. Martin stated if you are holding it or not paying he suggests sending a detailed letters as to why we are doing that.

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

Nothing to report

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

Nothing to report

#### **JUNIOR COUNCILMEMBER MR. KOTCHMAN**

Mr. Kotchman stated the Marching band had their annual trip to Gatlinburg Tennessee and they marched in a parade down Pigeon Forge. The day following their return the Spanish and German classes had a trip to tour the Cathedral of Learning up at Pitt and they ate at a German restaurant

there. The baseball team won the section title and the teachers all wore black yesterday in memory of the victims of the shooting. Yesterday was the interviews for the school district foundation scholarships for May Day. Yesterday evening vo-tech had their recognition and all of the seniors from our school were in attendance to receive their awards. He stated today the Rotary club had interviews for the Saldon scholarship and we have prom tomorrow at the Summit Inn in Uniontown.

#### **MAYOR'S REPORT – DR. FRANK STETAR**

##### **POLICE TRAINING – 2.5 HOURS DOMESTIC VIOLENCE TRAINING**

Mayor Stetar stated we have to get our police officers in compliance with Domestic Violence Training and it is through the DA's office. The training is no cost to the borough however we do have to pay the 2.5 hours of training time for officers.

Motion by Gutosky/Mariscotti to authorize 2.5 hours of training for our officers to get their Domestic Violence training duly carried on a roll call vote with all members present voting yes.

##### **PURCHASE LAPTOP BATTERIES**

Mayor Stetar stated we need batteries for the Toughbook computers is dead and those are the computers that are in the police cars so there is paperwork in your packets for the batteries and they are \$124.95 apiece and that does not include shipping. After discussion it was decided that they should order 3 to have a back-up. Chief Sheehan stated they are not batteries they are inverters.

Motion by Difilippo/Gutosky to purchase three (3) tough book inverters at a cost of \$124.95 plus shipping duly carried on a roll call vote with all members present voting yes.

#### **ENGINEER'S REPORT – STEVE EBY**

Mr. Eby stated he's not sure if Shirley already has the paperwork but the cavity pump was bad for the sludge up at the sewer plant so he found that it was actually cheaper to buy a new one. He approved it to get it ordered and shipped and it is \$6,000.00. Ms. Evans stated she's not received any paperwork here on it. He stated he's just making council aware that he approved it.

Mr. Eby stated he has some payment requests to present to council and he placed them in front of all of council's seats.

#### **HUNTER'S EXCAVATING – FINAL PAYMENT APPLICATION**

Mr. Eby stated we have a payment estimate from Hunter's Excavating which is their final request in the amount of 16,464.17. He stated all the curbs are done and the concrete pads are poured and the landscaping on Fourth St. are all done. Mr. Difilippo asked if there is any retainage or anything left. Mr. Eby stated no this is the final payment so nothing is withheld. Mr. Alfano asked about the parking lot grading because it's not finished yet.

Ms. Evans stated these were not on the agenda and probably should be brought up and voted on under new business. Mr. Agrafiotis stated that is probably the best way to handle it.

Mr. Difilippo asked about the problem that the Sheet's reported on the sewage project on Highland Drive. Mr. Eby stated that would be all retainage if you look on the other sheet from Folino's payment application the 5<sup>th</sup> line down shows he's holding \$56,000.00 for restoration for this project. Mr. Difilippo asked when they are going to address this. Mr. Eby stated they've been back out and addressed a bunch of it and they will be back to do the road and they had some wash out issues and we had some rip rap at the sewer plant so they are going to take a machine back up there and dress that up a little bit. Mr. Eby stated we have to do address the water issue, he roots across the street, and the drainage issues up there. Ms. Evans stated she received a complaint that they broke a water meter cap near the entrance to McCrory Circle.

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

##### **RENTAL ORDINANCE #563**

Mr. Agrafiotis stated this rental ordinance combines the prior three rental ordinances into one ordinance. So it consolidates those and revises and updates those and if council has no questions it is ready for adoption. Mr. Dentino asked if the public should have had the right to read it. Mr.

Agrafiotis stated he called Mr. Dentino yesterday about this. Mr. Dentino stated yes but the public gets no input because it's up for adoption tonight so there is no room for public discussion. Mr. Agrafiotis stated he has a copy for Mr. Dentino if he'd like to take it with him. Mr. Agrafiotis stated the only substantial change is you can no longer use a Post office box for a managing agents address it must contain a physical street address.

Motion by Glab/Difilippo to adopt the Rental Ordinance #563 duly carried with all members present voting yes.

Mr. Agrafiotis asked Chip if there was any updates on that parking ordinance he asked him to look at to see if the new fines on the tickets needs to be in there. Dr. Martin stated that is for the reserved spaces and their monthly rate. Mr. Agrafiotis stated so this is resolved now. Dr. Martin stated he believes council does not want to pursue that at this time.

Mr. Agrafiotis stated now that the renal ordinance is done at the next work session he will have a draft of the new proposed sewage ordinance.

Mr. Agrafiotis requested that council goes into a brief executive session following this meeting.

### **OLD BUSINESS**

Mr. Tудay asked if Tom found out about the police car we were donating to that school. Ms. Evans stated she thought Mr. Bittner was going to approach the vo-tech about it first. Mr. Sheehan stated yes it is Connellsville Vo-Tech and Jon was going to talk to them about it.

Mr. Difilippo stated a while back the Hollywood Theatre property came up. Dr. Martin stated yes they are required to hold a public hearing which will be held in this chambers on May 16<sup>th</sup>. Then they will move forward in donating the land to the borough so we can move forward with the community grant project.

Mr. Difilippo asked if the mess up at Szallay Park has been remedied yet. Mr. Tудay stated yes yesterday it was cleaned up, seeded, and they rock hounded it and he went and looked at it and it looks real nice. Mr. Tудay stated he needs to get a hold of the water company because they did something up there and made some ruts so they'll have to fix that.

### **NEW BUSINESS**

#### **AWARD THE 2019 PAVING PROJECT**

Mr. Agrafiotis stated we received two bids for the 2019 paving project and the lower of the two is Morgan Excavating at \$62,039.40 and their bid bond is in order so he's assuming council will award it contingent upon Ms. Whitlach's review.

Motion by Difilippo/Mariscotti to award Morgan Excavating the 2019 Paving project on Fourth Street contingent upon review by Ms. Whitlach, the results of the Gas company's schedule, and the curb and ramps are completed duly carried on a roll call vote with all members present voting yes.

Ms. Evans stated the completion date is Oct 25<sup>th</sup> and asked if council thinks we can have everything completed by then. Mr. Glab asked if it says finished or substantially completed by that date. Ms. Evans stated it says finished.

#### **HUNTER'S FINAL PAYMENT APPLICATION**

Motion by Mariscotti/Glab to pay Hunter's final payment application in the amount of \$16,464.17 contingent on the total completion of the job as confirmed by Mr. Eby duly carried on a roll call vote with all members present voting yes.

#### **FOLINO'S PAYMENT APPLICATION**

Mr. Difilippo asked if there is any Highland Drive costs on that. Mr. Eby stated nope. Mr. Eby stated Highland Drive is all done except the punch list. Mr. Glab asked about the Sheets water problem. Mr. Eby stated its fine he just doesn't want us to pull out and then there be an issue since the pressure is low after a while. He stated so we're just going to dig the line up and make sure it's not kinked. Mr. Mariscotti asked if there was a rock hound issue up there. Mr. Eby stated their machine had broke down and they had come back a few days later after they got it

repaired and put some top soil in. Mr. Mariscotti asked if that was all taken care of. Mr. Eby stated yes. Ms. Evans asked when that was and Mr. Eby stated a few days ago while he was on vacation. Ms. Evans stated that Mr. Sheets was just here Friday and it has not been rock hounded or fixed. Mr. Eby stated well we're going to go up through there anyway. Ms. Evans asked about the repairing or replacing the water cap. Mr. Eby stated we'll call the water company and get it replaced. Mr. Glab stated Mr. Harris also stated the pit would probably need cleaned out also. Mr. Eby stated he went up tonight and didn't even see it so it's buried.

Motion by Mariscotti/Gutosky to pay A Folino Construction, Inc. payment application in the amount of \$60,825.03 duly carried on a roll call vote with all members present voting yes.

#### **CHANGE ORDER FOR FOLINO PROJECT**

Mr. Eby stated he has change orders #2 and #3 for Folino that were approved last month. He stated #2 is to add the money from the PA Small Water Grant into the project and #3 was for the ADA ramps on Second St. He didn't have them written up last month so he brought them this month for Patsy to sign.

#### **MULTI METALS INVOICE**

Mr. Eby stated last month you voted to pay their invoice in the amount of \$8,940.00 contingent upon completion of the job. They still have two hand rails to place but they are requesting that council pays at least half their invoice now and the balance when the two rails are installed. He stated he'd like a motion to pay them \$4,975.00.

Motion by Difilippo/Mariscotti to rescind the motion to Pay Multi Metals invoice in the amount of \$8940.00 duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Gutosky to pay Multi metal \$4975.00 toward their invoice and the balance when the job is finished duly carried on a roll call vote with all members present voting yes.

#### **NAVAJO PIPE BURSTING PAYMENT REQUEST**

Mr. Eby stated is needs council to make a motion to have the Redevelopment Authority pay Navajo Pipe Bursting for their invoice in the amount of \$15,650.00. He stated that project was originally contracted at \$24,693.00. Mr. Eby stated they repaired a bad section of the road. He stated he didn't give council a copy of this one because it came in late. It's a county one anyway.

Motion by Glab/Mariscotti to authorize the Redevelopment Authority to pay Navajo Pipe Bursting \$15,650.00 duly carried on a roll call vote with all members present voting yes except Mr. Difilippo who voted no.

#### **RECOGNITION OF CITIZENS**

##### **KRISTINE KINDLE**

Mrs. Kindle thanked the council for having Spring Cleanup and Electronic Recycling in conjunction with University graduation.

##### **BACKYARD CELEBRATION**

She stated that a wonderful backyard celebration was held last week at the University and it was so many California residents there than she's ever seen attended for an outdoor event. She stated there was a good representation from borough residents.

##### **COMMENCEMENT**

She stated tomorrow evening and Saturday morning they will be holding commencement so there will be a lot of traffic and thanked everyone in advance for their indulgence and patience during this time. She invited everyone to attend commencement if they are free. She passed out some pamphlets that wrapped up the past year of events at the University.

##### **VITO DENTINO**

Mr. Dentino stated he'd like to suggest that council stop burning in the R1, R2 , and the commercial zone. He stated some people collect their leaves and shrubs and light it on fire and the smell lingers overnight. He stated it should only be permitted in the agricultural area. He asked if during cleanup they will take paint and batteries. Mr. Tудay stated paint they will take if you open the can up and let it dry up.

**JIM MADDIEX**

Mr. Maddiex asked if anyone sent a letter of interest for the planning commission. Council stated no we have not received any. He said he remembers council making a motion about burning. Mr. Maddiex asked if the Redevelopment Authority meeting is here tomorrow at 10:00. Dr. Martin stated yes. Mr. Maddiex passed out a paper of a copy of a motion from years ago that had a motion to make a temporary second handicap stall for election day.

Council adjourned into executive session and will not be back out.