

**WARREN CITY COUNCIL  
REGULAR MEETING  
JUNE 18, 2012 – 7:30 PM**

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**OPENING OF MEETING**

Mayor Mark A. Phillips presided over the June 18, 2012 regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance. Mayor Phillips announced that Council met in executive session regarding 1) personnel matters, 2) property matters pertaining to the lease of oil and gas, and 3) litigation concerning GRO-Warren and the DCED review immediately prior to this meeting.

**ROLL CALL**

Members present and responding to roll call were: Mayor Mark Phillips, Mr. Maurice Cashman, Dr. Howard Ferguson, Mr. Samuel Harvey, Mr. Christopher Park, and Mr. James Zavinski, Sr. Mr. John Lewis was absent. Ms. Nau, Mr. Gustafson, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Chief Pascuzzi, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance.

**RECOGNITION OF VISITORS**

Mayor Phillips welcomed all visitors. Present were:

- Lenny Gray: Observing
- John Papalia: WCCBI RibFest Special Event application
- Melissa Anderson: WCCBI RibFest Special Event application
- Dan Ristau: Warren Main Street
- Rodger Winkels: Warren Co. Firefighters Honor Guard Special Event application
- Richard Davis: Warren Co. Firefighters Honor Guard Special Event application
- Bill Thomas: House of Worship
- Frankie Thomas: House of Worship
- Warren Supulski: House of Worship
- Shirley Supulski: House of Worship
- David Sobina: Warren General Hospital Expansion Project – vacation of portion of Tuscarora Avenue
- Alan Kiser: Observing
- Josh Cotton: Times Observer reporter

**APPROVAL OF MINUTES**

Upon motion by Mr. Zavinski and second by Mr. Cashman, the minutes of the May 21, 2012 Regular Meeting were unanimously approved.

**CORRESPONDENCE**

Council members acknowledged receipt of the following correspondence:

- Travis Wilcox, Eagle Scout Candidate: Thanking the City and the Department of Public Works for supplies and assistance in support of his project at Washington Park

**DEPARTMENT REPORTS – MAY, 2012**

The following reports were presented to Council:

- Police Department – Presented by Chief Zydonik
- Fire Department – Presented by Chief Pascuzzi
- Department of Public Works – Presented by Michael Holtz
- Building Codes Department – Presented by Alan Gustafson

During presentation of the Police Department report, Chief Zydonik stated that, as requested by Council, an estimate for installation of a security camera in the Clark Street Parking Garage elevator was obtained. The preliminary estimate is in the amount of \$10,000. However, he noted that Simplex, the security installation company, is working to reduce this amount via an alternate electrical company. It was also noted that Simplex must work with the elevator manufacturer regarding relative proprietary information. The Chief suggested that this matter be further discussed during preparation of the 2013 budget.

**REQUESTS FOR USE OF CITY STREETS/PROPERTY**

The following requests were presented for Council’s consideration:

| <b><u>Organization</u></b>   | <b><u>Event</u></b>                            | <b><u>Property/Street(s)</u></b>   | <b><u>Date/Time</u></b>                         |
|--|--|--|---|
| a. Women in the Outdoors & Police Explorer Post 312  | Downtown Turkey Trot – 5K Road Race (run/walk) | Fifth, Hickory, Third, Hazel, Fourth, Laurel, PA Ave W, Hickory St. Bridge, Crescent, Tuscarora, Lee, Cayuga, Wayne, Main, Biddle, Liberty | Thurs. 11/22/12<br>8:00 AM to 10:30 AM          |
| Motion to approve made by Mr. Cashman, second by Dr. Ferguson, approved with five votes in the affirmative and one negative vote cast by Mr. Park. |  |  |   |
| b. WCCBI   | 2012 RibFest                                   | Betts Park – western portion   | Tues. 7/17/12, Noon thru Sun. 7/21/12, 11:00 PM |
| Motion to approve made by Mr. Cashman, second by Mr. Zavinski, approved unanimously by members present.  |  |  |   |
| c. Warren County Firefighters Honor Guard/ Toys-for-Tots   | Car Show & Poker Run                           | Betts Park – western portion   | Sat. 8/25/12<br>8:00 AM to 5:00 PM              |
| Motion to approve made by Mr. Park, second by Mr. Harvey, approved unanimously by members present.   |  |  |   |
| d. Warren General Hospital Auxiliary   | 2013 Hospital Gala                             | Betts Park – western portion   | Fri. 6/14/13 – set up<br>Sat. 6/15/13 - Gala    |
| Motion by Mr. Park for conditional approval of the date and location, second by Mr. Zavinski, approved unanimously by members present.             |  |  |   |
| e. Warren Co. Victim Impact Panel<br><i>Event previously approved , revised route requested</i>  | Warren County VIP Memorial 5K                  | Fourth, Morrison, Levee, Sill, Eddy, PA Ave. W., Pine  | Sat., 9/22/12<br>10:00 AM to 1:00 PM            |
| Motion to approve made by Mr. Harvey, second by Dr. Ferguson, approved with five votes in the affirmative and one negative vote cast by Mr. Park.  |  |  |   |

In regard to the Warren County Firefighters Honor Guard request, Dr. Ferguson expressed concern regarding Budha’s Mobile Tattoo Parlor, which is a proposed vendor. He requested that the organization take steps to ensure that minors are not able to obtain a tattoo without parent/ guardian consent.

**RESOLUTION NO. 2891: HOME STREET SCHOOL DEVELOPMENT, LLC MINOR SUBDIVISION**

Mr. Hildebrand stated that a Minor Subdivision application was filed by the Home Street School Development, LLC regarding the former Home Street School property. The proposed subdivision would amend the original Clark Farm subdivision by reducing the current fourteen lots to ten lots. Council was provided with the current and proposed subdivision plats. Mr. Hildebrand noted that

the City of Warren Planning Commission at their May meeting recommended approval of this minor subdivision.

Upon motion by Mr. Cashman and second by Mr. Park, Council members present voted unanimously to adopt the resolution approving the Home Street School, LLC, Minor Subdivision.

**PROPOSED ORDINANCE: VACATING A PORTION OF TUSCARORA AVENUE**

Mr. Holtz stated that Warren General Hospital (WGH) is in the process of expanding its Cancer Care Center. As part of this expansion, the City has determined that it is necessary to vacate the portion of Tuscarora Avenue extending southerly from the center line of its intersection with Lee Street to its terminus. This action is necessary to facilitate a stormwater retention area as required under the Stormwater Management Ordinance. This portion of Tuscarora Avenue lies entirely within the WGH campus and, therefore, will not negatively impact neighboring properties.

Ms. Stapleford, Solicitor, indicated that it is required that notice of the proposed ordinance be advertised in the newspaper once per week for three consecutive weeks prior to Council taking formal action at the July 16, 2012 regular meeting.

**AGREEMENT: PENNSYLVANIA AMERICAN WATER COMPANY DATA USAGE**

Mr. Holtz stated that, as approved by Council at its May 21, 2012 regular meeting, Pennsylvania Municipal Services Company will collect current and delinquent wastewater and recycling fees upon termination of the collection of these fees by the Pennsylvania American Water Company (PAWC). Wastewater charges are based upon the volume of water used and, therefore, it is necessary to obtain usage data from PAWC. The fee charged by PAWC for provision of data is currently five cents per read. Based on an average of 4200 customers the annual cost to the City will be approximately \$2520. A Pennsylvania Utility Commission approved agreement regarding the provision of usage data by PAWC has been presented to the City for authorization.

Upon motion by Mr. Harvey and second by Mr. Cashman, Council members present voted unanimously to approve the agreement with Pennsylvania American Water Company for the provision of water usage data.

**AGREEMENT: PENNSYLVANIA AMERICAN WATER COMPANY SHUTOFFS**

Ms. Stapleford stated that in order to fully implement the planned collection procedures regarding delinquent wastewater fees, it is necessary to enter into an agreement with the Pennsylvania American Water Company (PAWC) under which water shutoffs may be performed. It is planned that shutoffs will occur twice per year beginning in the first half of 2013. The agreement establishes the procedure for performance of shutoffs and also establishes turn-off fees, turn-on fees, and loss of revenue fees. PAWC will report/charge these fees to the City which will in turn charge the account holder/property owner. The fees must be paid in full prior to the City notifying PAWC that water service may be restored.

Upon motion by Mr. Zavinski and second by Mr. Cashman, Council members present voted unanimously to approve the agreement with Pennsylvania American Water Company for the shutoff of accounts which are delinquent in wastewater charges.

**RESOLUTION NO. 2892: ESTABLISHING TERMS AND CONDITIONS FOR POLICE CAPTAIN**  
**RESOLUTION NO 2893: ESTABLISHING COMPENSATION RANGE FOR POLICE CAPTAIN**

Ms. Nau stated that in accordance with the Memorandum of Understanding entered into by the City and the Warren Police Officers Association F.O.P., Lodge #83, as approved by City Council at its regular meeting on November 21, 2011, the position of Police Captain was created. It is, therefore,

necessary to establish certain terms and conditions which are applicable to a Captain hired from within the ranks of the City Police Department and to establish a compensation range for the position of Police Captain.

Resolution No. 2892: Upon motion by Mr. Cashman and second by Mr. Park, Council voted to approve the resolution establishing terms and conditions applicable to a Captain hired from within the ranks of the City Police Department with five votes in the affirmative and one abstention by Mr. Harvey. Mr. Harvey stated that he abstained from the vote as he was not a member of the sitting Council when the Memorandum of Understanding was approved.

Resolution No. 2893: Upon motion by Mr. Cashman and second by Mr. Park, Council voted to approve the resolution establishing the compensation range for the position of Police Captain with five votes in the affirmative and one abstention by Mr. Harvey. Mr. Harvey stated that he abstained from the vote as he was not a member of the sitting Council when the Memorandum of Understanding was approved.

### **ANAEROBIC SLUDGE DIGESTER CLEANING BID – WASTEWATER TREATMENT PLANT**

Mr. Sceiford reported that the City's wastewater treatment plant includes facilities for the handling of residual solids generated at the plant. These residual solids include waste process sludge, grease, scum, grit, rags and debris. These solids are treated in separate digester tanks prior to dewatering and hauling to an approved landfill. Periodically, these tanks need to be thoroughly cleaned to remove material that cannot be removed by routine processing. If such cleaning is not done, the useful volume of the tank is diminished and the process becomes increasingly less efficient. It has been approximately twenty years since the primary digester and thirty years since the secondary digester have been cleaned.

Mr. Sceiford further reported that on June 6, 2012, the City received bids for all labor and equipment necessary for the removal and disposal of all materials from the City's primary and secondary anaerobic digesters. This maintenance work was not included in the 2012 operational plan and budget for wastewater treatment. However, sufficient funds are available in the sewer fund to accomplish this work. AGRI-SLUDGE INC. located in Shreve Ohio submitted the lowest bid in the amount of \$89,795.00 for both digesters. The City has not previously worked with the Company; however, experience, qualification and available equipment information submitted with the bid indicates that AGRI-SLUDGE is a responsible bidder.

In response to Mr. Harvey's question, Mr. Sceiford indicated that both the primary and secondary digesters would again need to be cleaned at such time as the Wastewater Treatment Plan Improvement Plan is implemented. Mr. Harvey expressed concern that this expenditure would be made twice and questioned whether it was necessary to clean both digesters at this time. He asked that Mr. Sceiford further research this matter to determine whether it is feasible to clean only the secondary digester and to bring the matter back for consideration at the July 16 meeting of Council.

### **DANIEL RISTAU ADDRESS TO COUNCIL: ANCHOR BUILDING PROJECT**

Mr. Ristau addressed Council and noted that the plywood façade has been removed. He thanked the Council sub-committee comprised of Dr. Ferguson, Mr. Cashman, and Mr. Park who have been working to facilitate the progression of the project. Dr. Ferguson responded that the façade removal was a collaborative effort among many and thanked Main Street for "working to bring a difficult situation to closure." He further noted that the Warren County Chamber of Business and Industry and the City of Warren Redevelopment Authority have indicated a willingness to work with

the parties involved. Acknowledgement was made that the Community Foundation of Warren County provided funding for the replacement of windows as well as the front door.

Mr. Ristau reported that there is a prospective buyer for the property commonly known as the Natale Building and stated that he believes the sale will close within the next two weeks. He reported that the buildings known as the Natale Building and Roberti Building (225-227 Liberty Street) are each in arrears for real estate taxes in the combined amount of \$21,723.59 and will be subject to tax sale in 2012 if the balance of 2009 taxes is not paid in full or forgiven by the respective taxing bodies. Mr. Ristau distributed a handout containing the following information to Council members:

| <b>NATALE BUILDING</b>             |             |               |                   |
|------------------------------------|-------------|---------------|-------------------|
| <u>YEAR</u>                        | <u>CITY</u> | <u>COUNTY</u> | <u>SCHOOL</u>     |
| 2009                               | \$573.93    | -0-           | \$1,809.75        |
| 2010                               | 565.85      | 671.51        | 1,719.06          |
| 2011                               | 325.04      | 385.73        | 1,007.22          |
| TOTAL                              | 1,464.82    | 1,057.24      | 4,526.03          |
| <b>TOTAL DUE – 3 TAXING BODIES</b> |             |               | <b>\$7,048.09</b> |

| <b>ROBERTI BUILDING</b>            |          |          |                    |
|------------------------------------|----------|----------|--------------------|
| 2009                               | 1,026.05 | -0-      | 3,287.71           |
| 2010                               | 1,027.97 | 1,219.91 | 3,122.95           |
| 2011                               | 944.27   | 1,120.58 | 2,926.06           |
| TOTAL                              | 2,998.29 | 2,340.49 | 9,336.72           |
| <b>TOTAL DUE – 3 TAXING BODIES</b> |          |          | <b>\$14,675.50</b> |

Mr. Ristau stated that, for unknown reasons, the Warren County portion of real estate taxes for 2009 was paid. He requested that, at a minimum, Council forgive the City portion of real estate taxes due for 2009 on each of the buildings and asked that “as a grand gesture” Council forgive all City taxes in arrears for each of the properties. Mr. Ristau stated that any amounts forgiven would be utilized for insurance obligations and to pay real estate taxes due on the Roberti building.

Ms. Stapleford inquired as to whether Mr. Ristau had spoken to representatives of the two other taxing bodies. Mr. Ristau responded that he had spoken to a Warren County Commissioner (who suggested that he speak to the City) and that he planned to speak to the Warren County School District. He further stated that he does not believe tax forgiveness on their part can occur in advance of the upcoming tax claim sale.

Mr. Ristau indicated that claims have been filed against Eriez Construction by an Anchor Building Project subcontractor. Therefore, Eriez Construction continues to press for payment resolution from Main Street. Mr. Ristau stated that he advised Eriez that efforts to resolve the matter are ongoing.

Mr. Ristau indicated that he is unable to provide minutes of meetings conducted by the Warren Main Street and GRO-Warren organizations as requested by Ms. Nau as their whereabouts is unknown to him.

**REQUEST FOR DESIGNATED PARKING SPACES: HOUSE OF WORSHIP**

Warren Supulski, representing the House of Worship (located at 112 Conewango Avenue) addressed Council and requested that five parking spaces located on Conewango Place and adjacent to the church property be designated as parking for church use only. He stated that the

request is for all hours of all days and cited the purpose of the request as being to facilitate renovation projects at the church, provide parking for three church-owned vehicles and parking for visitors and handicapped individuals. Mr. Supulski noted that the Warren County School District permits parking at the Beaty Warren Middle School during non-school hours. In response to questions from Council members, Mr. Supulski stated that the residents of a property located on Conewango Place opposite from the House of Worship frequently park in the requested spaces. Mr. Supulski asserted that these residents have off-street parking available at the rear of the property but choose not to utilize it.

Chief Zydonik noted that there are regulations in place for establishing handicap parking spaces and a request may be made for such by the House of Worship. He also stated that he is not aware of there being dedicated on-street parking spaces for any other churches within the City. At Council's request, Chief Zydonik will further review the matter and will provide his findings at the July meeting of Council.

### **Warren Convention Center Authority (WCCA)**

As a follow-up to discussions during the May 21, 2012 regular Council meeting, Ms. Stapleford stated that dissolution of the WCCA would need to be initiated by the Authority except under circumstances of wrongdoing or neglect of duty. She further stated that there are obligations to be met as part of the dissolution of an authority and related costs as well as costs to re-establish an authority should it become necessary at a later date. Mr. Cashman and Mr. Park stated their desire to see evidence of the potential need for the WCCA to remain as a viable authority absent the use of Infrastructure and Facilities Improvement Program (IFIP) funding for which the WCCA was to have been the pass-through agency.

Ms. Nau indicated that the WCCA has drafted a letter which is expected to be delivered to Council members within the coming days conveying their request for guidance as to the future of the Authority.

### **APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

|                                    |   |                |                 |
|------------------------------------|---|----------------|-----------------|
| Blighted Property Review Committee | – | March 22, 2012 | Regular Meeting |
| Parks & Recreation Committee       | – | April 3, 2012  | Regular Meeting |

### **ADJOURNMENT**

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