

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 17, 2021 – 7:00 PM**

OPENING OF MEETING

Mayor Cashman presided over the May 17, 2021, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Gregory Fraser, Paul Giannini (via Zoom), Philip Gilbert, Douglas Hearn, and John Wortman. Members of City Staff present were Vincent DeJoy, Director of Zoning, Codes, and Economic Development; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Joseph Sproveri, Chief of Police; Donna Risinger, Finance Officer; Rodney Wren, Fire Chief; Chad Yurisc, City Engineer; and Andrea Stapleford, City Solicitor.

APPROVAL OF MINUTES

Upon motion by Mr. Fraser and second by Mr. Wortman the minutes of the April 19, 2021, regular meeting were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Don Nelson: Comprehensive Plan
- Andy Moore: City Firefighter Observing
- Wendy McCain: Observing
- Jared Villella: Observing
- Kim Exley: Observing
- Olivia Exley: Observing
- Dave White: Observing
- Jay Cotton: Observing
- Emily Cotton: Observing
- Josh Cotton: Times Observer Reporter
- Brian Hagberg: Your Daily Local

CORRESPONDENCE

Mayor Cashman read correspondence from Alan Scot, President of the Warren Farmers' Market, Inc. Board of Directors. Mr. Scott requested that there be a waiver of the \$40 inspection and licensing fee for the sale of Potentially Hazardous Foods for those wishing to sell eggs at the Market. Mr. Scott opined that the cost of the inspection and license is not in proportion to the revenues that may be gained from the sale of eggs.

Mr. Hearn stated that the Farmers' Market is an important community event which provides an opportunity for community building, opportunities to purchase health-conscious foods, and camaraderie. Mr. DeJoy noted that the fee is discounted from the standard \$50 to \$40 for Farmers' Market vendors.

Mr. Hearn made the motion to suspend the \$50 (\$40) at the start of the Market season. The motion was seconded by Mr. Wortman. The roll call vote resulted in a tie with three votes in the affirmative and three nay votes cast by Mr. Fraser, Mr. Giannini, and Mayor Cashman; therefore, the motion failed.

COUNCIL MEMBER RESIGNATION AND APPOINTMENT PROCEDURE

Ms. Stapleford indicated that Christian Zavinski submitted a letter to City Council indicating his resignation from Council. She stated that, in accord with Chapter C, Article IV, of the Home Rule Charter, any vacancy in an elected office is to be filled by a vote of Council within thirty (30) days after the occurrence of such vacancy. Any person so appointed shall have the same qualifications as those set out for persons elected to the office. Mr. Zavinski served less than eighteen months of his elected term; therefore, in accord with the Charter, the appointee shall serve for the remainder of 2021. The individual elected in the November General Election to fill the balance of the vacated term will be seated at the January 3, 2022, organizational meeting, and will serve the remainder of the term (expires Dec. 31, 2023).

Ms. Stapleford further stated that, in the case of past vacancies, Council invited interested persons to submit a letter of intent and a resume to the attention of the City Manager. The application materials were then assembled and provided to Council members for their review.

The next regular meeting of Council will be on June 21, which is outside of the thirty-day appointment period (from the date of acceptance of the letter of resignation). Therefore, it was recommended that Council hold a special meeting on Monday, June 14.

Mr. Wortman made the motion to accept Christian Zavinski’s resignation and to authorize publication of a notice detailing the application procedure and setting June 14 at 6:30 PM as the date and time for a special meeting.

The vacancy is to be advertised by way of a legal notice with application packages being due to the Assistant City Clerk not later than noon on Monday, June 7; copies will be distributed to Council for review prior to the special meeting.

AGREEMENT: WHIRLEY INDUSTRIES PEDESTRIAN CROSSING SIGNS

Mr. Holtz noted that Lincoln Sokolski and Bob Sokolski were present at the April 19 Council meeting in regard to the reduced speed limit on Fourth Avenue. At that time, the Sokolskis stated that they would present a request for the placement of lighted pedestrian crossing signs at the intersection of Laurel Street and Fourth Avenue. It was stated that they are requesting this as an additional measure to ensure the safety of teammates employed by Whirley Industries as they cross the streets adjacent to the company’s Fourth Avenue facility.

The agreement provides that the lighted pedestrian signs are to be purchased, installed, and maintained at the sole cost and expense of Whirley Industries. A map indicating the approximate location of the signs is provided in the agreement; the exact location will be dependent upon the location of utilities and other structures identified as the result of a PA One Call.

Upon motion by Mr. Fraser and second by Mr. Gilbert, the six seated Council members voted unanimously to approve the agreement with Whirley Industries, Inc. for the installation of pedestrian crossing signs.

AGREEMENT: MACKIN ENGINEERING – COMPREHENSIVE PLAN & ZONING ORDINANCE

Mr. DeJoy stated that the City of Warren last adopted a Comprehensive Plan in 1998. Since that time, many conditions have changed and the current plan does not reflect current community priorities, economic and community development projects, and the vision for the future of Warren. In 2019, the City of Warren submitted an application for the Strategic Management Program (STMP) grant through the Department of Community and Economic Development (DCED) to update and develop a new, implementable, Comprehensive Plan and a Zoning Ordinance (enacted in 1981). The City of Warren was awarded an STMP grant in the amount of

\$81,450.00 with a required ten percent (10%) match for the purpose of engaging an independent consultant and vendor to prepare a Comprehensive Plan and Zoning Ordinance in accordance with the requirements of the Pennsylvania Municipalities Planning Code and the American Planning Association. It was noted that the Comprehensive Plan and Zoning Ordinance will be two separate work products.

A Request for Proposal (RFP) was prepared and sent to several regional multi-disciplinary architectural, planning, and engineering firms; the RFP was also advertised on the City of Warren website and a legal notice regarding the RFP appeared in the Times Observer.

Following the April 2 submission deadline, the Planning Commission scored the six (6) proposals received on a comprehensive matrix scoring sheet. The four top-scoring vendors were invited to present their proposal and introduce their team to the Commission during interviews which were conducted on April 9. The Planning Commission again evaluated vendors against a scoring matrix based upon the consultant's proposal, their presentation, and the responses to a set of defined questions posed by the Planning Commission.

Meeting in special session on April 14, the Planning Commission members present agreed that Mackin Engineering of Pittsburgh, PA, presented the best product and at the lowest price quoted. The Commission voted to recommend City Council's acceptance of the RFP and corresponding agreement to engage Mackin Engineering of Pittsburgh, PA, as the firm to conduct the two-year planning process as prescribed in the RFP and agreement with said services to be provided at the rate of \$70,430.

The Planning Commission also recommended that Council authorize City Staff to request that Mackin Engineering prepare additional drawings, renderings, cost estimates, and site plans for community-identified priority projects, at its per hour rate not to exceed \$20,070 (total grant/matching funds \$90,500 less \$70,430). These items, coupled with the Comprehensive Plan, will aid in positioning the City to submit stronger grant applications in a highly competitive funding environment.

Mr. Wortman made the motion to accept the agreement between the City of Warren and Mackin Engineering for the development of a new Comprehensive Plan and Zoning Ordinance in the amount of \$70,430 and to authorize City Staff to expend an additional amount not to exceed \$20,070 for Mackin Engineering's provision of additional drawings, renderings, cost estimates, and site plans for projects identified as community priorities. The motion was seconded by Mr. Fraser. The motion (as amended – see following motion) carried with five votes in the affirmative and one nay vote cast by Mr. Gilbert.

During discussion, Mr. Fraser stated his concerns regarding certain language within the agreement (as written by Mackin Engineering).

Mr. Wortman made the motion to amend the agreement with Mackin Engineering by deleting "with such collection action, computed at MACKIN'S prevailing fee schedule and expense policies" from Section 5.2.3 and by deleting Section 6.4: Corporate Protection. The motion was seconded by Mr. Fraser and carried with five votes in the affirmative and one nay vote cast by Mr. Gilbert.

PENSION PLAN ACTUARIAL VALUATION ASSUMPTION LETTERS

Mrs. Risinger stated that on April 20, 2021, the City's pension plan committees received and reviewed actuarial assumption changes recommended by the plans' actuary, Mockenhaupt Benefits Group. Council members were provided with a summary of the recommended changes to the General Employees' Pension Plan, Police Pension Plan, and the Firefighters' Pension Plan.

Mr. Fraser made the motion to adopt the Actuarial Assumption Changes recommended by the Mockenhaupt Benefits Group. The motion was seconded by Mr. Hearn and carried unanimously.

RESOLUTION NO. 3146: 2021 HAZARD MITIGATION PLAN

Chief Wren stated that prior to 2000, local planning activities typically focused on preparing for, and responding to, disasters. However, the Disaster Mitigation Act (DMA) of 2000 implemented a shift to proactive planning which recognizes and addresses a community's vulnerability to natural hazards and, therefore, reduces risks and vulnerabilities and reduces the impact of disasters should they occur.

Section 322 of the DMA requires that an approved Hazard Mitigation Plan be in place as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds. Chief Wren indicated that the Warren County 2021 Hazard Mitigation plan was developed by the Warren County Commissioners, the Warren County Planning and Zoning Department, and the Warren County Emergency Management Department in cooperation with other county departments and officials and citizens of the City of Warren. The plan received FEMA's approval.

It was recommended that the Warren County 2021 Hazard Mitigation Plan be adopted as the official Hazard Mitigation Plan of the City of Warren for a period of five (5) years at which time an updated plan will be developed and implemented.

Upon motion by Mr. Wortman and second by Mr. Gilbert, the seated Council members voted unanimously to approve the resolution adopting the Warren County Hazard Mitigation Plan as the Hazard Mitigation Plan of the City of Warren.

RESOLUTION NO. 3147 AND COMMITMENT LETTER: BOAT LAUNCH GRANT APPLICATION

Mr. Holtz stated that City Staff proposes the submission of a grant application in the amount of \$250,000 to the PA DCED under the Greenways, Trails, and Recreation Program (GTRP). If awarded, the funding would be used toward construction of the planned boat ramp, dock, and ancillary access road, parking area, and pedestrian facilities on the northern bank of the Allegheny River in the vicinity of the southern terminus of Liberty Street. The grant requires a match of a minimum of fifteen percent (15%) which will be provided in the form of land value. It was stated that there are three (3) parcels which may be used as such and, upon completion of an updated appraisal, the one with the lowest value will be stated in the required commitment letter to DCED. This will allow the remaining two parcels to be utilized as a Redevelopment Assistance Capital Program (RACP) match in the future, if necessary.

Mr. Fraser made the motion to authorize submission of a grant application in the amount of \$250,000 to the Pennsylvania Department of Community and Economic Development under the Greenways, Trails, and Recreation Program and approval of the Commitment Letter stating that the appraised real estate value of a parcel will be used as the grant matching funds. The motion was seconded by Mr. Gilbert and carried with a unanimous vote of the seated Council members.

AGREEMENT: WARREN COUNTY SCHOOL DISTRICT TENNIS COURTS LEASE

Mr. Holtz stated that the City and the Warren County School district have entered into prior agreements for the District's use of the Clifford R. Betts Park Tennis Courts. This use of the courts is for Warren Tennis Team practices and matches. It was requested that the City enter into a new agreement which provides for the District's use of the Courts during academic years 2021-2022 through 2023-2024. The proposed agreement provides for the terms of use including the annual fees for such use.

Mr. Wortman made the motion to approve the agreement between the City of Warren and the Warren County School District for the use of the Clifford R. Betts Park Tennis Courts during spring and fall tennis seasons for schoolyears 2021-2022 through 2023-2024. The motion was seconded by Mr. Hearn and carried unanimously among the six seated Council members.

LETTER TO THE DIRECTOR OF THE PA BUREAU OF EMERGENCY MEDICAL SERVICES

Chief Wren stated that there has been a significant and steady increase in the number of incidences of the City’s Fire Department being called to locations outside of the City in response to Emergency Medical Services (EMS) dispatches. The City has consistently tried to work with neighboring municipalities to develop an equitable solution to the EMS crisis in Warren County; however, to date, those efforts have not been successful. As a result, the City of Warren taxpayers are bearing the expense brought about by other municipalities not meeting their statutory obligations to provide for EMS services.

Chief Wren further stated that, in consideration of the foregoing, the City retained the services of Page, Wolfberg & Wirth, LLC, to review the City’s position regarding the provision of EMS and to draft a letter which may be submitted to the Pennsylvania Bureau of Emergency Medical Services. The letter requests that the City of Warren Fire Department be exempted from the provisions of 28 Pa. Code § 1027.3(g)(4) Response to dispatch by PSAP.

On May 4, 2021, letters were submitted via e-mail to Brokenstraw, Conewango, Glade, Mead, Pine Grove, Pleasant, and Sheffield Townships and Youngsville Borough advising them that the City is contemplating submission of the letter drafted by Page, Wolfberg, and Wirth and, again, offering to work with them individually or collectively and to engage in conversations that would yield an equitable sharing of EMS response expenses. A responsive letter from Conewango Township was submitted to the City via e-mail and was delivered at 4:50 PM on May 17, 2021; Council members were provided with a copy of the letter.

Following considerable discussion, Mr. Wortman made the motion to direct the law firm of Page, Wolfberg & Wirth to submit its letter to Dylan Ferguson, Director of the Pennsylvania Department of Health’s Bureau of Emergency Medical Services. The motion was seconded by Mr. Gilbert and carried unanimously among the six seated Council members.

DEPARTMENT REPORTS – APRIL, 2021

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Zoning, Codes, and Economic Development

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	–	February 27, 2020	Regular Meeting
Parks and Recreation Commission	–	February 2, 2021	Regular Meeting
Redevelopment Authority	–	March 24, 2021	Regular Meeting
Street Landscape Committee	–	March 23, 2021	Regular Meeting

EMS RECOGNITION WEEK

Mayor Cashman announced the Chief Wren was called to the Office of the Warren County Commissioners to receive a proclamation recognizing the City of Warren Fire Department.

PARKS AND RECREATION COMMISSION

Mr. Holtz indicated that the City of Warren Parks and Recreation Commission will meet at 6:00 PM on June 8 with the main agenda item to be a presentation regarding the proposed Washington Park Plan.

ADJOURNMENT

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