

Regular Meeting of California Borough Council, November, 2019

President Alfano called the meeting to order at 6:35 pm

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

ABSENCE: Mr. Bittner

MOMENT OF SILENCE PLEDGE OF ALLEGIANCE

ADDITIONS/CHANGES TO THE AGENDA

Mrs. Gutosky added the solicitors bill

Mr. Mariscotti added traffic sign at Ellsworth St.

Mr. Alfano stated the agenda stands as printed and amended.

PUBLIC COMMENTS

REPRESENTATIVE BUD COOK

Representative Bud Cook presented former Chief Rick Encapera with a certificate from the House of Representatives of the Commonwealth of Pennsylvania for his record of exemplary service upon his retirement.

MINUTES -REGULAR MEETING OF AUGUST 8, 2019

Motion by Difilippo/Gutosky to approve the minutes of the Regular Meeting of October 10, 2019 carried with all members stating aye.

TREASURER'S REPORT

Ms. Evans read the accounts payable and bank balances as of October 31, 2019.

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

PRESIDENTS REPORT – MR. ALFANO

VERDIN CLOCK MAINTENANCE RENEWAL

Mr. Alfano stated we have a maintenance renewal agreement for the Verdin clock and the cost is \$630.00.

Motion by Encapera/Mariscotti to renew the Verdin clock maintenance agreement at a cost of \$630.00 duly carried on a roll call vote with all members present voting yes.

SOLVENCY FEE

Mr. Alfano stated this is a fee paid to the Dept. of Labor & Industry Unemployment Compensation in the amount of \$1,729.50 for the year 2020.

Motion by Encapera/Mariscotti to pay the Solvency fee in the amount of \$1,729.50 duly carried on a roll call vote with all members present voting yes.

ADVENT MONTHLY MAINTENANCE AGREEMENT RENEWAL

Mr. Alfano stated we have another 2020 maintenance agreement and this one is from Advent Communications and it is \$97.50 per month.

Motion by Difilippo/Mariscotti to approve Advent's monthly maintenance agreement for 2020 at a cost of \$97.50 per month duly carried on a roll call vote with all members present voting yes.

SIANA BELLWOAR INVOICE #81344 - \$918.00

Mr. Alfano stated this invoice is from our consultant for specific litigation and the amount is \$918.00.

Motion by Encapera/Difilippo to pay Siana Bellwoar invoice #83144 in the amount of \$918.00 duly carried on a roll call vote with all members present voting yes.

Mr. Alfano stated the Holly Day celebration will be held on Dec. 8, 2019 and will be at the Natali Student Center

ADMINISTRATOR'S REPORT – DR. MARTIN UPDATES

Dr. Martin stated he attended the meeting at Liberty Towers on Nov. 7th with members of the MMVTA and Washington County Redevelopment, and Senator Bartalotta's office and Representative Bud Cook's both had representative there. He stated essentially the MMVTA explained that they will not restore the bus route to its original course as requested, they will however work with the Redevelopment Authority to place handrails down the sidewalk in front of the towers and they will be revisiting the issue of placing a shelter down at the corner where the bus now picks up. He stated he explained to them on council's behalf that anything they do in that regard must first come to council for approval as it will impact the sidewalk.

LSA MEETING

Dr. Martin stated the LSA presentation is set for Monday, Dec. 2nd at 1:35 at their Washington County office building. We will be seeking additional funds for the pavilion project and we will also be their to support the Historical Society for additional demolition funds. On a related note speaking of the pavilion only one nibble of the ten requests for proposal he sent out to various architects on councils' behalf in the area that was Kulak and George. They requested some additional information and some picture which he sent to them today. He stated that is the only nibble we got on the request for proposals.

TRAFFIC LIGHT 3RD ST. EXTENSION AT MALDEN ROAD

Dr. Martin stated as you know from reading your emails you are aware of his exchanges with Penndot concerning the possibility of exploring a traffic light at the intersection of 3rd St extension and Malden Road and the exit ramp from Route 43. He stated as he has shown council I the actual exchanges he's had with the district traffic engineer if you want to move forward with that the first step would be to request a traffic study. Mr. Agrafiotis had some background about the last light we put up there and you may want to visit this a little more internally before we send a letter off to Penndot. He stated he wanted council to know is that Penndot is telling us that if we want anything done there we must first pay for a traffic study. Mr. Alfano stated to add to his he has sent a letter off to Representative Cook's office today urging them to do some prodding internally to try and help us move this along.

STREET LIGHT - LIBERTY STREET

Dr. Martin stated council had asked him to do some research about the cost of placing a LED cobra head street light placed on Liberty Street across from the bank. He did get those costs and according to Randy Durr at West Penn the cost should be around \$285.00 to put the light and the bracket up and then the monthly operating cost would be based at the price of electricity. If council wishes to proceed he would need a motion and he would suggest it not to exceed \$300.00.

Motion by Difilippo/Mariscotti to have a cobra head light placed on the telephone pole on Liberty Street across from the bank at a cost not to exceed \$300.00 duly carried on a roll call vote with all members present voting yes.

LIBRARY TREES

Dr. Martin stated the Library Board has advised us that there is a problem with two dead Linden trees there that are precariously looming over the building. In response to that he asked Street Commissioner Tудay to reach out and get us three quotes for removing those trees. He stated we didn't get this information to include this in the tree trimming bid. He stated he hopes to have at the next meeting the quotes from Mr. Tудay and we need to move forward with that to some dispatch because he doesn't think either of those trees will remain standing through the winter. Ms. Evans stated we did receive one quote which was given to Mr. Tудay prior to this meeting. Mr. Mariscotti asked if we should do a number not to exceed. Ms. Evans stated we may have to continue this meeting to adopt a tentative budget. Mr. Mariscotti stated he would rather get the motion in now. Ms. Evans asked Mr. Tудay to open the quote he received tonight since it is not required by sealed bids. Mr. Agrafiotis stated you can do up to a certain limit if it is considered

an emergency situation and just proceed. Ms. Evans asked Mr. Tудay to open the quote to get an estimate for the motion. Mr. Tудay stated he'll wait and get two more quotes tomorrow. Mr. Agrafiotis told Mr. Tудay to open the quote he received. Mr. Tудay stated the one quote he got is for \$1,400.00 plus \$200.00 to grind the stumps. Mr. Agrafiotis stated that is well below having to get proposals. Mr. Alfano asked who the quote was from and Mr. Tудay replied Scott's tree service.

Motion by Difilippo/Gutosky to hire Scott's Tree Service to remove the two trees at the Library at a cost of \$1,400.00 plus \$200.00 for each stump removal duly carried on a roll call vote with all members present voting yes.

GAS COMPANY – STAGING AREA

Dr. Martin stated barring objection from council he granted permission to the Gas company to use the area down behind the old sewage plant as a temporary staging area while they are working on Fourth Street. In exchange for this Mr. Tудay has negotiated the restoration of a sidewalk and some other matters and he commended Mr. Tудay for his negotiation skills.

PUBLIC HOUSING – MR. GLAB

CONDITIONAL USE HEARINGS FOR VERIZON

Mr. Glab asked Mr. Agrafiotis where we are at with the Verizon hearings. Mr. Agrafiotis stated they are both up for a decision tonight. Mr. Agrafiotis stated we already approved the one for 187 Beazel Street at a prior meeting. We had a hearing tonight and one of these were originally for 415 East Alley and Verizon moved the pole to 618 Park St. so the hearing tonight was based on the pole being placed at 618 Park St. If council sees fit to approve these he would like to say that Verizon is correct and he agrees that we are preempted into doing too much to interfere with them being in town and they have worked with us on what we had asked them to do. He stated if we don't approve these then we will probably end up in Federal Court. He feels they have done more than enough to work with the borough and they didn't have to. There is a Sept. 26, 2019 ruling from the FCC that basically says that boroughs and municipalities do not preempt locations of these and no one has objected to location so it is recommendation that both conditional uses be approved. There was an objection filed by Lori Matheson and her attorney provided a nice brief detailing Pennsylvania Zoning law but he didn't speak to the recent FCC ruling giving the preemption. Verizon is letting us regulate them somewhat and has worked with the borough's requests. Mr. Agrafiotis stated if they meet the conditional use criteria you have to approve it and can only put reasonable conditions on the approval. Mr. Agrafiotis stated the first one is at 618 Park street for conditional approval with a limited height of 43' and complying with all other requirements of our ordinance. Mr. Glab asked if we can add that the owner of 618 Park St., Mr. Vanolst, requested they make a good faith effort to work with the cable company. The Verizon representative stated they will work to the extent that they can with the cable company. Mr. Glab stated as a point of clarification all of the conditions and questions and concerns brought forth regarding health requirements exceed the purview of council. Mr. Agrafiotis stated that is correct we cannot use that in consideration at all.

Motion by Glab/Encapera to approve the 618 Park Street location with the condition stated by Mr. Agrafiotis and Verizon put a good faith effort to work with Armstrong Cable to try and eliminate one of the existing poles failed due to a roll call vote with Mr. Alfano, Mr. Encapera, and Mr. Glab voting yes and Mr. Difilippo, Mrs. Gutosky, and Mr. Mariscotti voting no and Mayor Stetar broke the tie with a no vote.

Motion by Glab/Encapera to approve Verizon's request for 244 Union Street location with the conditions set forth by the solicitor failed due to a roll call vote with Mr. Alfano, Mr. Encapera, and Mr. Glab voting yes and Mr. Difilippo, Mrs. Gutosky, and Mr. Mariscotti voting no and Mayor Stetar broke the tie with a no vote.

Mr. Alfano address Mr. Petro and stated the new building at Rose Plastics keeps running into a road block getting the final approval from McMillen Engineering effectively and they can't get occupancy for the building. He's come down several times and gives them something to do and they do it and then he comes back and gives them something else to do. Mr. Petro asked if this is for the building or the storm water management plant. Mr. Alfano stated it is for the building and in the mean time you have a \$10,000,000.00 building sitting there no one can get any tax money and there is no occupancy issued. Mr. Alfano asked Mr. Petro to check into this please. Mr. Petro

stated he recently received an email from the architect and she stated everything was okay with the building but they still needed to have their storm water done. He contacted they need a final plan so we can review it and go up there and do a final inspection. Mr. Alfano stated we haven't released their storm water money yet. Mr. Petro stated that is correct. Mr. Alfano stated just see what we can do to get his taken care of so they can use their building.

Mr. Encapera left the meeting.

PUBLIC WORKS – MR. MARISCOTTI

TREE TRIMMING BIDS

Mr. Mariscotti stated he has three bids for tree trimming and they are 1. Arnold Tree service - \$2,800 for 31 trees, 2. Scotts Tree Service - \$2,900.00 for 31 trees, and 3. Dillons Tree Service - \$3,100.00 for 31 trees.

Motion by Mariscotti/Difilippo to award the tree trimming to Arnolds Tree service at a cost of \$2,800.00 duly carried on a roll call vote with all members present voting yes.

PESTICIDE CERTIFICATION– MR. TUDAY

Motion by Mariscotti/Glab to authorize Jeff Taday to attend the pesticide certification class at a cost of \$150.00 duly carried on a roll call vote with all members present voting yes.

NO COMMERCIAL VEHICLES SIGNS NEAR FIRE DEPT. – ELLSWORTH ST.

Mr. Mariscotti stated we put some signs up by the firehall that says no truck traffic beyond this point and it is affecting Mr. Weld's business. He stated we need to address this so we either need to add additional signs that permit trucks to go to Weld's. Mr. Mariscotti stated customers who are coming there to get their trucks inspected won't go past the signs now so we need to do some kind of clarification. Dr. Martin stated Mr. Weld came down and spent some time with him today and they think the simplest solution he is recommending to council is to add to the existing sign no commercial beyond Weld towing. He stated he thinks that is the easiest way is to just add a sign saying beyond Weld Towing. Chief Sheehan stated can't we just give them an official letter that they can show to their customers permitting them to go there. Mayor Stetar suggested perhaps a distance sign say 2500 feet and leave it enough to get to their business. Mr. Taday stated you can't keep customers from going to that established business. Dr. Martin stated Jeff, and the Chief and himself will work on this.

PUBLIC SAFETY- MR. BITTNER

Nothing to report

FINANCE – MRS. GUTOSKY

PAY MONTHLY BILLS

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

CONTINUED MEETING

Mrs. Gutosky stated we need one more meeting to wrap up the budgets and then to continue this meeting to adopt the tentative budgets. Council set the budget workshop for Nov. 18th at 6:00 pm and the Continued meeting will be November 25th at 6:30 pm .

SOLICITORS BILL

Motion by Gutosky/Difilippo to pay the Solicitor's bill in the amount of \$4,252.00 which breaks down to Admin. - \$3,298, Zoning - \$528.00, and Sewer - \$426.00 duly carried on a roll call vote with all members present voting yes.

PUBLIC HEALTH – MR. DIFILIPPO

BARRIER PROTECTION RENEWAL FOR 2020- \$240.00

Motion by Difilippo/Mariscotti to renew Barrier Protection for 2020 in the amount of \$240.00 duly carried on a roll call vote with all members present voting yes.

PERSONNEL – MR. MARISCOTTI & MR. ENCAPERA

Motion by Mariscotti/Difilippo to hire Margaret Nunlay as a fulltime police officer per a background check, physical and according to the terms in the collective bargaining unit agreement duly carried on a roll call vote with all members present voting yes.

JUNIOR COUNCIL MEMBER – MR. BECKINGER

Mr. Beckinger reported that the California Area Highschool Volleyball team competed in the WPIAL playoffs on Oct. 22nd. They played Riverview High School at Norwin High School and unfortunately our team lost to Riverview. The football team competed in the WPIAL playoffs on Nov. 1st against Cornell High School at West Allegheny and unfortunately, we lost against Cornell. There was a full scale lockdown drill at the High School today where students and teachers ran a full barricade drill in preparation for a hostile intruder or crisis. The career and workforce team made up from a variety of student officials is seeking apprenticeships, internships, and tours of facilities for students seeking employment following graduation. On Wednesday, Nov. 13th Claire Mock and Jenny Bostich went to the World Affairs institute for student leaders in Pittsburgh. It was sponsored by the World Affairs Council and Rotary.

MAYOR'S REPORT – DR. STETAR

Mayor Stetar congratulated Maggie and welcomed her to the police force. He also thanked the Volunteer Fire Dept along with the Recreation Authority for the Halloween parade.

ENGINEER'S REPORT – MR. EBY

A FOLINO CHANGE ORDER #5

Mr. Eby stated we have change order #5 for A.Folino which is a deduct of \$1,425.00 from Folino's payment application duly carried on a roll call vote with all members present voting yes.

H2O GRANT & PA SMALL WATER GRANT

Mr. Eby displayed a visual of all the pump stations in the borough. He stated with the potential new pump station placed near Rotary Park these two pump stations could be rerouted with gravity lines and then Malden can come down by gravity and Knob Road can follow 43 and come down by gravity and Vulcan Village can tie into the Highland Drive project. This is the same one we did a year or two ago but didn't bid it out. He stated it is similar to what you had a few years back with Chester which was to eliminate all the pump stations. He stated he knows one of the grant applications is to replace the Malden Pump station. He stated this is along term plan to do the pump station at Rotary with the interceptor and Malden Pump station probably won't last that long so he would like to apply for the PA Small Water grant and the match is 15% to replace the Malden Pump Station. He stated the H2O Grant we will apply for the pump station at Rotary and the interceptor but this is the one that is needed to eventually begin to do away with all the other pump stations.

Motion by Difilippo/Mariscotti to resolve to apply for the H2O Grant to replace the interceptor line and build a new pump station duly carried with all members present voting yes.

Motion by Difilippo/Mariscotti to resolve and apply for the PA Small Water Grant to replace the Malden pump station with our match being \$67,125.00 duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Mariscotti to approve payment of application fees for the H2O Grant and PA Small Water Grant at \$100.00 each duly carried on a roll call vote with all members present voting yes.

APPLICATION FOR PUMP STATION STATUS

Mr. Eby stated he has a quote for an application that can be installed on electronic devices to check the status of all your pump stations and there are three different models out there we can choose from. Mr. Eby stated anyone can have a log in and receive alarms from the pump station and this will eliminate the land line bills you currently pay. Ms. Evans stated you pay two Verizon bills for the two newest pump stations. Dr. Martin asked Mr. Eby what he needs to make all this happen. Ms. Evans stated this is in the budget for 2020. Mr. Difilippo stated get some salesmen in here to show us a demo and we can get this rolling for next year.

SOLICITOR'S REPORT – MR. AGRAFIOTIS

ORDINANCE #568

Mr. Agrafiotis stated he has provided the proposed ordinance #568 for fire alarms and if you don't have any changes he can get it advertised for adoption at December's meeting, however he will add in burglar alarms also.

LONG BRANCH POLICE AGREEMENT

Mr. Agrafiotis stated he spoke to Mr. Makel yesterday about the Long Branch agreement and he spoke to the Mayor and explained to them the agreement is more than fair. So, we can do a contingent motion to advertise it in December assuming they say our terms are agreeable if not then it expires at the end of the year.

Motion by Difilippo/Mariscotti to advertise the Intermunicipal agreement with Long Branch borough contingent upon Long Branch agreeing to the terms of the agreement duly carried on a roll call vote with all members present voting yes.

Mr. Agrafiotis stated we are involved in a class action with National Prescription Opiate litigation and the district court has given us till November 22nd to opt out but he suggests staying in it and if we get something we get something.

COMMERCIAL GARBAGE ACCOUNTS

Mr. Agrafiotis stated he received late today a list of the commercial customers that Mr. Walden claims they negotiated with and the rest are satisfied with the new rates. He asked council to look over that and they can discuss it at the continued meeting.

VICTOR PAVING

Mr. Agrafiotis stated he did get an email from Victor paving so we should be able to warp that up at the end of the month. Mr. Glab asked if we have to put anything in there that we have the right to go after their bond if they do not reseal the streets as required. Mr. Agrafiotis stated he will talk to council about that later because he doesn't think that was a part of their bond but rather a commitment from him assuming he got paid the entire contract amount.

MORGAN EXCAVATING

Mr. Agrafiotis stated he did get an email from Mr. Morgan today and they will agree to the extension for next year and paving would have to be done by May 31, 2020 and the PennDOT publication regulations say that they were unable to pave due to no fault of their own they can get a price increase and that is acceptable to the state. He asked council to approve the extension for Morgan Excavating.

HUNTER EXCAVATING

Mr. Agrafiotis stated we can offer the same to Hunter if they are willing to extend the contract till next year.

OLD BUSINESS

No old business at this time

NEW BUSINESS

Motion by Difilippo/Mariscotti to approve an extension for Morgan Excavating contract till May 31, 2020 duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Difilippo to approve an extension for Hunter Excavating's contract until April 1, 2020 duly carried on a roll call vote with all members present voting yes.

RECOGNITION OF CITIZENS

CHRISTINE KINDER

She stated there was a really nice turn out for this years Vulcan Fest. She stated there were over 100 runners for the race. She stated it appears that everyone had a good time. She stated the musical that the theatre department is putting on is Elf, the musical. She stated it will be running

before the Thanksgiving holiday on Nov. 21st through the 24th and tickets are \$12.00 for adults and \$6.00 for kids and seniors and there is free parking on campus.

JOSEPH GRODZ

Mr. Grodz addressed council and requested that a 4-way stop sign be placed at the intersection of Green and Fifth Streets. Council had only approved one sign out of four be put in. This intersection continues to be an issue with people flying up Green St. so he is also requesting that some sort of investigation be done to figure out how to slow people down because its only a matter of time before something catastrophic happens. He also requested a children at play sign be placed in that area he stated there are a number of neighborhoods in other parts of time where there are no longer children residing and the signs are still there so he's hoping that one of those signs can be relocated to his neighborhood.

JIM MADDIEX

Mr. Maddiex stated the tile son the Library roof are not standard and are special order. He stated at the budget workshop it was mentioned about moving the Dare fund into the general fund and he opposes that. Mr. Maddiex thanked everyone that voted and commended Joe on a good write in campaign.

CHRIS LINCAVAGE

Mr. Lincavage stated he has a bit of a problem right now. He stated he has been trying to update and remodel a camper that he acquired and due to some medical issues hasn't been able to get much done on it. Some of the neighbors near where it is parked have turned me into the code officer. He has also acquired a car that is now titled to him and he's getting it ready for inspection but was told he has to remove it since it is not inspected and registered. He stated the code enforcer apparently has sent a letter to the property owner where my camper and car are stored. He is asking council to possibly grant an extension of time to complete these things since these are all he owns and would like to keep them. Mr. Agrafiotis stated if you make some progress within those thirty days they may work with you. Council stated they will speak to Mike about the situation and go from there.

ADJOURNMENT

Mr. Alfano stated this meeting is continued until Nov. 25th at 6:30 pm