

**WARREN CITY COUNCIL  
REGULAR MEETING  
MAY 18, 2020 – 7:00 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the May 18, 2020 regular meeting of Warren City Council. Mr. Wortman led those present in the Pledge of Allegiance.

**OATH OF OFFICE: DOUGLAS HEARN**

Raymond F. Zydonik, Magisterial District Judge, District 37-2-01, administered the Council Oath of Office to Douglas Hearn. Mr. Hearn was appointed by Council to fulfill the term vacated by James A. Zavinski, Sr.; the term will expire in January, 2022.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman via conference call; Gregory Fraser and Paul Giannini via Zoom; and present in Council Chambers were Philip Gilbert, Douglas Hearn, John Wortman, and Christian Zavinski. Members of City Staff present were Nancy Freenock, City Manager; Brandon Deppen, Chief of Police; David Hildebrand, Planner/ Development Administrator; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Rodney Wren, Fire Chief; Chad Yurisc, City Engineer (via Zoom); and Andrea Stapleford, City Solicitor (via Zoom).

**EXECUTIVE SESSION ANNOUNCEMENT**

Mayor Cashman announced that Council met in executive session immediately prior to this meeting. Ms. Stapleford indicated that the session was for discussion of three topics, all of which pertained to legal information:

1. Re-opening the City (as pertains to the COVID-19 pandemic); and
2. Concerning an appeal filed by Tom Pellegrino against the City of Warren Zoning Hearing Board on a matter that was filed at Number 165 of 2020 in the Court of Common Pleas; and
3. Tax Assessment Appeal filed by Whirley Drinkworks.

**APPROVAL OF MINUTES**

Upon motion by Mr. Wortman and second by Mr. Gilbert, the minutes of the April 20, 2020 Regular Meeting were unanimously approved.

Upon motion by Mr. Wortman and second by Mr. Gilbert, the minutes of the April 30, 2020 Special Meeting were unanimously approved.

Upon motion by Mr. Wortman and second by Mr. Gilbert, the minutes of the May 11, 2020 Special Meeting were unanimously approved.

**BELLS ACROSS PENNSYLVANIA**

Mayor Cashman thanked all City residents who participated in the ringing of bells at 7:00 PM on May 3, 2020, in support of those who are engaged in the fight against COVID-19.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present via Zoom were:

- Karen Davis: Observing
- Jane Dunshie: Observing
- Mark Hearn: Observing
- Lynne Hearn: Observing
- Steve Blume: Observing
- Pat Evans: Observing
- Kelsey Angove: Observing
- Michelle Munksgard: Observing
- Five unidentified visitors
- Brian Ferry: Times Observer Reporter

## **CORRESPONDENCE**

There was no correspondence to come before Council.

## **ZONING HEARING BOARD APPEAL**

Mr. Fraser made the motion to approve the defense of the Pellegrino Appeal from the Zoning Hearing Board decision, Case No. 165 of 2020 before the Court of Common Pleas of Warren County. The motion was seconded by Mr. Giannini and carried with six votes in the affirmative and one abstention by Mr. Zavinski who cited the potential perception of an employment-related conflict of interest.

## **WHIRLEY DRINKWORKS TAX APPEAL**

Mr. Fraser made the motion to approve the proposed settlement of the Tax Assessment appeal filed by Whirley DrinkWorks. The motion was seconded by Mr. Wortman and carried unanimously.

## **RESOLUTION NO. 3117: PELLEGRINO MINOR SUBDIVISION**

Mr. Hildebrand stated that Tom Pellegrino filed a minor subdivision application to create Parcel 1 and Parcel 2 from Parcel No. WN-573-8120. He further stated that the minor subdivision application meets the requirements of the City of Warren Subdivision Ordinance. The City of Warren Planning Commission met on May 13 and voted to recommend that Council approve the minor subdivision.

Mr. Fraser made the motion to approve the Pellegrino Minor Subdivision. The motion was seconded by Mr. Wortman and carried with six votes in the affirmative and one abstention by Mr. Zavinski who cited the potential perception of an employment-related conflict of interest.

## **RESOLUTION NO. 3118: COUNTY LIQUID FUELS APPLICATION**

Mr. Holtz stated that it is necessary for Council, by resolution, to annually apply for the County Liquid Fuels Tax Allocation. The City's allocation for 2020 was established at \$11,993.00. These monies are used to reimburse the General Fund for salt purchased for snow and ice control.

Upon motion by Mr. Wortman and second by Mr. Fraser, Council voted unanimously to approve the resolution authorizing the 2020 County Liquid Fuels Allocation application.

## **RESOLUTIONS: STRATEGIC MANAGEMENT PLANNING PROGRAM GRANT APPLICATIONS**

Mr. Hildebrand stated that the Early Intervention Program Recovery Plan prepared for the City under the Early Intervention Program, now known as the Strategic Management Planning Program (STMP), recommends that the City Comprehensive Plan and Zoning Ordinance be updated. Warren County is also enrolled in the STMP and its Recovery Plan recommends that the County Comprehensive Plan be updated.

Under the STMP, the Pennsylvania Department of Community and Economic Development (DCED), requires that the City approve a resolution authorizing the grant application. This grant will be utilized for the development of a new Comprehensive Plan and a new Zoning Ordinance. Warren County will also submit a grant application for its new Comprehensive Plan. The DCED also requested that the City and the County each provide a resolution in support of the other's application. The DCED recommends that the City and County use the same consultant to complete the City Comprehensive Plan, the City Zoning Ordinance, and the County Comprehensive Plan. Mr. Hildebrand indicated that funding under STMP is typically a 50% grant with 50% in matching funds. However, the City will submit a hardship application which, if approved, would change the funding to 90% grant and 10% matching funds. He further stated that once the provider is selected by the City and County, the matter will be put before Council for approval.

**Resolution No. 3119: City Strategic Management Planning Program Grant Application**

Mr. Fraser made the motion to adopt the resolution authorizing an application for grant funding under the Strategic Management Planning Program for development of a new City Comprehensive Plan and new Zoning Ordinance. The motion was seconded by Mr. Wortman and carried unanimously.

**Resolution No. 3120: In Support of Warren County's Strategic Management Planning Program Grant Application**

Mr. Fraser made the motion to adopt the resolution stating support of the Warren County application for funding under the Strategic Management Planning Program for development of a County Comprehensive Plan. The motion was seconded by Mr. Wortman and carried unanimously.

**BID AWARD: 2020 MILL AND OVERLAY PROJECT**

Mr. Holtz stated that three bids were received for the City's 2020 Mill and Overlay Project with the apparent low bidder being IA Construction Corporation of Franklin, PA. Their total bid for base and optional work was \$556,859.95 which includes twenty-seven (27) City blocks. It was noted that the paving list provided for Council's consideration was established following the annual review and ranking of all City streets.

Mr. Holtz explained that the base bid totals \$286,176.65 while an optional bid totals "up to" \$270,683.30. The contract wording of "up to" indicates that the City has the flexibility to direct the Contractor as to how much of the optional work is to be performed.

Mr. Holtz indicated that the City has successfully worked with IA Construction on past projects and recommended that they be awarded the contract.

Mr. Fraser made the motion to award the 2020 Bituminous Mill and Overlay Project to IA Construction in the amount of \$556,859.95 and to confirm the street resurfacing list. The motion was seconded by Mr. Giannini.

Mrs. Freenock noted that \$190,000 to be used for the project is from the General Fund; this amount was allocated from the Sewer Revenue Fund to the General Fund. She further noted that revenues are currently running approximately \$77,000 behind this time in 2019 (due largely to the COVID-19 pandemic); expenditures are somewhat higher despite efforts to keep them down.

Following discussion, Mr. Fraser rescinded his motion and made a new motion to approve \$286,176.65 towards street improvements with the option for the City to expand that up to, but not to exceed, \$556,859.95 as revenues permit. Mr. Zavinski seconded the amended motion. The motion carried with six votes in the affirmative with Mr. Gilbert noting that he resides on West Fifth Avenue and one abstention. Mr. Wortman stated that his abstention was due to the potential for a perceived conflict of interest as members of his immediate family reside on three of the streets included on the paving list.

**LETTER TO THE GOVERNOR REGARDING THE COVID-19 SHUTDOWN**

Mr. Wortman read a draft letter addressed to Governor Tom Wolf requesting that the City of Warren be released into the "Green Phase" upon the Centers for Disease Control and the Pennsylvania Department of Health release of guidelines for the "Green Phase" under the COVID-19 Pandemic.

Mr. Wortman made the motion to adopt the letter as an official letter on behalf of the City and send it to Governor Wolf. The motion was seconded by Mr. Gilbert and carried unanimously.

Mr. Wortman stated that, in anticipation of a timely response from Governor Wolf, he would like to announce that it is his intent, with the support of Councilman Zavinski, to request a special meeting of City Council to look at what the City may, or may not, be able to do in response to the Governor's reply. Mr. Zavinski and Mr. Wortman stated their concerns for the economic well-being of residents and the ability of local businesses to survive the regulations implemented under the Governor's orders in regard to the COVID-19 Pandemic. Mr. Fraser stated that he fully supports the letter to be sent to the Governor; however, he cautioned that Council must remain cognizant of the "prudent medical advice that guides the whole Commonwealth." He recommended that Council exercise caution in "presuming to tell the state authorities that are well aware of our situation how we should be somehow exceptional." Mayor Cashman noted that the Governor has been opening areas in a county-by-county, non-partisan way and opined that the City will not be reopened until the Governor and his health officials determine that the City may advance to the Green Phase. He further noted that movement to the Green Phase does not mean that all will be wide open; restrictions will remain. Mayor Cashman stated that we are in the midst of an extraordinary time and emphasized that the COVID-19 virus is, perhaps, the most contagious that the world has ever encountered.

Mr. Wortman stated that he believes that "we should do whatever we can with the authorities we may, or may not, have to try and reopen." Mr. Zavinski stated that businesses "have been painted into a corner" and there are many people who are being forced to remain closed or to open against orders.

Mr. Wortman stated that he "truly believes it's important that, even though it obviously may not be able to exist the way it has always been done, that we find a way to make sure that the people in the City of Warren can still have a way to celebrate the Fourth of July this summer....but I believe that national holiday should be celebrated in some fashion within the City." Mr. Fraser noted that, historically, that has been conducted by a private enterprise, not a City enterprise. He indicated that he has reservations as to whether such could be accomplished; but that if Council can find a way to support a private enterprise that is done safely within a COVID-19 environment, he would endorse and encourage it.

Mrs. Freenock stated that Bill Thompson, of the Warren County Fourth of July Committee, has been in communication with her and City Staff. Mr. Thompson indicated that the Committee expects to make a decision on, or before, June 1 as to whether the Fourth of July activities will be held in 2020. Mr. Thompson also heads the Music in the Park program and, at present, will be making decisions regarding performances on a month-by-month basis.

Following discussion, Council members agreed to meet on June 3 regarding the Governor's response to the afore-mentioned letter.

### **MISCELLANEOUS**

Mrs. Freenock commended the Department of Public Works for rehabilitating a Fire Department vehicle which is no longer suitable for fire service. The unit was painted and outfitted for DPW use.

Mr. Holtz stated that DPW personnel, under the supervision of the manufacturer's representative, installed the new playground apparatus at Beaty Playground; this resulted in a substantial savings to the City.

Randy Gustafson, resident, inquired as to what the plan is for placing the outdoor tables in front of restaurants on Pennsylvania Avenue. Mrs. Freenock responded that there are concerns regarding sanitizing tables after use and limits pertaining to the size of gatherings under the Governor's and

Health Department's COVID-19 guidelines. It was noted that restrictions may change upon the City moving to the Green Phase. Following discussion, Council agreed to further review the matter at the June 3 special meeting.

**DEPARTMENT REPORTS – APRIL, 2020**

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**

Planning Commission – February 19, 2020 Regular Meeting

**ADJOURNMENT**

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