

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 16, 2016 – 7:30 PM**

OPENING OF MEETING

Mayor Cashman presided over the May 16, 2016 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. Mayor Cashman announced that Council met in Executive Session on May 2 regarding the purchase of real property.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Gregory Fraser, Philip Gilbert, Richard Kolcharno, John Lewis, and James A. Zavinski, Sr. Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Chief Zydonik, Ms. Stapleford, and Officer O'Neill of City staff were also in attendance.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the April 18, 2016 Regular Meeting were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Josephine Gerardi: Street Landscape Committee
- Pauline Steinmeyer: Regarding publication of ordinances
- Karen Sobkowski: Council recognition
- John Papalia, Jr.: Council recognition
- Troy Clawson: Council recognition
- Farley Wright: Council recognition
- Dan Glotz: Council recognition
- Danelle Sowers: Council recognition
- Bob Kranak: City resident regarding outdoor burning
- Karen Frazier: City resident regarding outdoor burning
- Kathy Whittemore: City resident regarding outdoor burning
- Cindy Brader: City resident regarding outdoor burning
- Chuck Abraham: Reporter for The Warren Reporter
- Josh Cotton: Times Observer Reporter

Mrs. Pauline Steinmeyer addressed Council and stated her thanks for the overview of departmental operations provided at a recent "Town Hall" meeting. Mrs. Steinmeyer also noted her concerns regarding the timely and appropriate publication of legal notices regarding ordinances enacted by Council and was advised that this would be reviewed by City staff.

Josephine Gerardi, representing the City Street Landscape Committee, thanked Mr. Hildebrand and Mr. Holtz for their assistance and provided an overview of the Committee's accomplishments over the past year. Items of note included:

- The City was designated a "Tree City USA" community for the 27th consecutive year;
- At the Committee's urging, the City Arborist and Penelec have coordinated efforts regarding a reduction in the number of "goal post" trees resulting from trimming around power lines;
- Utilizing City and grant funding, trees were planted in both the spring and fall;
- Members volunteered in support of the Envirothon held at the Warren County Conservation District Center;

- Coordinated the Arbor Day observance with the Warren Garden Club;
- Recognized both residential and commercial property owners for outstanding efforts in creating “curb appeal”;
- Participated in efforts to extend the Crescent Park Tree Walk;
- Development of a plan for a memorial tree wall sculpture to be located in the Municipal Building in recognition of donations received by the Committee; and
- Members assisted with plantings at the Municipal Building.

Mayor Cashman commended the Committee for its work towards the beautification of the City.

CORRESPONDENCE

Council members acknowledged receipt of correspondence from Hill Engineering, Inc. announcing its acquisition by Greenman-Pedersen, Inc.

ACKNOWLEDGEMENT OF FIRST QUARTER FINANCIAL REPORT

Mayor Cashman acknowledged Council’s receipt of the First Quarter Financial Report and noted that the report reflects an increase in tax collections over the same period in 2015. Mrs. Risinger indicated that collections are cyclical and the increase may reflect the timing of tax receipt distributions and/or the change in the agency responsible for collection of the earned income tax.

PA WILDS RECOGNITION

Mayor Cashman noted that the City was the recipient of the 2016 Champions of the Wilds “Great Places Award” presented by the PA Wilds. A commemorative plaque presented by the PA Wilds was displayed as well as a Certificate of Recognition from United States Representative Glenn “GT” Thompson, a Certificate of Congratulations from the Commonwealth Senate sponsored by Senator Scott E. Hutchinson, and a Citation from the Commonwealth House of Representatives sponsored by Representative Kathy L. Rapp.

It was noted that this designation was due, in large part, to the City’s hosting of the 2015 Greenways and Trails Summit as well as the development of Walkable Warren. In recognition of those who worked in support of these two initiatives, certificates of appreciation were presented to:

- John Papalia of the Warren County Chamber of Business and Industry
- Dan Glotz of the Warren County Planning and Zoning Office
- Karen Sobkowski of the Warren County Visitors’ Bureau
- Troy Clawson of the Warren County Visitors’ Bureau
- Farley Wright of Experience, Inc. and the Allegheny Community Center
- Experience, Inc. and the Allegheny Community Center received by Danelle Sowers
- David Hildebrand, City Planner/Development Administrator
- Mary Ann Nau, City Recreation Director

ACKNOWLEDGEMENT OF RECEIPT OF CITIZEN PETITION REGARDING OUTDOOR BURNING

Council acknowledged receipt of a Citizen Petition authored by Cynthia Brader which stated:

“Changes are needed to the Outdoor Burning Rules and Regulations in the City of Warren, Pennsylvania, to include residents’ right to breathe clean air within the City limits.

WE THE UNDERSIGNED would like to bring attention to the smoke and smell-filled air in the City of Warren, brought about by the current outdoor burning rules and regulations. We ask that compromise be reached so that non-burning residents would be able to enjoy their yards and would also be able to open their windows without the nuisance resulting from current outdoor burning rules and regulations.”

The petition bears the signature of sixty-one electors of the City of Warren. This number represents more than the requisite two percent of the number of people voting in the most recent municipal election.

Ms. Brader addressed Council and stated her concerns regarding adverse health effects resulting from breathing the smoke from outdoor burning. She indicated that she has had an ongoing issue with neighbors who frequently have outdoor fires on their property and stated that the resultant odor in her yard and in her home affect her quality of life. Ms. Brader indicated that she and others ultimately seek a ban on outdoor burning but also stated that a suggested resolution to the matter would be to restrict the days and hours that outdoor burning may occur. It was suggested that burning be permitted only on either odd or even calendar days. Ms. Brader distributed information regarding adverse health effects from wood smoke.

Mr. Fraser questioned whether Ms. Brader's request would include charcoal fired barbeque grills which produce an oily residue. Ms. Brader responded that such grills are not an issue for her and she believes that smoke issues are more applicable to outdoor fires and woodburners.

Ms. Stapleford inquired as to whether Ms. Brader's issue is with a specific neighbor and, if so, what is being burned. Ms. Brader responded that the issue is with a specific neighbor; however, she does not know specifically what is being burned. Mrs. Freenock noted that the current ordinance provides only for the burning of clean, dry, seasoned wood and that no garbage is to be burned.

Mr. Lewis made the motion to direct City Staff to review outdoor burning concerns and provide recommendations at the June regular Council meeting. The motion was seconded by Miss Davis and carried unanimously.

A number of visitors left the meeting at this point.

PROPOSED ZONING ORDINANCE AMENDMENT

Mr. Hildebrand stated that the City of Warren Zoning Ordinance does not presently contain regulations specific to basement residential dwelling units within the C-1 Central Commercial Zoning District. Therefore, to allow any future basement residential dwelling units, permitted use language is being drafted by the Planning Commission and City staff.

Prior to enactment of any ordinance which would amend the Zoning Ordinance, it is required that the City of Warren Planning Commission review the proposed regulations and provide any recommendations they may have. It is also required that Council hold a Public Hearing regarding the proposed regulations.

Mr. Lewis made the motion to set a Public Hearing date for June 20, 2016, at 7:30 PM and to refer the matter of residential use of a basement in the C-1 Central Commercial Zoning District to the Planning Commission for final review. The motion was seconded by Mr. Zavinski and carried unanimously.

AGREEMENT: PARTICIPATION IN WARREN COUNTY EMERGENCY MEDICAL SERVICES RESPONSE PLAN

Chief Pascuzzi stated that through efforts facilitated by the Warren County Council of Governments (COG) Fire Services Sub-Committee and various other agencies, a County Emergency Medical Services (EMS) Plan was developed, submitted to, and recently approved by the PA Department of Health. The Plan meets the requirements of the PA EMS Act and has been accepted as the County-level Plan as provided for in the Act.

Chief Pascuzzi indicated that the purpose of the Plan is to mitigate the increasing number of delayed EMS responses occurring in Warren County due to initial dispatch of unstaffed EMS Agencies. An advantage of the Plan is that participation in the Plan provides EMS Agencies unable to meet the 24/7 coverage requirement of the Law alone, the option of doing so through collaborative effort. Participation in the Plan is not mandatory; however, participation in a successful plan will benefit the City by providing options for managing the increasing number of responses made by the Department outside the City per requirements of the EMS Act.

Mr. Fraser made the motion to approve the City's participation in the Warren County Collaborative EMS Response Plan and to authorize execution of the Participation Agreement. The motion was seconded by Mr. Lewis and carried unanimously.

RESOLUTION NO. 3006: ADOPTING UPDATED WARREN COUNTY HAZARD MITIGATION PLAN

Chief Pascuzzi stated that Section 322 of the Disaster Mitigation Act of 2000 requires local governments to have a current FEMA-compliant Hazard Mitigation Plan. Municipalities may meet this requirement by development of their own plan or through participation in a public process resulting in creation of a County-wide plan and adoption of that plan by resolution. Coverage under a current plan is a pre-requisite for receipt of post-disaster Hazard Mitigation grant funds. In 2010 the City participated in development of a County-wide plan and adopted it in order to meet this requirement. In 2015 the Plan was updated, as required, and the City is eligible to adopt the updated Plan. The Plan provides detailed analysis and assessment of potential hazards and associated mitigation strategies. Various strategies for mitigating these hazards were incorporated into the plan and include prevention, property protection, and public education measures. Specific actions include review of flood plain ordinances using updated maps, informing the public of the availability of new flood insurance rate maps, and educating responders on the use of SKYWARN.

Mr. Fraser made the motion to adopt the resolution establishing the 2016 Hazard Mitigation Plan as the Official Plan for the City of Warren. The motion was seconded by Mr. Lewis and carried unanimously.

REAL ESTATE TAX APPEAL: BROKENSTRAW ASSOCIATES CORP – CANTERBURY COURT

Mrs. Freenock stated that the City is in receipt of additional information in regard to the real estate tax appeal which was discussed at the April 18, 2016 regular meeting.

Attorney Timothy Zieziula, who is representing the Warren County School District in this matter, stated that Rouse Brokenstraw Associates, Corp. is seeking real estate tax exemption for its property known as Canterbury Court which is located on Liberty Street. Attorney Zieziula also indicated that Rouse Brokenstraw Associates, Corp. may be amenable to entering into a PILOT (Payment In Lieu Of Taxes) agreement. At the most, the PILOT would pay fifty percent (50%) of the current taxes. However, his communications with Brokenstraw lead him to understand that the PILOT sought would be significantly lower. The 2015 City real estate taxes for this property were \$18,202.93 at par and \$17,838.87 at discount.

Mrs. Freenock noted that both Andrea Stapleford and her partner, Christopher Byham, are conflicted out on this matter. Therefore, it was recommended that the City retain the legal services of Attorney Zieziula of the Knox Law Firm in Erie. As he represents the School District in this matter, he is already familiar with the appeal to date and the City would not be subject to attorney research costs as to what has transpired to date. Attorney Zieziula stated that he estimates that his

fees would fall in the range of \$2500 to \$5000 and he would be agreeable to the City limiting his engagement to that range.

Mr. Fraser made the motion to retain Attorney Timothy Zieziula to represent the City in the matter of Rouse Brokenstraw Associates regarding Canterbury Court with a fee cap of \$5,000. The motion was seconded by Miss Davis and carried unanimously.

APPOINTMENT TO UNIFORM CONSTRUCTION CODE JOINT BOARD OF APPEALS

Ms. Nau noted that Jason Hagberg's term on the Uniform Construction Code (UCC) Joint Board of Appeals recently expired and he has indicated his interest in serving a new 5-year term on the Board.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members voted unanimously to appoint Jason Hagberg to a 5-year term on the UCC Joint Board of Appeals.

LIBERTY STREET IMPROVEMENT (STREETSCAPE): CONTRACTS 1 AND 2

Mr. Holtz reported that the City received bids for the Liberty Street Improvement Project (Streetscape). The work on this Project consists of the reconstruction of Liberty Street with improvements to the decorative sidewalks, curbs, drainage, underground vaults, and electrical improvements to the light poles and electrical service to better support special events that occur on this block. There will also be improvements to the area between the Midtown Parking Lot and Liberty Street commonly referred to as "Liberty Park". Partial funding for this Project is provided through a Redevelopment Assistance Grant under the Innovate Warren Capital Project administered through the Commonwealth's Office of the Budget.

M and B Services, LLC of Clarion, PA submitted the low bid for Contract 1 – General Construction, as well as the low bid for Contract 2 – Electrical Construction. Mr. Holtz indicated that a review of M and B Services' past performance was favorable.

Mayor Cashman questioned the need for new light poles at considerable expense. Mr. Holtz explained that the poles would have internal conduit for electrical outlets and recreational vehicle (RV) hookups which will be beneficial when special events are held on the street. He further explained that the existing poles are not conducive to retrofitting and that these poles do not facilitate electrical hookups without the use of extension cords which present a safety hazard. He indicated that the existing poles will be retained for future use in other areas of the City. It was also noted that a change in the plans would require new approval from the Office of the Budget as well as rebidding the contracts. This would delay the onset of construction and could prevent the project from being completed prior to the expiration of grant funding.

Following considerable discussion, Mr. Fraser made the motion to authorize award of Contracts 1 and 2 to M and B Services, LLC, for the Liberty Street Improvement Project upon receipt of approval from the Office of the Budget for the Redevelopment Assistance Capital Project (RACP) project rescope. The motion was seconded by Mr. Gilbert and carried with four votes in the affirmative and three nay votes cast by Mr. Lewis, Mr. Kolcharno, and Mayor Cashman.

FRANKLIN STREET IMPROVEMENT PROJECT

Mr. Sceiford stated that the City received bids for the Franklin Street Improvement Project. The work on this Project consists of the reconstruction of Franklin Street between Pennsylvania Avenue East and Jackson Avenue including sidewalks, curbs, and pavement with funding provided through a grant from the Community Development Block Grant (CDBG) Program.

Lake Shore Paving, Inc. of Jamestown, New York, submitted the low bid for this Project. It was noted that the City has previously worked with Lake Shore Paving on several projects and based upon a favorable assessment of past performance, staff recommended this company for completing the proposed Franklin Street Improvement Project.

Upon motion by Mr. Kolcharno and second by Mr. Zavinski, Council voted unanimously to award the contract for the Franklin Street Improvement Project to Lakeshore Paving, Inc.

BID APPROVAL: CONTRACTED IMPROVEMENTS 2016 – 2018

Mr. Holtz stated that every two years the City bids the “Contracted Improvements” contract which includes services such as municipal sidewalk replacement, storm inlet (catch basin) and manhole installation, sewer installation, and concrete/brick street repairs.

Mr. Lewis made the motion to:

1. Award contract to Innovative Construction for Contracted Improvements Bid Item No’s 1, 2, 3, 4, 7 and 9 (install sewer pipe, storm inlets, manholes, sidewalk handicap ramps, rehab brick streets)
2. Award contract to R. Patti Concrete Excavating for Contracted Improvements Bid Item No’s 5, 6 and 8 (cement concrete gutter, cement concrete curb, concrete sidewalk/street)
3. Award contract to Bentley Tree Care for Item No’s 10, 11, and 12 (bucket truck, tree removal, stump removal)

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

BID APPROVAL: 2016 BITUMINOUS PAVEMENT MILLING AND RESURFACING PROJECT

Mr. Holtz reported that 4 bids were received for the City’s 2016 Mill and Overlay Project with the apparent low bidder being Russell Standard of Union City. Their bid for the base work totals \$724,615.33 which covers 33 City blocks. It was noted that Russell Standard’s work in the City in 2014 was very favorable.

It was noted that the funding for this project uses allocations of \$240,000 from State Liquid Fuels funds and an additional \$550,000 from the City’s General Fund, this totals \$790,000. The additional 2016 funding that Council allocated for street repairs is to be used for “strip patching” areas and concrete repairs throughout the City.

Mr. Holtz stated that the City bid for optional work that consisted of 4 blocks at an additional \$75,027.84 which would bring the total contract to \$799,643.17. City staff recommended that Council award the base bid of \$724,615.33 with the balance to be available as a contingency in the event of unforeseen issues that may arise after streets are milled.

Mr. Lewis made the motion to authorize award of the 2016 Bituminous Pavement Milling and Resurfacing contract to Russell Standard in the amount of \$724,615.33. The motion was seconded by Mr. Kolcharno and carried unanimously.

RESOLUTION NO. 3007: ESTABLISHING FEES

Mrs. Freenock stated that, pursuant to Council discussion at the April 18, 2016 regular meeting, the fee resolution was amended in regard to fees pertaining to the various appeals procedures. Additional amendments were also made and were notated.

Mr. Fraser made the motion to approve the resolution establishing fees. The motion was seconded by Mr. Zavinski and carried unanimously.

DEPARTMENT REPORTS – APRIL, 2016

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department
- Community & Economic Development

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Street Landscape Committee – March 22, 2016 Regular Meeting

ADJOURNMENT

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