

**WARREN CITY COUNCIL
REGULAR MEETING
APRIL 21, 2014 – 7:30 PM**

OPENING OF MEETING

Mayor Cashman presided over the April 21, 2014 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. It was announced that Council met in Executive Session regarding matters of litigation immediately prior to this meeting.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Dr. Howard Ferguson, Gregory Fraser, Samuel Harvey, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Eric Zavinski, Jr. Council Member. Mrs. Freenock, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Greg Wilson: City Intern – PSU MPA candidate
- Raymond Pring, Jr.: City resident, 509 Liberty Street
- Pauline Steinmeyer: City resident, 18 Prospect Street
- Bill Thompson: Warren County 4th of July Committee - Pennsylvania Avenue flags
- Kelly Thompson: Warren County 4th of July Committee – Pennsylvania Avenue flags
- Dan Ristau: Business owner – comments regarding the proposed parking plan
- Josh Cotton: Times Observer reporter

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Dr. Ferguson, the minutes of the March 17, 2014 Regular Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of correspondence from the Warren County United Veterans Council withdrawing their request for the renaming of General Joseph Warren Park and Soldiers and Sailors Park (see also 3/17/2014 Council minutes).

AGREEMENT: WARREN COUNTY 4TH OF JULY COMMITTEE – FLAGS ON PA AVENUE

Mr. Holtz stated that the Warren County 4th of July Committee requested permission to install United States flags along the route typically used for the annual 4th of July parade. The request proposed installation of the flags within the week prior to Memorial Day and removal within two weeks following the 4th of July. This timeframe was requested so as to allow for the display of the flags over these two patriotic holidays and yet minimize normal wear and tear by not leaving them up for the entire summer.

The City's monetary involvement in this project would be the purchase of the required pole brackets at an estimated cost of \$2,000.00 as well as costs for the installation and removal of the flags at an estimated in-kind cost of \$2,500.00 (this amount includes per hour operating costs for the bucket truck and two workers).

During discussion, it was noted that the Committee hopes that this program may be expanded to include the display of flags on additional streets in future years.

Upon motion by Mr. Fraser and second by Mr. Lewis, Council voted unanimously to approve the agreement with the Warren County 4th of July Committee for the display of United States flags.

AGREEMENT: CABLE FRANCHISE NEGOTIATION

Mrs. Freenock noted that in November, 2005, the City entered into a 10-year Cable Franchise Agreement with Atlantic Broadband Penn. Subsequently, this Agreement was transferred to Acquisitions Cogeco Cable II, Inc. by way of City Resolution No. 2896, dated August 20, 2012.

She further noted that the negotiation of a cable franchise is a complex and time-consuming undertaking and, therefore, it was suggested that the City retain the services of a firm which specializes in such negotiations. Dan Cohen, of the Cohen Law Group, negotiates such agreements on a regular basis and is up-to-date on legislation concerning cable franchises and areas of concern for municipalities. Mr. Cohen has indicated that such services would be performed at a flat rate of \$8900.00.

Mr. Harvey made the motion to retain Dan Cohen, Cohen Law Group, at a flat rate of \$8900.00 for negotiation of a cable franchise agreement. The motion was seconded by Mr. Fraser and carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

RESOLUTION NO. 2947: APPLICATION FOR BLUEPRINT COMMUNITIES PROGRAM

Mrs. Freenock stated that the Federal Home Loan Bank of Pittsburgh, the Pennsylvania Downtown Center, the U.S. Department of Agriculture, the Pennsylvania Department of Community and Economic Development, and the Penn State University Extension Service (Partners) have partnered to develop the Blueprint Communities Program. The program seeks to revitalize older small communities through a program of leadership training, capacity building, community planning, access to private and public funds, and to offer communities the opportunity to develop a plan that will serve as a catalyst for creating a sustainable community.

To qualify for participation in the Program, a community must have a population of 15,000 or less with preference given to those with less than 10,000 residents. The current focus of the Program is on communities located north of Interstate 80. With a 2010 census population of 9710, the City qualifies for participation based on each of these criteria. Additionally, the community must commit to investing \$2,000, one-half of which will be returned upon completion of the Program, and which must be utilized to purchase assistance in implementing the plan developed as part of the Program.

As part of the Program, the municipality is required to form a Blueprint Communities Committee which is to be comprised of a specified demographic and which will commit to attending a total of six training sessions. The Partners provide the training (valued at \$37,000) and also pay the cost of lodging and meals for attendees.

Dr. Ferguson made the motion to approve the resolution authorizing the City's application for participation in the Blueprint Communities Program and expenditure of the associated \$2000.00. The motion was seconded by Mr. Zavinski and carried unanimously.

PROPOSED AGREEMENT: WARREN COUNTY YMCA – POOL MANAGEMENT

Ms. Nau stated that it is proposed that the City enter into an agreement with the Warren County YMCA for the operation of the Municipal Pool for the 2014, 2015, and 2016 operating seasons. The YMCA has indicated that it has the resources and skills to provide the services detailed in the proposed agreement and has further indicated that the YMCA Board of Directors is in favor of entering into such an agreement.

Ms. Nau stated that advantages to the City include:

1. Shared liability for operation of the facility.
2. Sharing staff where possible, which will make hiring, training, and staff scheduling the responsibility of the YMCA.
3. Professional pool management and marketing expertise.

She further noted that it is anticipated that this agreement will reduce the strain on City staff during the summer months and reduce overall pool operating expenses. Under the proposed agreement, the City would retain control of the physical plant including handling chemicals and maintenance of all equipment including pumps and filters.

During discussion, Council members and the Solicitor expressed concerns regarding liability, insurance coverage, and the lack of a means to terminate the agreement during the course of a season of operation.

Mr. Lewis made the motion to approve an agreement with the Warren County YMCA for management of the City of Warren Municipal Pool for years 2014, 2015, and 2016. The motion was seconded by Mr. Kolcharno.

Mr. Fraser made the motion to table action on the proposed agreement with the Warren County YMCA for management of the City of Warren Municipal Pool for years 2014, 2015, and 2016. The motion was seconded by Mr. Harvey and carried unanimously.

RESOLUTION NO. 2948: MUNICIPAL FEE SCHEDULE

Ms. Nau noted that, in addition to previously-established fees, this resolution provides for a monthly vendor permit fee.

Upon motion by Mr. Fraser and second by Mr. Lewis, Council members voted unanimously to approve the resolution establishing fees.

ORDINANCE NO. 1844: MID-BLOCK CROSSWALKS

Chief Zydonik stated that in preparation for the 2014 construction season, the City reviewed locations to be included in the Americans with Disabilities Act (ADA) Curb Ramp Project. There are three mid-block crosswalk locations which are not currently ADA compliant and could potentially be eliminated.

- 1) Third Avenue between Liberty Street and Hickory Street. This location is used predominantly by Blair employees going to and from the employee parking lot and the Blair offices. The proximity of this location to the Third Avenue/Liberty Street and Third Avenue/Hickory Street intersections would allow for its removal. However, it is the opinion of the Police Department that employees would continue to cross at this location regardless of the existence of a crosswalk and, therefore, would create a safety hazard for employees and motorists alike.
- 2) Hickory Street between Pennsylvania Avenue West and Third Avenue. The proximity of this location to the intersection of Hickory Street and Third Avenue would allow for its removal. It should be noted that retention of this location would require the removal of a total of four parking spaces in order to establish the required sight distances. The noted parking spaces would be those located on the eastern curb of Hickory Street and adjacent to the crosswalk.

While the parking spaces are located in front of the Blair building, they also serve patrons of additional businesses located within this block of Hickory Street. Therefore, the Finance Committee does not endorse this option

- 3) Pennsylvania Avenue West between Liberty Street and Market Street. The crosswalk at this location could be eliminated; however, it is the opinion of the Police Department that pedestrians would continue to cross at this location regardless of the existence of a crosswalk and, therefore, would create a safety hazard for employees and motorists alike.

Mr. Lewis made the motion to adopt the ordinance providing for mid-block crosswalks to be retained on Third Avenue (between Liberty and Hickory Streets) and Pennsylvania Avenue West (between Liberty and Market Streets). The motion was seconded by Mr. Harvey and carried unanimously.

RESOLUTION NO. 2949: DISPOSITION OF UNCLAIMED BICYCLES

Chief Zydonik stated that each year, the City recovers numerous abandoned and unclaimed bicycles and bicycle parts which are then in the custody of the Police Department. These bicycles are inventoried by the Department and are typically retained in a storage area within the Clark Street Parking Garage. In the past, these bikes have been disposed of when sales are held for the disposition of other City-owned surplus items. However, such sales are not held on a set schedule and are often held in the fall, which is past the prime time for bicycle riding and interest in the bikes is often low. It was requested that there be a resolution establishing the procedure by which bicycles and bicycle parts may be disposed of when warranted by the quantity in custody of the Department. This would allow the inventory to be maintained at a reasonable level and would allow the sale of bicycles to occur when the season is more conducive to bike riding.

Mr. Harvey made the motion to adopt the resolution establishing a procedure for the disposition of unclaimed bicycles. The motion was seconded by Mr. Fraser and carried unanimously.

AGREEMENT: SENECA LANE RIGHT-OF-WAY

Mr. Sceiford stated that in order to accommodate construction of the new wastewater treatment plant, City staff requested permission from Whirley Industries, Inc. to:

1. Allow the City of Warren Fire Department and area Volunteer Departments to utilize portions of Whirley Industries property for ingress and egress to the existing fire training tower located within the treatment plant compound during the project construction period.
2. Allow the Contractors working on the treatment plant construction to utilize portions of Whirley Industries property for ingress and egress to the plant site through existing gates to facilitate construction activities on the new plant.

City Staff worked with Whirley Industries and their legal representatives to develop a mutually-acceptable Right-of-Way Agreement to state the provisions for this access.

Mr. Lewis made the motion to approve the agreement with Whirley Industries, Inc. and G.M. McCrossin, Inc. regarding the Seneca Lane Right-of-Way. The motion was seconded by Dr. Ferguson and carried unanimously.

Mr. Lewis made the motion to amend the agreement by adding a line space in Paragraph 2 (line 3 following "City) to clarify that G.M. McCrossin, Inc. is a third party to the agreement. The motion was seconded by Dr. Ferguson and carried unanimously.

2014 BITUMINOUS PAVING

Mr. Holtz presented photos illustrating the condition of various streets and stated that after reviewing the City’s streets for resurfacing, the Department of Public Works recommends that 25 blocks be considered for overlaying. Included in the proposal are four blocks of Pennsylvania Avenue, West to be overlaid utilizing PennDOT Turnback monies which the City received when it took ownership of this section of roadway. This portion of the project is estimated at \$270,844.43. The cost for the remaining twenty-one City blocks is estimated at \$664,884.08.

It was requested that Council allocate an additional \$500,000 for hot mix strip patching on various streets throughout the City.

Mr. Lewis made the motion to:

1. Approve the 2014 Bituminous Overlay Project
2. Approve the use of \$270,844.43 of Turnback monies for paving Pennsylvania Avenue West
3. Approve the use of \$200,000.00 in Liquid Fuels monies
4. Approve the use of \$514,884.08 of the City’s General Fund Balance

The motion was seconded by Mr. Fraser.

Mr. Harvey made the motion to table the above motion regarding the 2014 Bituminous Overlay Project. There being no second to the motion, the motion failed.

Upon vote, Mr. Lewis’ motion carried with six votes in the affirmative and one nay vote cast by Mr. Harvey.

PURCHASE OF DPW VEHICLES

Mr. Holtz stated that the City’s 2014 budget includes a line item for Department of Public Works vehicle purchases totaling \$250,000. It was anticipated that this purchase would be financed via a five-year loan. After researching various trucks available through COSTARS, the State Purchasing Contract, it was recommended that City Council consider the following purchases:

● 2015 International 7400 SFA 4x2 Dump Truck w/salt spreader	\$ 121,992.92
● 2015 International 7400 SFA 4x2 Dump Truck	\$ 114,555.92
● 2014 Chevrolet Silverado 1500 Work Truck (1/2 General Fund, 1/2 Sewer Fund)	\$ 25,377.40
Total for three trucks	\$ 261,926.24
General Fund	\$ 249,237.54
Sewer Fund	\$ 12,688.70

Note: The above price quotes include trade-in values as follows:

2001 Ford F650 Dump Truck	\$ 5,000.00
1999 Johnston Street Sweeper	\$ 9,000.00

The City previously placed a surplus value of \$17,500 on the 1999 Johnston Street Sweeper. At that time, another municipality had made a soft offer to purchase the Street Sweeper; however, that sale was never finalized. The City has made numerous attempts to sell the Street Sweeper and has been unsuccessful in those efforts. Therefore, it was recommended that Council consider approval of an adjusted surplus value for the Street Sweeper to equal the trade-in value of \$9,000.00.

Staff has begun to research financing packages. One quote received was for a finance rate of 2.34% which would result in an annual payment of \$54,836.22 and a total loan payout in the amount of \$274,181.10 with \$12,254.86 of this amount being interest.

It was stated that Staff would seek loan information from local banks as well as Acceptance Leasing and Finance, which is the company through which the City recently financed a street sweeper.

Mr. Harvey suggested that the General Fund Balance be utilized for the purchase of the two dump trucks and that the pickup truck be financed. Mr. Cashman and Mrs. Risinger, Finance Officer, expressed concern that this would not leave a sufficient fund balance.

Mr. Harvey made the motion to make vehicle purchases as outlined with two 2015 International dump trucks to be cash purchases and the 2014 Chevrolet Silverado 1500 Work Truck to be financed. The motion was seconded by Mr. Lewis and carried with six votes in the affirmative and one nay vote cast by Mr. Cashman.

BID APPROVAL: CONTRACTED IMPROVEMENTS

Mr. Holtz stated that the 2014 Operational Plan provides for certain skilled services, including municipal sidewalk replacement storm inlet/manhole installation, sewer installation, and concrete/brick street repairs to be contracted. Upon review of the bids received, it was determined by City Staff and the City Solicitor that Curtis Contracting, the apparent low bidder for Items 1, 2, 3, 4, 8, 10, 11, and 12 is not a responsible bidder for these items. A responsible bidder is one which is deemed to have the appropriate equipment, personnel, and skills to perform the service.

Mr. Harvey made the motion to:

1. Reject Curtis Contracting for Contracted Improvements Bid Item No's 1, 2, 3, 4, 8, 10, 11, and 12
2. Award contract to Innovative Construction for Contracted improvements Bid Item No's 1, 2, 3, 4, 5, 6, 7, and 8
3. Award contract to Signature Sealcoating for Contracted Improvements Bid Item No. 9
4. Award contract to Bentley Tree Care for Contracted Improvements Bid Item No's 10, 11, and 12

The motion was seconded by Mr. Lewis and carried unanimously.

BID APPROVAL: 2014 CONCRETE SUPPLY

Mr. Holtz stated that Jamestown Macadam, Inc. was the sole bidder for the furnishing of an estimated 400 cubic yards of Class AA concrete to be used by the Department of Public Works.

Mr. Lewis made the motion to award the 2014 contract for the supply of 400 cubic yards of Class AA concrete to Jamestown Macadam, Inc. The motion was seconded by Mr. Harvey and carried unanimously.

RESOLUTION NO. 2950 FRANK STREET (MULBERRY PARK) SUBDIVISION

Mr. Hildebrand stated that it is proposed that a portion of Mulberry Park be subdivided and offered for sale by bid. The subject portion is located at the "upper" end of the park adjacent to Frank Street and is not a part of the commonly used recreation area of the park. Due to the terrain, it is not foreseeable that this portion of the park would otherwise be developed by the City. The City has been contacted by a party with interest in this parcel and the sale would result in the property being added to the real estate tax roll.

Upon motion by Mr. Lewis and second by Mr. Fraser, Council voted unanimously to approve the resolution for the Frank Street (Mulberry Park) Subdivision.

DEPARTMENT REPORTS – APRIL, 2014

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Parks & Recreation Commission	–	February 4, 2014	Regular Meeting
Street Landscape Committee	–	February 25, 2014	Regular Meeting

PROPOSED SALE OF PROPERTIES

Mrs. Freenock noted that the sale of the Elm Street Parking Lot property, the subdivided portion of Mulberry Park (earlier this meeting), and Pennsylvania Avenue West properties are expected to be on upcoming Council agendas. She further noted that various housing groups have indicated an interest in development of the Pennsylvania Avenue West properties and the Redevelopment Authority has indicated that it would consider addressing development of these properties. Mrs. Freenock urged the City to act in a manner that would provide for the best development of the properties in the long term.

It was suggested that the Pennsylvania Avenue West properties be retained for possible inclusion in strategic planning should the City’s application for participation in the Blueprint Communities Project be accepted (see Blueprint Communities action taken earlier this meeting).

Mr. Harvey made the motion to direct the City Manager to prepare bids and advertise for sale three City-owned properties on Pennsylvania Avenue West as individual parcels and collectively with no conditions. The motion was seconded by Mr. Lewis. Following considerable discussion, the motion was withdrawn.

City staff was asked to provide additional information for discussion at a special meeting to be held at 5:30 PM on April 28, 2014.

ADJOURNMENT

There being no further business to come before Council, Mayor Cashman declared the meeting adjourned.