

## **Regular Meeting of California Borough Council, October 8, 2015, 6:30 pm**

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

**ATTENDANCE:** Mr. Alfano, Mr. Difilippo, Mr. Glab, Mrs. Gutosky, Mr. Mariscotti and Mayor Weld

**ABSENCE:** Mr. Bittner and Mr. Encapera

### **PLEDGE OF ALLEGIANCE**

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

Glab added Garlowich as part time officer

Mariscotti added Cameras for Municipal Bldg. addition

Weld added – Dodge charger repairs

Gutosky added – Solicitor's bill

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

### **PUBLIC COMMENT**

Mr. Maddiex stated the Community Development Block Grant he suggested that it be used for the trail loop or to continue that project. Second suggestion is for demolition in the borough because we've had a list of demo properties for the past two years so perhaps some of that money could be used for this particular item. Mr. Maddiex asked about the GPS and stated he doesn't understand why the borough needs them because we had them in the past and did away with them. Mr. Alfano stated he doesn't remember that. Ms. Evans stated that was around the time Chief Silbaugh was here. Mr. Difilippo stated this is not just a vehicle locator, it will tell us if there is a truck over the hill and we can't find it, how fast they are going, if there is accident heck our insurance may even go down with this. This isn't for someone to say oh look they've been parked at the Kwikfill for a half an hour. Mr. Alfano stated this is not the sole purpose of these. Mr. Mariscotti stated this is more of a CYA for the borough because if one of our vehicles is in an accident we will know how fast they were going. It is equivalent to a planes black box but it is in our vehicles.

### **MINUTES**

Motion by Difilippo/Mariscotti to approve the minutes of the Regular Meeting of September 10, 2015 carried with all members present stating aye.

Motion by Difilippo/Mariscotti to approve the minutes of the Continued Meeting of September 23, 2015 carried with all members present stating aye.

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

Ms. Evans read the accounts payable and account balances as of September 31, 2015

Motion by Mariscotti/Difilippo to approve the Secretary's report carried with all members present stating aye.

### **Mr. Encapera entered the meeting at 6:50 pm**

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

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

Mr. Alfano stated we held an executive session on September 23, 2015 and we discussed a former employee but still have no resolution to this as of yet.

#### **2016 CDBG FUNDING**

Mr. Alfano stated Jim had a couple of great ideas as to what projects to use this money on but we have to come up with a project to use this money for. The amount should be around \$100,000.00. He stated he knows we were kicking around the idea of extending the new lighting down Wood Street from Third to Second St. and possibly going further up Third to East alley.

He asked that if any citizens or council members have any ideas on how to spend this money to please give one of the council members a call and let them know.

### **SULKOSKY'S REQUEST**

Mr. Alfano stated we still have to talk about our counter offer to his request. He stated we can discuss that later in executive session.

### **BELLA ENTERPRISE- FINAL PYMT. APPLICATION**

Mr. Alfano stated we received a final payment application from Bella Enterprise in the amount for \$22,695.56. Mr. Weld stated he thought they were willing to deduct approximately \$5,000.00 off of that. Mr. Alfano stated yes that is his understanding also. Mr. Leer stated he and Tom talked late this afternoon and Vaughn still needs to do some reconciliation of the numbers to make sure we are paying them for the work completed to date only and not any other amounts unless council so desires. He thinks there are some clarifications that we need to receive regarding this email correspondence so he is recommending council to authorize a payment not to exceed \$22,695.56 conditioned upon clarification of a couple of items in their correspondence to us and a reconciliation of the amount paid to them to date. Mr. Alfano stated so as a good faith gesture council may want to make that into a motion. Mr. Melenyzer asked Tom if they already agreed to accept \$17,000.00. Mr. Leer stated that has been back and forth so many times but they had a time period to complete everything. Mr. Difilippo stated he has an email from Oct. 6, 2015 stating that they will settle for \$17,000.00. Mr. Melenyzer stated if they are willing to accept \$17,000.00 why would we authorize not to exceed \$22,000.00. Mr. Leer stated he there is language in here that in the grand scheme of things is confusing and he and Tom talked about that and that is why I'm suggesting if Bella is indeed owed the \$22,000.00 and the email reads as it was intended to read or appears to read then we would pay them the \$17,000.00. At this point in an effort of not acting in bad faith and withholding the payment for work completed to date with Bella he's suggesting that council consider approving payment up to that \$22,000.00 amount pending resolution or clarification of this email. Mr. Mariscotti stated Bella already agreed to accept the \$17,000.00 to settle and that is from their attorney. Mr. Leer stated he still has to reconcile the previous six payment requests to see what they've been paid because if you go to the second page he doesn't know if the math works. He stated he doesn't know if the math works on the work completed to date. Mr. Alfano stated you don't think they know what they are owed. Mr. Leer stated yes. Mr. Difilippo stated why would we do work for them and then turn around and give them more. Mr. Leer stated they have satisfied everything on the punch list except Toni's driveway and it is their conclusion that the crack was already there. Mr. Leer stated and we have pictures pre and post construction.

Motion by Mariscotti/Difilippo to authorize payment to Bella not to exceed \$17,000.00 contingent on us receiving a signed release duly carried on a roll call vote with all members present voting yes.

Ms. Evans stated she still needs paperwork to cover what we've already paid them. Mr. Melenyzer asked what she meant. Ms. Evans stated their contract was for one amount there were some change orders but even with that we've paid them over that by appx. \$168,000.00 and I need some documentation representing that. Mr. Leer stated we've paid them but we haven't formally processed the final balancing change order with them because he was holding off on doing that until we resolved the change orders. Mr. Melenyzer stated do we have the invoices yes or no. Mr. Leer stated yes. Mr. Leer stated that is what he was working on this afternoon. Mr. Melenyzer stated he's not cross examining him but yes or no to answer her question. Mr. Melenyzer stated she's saying when the auditors ask what did she do with this money and she'll need paperwork to show why she paid that money. Mr. Leer stated the first five pay applications were actually processed with borough requisitions under Fayette Engineering. Pay application 6 and 7 are processed by Widmer just as regular pay applications. Mr. Leer stated they were paid for work that they performed before a change order was processed and Mr. leer stated that paperwork hasn't been processed yet because he didn't do it because he is waiting for resolution of these disputed change orders and rather than running several change orders through council he was trying to do it all in one. Mr. Leer asked council if they wish to do the final change order for record purposes. Mr. Alfano stated he thinks we need to I'm sure our accountants are going to ask for that information. Mr. Leer stated okay the caveat there is it is going to call Bella's math error to their attention. Mr. Alfano stated we don't have to tell them. Mr. Leer stated they have to sign the change order. Mr. Leer stated we'll get them to sign the release first.

## **DCNR GRANT APPLICATION**

Mr. Alfano stated he just received correspondence from DCNR that grant application processes will begin soon and they will have grant workshops. Mr. Alfano asked if anyone is interested in attending they should do so. Mr. Leer stated the grant application will open up middle of January and close middle of April and they do require attendance at these workshops by the individuals involved in the preparation of the grant.

## **PUBLIC HOUSING – MR. GLAB**

### **ZONING/CODE ENFORCEMENT UPDATE**

Mr. Glab reported that the zoning office reported 17 maintenance issues reported, they had 8 of those 17 resolved, they sent out certified letters and filed 8 citations at the District Justice office and they did 19 follow-ups and they received 8 zoning issues reported so they've been rather busy.

### **EHRlich CROW REMOVAL**

Mr. Glab stated he would like someone to get in contact with Ehrlich and get a number from them that if the crows return that we will be prepared to handle that in some type of timely fashion. Mr. Mariscotti asked what we paid them last year. Mr. Alfano stated it was around \$5,000.00. Ms. Evans stated they usually approach us once the college signs on to get it all done at once.

Motion by Glab/Difilippo to contract with Ehrlich crow removal as it does not exceed the 2014 rate duly carried on a roll call vote with all members present voting yes.

### **MIKE GARLOWICH – PART TIME OFFICER**

Mr. Glab stated this is something that Mr. Bittner requested be placed on the agenda. He stated he would like to hire Mike Garlowich, our current code enforcement officer, as a part time police officer as needed. Mr. Alfano asked if he has all the training and certifications already. Mr. Glab stated he was a part time officer in Masontown Borough and somewhere else. Ms. Evans asked if he would follow the collective bargaining agreement? Mr. Glab stated yes. Mrs. Gutosky asked if he works 40 hours a week for the zoning office and then he's working above the 40 hours for the police department do we have to pay him overtime. Mr. Glab stated he thinks so but he doesn't believe he will be regularly on the schedule he would just be used for emergencies. Mrs. Gutosky asked if we could anticipate when he would be needed as an officer we could possibly shorten his time worked in the zoning office.

A motion was made by Glab/Difilippo to hire Mike Garlowich as a part time officer to be used as needed in accordance with the collective bargaining agreement. Under discussion Mr. Mariscotti asked were would his overtime be paid out of. Mr. Melenyzer stated if he's working for the police department then it would come out of the police department's budget. Mr. Glab stated he is paid salary for the zoning office so it would be from the police department. Mr. Mariscotti stated well it is a different rate that is what he's talking about so what rate would we base his time and half on. Mr. Melenyzer stated it would be based on his police rate. Ms. Evans asked if he's salary why do we pay him hourly. Mr. Tудay stated because he's working for the police department. Ms. Evans stated no when he took off days and he didn't have days to use we broke his salary into hourly and paid him for his days worked with an hourly rate. Mr. Glab stated when he started he made us aware that he was going on vacation. Ms. Evans stated that is okay but what she is talking about is he's left early and took days off without having any paid days to use. Mr. Glab stated we're not reinventing the wheel because years ago we did this with Frank Kubicko. Ms. Evans stated she's not questioning his rate for a police officer she's stating that he said he is salaried so he'd get that same rate every two weeks whether he worked 80 hours or not. Mr. Tудay stated he's still an hourly charge but he's based on forty hours a week. Mr. Melenyzer stated so if he worked 24 hours in a 40 hour week he gets paid as if he's worked 40 hours. Ms. Evans stated no then they break it out to an hourly wage and it confuses me. He's either salary and gets paid his salary rate every two week regardless of how many hours he works or he is hourly and gets paid hourly for just the number of hours that he works. Mr. Petro stated it is based on an hourly wage. Mr. Difilippo stated if he is going to get his forty hours in the zoning office that is his 40 hours if he's working any overtime it's going to be at a rate of the part time policeman and he should get his overtime off of that. Mr. Tудay asked if someone is going to get upset because he's making overtime and another guy could have worked and would have been paid straight time. Mrs. Gutosky stated yep that will probably happen. Doc Martin asked

Chief Encapera his thoughts on this. Chief Encapera stated in talking with him and he discussed it with him to be used only on an emergency basis. He did take our oath to do his code enforcement office job and that is when it entered Chief's mind that he can use him as an emergency basis. Mr. Glab stated that is the key he would be the last step before leaving a shift open. Chief stated for homecoming he's strapped he has more intersections than officers and everyone is on overtime but he was going to use him for special details like that. Mr. Alfano stated if he agrees to take straight time on his own accord will the bargaining unit have a problem with it. Chief Encapera stated he doesn't think they'll have a problem with it. Chief Encapera stated his forty hours isn't under the bargaining agreement. Mr. Melenzyer stated it has nothing to do whether he is a police officer or zoning or anything else the fact lies that he's being paid for both by California Borough and anything over his forty hours he will get overtime regardless of what he's doing. Mr. Melenzyer stated he thinks he could waive something as a zoning officer because that lies outside the collective bargaining agreement. He stated the idea is great but it is confusing to him also. Mr. Difilippo stated we don't want to start taking off of the code enforcement hours. Mr. Tuday stated because he's paid salary. Mr. Difilippo stated because if he's salary he's getting paid anyway. Ms. Evans stated he is not getting paid anyway. Chief Encapera stated is he salary. Ms. Evans stated she doesn't know that's why she asked the question. Chief Encapera stated well if he worked less than 40 hours and you docked him then he's not salary. Mr. Alfano stated he was hired at a rate for the year. Mrs. Gutosky stated he was hired as salary. Ms. Evans stated well he didn't get paid for his vacation when he went away. Mrs. Gutosky stated well that doesn't count until he works here a year. Mr. Alfano stated he was still on probation that is why. Mr. Mariscotti stated that question has come up before. Do you have to work a year to get your vacation? Ms. Evans stated the only thing you are granted to use your first full year of employment is 15 sick days. After you have worked one full year receive your vacations and begin earning your sick days. Mr. Difilippo stated we're getting off the subject now. Mr. Alfano asked council if they want to hire this guy or not. Mrs. Gutosky stated it is going to cause problems and what are the other officers going to say.

A motion was made by Glab/Difilippo to hire Mike Garlowich as a part time officer to be used as needed in accordance with the collective bargaining agreement duly carried on a roll call vote with all members present voting yes except Mrs. Gutosky who voted no.

#### **PUBLIC WORKS – MR. MARISCOTTI STREET DEPT. UPDATE**

Mr. Mariscotti stated the guys have been running the street sweeper pretty much on a daily basis especially since the tar and chipping. They've formed and poured the new sidewalks at the old waste water treatment plant and they are readying the equipment for winter and they were checking and cleaning the catch basins again due to the tar and chipping.

#### **RUSSELL STANDARD INVOICE**

Mr. Mariscotti stated we have a Russell Standard Invoice in the amount of \$84,263.15 and he would like to get this paid. Ms. Evans asked which fund it is to be paid from. Mr. Alfano stated liquid fuels. Ms. Evans stated she isn't sure which project they were paying from liquid fuels. Mr. Tuday stated he thinks this is from Liquid fuels but he's not a 100% sure. Mr. Glab stated it's 6 and ½ dozen the other so.

Motion by Mariscotti/Difilippo to pay Russell Standard's invoice in the amount of \$84,263.15 out of the Street Improvement fund duly carried on a roll call vote with all members present voting yes.

#### **EXTEND VICTOR PAVING CONTRACT**

Mr. Mariscotti stated we have a contract with Victor Paving and we need to extend the deadline on it until October 30<sup>th</sup>.

Motion by Mariscotti/Difilippo to extend Victor Paving's contract until Oct. 30, 2015 duly carried on a roll call vote with all members present voting yes.

Mr. Mariscotti stated we voted last month to purchase a new truck and we are trading in the 800 and the 01 ford the company that we are trading in these vehicles would like to have the 2001 now so they can get it in, service it, and sell it before plow time gets here. Mr. Mariscotti stated it's ready to go for plowing but he'd rather trade it in and not use it. Mr. Tuday stated the new one is getting the dump bed in the end of November and then sometime in December we should

have it. Mr. Melenyzer stated no he doesn't see an issue with it as long as the trade schedule is included in the purchasing paperwork. Mr. Tудay stated yes we have a signed trade schedule.

Motion by Mariscotti/Gutosky to give Hunter Truck Sales the 2001 Ford F550 with cash value of \$6,000.00 prior to the borough receiving the new Peterbilt duly carried on a roll call vote with all members present voting yes.

#### **CAMERAS FOR MUNICIPAL BLDG. ADDITION**

Mr. Mariscotti stated he's turning this over to Jeff because he did the research this afternoon and got the pricing. Mr. Tудay stated we need to purchase approximately 10 cameras he said 7 would be inside and 3 would be outside. They are vandal proof on the outside with a 16 channel DVR and he thinks two outside cameras come to \$2,256.00. Mr. Alfano asked about a monitor. Mr. Tудay stated that does not include a monitor. Mr. Tудay stated he was just at Walmart and they had a 40" sony for \$348.00 but if council wants to go to a bigger one that is fine too. Mr. Tудay stated he would stay with an LED. Ms. Evans asked who would we be purchasing these from. Mr. Tудay stated AlarmX. Mrs. Gutosky asked if they would install them also. Mr. Tудay stated no he would install them. Mr. Tудay stated it does have a CD back up and its around two terabytes. It goes up around 100.00 for each terabyte. He stated it doesn't erase the last image it erases every other frame so you still can keep going back a month or two and still get some information from them and it's the same thing the school district uses also.

Motion by Mariscotti/Glab to purchase 10 cameras from AlarmX and a monitor at a cost not to exceed \$3,500.00 duly carried on a roll call vote with all members present voting yes.

#### **FINANCE – MRS. GUTOSKY**

##### **PAYMENT OF BILLS**

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

##### **BUDGET WORKSHOP**

Mrs. Gutosky stated there will be a budget workshop on Tuesday, October 13<sup>th</sup> at 6:00 pm and asked all supervisors to attend.

##### **SOLICITOR'S BILL**

Motion by Gutosky/Difilippo to pay the Solicitor's bill in the amount of \$3,004.00 duly carried on a roll call vote with all members present voting yes.

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

##### **GPS FOR BOROUGH VEHICLES**

Mr. Difilippo stated everyone got the quote for the GPS tracking systems and asked Jeff if he would be able to install those. He stated yes there are only three wires so it looks pretty good.

Motion by Difilippo/Mariscotti to purchase GPS tracking devices for our borough vehicles at a cost of \$3,145.88 and the monthly service fee of \$299.88 duly carried on a roll call vote with all members present voting yes.

Mrs. Gutosky asked if they come with a warranty or if we'll have to do maintenance on them if they break or is that included in the monthly fee. Mr. Difilippo stated there is a three year warranty on the hardware that is included. Mr. Tудay asked if that includes an exterior antenna if it is needed. Mr. Difilippo asked Jeff to call and find out but there is antenna included in the cost but he's not sure if it is interior or exterior.

##### **WIDMER ENGINEERING BILL**

Motion by Difilippo/Gutosky to pay Widmer Engineer invoices in the amount of \$7,575.00 duly carried on a roll call vote with all members present voting yes.

Mr. Difilippo asked what the invoice for project 14586 there are start- up services relative to waste water treatment including continuing coordination with vendor on oil leak. Mr. Difilippo asked if we are going back and recouping any of these expenses with these leaks since we have

over time, engineering's time etc. Mr. Leer stated to date no we are not pursuing anybody because at this point who do you pursue is question number one and if we do try to pursue somebody he will tell you what is going to happen. He stated there will be finger pointing back and forth because of the way the equipment was procured. You purchased it provided to the contractor and they had it in a conax until it was time to install it and they installed it. Here again the initial leak was by the manufacturer attributed to fine concrete dust. If you were able to get a sworn statement from them you may be able to go after Mele & Mele for not protecting the equipment during construction. Mr. Mariscotti stated we had the replacement blowers motor go with the same problem. Mr. Leer stated what they found was what they did during start up that motor because of its size couldn't keep enough oil to keep the engine cool they have to run at a minimum RPM setting or you will get oil leaks. Mr. Leer stated the manufacturer's rep. was out and reprogrammed all of that and they are running again. Mr. Mariscotti asked if that was the same scenario on the first set and they're blaming it on concrete dust. Mrs. Gutosky asked Doug Baker what he thought. He stated initially he thinks they were leaking because the speed wasn't high enough like the engineer said but then what happened we started to get black soot coming out and when they took them back to repair them they said the seals were disintegrating in them so he's thinking there was probably concrete dust in there that disintegrated the seals but they are working fine now. Mr. Leer stated the important thing here and he knows council feels like they are getting the shaft but through our relationship with the vendor these were treated as warranty repairs so you didn't have to pay to have the repairs made and yes you did incur costs from Widmer for our services and you certainly have a right if you so desire to pursue someone. Mr. Difilippo stated then why don't you void this invoice and you can go after someone for your costs.

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

Mr. Encapera stated he has nothing for tonight

#### **MAYOR'S REPORT – MR. WELD**

##### **SRO CONTRACT**

Mr. Weld asked what are we doing with this. Mr. Alfano stated there is an agreement in your packets. Ms. Evans stated we added if they exceed 160 hrs. per month they will pay hourly for the medical reimbursement and we added mileage reimbursement at the rate set by the IRS if they attend a hearing.

Motion by Difilippo/Mariscotti to approve the SRO contract for 2015-2016 School year duly carried on a roll call vote with all members present voting yes.

Mr. Difilippo asked if we addressed the fact that they said the officer isn't always there. Mr. Alfano stated that is the district's responsibility because they are in charge of him and he has to report to them. Chief Encapera stated the school sends him on errands periodically throughout the day. Mr. Difilippo asked where the school would send him on errands. Chief Encapera stated to check on truant kids. Mr. Difilippo stated he thought the main thing was to have the officer on school grounds at all times. Mr. Glab asked if he has jurisdiction to go to Roscoe and West Pike and things and Chief Encapera stated yes because of the school.

#### **CO-OP AGREEMENT WITH CAL U AND CALIFORNIA BOROUGH POLICE**

Mr. Weld stated that Keith is going to finish up some of the lingo and get it back to us

##### **POLICE MOU WITH CASD**

Mr. Weld asked if we are finishing this up in that Keith is going to finish up some of the lingo and get it back to us. Mr. Melenyzer stated basically it is okay but page 2 of 9 it says law enforcement priorities and it says about the police entities so he's guessing they are talking about calling in other departments and there is a question on 5 of 9 for Rick and it says law enforcement authorities response and this is response by law enforcement that authorities and it talks about events in progress and then G says confer with school officials on the extent of the law enforcement involvement required by the situation. Mr. Melenyzer stated he doesn't think they should confer he thinks that we should tell them what is going but are you going to confer with them on what official action to take. Chief Encapera stated probably not. Mr. Melenyzer stated he thinks to confer with them prior to official action is ridiculous. If you see a kid doing drugs or doing something else and you go and investigate it you can report it to the school later after it is completed. Mr. Melenyzer stated he would urge council to remove G of 5 of 9. He

stated incidents not in progress meet with contact person and recover any physical evidence, conduct the investigation, exchange the information which would be them and then it has E confer with school officials to determine the extent of law enforcements involvement required by the situation so evidently they are going to tell you to what extent you should be involved. Chief Encapera stated but they have disciplinary actions within their policy. Mr. Melenyzer stated if you see a crime and it is in progress you mean they will have more authority than you do. Chief Encapera stated if it is crime then no but there are other things that they handle that aren't crimes that the school would rather in house. Mr. Melenyzer stated if there is an incident in progress what would the officer do. Chief Encapera stated we would cite the student without first letting the school officials determine the extent. Chief Encapera stated we let them know about it and advise them of what actions are being taken. Mr. Melenyzer stated he would leave out A1G and leave out 2E and those are paragraph numbers.

Motion by Difilippo/Mariscotti to approve the MOU for 2015 based on the Chief's recommendation between California Police Department and the California Area School District duly carried on a roll call vote with all members voting yes except Mr. Alfano who voted no.

### **DODGE CHARGER REPAIRS**

Mr. Weld stated the Dodge Charger was taken out of service due to break issues. He stated that Solomon fixed the break issue and the cross member under the car is still bent from the accident. He stated he is assuming the insurance paid us for it. Ms. Evans stated she never turned that in she has no records on it to even submit it as a claim. Mr. Mariscotti stated how did we get it fixed. Mr. Weld stated we didn't get it fixed and that's the problem with that car it's not running true. Mr. Mariscotti stated we didn't put a claim in for it. Ms. Evans stated she was never told it was damaged that badly. Ms. Evans asked if this was what happened on a homecoming weekend. Chief Encapera stated he thinks we did do a claim on it. Mr. Weld stated it is 2956.00 roughly but he thinks we need like \$3,100.00 just to be safe. Chief Encapera stated IRM sent a letter on it. Mr. Mariscotti stated there was also a front valance that was part of that. Chief Encapera stated yes it was a strut. Mr. Mariscotti stated he is sure there was a claim put in on that and that car was fixed. Mr. Tудay stated nobody fixed it and it never went to a shop anywhere. Mr. Alfano asked if we received a check. Ms. Evans stated she doesn't recall but will check with the insurance company tomorrow. Mr. Weld stated whether we got a check or not we still need to get the car fixed. Mr. Tудay stated he said there was a broken motor mount on there too.

Motion by Mariscotti/Difilippo to authorize having the Dodge Charger repaired at Solomon's at a cost not to exceed \$3,100.00 duly carried on a roll call vote with all members present voting yes.

Mr. Alfano stated we have to back to Mr. Mariscotti's report for a minute.

### **PURCHASE TIGER MOWER**

Mr. Mariscotti stated that Jeff got a price on a new tiger mower. He stated the total contract price is \$105,885.00 and it's their last one they have in stock and they are willing to sell it for \$94,683.00 and he and Jeff talked today because they thought if they could get approval to not spend more than \$90,000.00 they might accept that offer. They also provided us payments where we don't have to pay anything until next year with 5 estimated payments of \$21,004.20 and it doesn't begin until October 2016 Or 4 estimated payments of \$25,812.00 and again not due until October 2016. Mr. Mariscotti stated he would like council to entertain offering them \$90,000.00 on this machine. He stated it is a 2015 Massey Ferguson tractor and a 2015 Tiger Bengal Rotary boom mower. Mr. Glab stated you have to bid that out. Mr. Alfano asked if they are costars and Mr. Mariscotti stated he's sure they are. Mr. Melenyzer asked if they go through a qualified program. Mr. Tудay stated yes they are a costars vendor. Mr. Alfano asked who was the dealer. Mr. Mariscotti stated Walsh Equipment. Mr. Difilippo asked what we can do with this tractor other than use the tiger. Mr. Mariscotti stated you can do whatever you want there is a 3 point hitch on the back. Mr. Tудay stated you can pull a drag. Mrs. Gutosky asked if we could use it as a grader if we purchased the attachments. Mr. Tower stated the mower isn't just about cutting weeds it is for safety too. Mr. Tудay stated when you cut the weeds back in the fall you get to see 5' more of road where deer can run out. It opens up the vision of motors. Mr. Alfano asked if Donald would run this. Mr. Tудay stated yes. Dr. Martin asked if this is coming out of the general fund was there a line item put in the budget for this expense. Ms. Evans stated no. Mr. Alfano stated if they wait until the budget meeting there can be one. Ms. Evans asked what the interest rate is on those payments. Mr. Tудay stated he thinks it is 3.1. Mr. Mariscotti stated if

they can give us a deferred payment why can't we just pay it off next year. A lady from the audience stated so you are doing a municipal lease through a costars vendor. Mr. Tудay stated it says five annual payments it doesn't say anything about a lease or lease payments. Ms. Evans asked if this has a payment in advance. Mr. Tудay stated no it doesn't say that but there is a \$584.00 payment due on signing. Mr. Mariscotti stated all it says is estimated 5 annual payments in arrears. Mrs. Gutosky stated she doesn't see a problem with it but doesn't want a penalty if we pay it off early. Mr. Difilippo stated how is it we come to a meeting and have never heard anything about this before until we get to the meeting and are expected to spend \$90,000.00 and don't know anything about it. He's never seen anything on this and he told Mr. Tудay last meeting he's getting nothing else from him. Mr. Difilippo stated he would also like to know where we are getting this money. Mr. Mariscotti stated the general fund. Mr. Difilippo stated the general fund is going to be gone.

Motion by Mariscotti/Encapera purchase the Tiger Mower from Walsh Equipment with a 4 year lease and pay it off next year if there is no penalty at a cost not to exceed \$94,603.00 but we would like to offer them \$90,000.00 with no prepay penalty and to be paid out of the Act 13 Fund duly carried on a roll call vote with all members present voting yes except Mr. Difilippo who voted no.

## **ENGINEER'S REPORT**

### **SEWER LINE WILSON ROAD**

Mr. Leer introduced Mr. Fowler who addressed council and stated that he is building a new home on Wilson Road and he spoke to Steve Eby who told him that two other people in California Borough were serviced with sewage from Center West but he wasn't sure of the agreement that was made on those. Mr. Fowler stated someone here needs to look and see if the agreement with Center West covers Mr. Fowler's property. Mr. Leer stated it does not cover his property. Mr. Fowler stated our properties meet and my neighbor has sewage and I don't. He stated it will take him 165 on his property to the road. Mr. Leer stated there are two issues at hand here the first is that Mr. Fowler's property is not covered in the initial agreement with Center West dated Feb. 10, 2011, therefore the council would need to enter an amendment to the existing municipal agreement to allow the service area to be inclusive of Mr. Fowler's property. He stated what we did with Steve working on Center West this is the color coded map and we just broadened anything that would drain to that Wilson Road area and be covered. Mr. Leer stated the only condition he has concerns about is on the borough's behalf you do own that half of that road and the right of way so you would also have to grant Center West the authority to extend that line within the borough's right of way and the extension should be constructed, as a minimum, to Center West specifications and the line be turned over and dedicated to Center West Joint Sewer Authority once it is completed.

Motion by Mariscotti/Encapera to enter into the amendment to the Municipal agreement conditioned upon the Solicitor satisfactory review of said agreement duly carried on a roll call vote with all members present voting yes

Motion by Mariscotti/Gutosky to permit Mr. Fowler put in a sewer line extension in the Wilson Road California Borough Right of Way conditioned upon it being constructed according to Center West Joint Sewer Authority specifications to be dedicated to Center West Sewer Authority at no cost to the borough duly carried on a roll call vote with all members present voting yes.

### **R & B PAYMENT REQUEST**

Mr. Leer stated R & B has submitted for their final payment in the amount of \$10,176.05 which was their retainage.

Motion by Mariscotti/Glab to pay R & B Contracting their final payment of \$10,176.05 duly carried on a roll call vote with all members present voting yes except Mrs. Gutosky who stepped out of the meeting

### **SAFECO PAYMENT REQUEST**

Mr. Leer stated SAFECO would like their final payment releasing their retainage in the amount of \$5,000.00.



Motion by Encapera/Mariscotti to pay SAFECO their retainage in the amount of \$5,000.00 duly carried on a roll call vote with all members present voting yes except Mrs. Gutosky who stepped out of the meeting.

### **MAIN PUMP STATION**

Mr. Leer stated he has received the contractor's bond and insurance and he received an email from Mr. Agrafiotis late today that he reviewed it and it looks fine so he would like council to authorize Widmer Engineering to issue the notice to proceed to Lone Pine Construction.

Motion by Mariscotti/Glab to issue the Notice to Proceed to Lone Pine Construction for the Main pump station project duly carried on a roll call vote with all members present voting yes except Mrs. Gutosky who stepped out.

### **WWTP**

We have an invoice from R Tech and he had Steve Eby talk to them and they sent an invoice rescinding the old invoice.

The Cam motor was malfunctioning during last week's meeting. The new motor arrived and the staff installed it and everything is back to operating normally. He is still waiting on a call back with a price for a spare to have on hand at the plant.

### **CENTRISYS FINAL INVOICE**

Mr. Leer stated he has a final invoice from Centrisys in the amount of \$19,571.30 and that is the balance due for the purchase of the centrifuge. He is recommending payment conditioned on Shirley and I confirming the math is correct.

Motion by Glab/Difilippo to pay Centrisys's invoice in the amount of \$19,571.30 conditioned upon math being correct duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Glab to authorize Mr. Alfano to sign contract agreements with Lone Pine Construction carried with all members present stating aye.

### **NELLO'S ROAD BOND**

Mr. Leer stated Nello has requested release of their bond for Third Street and he reviewed the pre and post videos of this road. He stated the road is in bad shape but there is no evidence that there is damage that is indicative of heavy hauling on that surface. He stated he has no problem recommending to council to go ahead and release Nello's bond. Ms. Evans stated this is a heavy hauling escrow account not a bond that we are releasing. Mr. Leer stated here is the other side of this with as many construction vehicles that have been up and down that road even if you wanted to try and challenge them and hold all or a portion of their bond it would be dog fight and you're paving that section anyhow. Mr. Glab stated we'll have to carefully watch what construction vehicles go up there because they will be doing demolition projects at Cal U in a year or two. Mr. Mariscotti asked how much are we allowed to charge them. Mr. Melenzyer stated that is set by state. Mr. Tудay stated approximately \$12,500.00 per mile. Mr. Mariscotti stated how are we supposed to get them to pave a whole mile for that amount. Mr. Leer stated you are not getting them to pave the whole road but just the part that is damaged. Mr. Melenzyer stated what we did to try and get more money is that ordinance says if you are going to run multiple roads in them municipality they can pay \$30,000.00 which would cover them but you have to identify them so that makes it a bigger pot if we are going after a certain road to be fixed, but the rule requires that we also video it because those haulers are on notice to video it and if they don't it's their tough luck.

Motion by Mariscotti/Encapera to release Nello Construction's Road bond in the amount of \$30,000.00 duly carried on a roll call vote with all members present voting yes except Mr. Difilippo who voted no.

### **SOLICITOR'S REPORT**

#### **CAL-TECH STORM WATER RELEASE**

Mr. Melenzyer stated Tom didn't give him anything on this. Mr. Leer stated he can talk about this. Mr. Leer stated Caltech 7 has requested the release of their storm water bond that was posted when they built the pond up there. He stated Tom was in the process of trying to locate

his files which are in offsite storage and when he locates those we will review those documents and I will come out and do an inspection of the pond and hopefully by next month's meeting we'll have a recommendation to bring to council.

## **OLD BUSINESS**

### **2016 ROAD PROJECTS**

Mr. Difilippo stated he wants to jump on these roads faster next year that we're not blacktopping in October so he is requesting a report from the road department as to what roads need to be done next year so we can have it all lined up and ready to pave early next year. Mr. Tудay stated they would have been done earlier this year but it was the utility companies holding it up. Mr. Difilippo stated he doesn't want to be putting bids out in May he wants it done earlier.

## **NEW BUSINESS**

Mr. Difilippo stated he sends Doug's reports to council every month so we know what is going on there and he thinks every department should provide updates as to what is going on every week. Mr. Alfano stated Dr. Martin will be handling that and making sure everyone gets timely report in.

### **CONSTRUCTION MEETING UPDATE**

Mr. Alfano stated we were at the construction meeting to check on the progress of the new police department and he'd say they are about 95% done but they have to do some paint touch ups and there are a few issues with windows but they want to push the move in date to next week but the police feel it would be much better timing to push it another week until after homecoming which would put it around the 27<sup>th</sup>. Mr. Alfano stated he contacted Advent to come in and make the switch over on the 28<sup>th</sup> so the computers and phones will be up and running.

### **MULTI MODAL TRANSPORTATION GRANT**

Dr. Martin stated that the President of Council made him aware of the multi modal transportation grant opportunity and he's been looking into this and it is a 30% match grant so we put up 30% and they match 70%. We're looking at putting the lights and sidewalks on the Wood Street area that you had mentioned earlier concerning the community development block grant. He stated this may be a viable opportunity however, the grant application calls for us to have some studies done and there may be some costs associated with that. He stated we just received the paperwork so we don't have a good handle on what those may be but he would like council's authorization to pursue the Multi Modal Transportation Grant from the State and he will keep council up to date every step of the way but he would like Council's approval to pursue this. Mr. Tудay stated he was thinking doing Wood Street and Third Street. We can do the other lights on Wood Street down to Second St with the CDBG money. Mr. Martin stated this is a competitive grant it's not one will you just fill out the application and you get the money, it is a bit more complex than that. If it appears that we are going to incur cost for studies and things he will contact Council President. Mr. Tудay stated we'd need money to put together a bid application. Mr. Leer stated a bid package would not be applicable to a grant application so it would be some type of feasibility study. Dr. Martin stated you also have to have an Environmental Impact study done. Mr. Glab stated if we do the study and we're not successful can we use that study for the CDBG monies and maybe extend that project a little more. Dr. Martin stated he didn't see why they couldn't do that.

Motion by Difilippo/Mariscotti to authorize up to \$30,000.00 for the studies and expenses to have the Borough Administrator pursue the Multi Modal Transportation Grant duly carried on a roll call vote with all members present voting yes.

Dr. Martin state don November 11<sup>th</sup> there is a DER grant meeting that we need to be represented at in order to complete our application. It appears that the engineer and the borough administrator and/or council president need to be present in order to be qualified to pursue this grant. Mr. Leer stated if he charges any time to California for this it will be minimal he may just charge it to overhead.

Motion by Mariscotti/Difilippo to authorize Dr. Martin and the Borough Engineer to attend the pre grant meeting for the DCNR grant on November 4, 2015 in Wexford carried with all members present stating aye.

Dr. Martin stated we were notified today that we did indeed receive the grant that the former borough manager and Chief Encapera had worked together on for the bullet proof vests. At this point it is a logistical situation. He stated he cannot get into the electronic files that contain the actual application because they are locked under the name of the former borough manager. He stated he had to go through a rather lengthy process today with the state to get that changed over and they assured him that he will be recognized as the new local representative for this borough with this agency in 3 to 5 business days. He stated he can't do much else until he has access to these electronic files.

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

Mr. Melenyzer stated Tom said he wanted his retirement money equivalent to what he had paid up to the point of his termination. Mr. Glab stated when we all got the email from Tom this morning that he was approved for his unemployment compensation if you went through and read that and maybe I was a little biased when I read it but it insinuated that we moved the meeting up here so it would not be televised when he was discharged. Mr. Melenyzer stated if you don't fight it they will award him it guaranteed.

#### **RECOGNITION OF CITIZENS**

Mr. Maddiex stated the Planning Commission will meet on November 4<sup>th</sup> and that is the meeting that Brandi will attending and we will probably be going over the results of the Open house meeting.

Mr. Tудay stated he installed the weight limits signs down at Rotary park so if any officers see an overweight truck in there they can site them. He also stated that the sleeves for the meter poles finally came in today so we're going to start putting them on.

#### **ADJOURN**

President Alfano adjourned the meeting at 9:00 pm