

## **Regular Meeting of California Borough Council, November 12, 2015, 6:30 pm**

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

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

**ABSENCE:** Mayor Weld

### **PLEDGE OF ALLEGIANCE**

Mr. Alfano welcomed the Cal U students to the meeting

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

Solicitor added K9 Memorandum of Understanding and Borough Administrator Resolution 15-006, and the agreement between the School District and the Borough for police services.

Mr. Bittner added a bill for the K9 Unit, sent two officers to training, proposal from Sudsy's car wash for washing of the police cars, and Boarding of our K9 officer at Fancy paws.

Mrs. Gutosky added the Solicitor's invoice.

Mr. Mariscotti added extending the grasscutter's time.

Engineer's added paving project and blower update.

Motion by Encapera/Bittner to adopt the agenda as printed and amended carried with all members present stating aye.

### **PUBLIC COMMENT**

Mr. Maddiex stated that at the committee meeting council indicated they would be using the CDBG money for the lighting on Wood Street and if you do that try and get the lamp posts that will hold parking meters instead of what we have along Third Street. Mr. Mariscotti stated the poles have to match so we can't do that. Mr. Alfano stated those cast iron poles are cost prohibitive. Mr. Maddiex stated the bases are a little off on the existing ones. Mr. Alfano stated Jeff is going to work on those and Mr. Glab stated he took some off and sent them back.

### **MINUTES**

Motion by Encapera/Gutosky to approve the minutes of the regular meeting of October 8, 2015 carried with all members present stating aye except Mr. Bittner who abstained since he was not in attendance at that meeting.

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

Ms. Evans read the accounts payable and account balances as of October 30, 2015.

Motion by Bittner/Difilippo to accept the Secretary/Treasurer's report carried with all members present stating aye.

### **PRESIDENTS'S REPORT – MR. ALFANO**

#### **REPORT ON EXECUTIVE SESSION**

Mr. Alfano stated the executive session on October 20<sup>th</sup> we discussed personnel issues and we had an executive session prior to this evening's meeting and we discussed our Municipal Bldg. contractor and our architect and we have an expected completion date of Dec. 18<sup>th</sup>.

#### **2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING (CDBG)**

Mr. Alfano stated we will have roughly about \$96,400.00 that we will receive in 2016 for improvements and if it is council's wishes we will send a letter to Mr. McGowan at the Washington County Redevelopment Authority with our proposed project for the upcoming year to replace the lighting along Wood Street from Third Street to Temperance Way.

Motion by Encapera/Mariscotti to approve the Lighting project as our 2016 CDBG project duly carried on a roll call vote with all members present voting yes.

#### **PNC LEASE – TIGER MOWER**

Mr. Alfano stated we executed the PNC Lease with PNC for the tractor we purchased with the boom mower and that was approved at a prior meeting.

#### **LETTER FROM CR LAWRENCE – DAMAGED WINDOW**

Mr. Alfano stated we received a letter from CR Lawrence who is the manufacturer of the bullet proof glass that is installed in the new police station and there was some cracking in that glass and they are pretty expensive and he believes it is council's wishes to not accept that piece of glass but to have it replaced. They have asked us to accept that glass and stated the integrity of that glass is not diminished but for the amount of money we are putting into that addition borough council would like to have that glass replaced.

#### **EP & D INVOICE**

Mr. Alfano stated we have a EP & D Invoice for the work they did through August in the amount of \$871.46. Mr. Alfano stated we have all the permits signed that we need so he expects they will get that project bid out by the end of the year or hopefully early in 2016.

Motion by Difilippo/Bittner to pay EP & D's invoice in the amount of \$871.46 duly carried on a roll call vote with all members present voting yes.

#### **AMEND CABLE FRANCHISE AGREEMENT**

Mr. Alfano stated we have information from Armstrong Cable that there was an FCC ruling that will allow them to deduct any complimentary services that Municipalities receive from the Franchise monies that we get from them. We found that there were several entities that were getting free services on the Borough's dime so we have identified from the list who would receive free services and who would not. He stated we will have to get the Solicitor to amend the Cable franchise agreement by resolution.

Motion by Mariscotti/Difilippo to authorize the Solicitor to amend the Cable Franchise agreement by indicating which entities would receive complimentary services duly carried on a roll call vote with all members present voting yes.

#### **MACKIN ENGINEERING INVOICE**

Mr. Alfano stated we have an invoice from Mackin Engineering in the amount of \$7,213.97 for our comprehensive plan.

Motion by Mariscotti/Gutosky to pay Mackin Engineering's invoice in the amount of \$7,213.97 duly carried on a roll call vote with all members present voting yes.

#### **CM SERVICES INVOICE #15-096**

Mr. Alfano stated we have an invoice from CM Services in the amount of \$1,134.76 for his costs over the past month or so for the municipal building renovation.

Motion by Mariscotti/Difilippo to pay CM Services invoice #15-096 in the amount of \$1,134.76 duly carried on a roll call vote with all members present voting yes.

#### **SULKOSKY'S REQUEST**

Mr. Alfano stated we have a request for the prior borough manager that we pay him his reimbursement for his pension contributions in the amount of \$1,464.45 according to his terms of employment.

Motion by Difilippo/Mariscotti to pay Mr. Sulkosky \$1,464.45 for his contribution to the pension fund duly carried on a roll call vote with all members present voting yes except Mr. Encapera who voted no.

#### **CYPHER & CYPHER AUDITING PROPOSAL**

Mr. Alfano stated we have a quote from Cypher and Cypher for 2015, 2016 and 2017 audits. Mr. Alfano stated it is a little lengthy but the cost for 2015 audit 7,125.00, for 2016 audit \$7,250.00,

and for 2017 audit \$7420.00 plus any out of pocket expenses for reproductions, postage etc. but not to exceed \$500.00.

Motion by Bittner/Mariscotti to approve Cypher & Cypher's proposal for the 2015, 2016, and 2017 audits duly carried on a roll call vote with all members present voting yes.

### **SOLVENCY FEE**

Mr. Alfano stated we have correspondence from the Department of Labor and Industry asking us to pay a solvency fee in the amount of \$2,098. 49 and this makes us eligible to request relief from employees if certain requirements are met. Ms. Evans stated we've only paid this once in the past and that was in 2008.

Motion by Mariscotti/Difilippo to pay the Solvency fee for 2016 duly carried on a roll call vote with all members present voting yes.

### **TBI PAYMENT REQUEST**

Mr. Alfano stated we have a payment request form TBI. It is request #6 in the amount of \$248,751.00 which leaves us a balance of roughly \$95,919.00 plus retainage and this project is coming to an end.

Motion by Gutosky/Glab to pay TBI's payment request #6 in the amount of \$248,751.00 duly carried on a roll call vote with all members present voting yes.

### **HOLLY DAY**

Mr. Alfano announced that the Recreation Authority in conjunction with SAI is having a meet Santa/Light up the Town celebration on Sunday, December 6, 2015 at 4:00 pm at the newly renovated Natali Center. Santa will be there and there will be refreshments and a Christmas movie for the kids and their families.

Mr. Bittner suggested putting an ad in the papers on this. The solicitor stated we can address this under new business.

### **BOROUGH ADMINISTRATOR – DR. MARTIN**

#### **BULLETPROOF VEST GRANT**

Dr. Martin stated that the borough has been awarded a USDJ 50% matching grant for the purpose of purchasing replacement bulletproof vests for the members of the police department. The Chief and I worked on finalizing this. He stated what he needs is a motion from council to accept the grant and to authorize payment in the amount of \$4,596.12 for the borough's portion of these vests.

Motion by Encapera/Mariscotti to accept the USDJ 50% match grant and to authorize the borough's portion of the replacement vest at a cost of \$4,596.12 to be paid from the Gaming Revenue Capital Reserve account duly carried on a roll call vote with all members present voting yes.

#### **SEWER BILLING LATE FEES**

Dr. Martin stated this issue involves the 10% late fee that has been accumulating on certain properties in the borough. Council has been provided with a list of those properties where huge indebtedness has run up because of this 10% recurring fee. He is asking council for the properties listed to eliminate the 10% fee and replace it with the standard \$5.00 fee that we currently using. This is something that was set up by a prior council and has been rolling right along until the present time so he is asking council to make the adjustment to the listed properties. Mr. Alfano asked if the ordinance needs amended. Ms. Evans stated no that has already been done but the 10% fees were never authorized to be removed.

Motion by Encapera/Difilippo to remove the 10% late fee and add the \$5.00 late fee as recommended by the auditors duly carried on a roll call vote with all members present voting yes.

## **PUBLIC HOUSING – MR. GLAB**

### **ZONING/CODE ENFORCMENT UPDATE**

Mr. Glab asked Mr. Petro if he has anything. Mr. Petro stated no. Mr. Glab stated they've just been doing the normal process of catching up then and following up on some complaints.

### **STORMWATER SEMINAR FOR ZONIG OFFICE**

Mr. Glab stated last Thursday there was a storm water seminar that was attended by the zoning staff at Penn State Fayette and there is a \$25.00 per person fee so the total cost is \$75.00.

Motion by Glab/Difilippo to pay storm water seminar fee of \$75.00 and authorize them to attend the seminar duly carried on a roll call vote with all members present voting yes.

## **PUBLIC WORKS – MR. MARISCOTTI**

### **STREET DEPT. UPDATE**

Mr. Mariscotti stated Jeff is on vacation this week and he just found out so he doesn't have an update.

### **EXTEND JIM MITCHELL'S HOURS**

Motion by Mariscotti/Difilippo to extend Jim Mitchell's work time until December 10, 2015 as needed and weather permitting duly carried on a roll call vote with all members present voting yes.

Mr. Fowkes stated we previously extended his time but felt that another extension is needed. Ms. Evans stated there was no motion making him done at the end of October. Mr. Mariscotti stated it is in the contract. Mr. Fowkes stated then Jeff extended him two weeks past that. Mr. Fowkes stated he asked them and they agreed to it. Mr. Alfano stated he didn't ask us. Mr. Alfano stated he doesn't have a problem with it but that is council's decision. Mr. Fowkes stated that is between you and Jeff.

### **AMEND PAVING CONTRACT WITH VICTOR PAVING**

Mr. Mariscotti stated we need to amend the paving contract with Victor paving showing where we took off paving Green Street. Mr. Leer stated he has a balancing change order that deducts the paving off and adds the extra milings on. Mr. Bittner stated we still owe them more money too. Mr. Leer stated you are saving roughly \$30,000.00 over the value of the contract. Mr. Bittner stated the entire amount of paving went over x amount of dollars and we cut Green Street out so it is still over but not as much as it could be. Mr. Leer stated the net change to the contract shows a deduction of \$30,000.00. Mr. Mariscotti stated that is incorrect it should be an overage of \$47,000.00 and that is with Green Street still on there but then we removed Green Street and stick with McCrory and Quarry lanes which added \$30,000.00 to that contract. So it is a net increase of \$17,000.00. Dr. Martin stated he and the Street Commissioner went out and looked at those roads and try to determine if we could not do one of these roads this year. Mr. Alfano asked if we have a change order from them. Mr. Leer stated not from them but Steve prepared one but I'm not fully up to speed on this and he's showing a \$30,000.00 deduction. Mr. Agrafiotis asked if Victor Paving should be preparing the change order. Ms. Evans asked what is the contract price on there. Mr. Leer stated \$123,408.00. Ms. Evans stated well the original contract amount is \$102,005.00, so they've upped the contract amount also. Mr. Leer stated he will work with Steve to get the correct amounts in the payment request and the change order and maybe council could consider authorizing the execution of the change order at an amount not to exceed the amount you are expecting it to be, was that \$30,000.00. Mr. Difilippo asked if Victor should be doing on this. Ms. Evans stated this is through Liquid fuels so I'm sure there are forms and protocol you must follow in this case. Mr. Mariscotti stated it should be Stephanie Whitlach then who would have to make the corrections. Mr. Leer stated he will call Stephanie tomorrow. Mr. Difilippo asked Dr. Martin if he could call her instead of Vaughan. Dr. Martin stated he would be happy to call her. Mr. Alfano asked if they want to make a motion to tentatively approve not to exceed \$140,000.00. Mr. Leer stated with Steve's quantities since he was out in the field measuring and verifying them the contractor is due \$123,408.68. Mr. Bittner asked if there was a final inspection on that. Mr. Mariscotti stated he does not know and he hasn't talked to Jeff in a couple of days and he wasn't aware that he was away. Mr. Bittner stated Quarry Lane is a little rough in some places and Jeff agreed with that and then we had Steve as an inspector on that so he should have picked that up. Mr. Leer stated Steve did get with Jeff last

Friday talked to him and they both agreed the issue at Third Street there was nothing in the contract so it wasn't his fault. Then it is his understanding that he and Jeff were up on Quarry Lane and there were no issues. Mr. Difilippo stated Jeff said there were issues. Mr. Bittner stated it looks pretty rough there by Morich's . He stated it is the same issue we have at the borough building right against the curb the pavement is very loose and there is a couple of other rough areas by the catch basins down there. He's not an engineer or a paver but when I walk down through there it doesn't look good. It doesn't look finishes. Mr. Bittner asked if Stephanie has to come out and approve that before we pay also. Ms. Evans stated a Notice of Completion along with the invoice and tonnage slips has to be submitted by the contractor and then Stephanie is notified to come out and review it and give a final okay. Ms. Evans stated he submitted the invoice but there was no notice of final completion which was in his contract documents. Dr. Martin stated and she won't come out until that is received. Mr. Leer stated we can table this. Mr. Mariscotti stated he will withdraw his motion.

Mr. Difilippo asked when they are going to put the lines back on Third & Wood Street because people don't know if they are in the right lane or not and it's a mess. Mr. Mariscotti stated like he said he didn't even know Jeff was on vacation and he hasn't talked to him in a couple of days. Mr. Bittner stated down Wood Street that is the contractor's responsibility to put those lines back in where that turning lane is and that should be on Penndot's contract to do. Mr. Bittner asked Rich to contact Penndot tomorrow and see when that is going to happen. Mr. Difilippo asked him to see when our street department is going to take care of Third Street and lines. Mr. Mariscotti asked if anyone has any idea when Jeff is coming back. Mr. Fowkes stated you're his boss but from what he understands it will be next Wednesday or Thursday. He's gone from Wednesday to Wednesday. Dr. Martin stated he found out about 2:00 pm today that he had taken a week and he was told by somebody down there that he would be back next Wednesday. Mr. Mariscotti stated he found out at the beginning of the meeting. Mr. Difilippo stated it seems like this just goes on. He asked if we have a borough calendar that has people's vacations on it. Ms. Evans stated yes we do. Mr. Difilippo asked if Jeff's vacation is on there. Ms. Evans stated no it is not. She stated the police department keeps theirs in the police department and the street department keeps theirs in the street department and the sewer department keeps theirs in the sewer department and everything has gone by the wayside keeping it in the admin office just since construction. Mr. Bittner stated the Borough administrator will address this tomorrow. Mr. Encapera asked Dr. Martin if asob system would work for us like we use in the school. Dr. Martin stated he doesn't know if we could justify the expense so let him work on his paperwork system first and see how that goes and if we need to transition to that we can keep that open as an option if need be.

#### **PUBLIC SAFETY –MR. BITTNER**

##### **GARROW TRAINING BILL**

Mr. Bittner stated we have the final bill from Garrow Training for the training of our K9 in the amount of \$3,352.00 and he moves that we pay this bill.

Motion by Bittner/Glab to pay the final Garrow Training bill in the amount of \$3,352.00 duly carried on a roll call vote with all members present voting yes.

##### **REIMBURSE OFFICE GLAB FOR VEST**

Motion by Bittner/Difilippo to reimburse Office Glab for his purchase of the bullet proof vest in the amount of \$991.49 duly carried on a roll call vote with all members present voting yes except Mr. Glab who abstained.

##### **ANDERSON HANDICAP PARKING REQUEST**

Mr. Bittner stated she has all her paperwork in and we have a copy of the handicap placard. Mr. Glab asked if this is a general handicap and not a reserved stall. Mr. Alfano stated yes anyone with a handicap placard can park there.

Motion by Bittner/Difilippo to grant Mrs. Anderson a handicap parking stall at 657 High Street carried with all members present stating aye.

Ms. Evans stated the lady who lives across the street from the Borough building asked when will replace her handicap stall and where will it be since our borough parking is where her stall used to be. Mr. Bittner stated it can be at the end meter right above the alley. She has been parking there. Mr. Bittner stated he will bring this up under new business.

## **JOINT POLICE AGREEMENT WITH CAL U**

Mr. Agrafiotis stated as he understands it we gave you the revised draft and Keith met with you all last month and he asked Chief is he is still trying to talk to some other University towns. Chief Encapera stated most of the towns he spoke with do not have a current agreement with their University's. Mr. Agrafiotis asked council if they want him to send the agreement to the University or do you want him to send council what Rick sent them so you guys can look at it and then send it to them. Mr. Alfano stated council should approve or disapprove what we are sending them first. Mr. Agrafiotis stated he will send them the actual agreement and that we are still awaiting feedback from other municipalities.

## **PARKING OFFICER REQUEST**

Mr. Bittner stated our parking officer asked if we could place some signs on the hill for left wheel to curb but while riding around up there he thinks we need to do a comprehensive study on those streets on parking before we make any moves up there. He thinks we should have the Chief, the Parking officer, and possibly the Road Commissioner to take a look at that because it is a total mess up there. The right wheel to curb is a State law but we've never enforced it in those particular areas. Mr. Alfano stated we may need to restrict parking to one side of the street on a lot of those streets. Mr. Bittner stated High Street, Park Street and Hickory Street are already one sided parking. Orchard Street has a couple places across from a fraternity house that should be eliminated and parking should be allowed on one side of the street up there. He thinks we should do a study up there.

## **SFST CLASSES**

Mr. Bittner stated these classes came up really fast and we sent 4 officers to a Standardized Field Sobriety Test and the only thing we have to do is compensate with straight time for continuing education. Mr. Alfano asked if they've already attended these classes. Mr. Bittner stated yes they have and that was November 3<sup>rd</sup>, 4<sup>th</sup>, & 5<sup>th</sup>.

Motion by Bittner/Gutosky to send 4 officers, Haines, Kurilko, Glab, and McCarthy to a SFST class and compensate them with straight time that exceeds their work day duly carried on a roll call vote with all members present voting yes except Mr. Glab who abstained.

## **K9 UNIT BILL**

Mr. Bittner stated we have a K9 unit bill from Bubnash for tires and a new battery. The battery was \$119.00 and four tires were \$516.00 and misc. for a total bill of \$649.00.

Motion by Bittner/Difilippo to pay Bubnash \$649.00 for their invoice for K9 battery and tires duly carried on a roll call vote with all members present voting yes.

## **OFFICER'S TRAINING**

Mr. Bittner stated we sent two officers to training that is provided by the District Attorney's office and it is a no choice but to go and the officers who attended were Kurilko and Glab and the only cost will be compensation for education at straight time.

Motion by Bittner/Difilippo to authorize Kurilko and Glab to attend training offered by the District Attorney's office with compensation to be straight time duly carried on a roll call vote with all members present voting yes except Mr. Glab who abstained.

## **SUDSY'S CAR WASH**

Mr. Bittner stated we asked and got a proposal from Sudsy's car wash for washing of the police vehicles. The proposal was 240 tokens for the automatic car wash, they will be numbered and kept track of through the police department, and that would be at \$10.00 a piece for a total of \$2,400.00. He stated through the winter this should help us keep the cars cleaner.

Motion by Bittner/Mariscotti to accept Sudsy's Car Wash proposal and pay \$2,400.00 for 240 tokens at \$10.00 each duly carried on a roll call vote except Mrs. Gutosky who abstained.

Mr. Agrafiotis asked if this is the only car wash in town. Mr. Alfano stated yes it is so there is no competitive bidding.

Mr. Bittner stated as far as car repairs are concerned the Taurus had to put a water pump in it for \$1,200.00. The extended warranty that we purchased with the vehicle took care of that so we didn't have to pay anything for the repair.

#### **K9 OFFICER – KENNEL**

Mr. Bittner stated he doesn't know how we handle this but he K9 Handler is going on vacation and will be gone for 7 days and he would like us to pay for the kenneling of the K9 officer at Fancy Paws at a cost \$71.00 per day. Mr. Alfano asked Mrs. Evans if there is any money left in the K9 fund.

Chief Encapera stated this isn't any different than we've done with our other dogs.

Motion by Bittner/Mariscotti to pay Fancy Paws for kenneling of the K9 Officer at a cost of \$71.00 while his handler goes on vacation to be paid out of the K9 fund duly carried on a roll call vote with all members present voting yes.

#### **FINANCE – MRS. GUTOSKY**

##### **MONTHLY 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.

##### **SOLICITOR'S BILLS**

Motion by Gutosky/Difilippo to pay the Solicitor's bill in the amount of \$3,482.50 duly carried on a roll call vote with all members present voting yes.

Mrs. Gutosky stated \$1,947.00 was admin., \$1,265.00 for Sewer dept., and \$251.00 from Zoning dept.

#### **2016 TENTATIVE BUDGETS**

Motion by Gutosky/Encapera to adopt the tentative 2016 General fund budget which is balanced at \$2,224,759.26 duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Difilippo to adopt the tentative 2016 Sewer fund budget with income at \$1,933,375.00 and expenses at \$1,412,887.34 duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Glab to adopt the tentative 2016 Highway Aid fund budget which is balanced at \$185,754.82 duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Mariscotti to advertise the 2016 tentative General fund, Sewer fund, and Highway Aid fund budgets for the 10 day review period duly carried on a roll call vote with all members present voting yes.

#### **2016 TAX ORDINANCE**

Motion by Gutosky/Difilippo to advertise the 2016 Tax ordinance which remains at 35 mils for adoption at December's meeting duly carried on a roll call vote with all members present voting yes.

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

##### **HOT WATER WAIVER – PAWC**

Mr. Difilippo asked if we've done water shut offs for this period. Ms. Evans stated yes we shut a couple off a couple of days ago. Mr. Difilippo stated Shirley received this email from the Water Company stating that due to the upcoming Thanksgiving holiday the winter moratorium all requests for disconnection of service must be entered within 10 calendar days prior to Thanksgiving and that means she would have had to do it late yesterday when she got the email. Therefore we can't shut anyone off until after Dec. 1<sup>st</sup> and then this waiver comes into play. What we need to do is and what I would like from the zoning office is if we have any we're going to shut off if the zoning office knows if they have hot water heat or not. Ms. Evans stated

that would only pertain to rental properties. Mr. Petro stated if we get a list of the properties to be shut off, the rental properties, then we can go into the inspection reports and check those files. Mr. Difilippo stated Shirley can do that. Ms. Evans stated she can and Lori can also. Mr. Difilippo stated then you have to send this waiver over absolving the water company in case they have hot water heat and then we shut off water and they don't have heat and then channel 4 comes out so this may curtail any water shut offs for now.

#### **FEES FOR POSTING PROPERTIES**

Mr. Difilippo stated he's looking into upping that fee because we have to take into consideration our guys walking around and we need a breakdown on that plus how much it costs from the water company to shut things off. He will try to have something ready for the next meeting. Ms. Evans stated the water charges \$30.00 off and \$30.00 on but we charge that off to the customer so you can only use the time that the borough actually uses to post. Mr. Glab stated it should be their gross time and not just their wages.

#### **AUTHORIZE SOLICITOR TO FILE PAPERWORK**

Mr. Difilippo stated we need to authorize the Solicitor to file the paperwork against the delinquent tap in payments. Mr. Agrafiotis stated he thinks it would be better and cheaper to have Mike, the Code Enforcement Officer, do it. John Petro can help him because he's done them before. If you need me to go with him to the hearing you can authorize me to do that but he doesn't necessarily think they will need him to go. Mr. Difilippo stated he would like to authorize the Code Enforcement officer to cite all the delinquent tap in fees, Shirley has the list, and if we need to take them to the magistrate's then that is what we have to do since we've been messing around with them for 2 or 3 years. Ms. Evans stated you can also cite those property owners that have no water and have been liened to urge them to pay off their accounts also and we've done this in the past. Mr. Difilippo stated let's get these tap in fees done first. He asked if he needs to make a motion to have them do this. Mr. Agrafiotis stated no just direct them to do it. Mr. Difilippo stated to Mr. Petro that he can go ahead and proceed with this. Mr. Difilippo stated if you have to use the solicitor it can be at your discretion.

Mr. Difilippo stated he hasn't received any bills from the engineer so they won't be paid this month.

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

Mr. Encapera stated under the Mayor's report we have the SRO with the California Area School District. We've had the SRO contract for the past 16 years. Mr. Agrafiotis stated Mr. Melenyzer looked at that the last meeting and that was approved. Ms. Evans stated the SRO contract has been approved and was sent to the School District for their signature. Mr. Agrafiotis asked if they changed the health insurance part. Ms. Evans stated she made that change plus mileage for attendance at hearings but she's not heard back from the School district. She stated that Mr. Jackson has not signed it or sent it back. Dr. Martin stated he will follow up with Mr. Jackson on that.

He stated also under the Mayor's report we have the Co Op police agreement. Mr. Agrafiotis stated he wasn't here so is there anything that needs changed or are they happy with the drafts we've provided. Mr. Glab asked Chief Encapera if there was anything of substance in that other municipality's agreement that he saw. Chief Encapera stated no we are all on the same boat. Mr. Alfano stated it is going to happen whether we want it or not. Mr. Glab stated when he read the Act it talks about the State System owned property and that is a system owned property. So that doesn't hold a lot of latitude. Mr. Encapera stated what he received from St. Vincent's was they didn't even have their own police department and they used the municipal police to go on campus to enforce their laws. Mr. Glab stated that Act does not give them cart blanche coverage of the borough. Chief Encapera stated he doesn't believe they want Vulcan Village. Mr. Alfano stated we want them to have Vulcan Village. Mr. Agrafiotis stated either side can get out of this agreement in 30 days so if it passes and it's not working out we can get out of it.

#### **ENGINEER'S REPORT –MR .LEER**

Mr. Leer stated the resolution modifying the coverage area, he asked Tom if we needed a resolution for the amendment. Mr. Agrafiotis asked him if he sent him the agreement. Mr. Leer stated no he was given it from Steve of Center West and Center West has it and they are executing it. Mr. Agrafiotis stated so this is an inter-municipal agreement is that correct. Mr. Leer stated yes. Mr. Agrafiotis stated the original inter-municipal agreement did that come with



an ordinance. Mr. Leer stated not that he is aware of. Mr. Leer stated he has a copy of the original inter-municipal agreement made the 10<sup>th</sup> day of February, 2011. Mr. Agrafiotis stated typically inter-municipal agreements both parties pass an ordinance agreeing to enter into it. Mr. Leer stated the authority cannot pass an ordinance. Mr. Leer stated we can table it and then I will send it to you. Mr. Leer stated all we did was the stuff that is highlighted in Orange is the land that was added to the inter-municipal agreement. Mr. Leer stated the main thing is we were trying to get his pushed through so Mr. Fowler can start building and no one is objecting to that. Mr. Leer stated we can drop back and formalize this in a more appropriate fashion.

## **BLOWERS**

Mr. Leer stated he found out late today that the manufacturer's representative has been out and addressed the oscillation of the blower motors and he needs to engage him in a discussion to understand what changes they made. It is my understanding they just changed some of the PLC, the logic in the controller but he wants to make sure he doesn't have to come back to council in a couple of months with more blower problems and that this isn't a band aid fix but a permanent fix. Mr. Baker explained the process and discussions between cappy, himself, and xylem. Mr. Alfano stated it is merely a programming issue and not a hardware issue. Mr. Baker stated that is correct. Mr. Alfano asked if these are things that should have been dialed in from the start. Mr. Leer stated yes. He stated it is issues that the borough paid for during the startup services from each of the perspective manufacturers. We have no control over who they sent for start-up and the guy that came out on behalf of Xylem to start the PLC process up was from Atlanta, Georgia and worked directly as a sub consultant to Xylem themselves and not the local representative. So he doesn't know what exactly happened there because he's heard different stories from each side, Xylem and the Sales rep. but we're getting it figured out and hopefully within the next month we can put future blower discussions to bed for 10 or 15 years. Mr. Bittner asked if the oil leaks are taking care of on those blower motors. Mr. Baker stated yes they are. Mr. Leer stated he is still looking into that because the blowers are positive misplacement and you should be able in theory to turn them down to 1 hertz and all the way up to 50 or 55 hertz and have no problem. What the manufacturer's rep is telling us is they have to run at a certain minimum speed because it needs a certain amount of air flow inside the blower to cool the motor and that speed happens to be 33 hertz. Mr. Bittner asked if there is a solution to that. Mr. Leer stated he is talking to other blower manufacturers because in some essences he thinks we are getting sold a bill of good here that isn't what we want or what was expected. The key seems to be the size of the blowers and once you get up above that 100 horsepower there does appear to be some validity to what the manufacturer is saying it is called a transitional fee and it's all about enough air going through the blower and some of it can be diverted to cool the motor.

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

### **CAL-TECH PARTNERS STORMWATER ESCROW**

Mr. Agrafiotis stated from his understanding based on Vaughan's inspection and things he asked them to do there was a swell that needed cut and they did that but there was to be silt removed from the bottom of the basin and that has not been done. So we can either not take any action on this or we can conditionally approve it and when they get it done we can give them back their bond. Mr. Leer stated there is a representative here from Cal Tech Partners and he spoke with him on Tuesday morning and they have committed to getting a contractor in there to dredge the basin back to its originally designed depths so he would be comfortable with council conditionally recommending release of the escrow upon verification of the dredging. The representative from Cal Tech stated that would be acceptable and they have actually started the process and for the record they are required to dredge that pond every 3 years and they dredged it in 2013 and technically they are not required to dredge it until 2016 however being good citizens we are going to dredge it before we turn it over to the borough. If the weather holds off this should be done by next week.

Motion by Mariscotti/Bittner to approve the release of their bond money upon completion of them dredging the pond duly carried on a roll call vote with all members present voting yes.

Mrs. Gutosky asked if we will be responsible for dredging it from now on. Mr. Agrafiotis stated we will be responsible forever. Mr. Leer stated their facility was designed was built and approved and permitted under the old ordinance where the borough did accept dedication of the facilities after five years of operations and subsequently we've discussed this last Thursday and

the new ordinance does have the provisions in it that in the future any ponds that are constructed will remain operationally and maintenance the responsibility of the developer in perpetuity and the escrow will be established in perpetuity. Mr. Alfano stated that is not the case with this one. Mr. Leer stated not as we sit here tonight but when they go through the expansion of their facility it will revert back to them because they will have to revert back to the new ordinance. Mr. Alfano asked if we would have to adopt that ordinance. Mr. Leer stated it is already done.

### **BOROUGH ADMINISTRATOR RESOLUTION**

Mr. Agrafiotis stated at the September 23<sup>rd</sup> continued meeting of council you guys passed a resolution creating the position of borough administrator. Mr. Agrafiotis stated we have Ordinance 512 in place already which is the borough manager ordinance which created that position and lists that positions requirements and responsibilities and we desire to create the position of borough administrator which is a part time position with salary and employment terms be set by motion of council and will serve at the pleasure of council and that basically creates the position of borough administrator which serves at the will of council and having all the same duties and responsibilities and powers as provided by the borough manager's ordinance as set forth and if there are any additional duties from time to time they can be designated to Dr. Martin by borough council. This is already passed.

### **SCHOOL DISTRICT MOU**

Mr. Agrafiotis stated he emailed John Smart the few changes that Keith wanted so if you want to conditionally approve entering into that Memorandum of Understanding with the California Area School District that would be appropriate at this time.

Motion by Bittner/Difilippo to enter into the Memorandum of Understanding with the California Area School District duly carried on a roll call vote with all members present voting yes.

### **K9 POLICY**

Mr. Agrafiotis stated we had passed, and he doesn't think Shirley was here that night and if he provided a copy, at the July meeting Borough Council had passed the new K9 Policies and procedures that we had discussed and reworked and there is still the outstanding matter of the MOU and he did email Mr. Bedillion who is on vacation. He stated that shouldn't be too contentious so if you want to authorize him to conditionally enter into this memorandum of understanding he will do that when Mr. Bedillion comes back. Mr. Alfano asked council if they want to authorize the Solicitor to conditionally enter into the K9 memorandum of understanding.

Motion by Glab/Bittner to authorize the Solicitor to enter into the Memorandum of Understanding with the K9 handler and the Union duly carried on a roll call vote with all members present voting yes.

Mr. Agrafiotis requested council call a brief executive session at the end of the meeting to discuss legal issues.

Mr. Agrafiotis stated that Attorney Higgee who is representing SAI called him today to check into the status of changing the zoning of the college farm and we had discusses this before and he told him that council was working on the comprehensive and rezoning which doesn't say it will get rezoned but may be addressed at that time.

### **PIERCE HARDY AGREEMENT**

Mr. Agrafiotis stated this Right of Way agreement has been going back and forth for months and he had a young lady that was working for them and every time we requested a revision she would have to go and check so finally they put an attorney on the case and after going back and forth we do have an approved agreement and he's waiting on the signed agreement to come back.

### **BELLA RELEASE**

Mr. Alfano asked where this was at. Mr. Agrafiotis asked Vaughan if Bella accepts the terms of the release should council conditionally approve entering into that release with Bella Enterprise. Mr. Leer stated if they want to close it out and get their check he thinks that would be appropriate. Mr. Leer stated because the motion was they don't get their money unless they signed the release. Mr. Alfano stated we will address it under new business

## **OLD BUSINESS**

No old business at this time

## **NEW BUSINESS**

Motion by Bittner/Difilippo to install a handicap parking stall on the first meter above the alley on Union Street and Monroe Way passed with all members present stating aye.

## **PARKING STALLS ON THIRD BETWEEN WOOD AND GREEN ST.**

Mr. Bittner stated he talked to Kenny and he said they pull in very minimal revenue so it is his recommendation that we remove those meters and possibly create two lanes of traffic there one for the turning lane and the other for the straight through right hand turn.

Motion by Bittner /Encapera to remove the parking meters along Third Street between Wood Street and Green Street duly carried on a roll call vote with all members present voting yes.

## **ADVERTISING OF LIGHT UP NIGHT**

Mr. Bittner stated he'd like to advertise light up night and asked Ms. Evans what ads usually run. She stated it depends on how wordy they are. Mr. Alfano stated it depends on the size of them and we'd need two or three columns. Mr. Bittner stated we'll just have to make that work.

Motion by Bittner/Difilippo to spend up to \$300.00 for advertising in the Herald Standard and Valley Independent for the light up night duly carried on a roll call vote with all members present voting yes.

## **BELLA RELEASE**

Motion by Difilippo/Mariscotti to conditionally approve the claims agreement with Bella Enterprise and release final check once the release is signed and received in the Borough office duly carried on a roll call vote with all members present voting yes.

## **RECOGNITION OF CITIZENS**

### **DAN FOWKES**

Mr. Fowkes stated Jon Bittner recommended a couple of months ago about us getting rain gear and the borough should buy it and we did that but that rain gear turned out to be no good and they leak. We're getting into that time of year and we have no good rain gear. Mr. Mariscotti stated he thought we were checking into our uniform company to see what they could provide us. Mr. Mariscotti stated Jeff was checking into that. Mr. Bittner stated why don't we have Dr. Martin look into for us since that seems to be the only way anything gets done around here. He told Dr. Martin to get three prices and go ahead and order it. That could fall under safety apparel and no one should question it. Mr. Baker stated the sewer dept. has rain gear and works very well. He stated you can order them from Grainger, Blue Book, and there are a couple of catalogs they have. Dr. Martin told Mr. Fowkes to look into what they want and we'd get three catalogs and look into it.

### **MULBERRY COURT**

Mr. Fowkes stated he discussed this with the previous manager and he was supposed to address it before he exited. He stated there is always people parked on Mulberry when I'm trying to plow up there. Mr. Alfano stated they all have off street parking so why are they parking on the streets. Mr. Fowkes stated there are no "no parking signs" up there so he was wondering if a letter can be sent to those residents up there.

Mr. Bittner stated we have parking problems all over this borough we have cars all over the place parked in seeded areas. We're hanging over the edges of the curb and no one seems to do anything about it.

### **JIM MADDIEX**

Mr. Maddiex read that Washington County has handicap docks that they are putting in some of their parks and asked if any of our docks are handicap accessible. Mr. Alfano stated absolutely that was part of the hang up.

Mr. Maddiex stated with the Zoning for Sai and stuff he stated before that council should create and I2 zoning that would be SAI and then that way we could design what could go in that zone and what can't go in that zone.

**ADJOURNMENT**

Mr. Alfano, at 8:30 pm, stated this meeting is adjourned into an executive session