

## **Regular Meeting of California Borough Council, November 14, 2013, 6:30 pm**

Vice President Glab called the meeting to order at 6:30 pm

**ATTENDANCE:** Mr. Alfano, Mr. Difilippo, Mr. Encapera, Mr. Glab, Mrs. Gutosky, Mr. Mariscotti, and Mayor Casey Durdines

**ABSENT:** Mr. Bittner

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

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

Mr. Glab added two pending grievances  
Mr. Agrafiotis added rebidding of garbage  
Mr. Alfano added copier leases  
Mr. Encapera added full time police officer  
Mr. Glab stated the agenda will stand as amended

### **PUBLIC COMMENT**

Mr. Maddiex stated about the borough manager application that the only information that was given at the committee meeting was announcement to add borough manager and he doesn't know what that is; are you going to hire somebody and take a vote or just talk about it. Mr. Glab stated that council will probably just discuss it tonight but he doubts they will take a vote, but he can't tell him if they will or will not take a vote tonight. He stated he feels it is not needed because this borough has run fairly well and that is a compliment to the current council and past councils. You've kept taxes low and you don't need to add another layer to administration. If you are going to hire somebody use the money for a police officer. He would rather see the money be used for that instead of an un-needed position. The second thing is under Mr. Alfano's report on the salary increase for council members. He is against it because he doesn't feel that council should raise their salaries. But if you do raise your salaries it should only be what you've given the other employees which is 2% or 3% which has been traditional. The number that was thrown around was a 60% increase. The people only social security only got a 1.5% increase. He wants council to remember unlike other employees of this borough you have run for offices and were elected and it is a public service. He realizes that council does a good bit, but you can use the borough phones for calls and the borough computers for letters and anything else you can seek reimbursement from the borough for other expenses. He's not asking them to give up any money but he doesn't feel that an increase is fair.

### **MINUTES**

Motion by Difilippo/Mariscotti to adopt the minutes of the regular meeting of October 10, 2013 duly carried with all members present stating aye.

Motion by Gutosky/Difilippo to pass the special meeting minutes of October 31, 2013 duly carried with all members present stating aye.

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

Ms. Evans read the accounts payable and account balances for October 2013.  
Motion by Difilippo/Alfano to approve the secretary/treasury report duly carried on a roll call vote with all members present voting yes.

### **EXECUTIVE SESSION**

Mr. Glab stated before the President's report he would like an executive session to discuss police issues and pending grievances.  
Motion by Alfano/Gutosky to go into executive session at 6:45 pm  
Council reconvened at 7:45 pm  
Mr. Agrafiotis stated the executive session was on grievances 4862 and 4863

### **REPORT ON EXECUTIVE SESSION**

Mr. Glab stated that the executive session held on October 31, 2013 was on personnel issues.

## **PRESIDENT'S REPORT – MR. GLAB**

### **GIS PROPOSALS**

Mr. Glab asked Mr. Johnson to speak about the GIS Proposal submitted by Fayette Engineering. Mr. Johnson stated currently the borough does not have a master plan of all the sub-surface utilities and that GIS program will do that. Mr. Encapera put him in touch with Professor Mueller at the University and he had suggested infusing some of the students into this to give them some experiences and to keep the costs down for the borough and perhaps get it done a little bit quicker. Initially, we would like to do the surveying with his folks but should anyone else want to add in other items such as street signs or fire hydrants the students could do that with handheld data entry units. Mr. Glab stated so the only way this would become obsolete is if we don't do anything with it.

Motion by Encapera/Alfano to approve the GIS Proposal submitted by Fayette Engineering for an amount not to exceed \$48,000.00 duly carried on a roll call vote with all members present voting yes.

Mr. Alfano asked where the money would come from to pay for this. Mr. Glab stated it would come out of the sewer fund.

### **SMOKE TESTING EAST ALLEY**

Mr. Glab asked Mr. Johnson to explain his proposal. Mr. Johnson stated that involves that flooding issue down there on East Alley where we got a 24" pipe feeding an 8" that goes to the interceptor there at East Alley and we know there is some infiltration upstream we just don't know where it is so smoke testing will help us locate that. Mr. Glab asked if we couldn't use the camera to do this. Mr. Johnson stated we could not use the camera for this other than site specific things but he smoke and dye tests look for a break in the pipe.

Motion by Gutosky/Difilippo to approve the quote for Smoke Testing East Alley for a fee of \$10,000.00 and those funds would come out of the sewer fund duly carried on a roll call vote with all members present voting yes.

### **BAIANO CONSTRUCTION**

Mr. Glab stated we have a final payment for Baiano Construction Company in the amount of \$999.22. Mr. Difilippo asked if everything was finished and okay. Mr. Tuday stated the reason the final payment was held was due to issues but we were working with the State and the State directed us to pay it. There will be a couple hours that the street crew will have to fix some mulch that slid on the hillside but we can do that in house. It was under our best interest to pay the final bill.

Motion by Difilippo/Gutosky to pay Baiano Construction \$999.22 as final payment on the Streetscape project duly carried on a roll call vote with all members present voting yes.

### **LSA MONIES**

Mr. Glab stated the LSA monies for the Intergovernmental Progress Council would like a letter of support for their application. He asked council if they were all in favor and they all stated aye.

## **PUBLIC HOUSING – MR. ALFANO**

### **CODE ENFORCEMENT UPDATE**

Mr. Alfano stated the code enforcement folks have been attending some seminar and training sessions this month so there is not a whole lot to report. The income has tapered off as well because most of the rental inspections are complete now. There was \$4,469.96 brought in this month for a grand total of \$232,129.24.

### **PLANNING COMMISSION REPORT**

Mr. Alfano stated the planning commission did meet and are in the process of presenting their slate of officers for the new year and Mr. Hasbrouck has tendered a letter via email that his term will expire Dec. 31 of this year and he would like to continue serving on the Commission. The following motion was made at the end of Mr. Alfano's report.

Motion by Alfano/Mariscotti to appoint Norm Hasbrouck to another term on the Planning Commission of four years from January 1, 2014 – December 31, 2018 duly carried with all members present voting yes.

### **BRIGHT NIGHT**

Mr. Alfano stated that Bright Night is scheduled for December 6, 2013 and that is California's Light Up Night which is sponsored by the Recreation Authority. Santo will arrive on the fire truck and it will be held here at the Borough Building. We encourage all parents to bring the kids out and have some treats courtesy of the Recreation Authority.

### **ORDER OF DEMOLITION**

Motion by Alfano/Mariscotti to authorize the Solicitor to prepare an Order of Demolition after Nov. 21, 2013 to be recorded for the burned out property at 72 Second St. duly carried on a roll call vote with all members present voting yes.

Mr. Difilippo asked what does this do now and what is next. Mr. Agrafiotis stated this is the next step to prepare and file a document that is notice to everyone that this property will be demolished. Mr. Difilippo asked if it has to go out for bids next. Mr. Agrafiotis stated did we do that yet. Mr. Agrafiotis stated that follows this step. Mr. Difilippo stated somebody already said that they have the bid. Mr. Agrafiotis stated that was never voted on. Mr. Alfano stated following filing the Order for Demolition we could solicit for bids at the December meeting. Mr. Glab stated there are some issues there that maybe Mr. Difilippo can discuss with Mr. Agrafiotis later.

### **SALARY INCREASE – COUNCIL MEMBERS**

Mr. Alfano stated council has been talking among themselves about having an increase for council members. Just for a point of information he served his first term on Council back in 1974 and in the 1974 council's salaries were \$75.00 a month. It is going to be 2014 soon, 40 years later and the salary is still \$75.00 a month. If we would have gotten a basic cost of living increase every year for those 40 years we would be much in excess of what we are going to propose.

Motion by Alfano/Encapera to authorize the Solicitor to prepare an ordinance increasing the salary of Council Members and the Mayor to \$150.00 per month or \$1,800.00 per year duly carried with Mr. Mariscotti, Mr. Alfano, Mr. Encapera, Mr. Glab and Mrs. Gutosky voting yes and Mr. Difilippo voting no.

Mr. Agrafiotis stated the newly elected council would get it but the three council members would not get it unless you ran for another term.

### **COPIER LEASES**

Mr. Alfano stated he would like the borough to enter into the following new copier leases from a costar provider;

Motion by Alfano/ Difilippo to enter into a 60 month lease with Precision Copy Products for a Sharp MX 3115 and Color Copier with a finisher at a cost of \$124.00 per month which includes all service calls, labor costs, parts & consumable supplies. Black & white copies billed@ 1/10 of a cent per copy & color copies are 6 cents per copy and \$20.00 a month base charge which includes the first 2000 copies for the month duly carried on a roll call vote with all members present voting yes.

Under discussion they discussed about the first 2,000 pages whether it was the first 2,000 pages per month or just the first 2,000 pages. Mr. Glab asked if they wanted to hold off on this until that was clarified because it could be a significant change. Mr. Mariscotti stated it is not that significant. Mr. Glab asked if this was for the police side. Mr. Alfano stated no this is just for the Administrative side.

Motion by Alfano/Difilippo to purchase through Precision Copy Products a Sharp MX 2615 N Color copier that will be placed in the Operations Dept. in the police department and a Muratec MFX 3530 Digital Copier that will go in the Secretary's office in the police department. The cost for that is \$43.00 a month for 60 months. The cost for the copier is \$98.00 per month for 60 months and that would be a total of \$141.00 per month for 60 months with black & white being

billed at 1 cent and color copies at 6 cents with a \$20.00 maintenance fee and the other less expensive copier has a \$30.00 maintenance fee black & white copies are 1 ½ cents per month duly carried on a roll call vote with all members voting yes.

Under discussion Mrs. Gutosky asked if there will be something on these copiers that anyone who uses them puts in a unique code. Mr. Alfano stated anyone can make black & white copies but to do color copies they need to enter their specific code. Mr. Encapera stated do they have one for all copies. Mr. Alfano stated no just for colors. Mr. Alfano stated these are multi-purpose work stations they scan, print, copy, and email and do all the things that would be needed in business offices today.

## **PUBLIC WORKS – MR. MARISCOTTI**

### **STREET DEPT. UPDATE**

Mr. Mariscotti stated it is just ongoing operations at the Street department and nothing exciting to report.

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

### **POLICE RADIO FOR NEW POLICE VEHICLE**

Mr. Glab stated we have a quote from Staley Communications for a radio and the cost will not exceed \$2,000.00 and that would be paid out of the gaming revenue funds.

Motion by Difilippo/Encapera to purchase a radio for the new police vehicle from Staley Communications at a cost not to exceed \$2,000.00 to be paid for out of the gaming revenue funds duly carried on a roll call vote with all members present voting yes.

### **LONG BRANCH BOROUGH POLICE AGREEMENT**

Mr. Glab asked Mr. Agrafiotis to explain. Mr. Agrafiotis stated we revised the agreement and he's forwarded that to everyone and hope everyone has had a chance to review it. They have addressed our concerns with monthly rate, hearings, and anything beyond the two tours of duty and they also put a fuel escalator clause in there and now it appears to be in order. He stated the official way to do this is to pass an ordinance so you should authorize him to pass the ordinance and we can vote on the ordinance and the agreement at the December meeting.

Motion by Gutosky/ Alfano to authorize the Solicitor to prepare the necessary ordinances duly carried on a roll call vote with all members present voting yes.

### **LEGAL OPINION**

Mr. Glab stated that council would like a written legal opinion from the Solicitor regarding the towing. We will have a situation next year where the Mayor elect is an employee of the towing firm named as the tower for the borough regarding if there is any validities or proprieties in regards to that relationship. Mr. Agrafiotis stated he believes that issue was brought up before when Mr. Weld was on council and he understands this is a different position but if it is the same as back then just keep rotating from the people on the list. Mayor Durdines stated no we only have one eligible towing company. Mr. Agrafiotis stated that he will look into this then. Mr. Glab also added that some of the bonding numbers in that Ordinance seem very low and he would like that reviewed also and have the Borough named as a co-insured when they tow for the borough.

Motion by Difilippo/Alfano to authorize the Solicitor to prepare a legal opinion on the towing to avoid any improprieties or illusions of improprieties duly carried on a roll call vote with all members present voting yes.

### **TOWING ORDINANCE**

Motion by Alfano/Encapera to have the Solicitor review the Towing Ordinance and update the bond amounts in the Ordinance and to state that the Borough be listed as a co-insured duly carried on a roll call vote with all members present voting yes.

Mr. Glab stated the last issue on his agenda he believes had been resolved.

## **FINANCE – MRS. GUTOSKY**

### **PAYMENT OF BILLS**

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

### **TENTATIVE BUDGETS**

Motion by Gutosky/Mariscotti to adopt the 2014 tentative budget of the General Fund with a figure of \$1,531,757.23 duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Difilippo to adopt the 2014 tentative budget of the Sewer Fund of \$1,474,847.40 for expenses and income is \$1,865,500.00 duly carried on a roll call vote with all members present voting yes.

Motion by Gutosky/Alfano to adopt the tentative balanced budget of the Highway Aid Fund of \$249,058.51 duly carried on a roll call vote with all members present voting yes.

### **ADVERTISE TAX ORDINANCE**

Motion by Gutosky/Alfano to advertise the 2014 Tax Ordinance duly carried on a roll call vote with all members present voting yes.

## **PUBLIC HEALTH – MR. DIFILIPPO**

### **BIDS – 1994 CHEVY TRUCK**

Mr. Difilippo stated that no bids were received on the truck. He stated let's not do anything about this yet we'll address it again next month.

Mr. Difilippo stated when we had a meeting with the water company about the Highpoint area the water company was supposed to provide us their findings and fees and that is supposed to be coming in tomorrow or the next day so we can discuss that further next month.

## **PERSONNEL – MR. ENCAPERA**

### **BOROUGH MANAGER**

Mr. Encapera stated he thinks that we need to have a little discussion about this tonight and he wanted to mention that we've been budgeting for a borough manager and we need to look at hiring someone in that capacity to help with accountability and double check things for efficiency and make sure everyone is doing what they need to be doing. At this point it would be a good idea to entertain applications and evaluate those and hire somebody next month.

### **FULL TIME POLICE OFFICER**

Mr. Encapera stated at this point our police force is stressed and he thinks it would be a good idea to hire another full time police officer.

Motion by Encapera to hire Alyssa Haines, pending civil service results and any required clearances, as a full time police officer as per the contract and pending the MOU. Mr. Agrafiotis asked if the union was okay with this being a non –precedential hire. Mr. Sheehan stated he spoke to the Chief and they'll do that. Mr. Agrafiotis stated Mr. Encapera should include in his motion that the hiring of a sixth officer is not a non-precedential hire.

Motion by Encapera/Difilippo to hire Alyssa Haines pending civil service results and any required clearances as per the contractual agreement and the memorandum of understanding that this is non-precedential hiring of a sixth officer duly carried on a roll call vote with all members present voting yes.

## **MAYOR'S REPORT – MR. DURDINES**

Mayor stated he has nothing to report at this time. Mayor stated just for the public's knowledge Officer Haines is a current part time officer for the borough so she has been here almost a year now.

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

### **TREATMENT PLANT UPDATE**

Mr. Johnson stated that council has progress report #3 in front of them and this month they have completed the first part of the slab placement and SBR wall forms are erected and the concrete placement is scheduled for this Tuesday. The permanent emergency generator for the plant has been delivered

### **PAYMENT REQUESTS**

Mr. Johnson stated Requisition #6 is comprised of three invoices the first one is Mele & Mele & Sons for \$609,874.83.

Motion by Gutosky/Alfano to pay Mele & Mele & Sons payment request #3 in the amount of \$609,874.83 duly carried on a roll call vote with all members present voting yes.

Mr. Johnson stated the second invoice is from Kraft Power invoice #PRVINV101318 in the amount of \$69,985.50 which is for the 65% complete production payment for the emergency generator.

Motion by Gutosky/Difilippo to pay Kraft Power \$69,985.50 for their invoice #PRVIN101318 duly carried on a roll call vote with all members present voting yes.

Mr. Johnson stated the last invoice is also for Kraft Power for \$10,767.00 for invoice #PRFINV101320 which is for the 10% deliverance & acceptance fee for the emergency generator.

Motion by Encapera/Gutosky to pay Kraft Power \$10,767.00 for invoice #PRFINC101320 duly carried on a roll call vote with all members present voting yes.

### **H2O REIMBURSEMENT**

Mr. Johnson stated we have received the money for the third request for reimbursement in the amount of \$640,342.39. He stated that we will probably pay the December invoices then submit for reimbursement #4 by the end of the year to make reimbursement of the monies you just spent.

### **PEACH ALLEY REMEDIATION PROJECT**

Mr. Johnson stated that Mr. Bittner has signed the contracts and Fayette intends to issue notices to proceed for the first week of December and have a preconstruction briefing with the street department, the sewer department, and any council members who would like to attend.

### **VULCAN VILLAGE PUMP STATION GENERATOR**

Mr. Johnson stated you may have a copy of the letter form the Curly Adjustment Bureau dated October 23, 2013 regarding their incomplete findings on the cause & effect of the generator. Since then there has been some additional development with West Penn Power and they are going to do some additional testing and metering in that area. It is his understanding that there are problems along that entire corridor and other areas of the borough and it has something to do with a reclosure issue. Mr. Johnson stated it is Fayette Engineering's recommendation that council vote to accept the repair quote from Cummins Bridgeway in the amount of \$9,825.00. That is a complete rebuild of the engine on the existing generator at the pump station and they expect it to take not more than three weeks to complete that work.

Motion by Difilippo/Mariscotti to approve the quote of Cummins Bridgeway to rebuild the generator at the University Pump Station at a cost of \$9,825.00 duly carried on a roll call vote with all members present voting yes.

Mr. Glab stated we would possibly be eligible for reimbursement if this is indeed an insurance claim. Mr. Johnson stated yes that is his contention with Travelers and Curly that the generator failed because of situations beyond our control. Mr. Johnson stated keep in mind we are currently paying \$2,400.00 on rental of the generator there now and we're going on our third month now. Mr. Johnson stated the phone company will be out there next Wednesday to double check that phone line. Initially we thought a new line needed to be installed but it seems there is

already one in place it had just been disconnected. So if that is the case we can save \$300.00-\$400.00 if that one still works.

### **SURGE PROTECTOR**

Motion by Difilippo/ Gutosky to purchase inline surge protector for the University Pump Station generator at a cost not to exceed \$1,500.00 duly carried on a roll call vote with all members present voting yes.

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

#### **GRIEVANCES**

Mr. Agrafiotis stated they were directed last month to work on some ordinances and he will get those to council shortly.

#### **OLD BUSINESS**

No old business at this time

#### **NEW BUSINESS**

##### **GRIEVANCES**

Motion by Difilippo/Alfano to deny grievance #4862 duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Gutosky to deny grievance #4863 duly carried on a roll call vote with all members present voting yes.

#### **WASTE CONTRACT BID SPECS.**

Motion by Mariscotti/Difilippo to authorize the Solicitor to prepare certain documents to rebid the garbage contracts as our proposed amendments duly carried with all members present voting yes.

#### **ADVERTISE PROPOSED BUDGETS**

Motion by Difilippo/Gutosky to authorize the Secretary to advertise the proposed budgets for the 10 day examination period duly carried on a roll call vote with all members present voting yes.

#### **PUBLIC RECOGNITION**

##### **MR. MADDIEX**

Mr. Maddiex announced that the last regular meeting of the Planning Commission will be Dec. 3<sup>th</sup> at 6:30 and he wished everyone a Happy Thanksgiving.

##### **DAN FOWKES**

Mr. Fowkes stated he has two items he would like to talk about the first is; With him being downtown a lot for work he's noticed a lot of signs being put up downtown for anything from events to parking , lost and found animals taped to our light poles with tape that you can't get off. When they're put on with tape and you can't get that tape off and he's not sure what council can do about that but it is a problem downtown. His main thing he wants to talk about is inspections and he's going to address a lot of this to Patsy. The inspections that we have with McMillenEngineering, he and his daughter just built new homes on Knob Road and he hopes this is an isolated case but he doubts it. He started with his daughter's home stating you come down here and apply for a building permit for approximately \$1,000.00 on a new home. After that you are out of the borough's jurisdiction and now you go to McMillen Engineering and you pay them roughly \$900.00 for a package deal because they will be coming out several times to do inspections. The building process starts and with his daughter's home her basement floor was laid. He had someone come in and look at the home and they noticed a crack in the basement floor and when his daughter looked again there were two cracks in it. They had the builder come and look at it they busted up the floor and found out the floor was only 1 ½" thick so the floor had to be removed and a new floor had to be put in before she could occupy the house. This caused her a two week delay in moving in the house. He would like to know how that could happen if it was inspected and where was the inspector on the job. You can lay some blame 50/50 on the builder and the inspector. But it is the inspector's job to look at that. Mr. Mariscotti asked when the second floor was poured was the inspector there that day. Mr. Mariscotti asked if there was reinforcement wiring in the floor. Mr. Fowkes stated he doesn't know. He doesn't know how many inspectors McMillen has but they cover a big area. Now when an inspector

came up to his daughters house he stated he didn't know there were two houses up there. Mr. Fowkes stated he has paid McMillen for both of these houses and the inspector didn't know there were two up there. Another time he came up and said he hadn't been here for five weeks. Do you lay the blame on the contractor for not calling the inspector or should the inspector just call him or his daughter and ask what was going on. Mr. Fowkes asked so what progress was made in his house over those five weeks. He would think a lot. He stated when he paid McMillen he expected McMillen to do the inspections because that is who his check went to. McMillen subcontracted that electric out to somebody else. The borough's zoning man didn't even know that McMillen was subcontracting that out to somebody else. So the big picture is the Borough gets their chunk and McMillen gets their chunk and they're subcontracting it out that guy isn't getting very much and that will be reflected in his inspections. They came up to my house and Shannon didn't know who that company was and he took a picture of the box with a sticker on it and ask Dan if he knew who they were and he didn't know who they were, but found out later they were subcontracted by McMillen. Now what about the liability who is going to be held liable because his sticker doesn't say McMillen which is who I paid it says somebody else. Mr. Alfano stated the gentleman that did your electric inspection lived in Uniontown and he was an employ of that agency that did the electrical inspections. Mr. Alfano was unaware at the time as well that McMillen did not have any certified electrical inspectors on staff. One of their people now is getting certified and we opened it up to local inspectors but once they found out what they would be paid they weren't interested any longer. Mr. Fowkes stated absolutely, he understands that. Mr. Fowkes stated well in both his daughter's and his case they didn't get what they were paying for and he doesn't think this is an isolated incident. Unless something happens to force change you are not getting the services you are paying for. If you go to the window when they date the inspections each inspection date should be different when you see three or four inspections all dated the same date there is something not right and he doesn't like it. Mr. Mariscotti asked how the contractor kept going without the intermittent inspections. Mr. Fowkes stated he moved on. Now he explained that there was a circuit outlet in his hallway that was attached to his kitchen outlets and it's not allowed according to code and Mr. Fowkes caught it and had it fixed. Mr. Fowkes stated he heard that a basement door has to be 36" and fire rated. He doesn't know why but he has a 32" door and it had been damaged and when he called a guy to get it replaced and when they sent the new door it was a 36" door and the guys said he can't change the door because they sent a 36" door and this is a 32" door frame. Mr. Fowkes stated that he was told the code says 36" door and when we moved in furniture we couldn't use that door we had to go through the front door. He stated so if it was supposed to be a 36" door where was the inspector and why wasn't it caught.

#### **ADJOURNMENT**

Motion by Mariscotti/Encapera to adjourn the meeting at 9:00 pm duly carried with all members present stating aye.