

**WARREN CITY COUNCIL
REGULAR MEETING
MAY 21, 2018 – 7:30 PM**

OPENING OF MEETING

Mayor Cashman presided over the May 21, 2018 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 April 21, 2018 regarding property matters and on April 30, 2018 regarding personnel matters.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Gregory Fraser, Paul Giannini, Philip Gilbert, Richard Kolcharno, James A. Zavinski, Sr., and Junior Council Member Ryan 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; Sam Pascuzzi, Fire Chief; Donna Risinger, Finance Officer; Terry Williams, Director of Codes, Permits, and Recreation Services; Chad Yuriscic, City Engineer; and Andrea Stapleford, City Solicitor.

APPROVAL OF MINUTES

Upon motion by Mr. Zavinski and second by Mr. Fraser, the minutes of the April 16, 2018 Regular Meeting were unanimously approved by Council members present.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Dr. Mary Jane Hirt: Early Intervention Plan, Observing
- Douglas Baird: Columbia Gas Company
- Pauline Steinmeyer: Observing
- Robert Domville: Boy Scout Badge
- Sean Domville: Boy Scout Badge
- Wendy McCain: Observing
- Andrew Morrison: Times Observer Reporter

Mayor Cashman announced that Wendy McCain has been selected as the new Executive Director of the Struthers Library Theatre to succeed Marcy O'Brien upon her upcoming retirement. Ms. McCain stated that she has a background in fundraising and project management and looks forward to building upon the foundation set by Ms. O'Brien.

Mrs. Freenock introduced Dr. Mary Jane Hirt who is a member of the Pennsylvania Economy League's team that is developing an Early Intervention Plan for the City.

CORRESPONDENCE

Council members acknowledged receipt of correspondence from the following:

- Jefferson DeFrees Family Center: Letter of thanks for the City's contribution of t-shirts and latex gloves for the Center's Pre-School Earth Day Community Cleanup Project.
- Judge and Mrs. William Morgan: Asking that the 300 block of Poplar Street be retained as a brick street. This letter was in response to a Letter to the Editor of the Times Observer in which the writer suggested that this portion of Poplar Street be paved.

- Paul Bohn: Tendering his resignation from the Street Landscape Committee after nearly 30 years of service.
- United States Senator Robert P. Casey, Jr.: Congratulating the City upon its Tree City USA designation for the 30th consecutive year.

AGREEMENT: COLUMBIA GAS OF PENNSYLVANIA, BETTS PARK RIGHT-OF-WAY

Mr. Holtz stated that Columbia Gas will replace aged bare steel pipelines which run through Betts Park. Due to structures near the existing pipeline, it will be necessary for Columbia to lay a new plastic gas main in a different location. Therefore, Columbia requested a 50-foot wide right-of-way to facilitate the installation and future maintenance of the line.

Columbia has agreed to:

1. Pay recording costs and City Solicitor’s fees which are incurred in regard to the Right-of-Way;
2. Pay for the replacement of six trees which will be removed;
3. Restore the property to its original condition including any driveways and pathways; and
4. Assure that construction will not occur during, or interrupt in any way, the Fourth of July Celebration.

Upon motion by Mr. Fraser and second by Miss Davis, Council members voted unanimously to approve the Right-of-Way Agreement for the installation of a gas main line at Clifford R. Betts Park.

RESOLUTION NO. 3066: COMMITMENT TO SAFETY/RISK MANAGEMENT

Mrs. Freenock noted that the City’s primary insurance carrier is PennPRIME Trust which is a shared-risk pool for municipalities. In order to qualify for the lowest possible rates, the City is required to establish and maintain certain loss control standards.

PennPRIME Loss Control Standard Number One requires the City, by way of resolution, to confirm its commitment to Safety/Risk Management. A resolution was passed by Council in 2015; however, there have been personnel changes which necessitate adoption of an updated resolution.

Upon motion by Miss Davis and second by Mr. Fraser, Council members voted unanimously to approve the resolution confirming the City’s commitment to Safety/Risk Management.

RESOLUTION NO. 3065: LACY PARK GRANT APPLICATION

Mr. Hildebrand noted that at the March 19, 2018 regular meeting, Council approved a resolution regarding a Department of Conservation and Natural Resources (DCNR) funding application for the rehabilitation of Lacy Park. The resolution states that [The “Signature Page for Grant Application and Grant Agreement” may be signed on behalf of the applicant by the official who, at the time of signing, has the title of Mayor.]

At the time, Mayor Cashman was out of town and, therefore, the resolution and grant application were signed by Mr. Fraser, Council Vice-President. DCNR contacted the City and indicated that this is not acceptable and a new resolution and Signature Page for Grant Application and Grant Agreement bearing the Mayor’s signature must be submitted in order for the application to be considered. No changes were made to the text of the resolution excepting the signature line.

Upon motion by Mr. Kolcharno and second by Miss Davis, Council members voted unanimously to approve the resolution approving an agreement with the Commonwealth of Pennsylvania for funding to be utilized at Lacy Park.

RESOLUTION NO. 3067: GREENWAYS, TRAILS, & RECREATION PROGRAM APPLICATION

Mr. Hildebrand stated that the Pennsylvania Commonwealth Financing Authority, under the Greenways, Trails, and Recreation Program (GTRP) Grant requires that the City of Warren approve a resolution authorizing the grant application and designating signatories. This grant will be utilized for an extension of the Breeze Point Landing Trail which will include a concrete path, trash/recycling cans, benches, pedestrian lights, signage, and trees. The total project cost is \$460,517 of which \$250,000 is requested in the grant application. The remaining \$210,517 is the local share and will be included in the 2019 Municipal Budget. Mr. Hildebrand indicated that contributions from private foundations will be sought to offset the local share amount.

Upon motion by Mr. Fraser and second by Mr. Gilbert, Council members voted unanimously to approve the resolution authorizing an agreement with the Commonwealth Financing Authority and designating signatories for a Greenways, Trails, and Recreation Program Grant Application.

ORDINANCE NO. 1905: USE OF NICOTINE DELIVERY SYSTEMS IN PARKS

Mrs. Williams noted that City Council previously adopted ordinances which prohibit the use of conventional tobacco products within the City's Park, Recreation, and Conservation Areas. Since that time, new products for the delivery of nicotine have been developed and many of these devices produce an excessive amount of nicotine vapor to which anyone in the area is exposed. To ensure that children are protected from this secondhand smoke as well as others who would be unwillingly subjected to such, the City Parks and Recreation Commission recommended that Council adopt the proposed ordinance which amends Chapter 340 of the City Code by adding a definition of "Smoking" and prohibitions regarding nicotine delivery devices (commonly referred to as vaping).

Mr. Kolcharno made the motion to adopt the ordinance amending Chapter 340 of the Code of the City of Warren as it pertains to smoking and the use of tobacco and nicotine products in the City's Park, Recreation, and Conservation Areas. The motion was seconded by Mr. Zavinski.

Mr. Fraser made the motion to amend the proposed ordinance as moved by Mr. Kolcharno by striking "combustible" from the definition of "Smoke" in Section 1 and by inserting "inhale, exhale," following "Smoke" in Section 2. The motion was seconded by Miss Davis and carried unanimously.

Council members then voted unanimously to approve Mr. Kolcharno's motion, as amended.

ORDINANCE NO. 1906: QUALITY OF LIFE VIOLATION TICKET PROGRAM

Mrs. Williams noted that on March 19, 2018, Council adopted Ordinance No. 1903 establishing a Quality of Life Violation Ticket Program. At that meeting the ordinance as presented by City Staff was amended by Council action to provide for appeals to be heard by a single member of the Property Maintenance Board of Appeals. Upon review of the Property Maintenance Code and consultation with the City Solicitor, it was determined that it is not appropriate for a single member to hear appeals and such appeals should be before a quorum of the full Board. It was also determined that appeals to a Quality of Life Violation Ticket must be made within five (5) calendar days of service of the first Ticket so that enforcement may proceed in a timely manner.

In response to Miss Davis' question, Mrs. Williams stated that Codes Staff has the authority to void a ticket in the event that noncompliance is due to circumstances such as the property owner verifying that they were out of town at the time that the ticket was issued.

Mr. Fraser made the motion to adopt the ordinance repealing Ordinance No. 1903 and restating the Quality of Life Violation Ticket Program. The motion was seconded by Mr. Zavinski and carried unanimously.

2018 BITUMINOUS PAVEMENT MILLING AND RESURFACING CONTRACT

Mr. Holtz stated that on May 15, bids for the 2018 Mill and Overlay Project were opened. Four (4) bids were received with the apparent low bidder being Signature Paving & Sealcoating of Jamestown, NY. Signature’s bid for the work totals \$239,473.60 which covers ten (10) City blocks and the installation of two (2) asphalt curbs. Included in this contract is a section of the Betts Park Runway to be resurfaced at a cost of \$46,700.00 which will be funded by contributions. The City’s share of the contract cost will be \$192,773.60 for which State Liquid Fuels funds will be used.

Upon motion by Mr. Kolcharno and second by Mr. Zavinski, Council members voted unanimously to award the 2018 Bituminous Pavement Milling and Resurfacing contract to Signature Paving & Sealcoating in the amount of \$239,473.60.

AUTHORIZATION TO PURCHASE SEWER CAMERA AND ACCESSORIES

Mr. Holtz noted that the City’s current Sewer Crawler Camera was purchased in 2008. The camera has been repaired many times; however, there are critical components which have failed in recent weeks and cannot be repaired. This equipment is used on a regular basis and is essential for sewer line maintenance.

City Staff reviewed four styles of cameras and recommends the purchase of an Envirosight Rover X Truck System from A & H Equipment. The cost of the system, including accessories, is \$85,500. A & H Equipment is a COSTARS vendor and, therefore, it is not required that this item be put to bid.

Mr. Holtz noted that this was not a budgeted item for 2018; however, he stated that there are sufficient funds in the Sewer Fund for this purchase.

Upon motion by Mr. Fraser and second by Mr. Giannini, Council members voted unanimously to authorize the purchase of an Envirosight Rover X Truck System camera and accessories from A & H Equipment for \$85,500.

PROPOSED TAX EXEMPT MUNICIPAL LEASE

Mr. Holtz stated that the 2018 Budget includes \$179,000 for DPW equipment purchases which were to be purchased and paid for in full; however, there is additional needed equipment which would exceed the amount budgeted.

Following staff discussions regarding various means of financing the equipment, a Request for Proposal for a Tax Exempt Municipal Lease Purchase Agreement was let and five proposals were received. As lease purchase rates fluctuate frequently, it was determined that all respondents should be contacted for the current rate one week prior to this meeting. On May 14, the lowest rate was provided by Tax-Exempt Leasing Corp. at the rate of 3.44% for a term of seven years with quarterly payments of \$10,135.14. The proposal was valid for fourteen days.

The equipment and amounts proposed for financing are as follows:

Wood Chipper	\$ 35,784	
Roller	\$ 37,700	(after trade)
Pickup Truck	\$ 29,449	
Pickup Truck	\$ 29,449	
5-ton Dump Truck	<u>\$ 126,026</u>	
Total to be Financed	\$253,408	

Mr. Fraser made the motion to authorize Tax Exempt Municipal Lease Agreement financing in the amount of \$253,408 for the purchase of the listed items. The motion was seconded by Mr. Gilbert.

There was considerable discussion followed by the vote. The motion failed with three votes in the affirmative and nay votes cast by Miss Davis, Mr. Fraser, Mr. Kolcharno, and Mayor Cashman.

APPROVAL OF EXPENSE REIMBURSEMENT: MAYORS' CONFERENCE

Mrs. Freenock indicated that Mayor Cashman will attend the 2018 Conference of the Pennsylvania State Mayors' Association July 19-22. Per Chapter 26, Article I, §26-8 of the Code of the City of Warren, Council members are entitled to reimbursement for actual expenses incurred when the expenditure is related to the performance of official duties and authorized in advance by Council at a public meeting and included in an itemized list presented prior to payment.

Mayor Cashman's lodging will be arranged for and will be paid by the City; therefore, there will be no reimbursement to be made to him for these charges. He will be traveling in his personal vehicle and, therefore, may be reimbursed for mileage at the standard IRS rate. Additionally, he may be reimbursed for those meals not provided as part of the Conference activities. All expenses to be reimbursed will be recorded on the standard City Per Diem Report.

Miss Davis made the motion to authorize the reimbursement of travel and meal expenses to Mayor Cashman relative to his participation in the 2018 Conference of the Pennsylvania State Mayors' Association. The motion was seconded by Mr. Kolcharno and carried with six votes in the affirmative and one abstention by Mayor Cashman.

AGREEMENT: BOLLINGER ENTERPRISES WORK-BASED LEARNING PROGRAM

Mrs. Freenock stated that the Pennsylvania Department of Labor and Industry, acting through the Office of Vocational Rehabilitation (OVR) funds and oversees a work-based learning program to place students in various work environments. The OVR operates the program through third party administrators and Bollinger Enterprises, Inc. (BEi) is the local administrator.

Representatives from OVR and BEi reached out to the City to determine whether it would be possible to place students at City job sites. Meetings were held with representatives of the two organizations and City Staff members and it was determined that there are jobs which may be performed by the student workers. All work is supervised by an employee of BEi at a ratio not to exceed four workers to one supervisor. It is anticipated that tasks that the City might not otherwise be able to accomplish will be completed and the student workers will gain useful knowledge and work experience. All program expenses are born by OVR and there would be no cost to the City.

Upon motion by Mr. Fraser and second by Mr. Kolcharno, Council members voted unanimously to approve the agreement with Bollinger Enterprises, Inc. regarding the Office of Vocational Rehabilitation Work-Based Learning Program pending concurrence of the City's insurance carrier regarding the parties' insurance responsibilities.

ORDINANCE NO. 1907: AMENDING MUNICIPAL EMPLOYEE PENSION PLAN

Mrs. Freenock stated that the Municipal Employee Pension Plan is for the benefit of City employees who are not members of the Police or Fire Departments. In accord with the terms of the Memorandum of Understanding negotiated with I.B.E.W. Local Union No. 459 for the three-year contract period commencing January 1, 2018, it is necessary to amend the Municipal Employee Pension Plan. Randall Rhoades, Labor Counsel, drafted the ordinance providing for the implementation of a "New Hires Plan" and amending provisions pertaining to the Internal Revenue Code.

Following presentation of this item at the April 16 Council meeting, Mr. Fraser questioned language pertaining to the Social Security offset. Therefore, it was requested that action on this item be delayed until this month. The language was confirmed and Mr. Fraser's questions were answered to his satisfaction.

Miss Davis made the motion to adopt the ordinance amending the Municipal Employee Pension Plan by implementing a “New Hire” plan and amending provisions pertaining to the Internal Revenue Code. The motion was seconded by Mr. Fraser and carried unanimously.

DEPARTMENT REPORTS – APRIL, 2018

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Codes, Permitting, and Recreation Services
- Finance: Fourth Quarter 2017 and First Quarter 2018

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	–	March 22, 2018	Regular Meeting
Parks and Recreation Commission	–	February 6, 2018	Regular Meeting
Planning Commission	–	April 18, 2018	Regular Meeting
Redevelopment Authority	–	March 21, 2018	Regular Meeting
Street Landscape Committee	–	March 27, 2018	Regular Meeting

ADJOURNMENT

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