

Regular Meeting of California Borough Council, August 9, 2018

President Alfano called the meeting to order at 6:50 pm

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

ABSENCE:

SWEARING IN OF JUNIOR COUNCIL MEMEBER

Mayor Stetar swore in new junior councilman Trevor Kotchman

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MELISSA DUNN & JAMISON ROTH – PRESENTATION ON VULCANFEST

Ms. Dunn handed out Vulcan fest flyers to all the councilmembers. She stated homecoming is a long standing tradition for California University and they approaching their 80th anniversary. Their newest adventure is their partnership with Washington County Tourism to enhance the program this year with the Vulcan fest celebration. She explained that student activities that occur the week leading up to homecoming weekend. Then the homecoming parade takes place on Saturday morning at 12:00, followed by the Cal U Football game. This year they are adding a concert that will take place after post game at Adamson Stadium with Live contemporary country artist Chris Higbee followed by the CMA Award winning band Lonestar at 8:00 pm. There will also be food trucks in the parking lot, followed and ending with a fire work display. Jamison Roth explained that in your packets are listing for sponsorships and following the Lonestar we will have a display of fireworks for approximately 15 minutes. He stated he is asking California Borough to be a sponsor of the firework display and is asking for sponsorship in the bronze, (1,500.00) or the silver (2,500.00) package. Mr. Alfano asked if anyone wants to make a motion. He stated the Recreation Authority could probably co-sponsor with the Borough and we could each do \$1,250.00.

Motion by Gutosky/Mariscotti to co-sponsor with the Recreation Authority at a cost of \$1,250.00 each for the Vulcan fest fireworks display to be paid out of the gaming revenue funds duly carried on a roll call vote with Mr. Alfano, Mr. Encapera, Mrs. Gutosky, and Mr. Mariscotti voting yes and Mr. Bittner, Mr. Difilippo, and Mr. Glab voting no.

Mr. Glab stated we lost a lot of discretionary monies due to properties being purchased by Cal U and going to a non- profit status over the years which has forced us to raise our tax rate this year and we should keep this in mind.

ADDITIONS/CHANGES TO THE AGENDA

Mr. Glab – Edwards/Gwyn subdivision

Mr. Glab – Reapprove Tyhonas/Gech subdivision

Mr. Difilippo- Complaint form – 532 Rear Third St.

Mrs. Gutosky – Solicitor Bill

Dr. Martin – Independent Inspector for Alley paving project

Mr. Alfano – LSA project resolution- Historical Society

Mr. Mariscotti – Lighting at the Wharf

PUBLIC COMMENTS

Mr. Maddiex stated that the meetings for the budget workshops should be advertised.

MINUTES

Motion by Difilippo/Mariscotti to approve the minutes of the Regular meeting of August 9, 2018 carried with all members present stating aye except Mr. Glab who abstained.

Motion by Gutosky/Encapera to approve the minutes of the minutes of the continued meeting of August 30, 2018 carried with all members present stating aye.

TREASURER'S REPORT

Ms. Evans read the Accounts payable and the Account balances as of August 31st

Motion by Gutosky/Encapera to approve the Treasurer's report carried with all members present stating aye.

PRESIDENTS REPORT – MR. ALFANO

WIDMER INVOICES

Motion by Gutosky/Mariscotti to pay Widmer Invoice #21808342 in the amount of \$450.00 for MS4 Annual report duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Glab to pay Widmer Invoice #21808344 in the amount of \$562.00 for Concrete work bid specs duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Glab to pay Widmer Invoice #21808345 in the amount of \$607.50 for Bid specs for gutters and downspouts duly carried on a roll call vote with all members present voting yes.

LETTER OF SUPPORT – LSA GRANT CENTER IN THE WOODS

Mr. Alfano stated we received a letter from the Center in the Woods requesting a letter of support for their LSA project which is parking lot lighting, outside painting, and upgrade parking lot and storm drains with a total cost of the project approximately \$100,000.00.

Motion by Encapera/Mariscotti to provide a letter of support for the Center in the Woods LSA grant project carried with all members present stating aye.

LETTER OF SUPPORT – RECREATION AUTHORITY

Mr. Alfano stated the Recreation Authority will also need a letter of support for their LSA application which will be a continuation of the Loop Trail, specifically Mechanic Street. He stated they met with AJ Swartz of EP & D and he's putting together a project for them. He stated he'll have more specifics about the project and the costs later on.

Motion by Encapera/Mariscotti to provide a letter of support for the Recreation Authority's LSA grant application project carried with all members present stating aye.

LETTER OF SUPPORT – HISTORICAL SOCIETY

Dr. Martin stated we discussed this but did not make a motion. They would like to demolish the house that was donated to them and put in a parking lot there.

Motion by Mariscotti/Glab to provide a letter of support to the Historical Society's LSA application project to demolish a building and put in a park lot carried with all members present stating aye.

RIVERFEST

Mr. Alfano thanked all involved for helping with the River fest and stated it was the best attended event this year.

BOROUGH ADMINISTRATORS REPORT – DR. MARTIN

UPDATES

Dr. Martin stated he wanted to publicly commend the police department, the borough crews, and the Mayor for his leadership in the process. He stated we are slowly making our way back in those hardest hit areas. All of these folks did a tremendous job in coordinating the efforts and should be recognized for that. He stated we continue to be in contact with the American Red Cross to provide specific help to some of those families that were hardest hit.

ALLEY PAVING PROJECT

Dr. Martin stated he wanted to update council on the alley project. He spoke to Steve who has spoken to the company and they are tentatively planning to begin the alley paving on Monday. He stated he reached out to Victor Paving and they indicated the weather has made it impossible for them to give us a date of when they begin. He stated they will give us a week's notice of when we get on their schedule.

Dr. Martin stated due to the auditors he will need a formal motion to authorize for an independent inspector for the alley project. Mr. Difilippo asked if he has anyone in mind. Dr. Martin stated he spoke with Steve and he has made the contact for this. He stated he has one for the alleys but not for Victor's paving project.

Motion by Gutosky/Mariscotti to authorize payment for an independent inspector on the alley project duly carried on a roll call vote with all members present voting yes.

INVOICE FROM TUDAY CONSTRUCTION

Dr. Martin stated he has an invoice from Tудay Construction concerning the rental of a piece of equipment that was necessary for the work we had to do on the Dirt and Gravel project. He stated it is a very specific type of digging that needed to be done in a very tricky geographical location out there. None of the equipment that the borough has was up to the task so he pulled council by email to make them aware of the situation. The companies that we would normally deal with for this kind of issue wanted to charge us \$1,250.00 per day for an 8 hour day to use this equipment. Mr. Tудay made it available to us through his private construction company. It was basically three days' worth for \$1825.00 and the breakdown of these charges and hours is in your packet.

Motion by Gutosky/Glab to pay Tудay Construction invoice in the amount of \$1,825.00 duly carried on a roll call vote with all members present voting yes.

PUBLIC HOUSING – MR. GLAB

ROSE PLASTIC STORM WATER

Since the original approve of the Storm water management plan dated June 2017 the post construction plan and drawings have been revised therefore;

Motion by Glab/Difilippo to release Rose Plastic's storm water escrow contingent on the following conditions being met; 1. Revised storm water management plan be approved by McMillen Engineering with review fees paid by the applicant to McMillen Engineering, 2. Post construction storm water management plan and executed operating and maintenance agreement between the property owner and the Borough of California be recorded in the Recorder of Deeds office in Washington County, 3. Final inspection of the completed storm water management site work be performed and approved by McMillen engineering with the inspection fees paid by the applicant to McMillen Engineering duly carried on a roll call vote with all members present voting yes

TYHONAS/GECH SUBDIVISION

Mr. Glab stated in our March meeting this year we approved a subdivision for Tyhonas/Gech, however that was not recorded at the County within the 90 day time limit, therefore;

Motion by Glab/Mariscotti to reapprove the Tyhonas/Gech subdivision duly carried on a roll call vote with all members present voting yes.

EDWARDS/GWYN SUBDIVISION

Mr. Glab stated the Edwards/Gwyn subdivision is at 154/156 Edward Street. He stated that the purpose of the subdivision is to correct an error in the original survey located between the Edwards and Gwyn properties and to consolidate two parcels owned by the Gwyns.

Motion by Glab/Mariscotti to approve the Edwards/Gwyn subdivision with the following condition that the Subdivision be reviewed and approved by the Washington County Planning commission, the Borough Engineer, and the Borough Solicitor duly carried on a roll call vote with all members present voting yes.

MINIMUM MUNICIPAL OBLIGATIONS

Motion by Glab/Difilippo to approve the 2019 MMO contribution for the Uniform retirement plan at zero cost duly carried on a roll call vote with all members present voting yes.

Motion by Glab/Difilippo to approve the 2018 MMO contribution for the Non-uniform retirement plan at a cost of \$54,148.99 duly carried on a roll call vote with all members present voting yes

PUBLIC WORKS – MR. MARISCOTTI

Motion by Mariscotti/Difilippo to pay Appalachian lighting invoice in the amount of \$730.00 duly carried on a roll call vote with all members present voting yes.

COLUMBIA GAS SUBCONTRACTOR HIT A LINE

Mr. Alfano stated the contractor was working on California Road and hit a line that controls the flashing lights. Mr. Tудay sated he tried to look for a number today but he didn't find it. Mr. Tудay stated he will call Columbia gas tomorrow. Mr. Alfano stated that should be their responsibility to fix that. Mr. Tудay stated yes and was on top of their gas lines.

PUBLIC SAFETY – MR. BITTNER

STOP GRANT TRAINING

Motion by Bittner/Glab to approve any officer to attend the Stop Grant on October 31st with the officers being paid education rate duly carried on a roll call vote with all members present voting yes.

SIANA BELLWOAR & MCANDREW INVOICE

Motion by Bittner/Mariscotti to pay Siana Bellwoar & McAndrew invoice #76334 in the amount of \$870.50 duly carried on a roll call vote with all members present voting yes.

Mr. Bittner stated the fire hall on Tuesday after all the rain did sixteen pump jobs from 8 am to 8 pm he wanted to thank them also.

FINANCE – MRS. GUTOSKY

PAY MONTHLY BILLS

Motion by Gutosky/Encapera to pay the monthly bills duly carried on a roll call vote with all members present voting yes except Mr. Bittner who voted no.

SOLICITOR'S BILL

Motion by Gutosky/Encapera to pay the Solicitor's bill in the amount of \$2,560.60 with Administration being \$1,104.00, Zoning - \$1,192.60 and Sewer fund - \$264.00 duly carried on a roll call vote with all members present voting yes.

BUDGET WORKSHOPS

Mrs. Gutosky asked to hold budget workshops on Oct. 8, 22, Nov. 5 and 19th and if we another session Dec. 3rd and get it passed at our December meeting. Ms. Evans stated you have to have 10 day public review period. Mrs. Gutosky stated we can do it in four meetings so let's plan for Oct. 8th, 22nd, Nov. 5th at 6:00 pm and see how far we get.

Mrs. Gutosky asked if we need to advertise these. Mr. Glab stated can we just put them on the website. Mr. Agrafiotis stated that would be fine as long as they are open to the public.

PUBLIC HEALTH – MR. DIFILIPPO

WIDMER INVOICES

Motion by Difilippo/Mariscotti to pay Widmer Engineering invoice #21808341 in the amount of \$1,192.50 for Plant discharge duly carried on a roll call vote with all members present voting yes.

Mr. Difilippo asked where the smoke testing for this invoice was done. Mr. Eby stated it was down by the pump station and up near the High School.

Motion by Difilippo/Mariscotti to pay Widmer Engineering invoice #21808343 in the amount of \$420.00 for smoke testing duly carried on a roll call vote with all members present voting yes.

COMPLAINT FORM

Mr. Difilippo stated we received a complaint from Mr. Vitchoff for his property at 532 Rear Third Street and this has happened before. The borough installed a backflow valve and it has failed several times. Mr. Difilippo asked Steve if he's aware of this. Mr. Eby stated no he's not. Mr. Difilippo stated he remembers when the valve was put in and it has failed several times. Mr. Alfano asked why the borough put a backflow valve in. Mr. Vitchoff stated because the sewer has been malfunctioning down there over the last 20 years and the gentleman sitting beside you can attest to that he's been down there 20 years ago for the same problem. Mr. Bittner responded yes. Mr. Alfano asked why do you keep having back up. Mr. Vitchoff stated because the backflow preventer valve malfunctions and the sewer dept. comes down and tells him its working. Mr. Vitchoff stated it is in your line on Strawberry. Mr. Mariscotti asks if this occurs only when it rains. Mr. Vitchoff stated the backflow preventer valve has worked but it has also not worked. Mr. Difilippo asked Mr. Eby to go and take a look at that. Mr. Alfano asked Pat if he thinks this is due to storm water infiltrating the sewer lines. Mr. Vitchoff stated certainly and we've had several engineers up there and have paid thousands of dollars but it is the error in the storm water/sanitary separation that is causing the problem.

Mr. Difilippo also thanked all involved for their work during the flooding this past week. Mr. Bittner stated Mr. Mariscotti stated he's getting flooded in the basement of the funeral home all the time too so we should have Steve look at that also. Mr. Difilippo stated that is fine with him.

PERSONNEL – MR. ENCAPERA AND MR. MARISCOTTI

Nothing to report

JUNIOR COUNCIL MEMBER – MR. KOTCHMAN

Mr. Kotchman stated that the football team played Avella on Friday and we won 57 to 6. He stated the Soccer team has a game this evening. The band festival was Saturday but had to be moved inside due to the rain but was a success. Girls tennis had section singles yesterday and one of the girls lost in the first round and the other advanced to the second round but lost there.

MAYOR'S REPORT – DR. STETAR

Mayor Stetar thanked the Recreation Authority for a successful river fest, Jim and Nate Scaccia for the fireman's parade opening up the river fest. With the flooding he stated he tried to get out and make his way around as much as he could to the most affected areas while still trying to clean out his own home. He thanked the fire department for pumping out a lot of basements. He called the American Red Cross who provided clean up kits to the residents affected by the flood and there are provisions in place to have the large appliances that were damaged out of the areas. He's asking everyone that wants to volunteer to help clean up for some of the elderly or ill residents who were impacted by the flood. He stated we will meet here Saturday morning at 11 am and go out to the hardest hit areas and try to help.

ENGINEER'S REPORT – MR. EBY

UPDATES

Mr. Eby stated the alley project contractor called him today and got his submittal in for blacktop and will start Monday weather permitting.

We've applied for Penndot permit for Jeff who has a storm line to replace up on Malden Road. Monday we were out in the rain looking at those manholes along Malden and once it dries up we can get in there and repair them or bring back to council another solution to fix the infiltration. Mr. Bittner stated in front of the Rudy residents along Malden there is a large accumulation of water at the bottom of their driveway. Mr. Tудay stated that is a Penndot drain and it always gets clogged.

HIGHLAND DRIVE SEWER PROJECT

He was asked to design a sewer line for Highland Drive and he has a rough drawing and the cost is approximately \$\$195,00.00 and that includes 13 taps, 910 ft. of state road sewer, 260 ft. of alley/driveways sewer and 1,070 ft. of yards, 13 manholes, and 9 Edu's. He stated approximately 5 easements will need to be obtained also. The borough had a little over 80,000.00 approved for the three homes but now they will go out the other way and are included in this \$195,000.00. Mr. Alfano asked if this will affect our PA Small water grant and the project that was already awarded. Mr. Eby stated no we'll just add this to it as a change order and the project that was

awarded is quite large due to the downtown work that was included in it. Mr. Eby stated we should be hearing back from the PA Small water grants later this month and if awarded we'll just have to include a letter stating we have increased the project but are still picking up those three homes.

Motion by Glab/Bittner to approve installing sewer lines along all of Highland Drive from Hill St. down to Wood Street at an approximate cost of \$195,000.00 duly carried on a roll call vote with all members present voting yes.

SOLICITOR'S REPORT – MR. AGRAFIOTIS

BILL GAMBLE – CONSULTING AGREEMENT

Mr. Agrafiotis stated Mr. Bittner had given him a consulting agreement from Bill Gamble to review and council had approved it with any changes the Solicitor may need to make. He stated he did make one revision in the Hold Harmless Indemnification paragraph he added a sentence that we wouldn't hold him harmless if or his agents or employees did something intentional or reckless, or gross negligence. He called Mr. Bittner and said he wasn't comfortable, although he understood the language, altering this. Mr. Agrafiotis stated so you can sign the agreement as is or find somebody else. Mr. Agrafiotis stated the chance of something happening that this additional language would save the borough some money is slim to none. Mr. Bittner stated so we can just sign the agreement since it was approved at a prior meeting to do so.

PUBLIC HEARING – ZONING ORDINANCE

Mr. Agrafiotis stated we had the second public hearing on the zoning ordinance and Mr. Petro and he had discussed adding some summaries to begin each zoning district which in his opinion is not a substantial change so if council is okay with the ordinance as it stands from the public hearing last week they can consider advertising for adoption in November if you are not okay with it or you think there is substantial changes to be made we will have to have a third public hearing. Mr. Alfano asked council what they want to do. Mr. Alfano stated we've been dragging this out does council want to accept it as is. Mr. Agrafiotis stated you are not under the gun tonight to do anything if you want to think about it until next month's meeting that's fine. Mr. Glab stated he'd like some more time to think about it.

OLD BUSINESS

No old business

NEW BUSINESS

Mr. Eby asked for a 5 minute executive session on possible litigation

RECOGNITION OF CITIZENS

Mr. Maddiex stated there are still openings on the Planning commission and there are two scheduled meeting the rest of this year. Mr. Maddiex would like to submit next year meeting dates for October and council's approval to advertise those.

ADJOURNMENT

Motion by Difilippo/Mariscotti to adjourn into executive session at 7:50 pm carried with all members present stating aye.