

**WARREN CITY COUNCIL  
REGULAR MEETING  
JUNE 20, 2022 – 7:00 PM**

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**OPENING OF MEETING**

Mayor Wortman presided over the June 20, 2022, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

**EXECUTIVE SESSION ANNOUNCEMENT**

Mayor Wortman announced that Council met in executive session regarding legal matters pertaining to real property and personnel matters.

**ROLL CALL**

Members present and responding to roll call were: Mayor David Wortman, Maurice Cashman, Philip Gilbert, Wendy McCain, Joe Michaels, Jared Villella, and John Wortman. Members of City Staff present were Nancy Freenock, City Manager; Jessica Byler, Acting Finance Officer; Michael Holtz, DPW Director; David Krogler, Fire Chief; Teena Leary, Assistant City Clerk; Randall Rossey, Codes and Planning Director; Joseph Sproveri, Chief of Police; Chad Yurisc, City Engineer; and Andrea Stapleford, City Solicitor.

**APPROVAL OF THE AGENDA**

Mr. J. Wortman made the motion to approve the agenda. Upon second by Mr. Cashman, the motion carried unanimously.

Mr. J. Wortman made the motion to amend the agenda by moving agenda items numbered 7.m. and 7.n. to the top of the agenda. The motion was seconded by Mr. Villella and carried unanimously.

**APPROVAL OF MINUTES**

Upon motion by Mr. Cashman and second by Mr. J. Wortman, the minutes of the May 16, 2022, regular meeting were unanimously approved.

Upon motion by Mr. Cashman and second by Mr. J. Wortman, the minutes of the June 1, 2022, special meeting were unanimously approved.

**RECOGNITION OF VISITORS**

Mayor Wortman welcomed all visitors. Present were:

Regarding Pickleball:

Doug Walters

Barb Zawacki

Denise Whipp

Linda Thomas

Richard Jackson

Nicole Phillips

Barb Matie

Bob Perrett

Mike Mackey

Martha Betts

Kim Mong

Lois Heffner

Peggy Jackson

Sharon Brady

Charles Matie

Jeana Morrison

Cora Tyler

Maureen Moore

Jon Marti

Doug James

James Russo

Dawn Paddock

Suzette Berdine

Zach Sturdevant

Bob Anderson

Amy McMeans

MaryAnn Malloy

Jeff Dahl  
Gail Wright  
Cindy Fiscus  
Rick Larson

Meghan Dahl  
Natalie Guiffre  
Ellen Scalise  
Phyllis Rapp

Jamie Bees  
Jim Fiscus  
Terri Larson

Regarding Tennis:

Kelly Wood  
Pat Carlson

MadisonMcDunn

Grace Carr

Boy Scouts of America, Troop 8: Citizenship Badge Requirement

Ryan Zavinski  
Kenji Heathcote  
Parker Mowrey

Mora Dussia  
Tammy Dussia  
Cole English

Sarah Blause  
Mark Dussia  
Ben Scott

Michel Lyon: Planning Commission Appointment  
Angie Dart: City Planning Commission Chair  
Holly LeMeur: Observing  
Andy Close: YourDailyLocal Reporter  
Brian Ferry: Times Observer Reporter

Pat Carlson addressed Council and expressed her concerns regarding the lining of a third tennis court at Beaty Park for pickleball play rather than retaining one court for tennis play only.

**CORRESPONDENCE**

There was no correspondence to come before Council.

**AGREEMENT: WARREN PICKLEBALL, INC.**

Mr. Holtz stated that, as discussed at prior Council meetings, the Warren Pickleball Club (Warren Pickleball, Inc.) has stated its intent to raise the necessary funds to construct six to eight pickleball courts and amenities in an area near the Betts Park Bocce Courts. To facilitate this effort, it is necessary that the Club lease the site during construction of the pickleball facility; therefore, a lease agreement was drafted for Council's consideration. It was noted that the Club reviewed the proposed agreement.

Mr. Cashman made the motion to approve the agreement with Warren Pickleball, Inc. concerning the land upon which Warren Pickleball, Inc. intends to construct pickleball courts and amenities. The motion was seconded by Mr. J. Wortman and carried unanimously.

**POLICY AMENDMENT: TENNIS AND PICKLEBALL COURT USE**

Mr. Holtz stated that, in an effort to accommodate as many pickleball players as possible, a third tennis court at Beaty Park will be lined for pickleball play. He noted that there are members of the pickleball community who prefer to participate in drop-in play and those who prefer open play. Therefore, it was proposed that the existing City policy regarding Tennis and Pickleball Court Use be amended to provide that the Beaty Park courts be numbered with three of the courts being designated for drop-in play and three being

designated for open play. Upon completion of the courts expected to be constructed at Betts Park, all courts located at Beaty Park will be designated for drop-in play.

Mr. J. Wortman made the motion to approve the Tennis and Pickleball Court Use Policy. The motion was seconded by Mr. Villella. The motion as amended (see below) carried unanimously.

Mr. J. Wortman made the motion to amend the policy by including all tennis courts as being for first-come, first-served (drop-in) play. The motion was seconded by Mr. Cashman and carried unanimously.

Mr. J. Wortman made the motion to amend the policy by adding C.4. to read "A third tennis court located at Beaty Park shall be lined for pickleball until the expiration of the June 20, 2022, Lease Agreement with Warren Pickleball, Inc. at which time the pickleball lines are to be removed." The motion was seconded by Mr. Cashman and carried unanimously.

Mr. J. Wortman made the motion to amend the opening sentence of the policy to include "with authorization of City Council." The motion was seconded by Mrs. McCain but was subsequently withdrawn.

Mr. Villella made the motion to amend the opening paragraph of the policy by striking "City Manager" and adding "with authorization of City Council." The motion was seconded by Mr. J. Wortman and carried unanimously.

Following this item, those visitors present regarding pickleball and tennis left the meeting.

#### **AGREEMENT: PLEASANT TOWNSHIP SEWAGE FLOW METER**

Mr. Yurisc stated that on March 26, 1996, the City of Warren and Pleasant Township entered into an Intermunicipal Sewer Service Agreement regarding the conveyance and treatment of sanitary sewage generated within the Township and treated at the City's Wastewater Treatment Plant (WWTP). This agreement has been updated periodically to make adjustments to the allocated capacity as well as prorated expenses incurred during recent plant upgrades.

Section 2:03(a) of the 1996 agreement requires a meter station at specific points of connection between the Township system and the City system. A flow meter was installed within a manhole on the south side of Harmar Street as part of the most recent WWTP upgrade with the meter display located within the new plant headworks building. Pleasant Township desires to install their own meter on its sewer line approximately 300 feet south of the existing meter.

Section 2:03(a) of the 1996 agreement gives the Township the right to install a meter at its expense subject to review and approval of the City, which approval shall not be unreasonably withheld. City staff has reviewed the proposed submittal and provided comments to the Township which have been incorporated in the final design. One of City staff's comments was to modify the Intermunicipal Sewer Service Agreement to specifically address the location of the new meter.

Mr. Cashman made the motion to approve the Sewage Flow Meter Agreement with Pleasant Township. The motion was seconded by Mr. Villella and carried unanimously.

**AMMUNITION MANUFACTURING & ARSENALS**

Mr. Rossey noted that, at the January 17, 2022, regular meeting, Council voted to request the Planning Commission to review Chapter 470. Zoning, Article VIII. General Controls, §470-45 Prohibited Uses, Subsection (4) which prohibits commercial ammunition manufacturing or wholesale storage of ammunition and Subsection (6) which prohibits arsenals and to provide its recommendation(s) to Council. At the May 16, 2022, regular meeting, Council was presented with the Planning Commission’s recommendations and Council subsequently voted to direct that an ordinance reflecting the recommendations be drafted and provided to the Commission for its review.

A draft ordinance was prepared and it was reviewed by the City Planning Commission on June 15. The Commission requested minor edits which were incorporated in the draft presented for Council’s consideration. Mr. Rossey indicated that Council may make a recommendation regarding edits that it may deem appropriate prior to returning the draft ordinance to the Planning Commission for its final review. It is required that Council set a date and time to hold the requisite public hearing regarding an amendment to the Zoning Ordinance; it was suggested that the public hearing be held immediately prior to the August regular Council meeting.

Mr. Villella made the motion to refer the draft Ammunition Manufacturing and Arsenals ordinance to the Planning Commission for its final review and to set the public hearing date and time for 7:00 PM on August 15, 2022. The motion was seconded by Mr. Michaels and carried unanimously.

**ORDINANCE NO. 1965: VEHICLE MAINTENANCE ON STREETS**

Chief Sproveri noted that Council Member Michaels requested that there be discussion regarding an amendment(s) to the Code of the City of Warren which would clarify regulations pertaining to repairs performed on a motor or other vehicle while it is parked on a City street.

With input from Mr. Michaels, a draft ordinance was prepared and was presented for Council’s consideration.

Mr. Michaels made the motion to approve the ordinance regarding vehicle repairs made on streets. The motion was seconded by Mr. J. Wortman. The motion, as amended (see below), carried unanimously.

Mr. Villella made the motion to amend “maintenance” to read “maintenance/repair” in all instances throughout the ordinance. The motion was seconded by Mr. Michaels and carried unanimously.

Mr. J. Wortman made the motion to amend the ordinance by adding Section 4.d. to read “Such maintenance/repair as provided for herein may be performed during

daylight hours only. The motion was seconded by Mr. Cashman and carried unanimously.

**ORDINANCE NO. 1963: AMBULANCE LOAN FUNDING LGUDA FILING**

Chief Krogler stated that, at the May 16, 2022, regular meeting of Council, Ordinance No. 1963 which provided for increasing the indebtedness of the City and the issuance of a General Obligation Note in the amount of \$177,700 to the United States Department of Agriculture was approved. This financing pertains to the recently-purchased ambulance.

The motion to approve the ordinance was unanimously approved by the six Council members in attendance. Due to the timing of the vote and the Solicitor being out-of-office, the deadline for the required post-enactment advertising was missed. Therefore, it was necessary for Council to affirm the May 16 vote to approve the ordinance.

Mr. Villella made the motion to affirm the May 20, 2022, vote to adopt Ordinance No. 1963 which provides for increasing the indebtedness of the City of Warren and the issuance of a General Obligation Note in the amount of \$177,700 to the USDA (United States Department of Agriculture). The motion was seconded by Mr. Cashman and carried unanimously

**RESOLUTION NO. 3189: KEYSTONE SAVES**

Mrs. Byler noted that this item was brought forth at the request of Vice-President Wortman. House Bill 2156 was introduced into the 2021-22 Legislative Session of the Pennsylvania General Assembly and provides for a Retirement Savings Plan for Pennsylvanians who do not currently have access to an employer-sponsored plan. The Keystone Saves program was designed to be business friendly by requiring only that employers provide a census of employees and process a payroll deduction for each participating employee; all other administrative functions would be handled by the Treasury and a private-sector third party vendor. The employee will retain ownership of their account and they may take it with them if they change employment. Employers with fewer than five employees, those who have been in business less than fifteen months, and those who have established retirement savings plans would be excluded from participation in Keystone Saves.

Mr. J. Wortman made the motion to approve the resolution stating City Council's support of House Bill 2156 – Keystone Saves. The motion was seconded by Mr. Villella and carried unanimously.

**ARLE GRANT APPLICATION**

Mr. Holtz stated that City Staff proposes to submit an application in the amount of \$500,000\* under the Automated Red Light Enforcement Program (ARLE) for funding to replace the traffic signals at the intersection of Conewango Avenue and Pennsylvania Avenue East. Installed in 1987, these are the oldest signals in the City and, due to the age of the mechanism, it is becoming increasingly difficult to obtain replacement parts.

\*The grant amount requested may be adjusted upon receipt of an estimate from Greenman-Pedersen's Traffic Division (City Engineer).

The ARLE program does not require matching funds; however, additional points are awarded in scoring if there is a match component. Therefore, it was recommended that the City budget an amount not to exceed \$50,000 in the 2023 Municipal Budget to fund the engineering required to replace the signal. Awards are expected to be announced prior to the 2023 Budget being finalized; therefore, the match amount may be retained or removed from the budget prior to its passage.

Mr. Cashman made the motion to commit \$50,000 in the 2023 Municipal budget to be utilized as matching funds for the Automated Red Light Enforcement (ARLE) Program grant and to authorize the City Manager to sign and submit the grant application. The motion was seconded by Mr. J. Wortman and carried unanimously.

### **BID AWARD: WASTEWATER TREATMENT PLANT TRUCK BAY**

Mr. Yurisc stated that sealed bids were received by the City for the proposed truck bay addition at the Wastewater Treatment Plant. The addition will allow the Department of Public Works to store the sludge container truck under cover and prolong its useful lifespan.

The sole bidder was Woodburn Construction from Russell, Pennsylvania, with a bid amount of \$154,290.00. Funding for the truck bay addition will be derived from the Department of Public Works budget for 2022, which included \$200,000 for the truck bay.

Mr. J. Wortman made the motion to accept the Wastewater Treatment Plant Truck Bay project bid in the amount of \$154,290.00 and to award the contract to Woodburn Construction. The motion was seconded by Mr. Villella and carried unanimously.

### **PENSION COMMITTEE APPOINTMENTS**

Mrs. Byler indicated that each of the City's three pension plans has a committee with a set composition which includes a Council member, City Staff, retired employee representative, and a citizen representative. The Committees meet with the Plan Administrator at least once per year. Since the last meeting, some Committee members have retired or left office; therefore, it became necessary to make new appointments as listed below.

Mayor Wortman appointed ~~Mayor~~ Mr. Cashman to serve as the Council representative to both the Police and Fire Pension Committees. Corrected 7-18-22

Mr. Michaels made the motion to make the following appointments:

- Robert Kaemmerer – Registered elector/citizen representative for all committees
- Maurice Cashman – Council representative to the Employee Pension Committee
- Donna Risinger – Employee Pension Committee retired member

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

### **PLANNING COMMISSION APPOINTMENT**

Mr. Rossey stated that Julia McTavish notified him that she will be unable to participate in Planning Commission meetings for the foreseeable future and, therefore, tendered her resignation from the Commission. Mr. Rossey indicated that Michael Lyon previously

applied to serve on a City board or commission and, upon notification of the vacancy, indicated that he would accept an appointment to the City Planning Commission. Mr. Lyon is the Deputy Director of the County Planning and Zoning Department. Dan Glotz, County Planning and Zoning Director was consulted and he and City staff concur that there would not be a conflict of interest.

Mr. J. Wortman made the motion to appoint Michael Lyon to the City Planning Commission to serve the remainder of a term expiring December 31, 2025. The motion was seconded by Mr. Gilbert and carried unanimously.

### **OIL WELL DRILLING IN PRESERVATION DISTRICT**

Mr. J. Wortman made the motion to refer to the Planning Commission the exploration of changing the Zoning Ordinance to allow oil drilling and fracking within Preservation (Zoning District) areas. The motion was seconded by Mr. Villella and carried with six votes in the affirmative and one nay vote cast by Mrs. McCain.

### **CITY MANAGER SEARCH**

Mayor Wortman indicated that proposals were received from three firms in regard to the conduct of a search for the next City Manager. He proposed that a committee be formed to vet the firms and to provide a recommendation to Council. The Committee will consist of Mayor Wortman (at the suggestion of Mr. Cashman), Mrs. McCain, and Mr. Cashman.

### **PROPOSED ORDINANCE: WIRELESS COMMUNICATIONS FACILITIES**

Mr. Rossey stated that the City Planning Commission met on June 15 and discussed the Wireless Communications Facilities draft ordinance. The Commission suggested that language to provide that City property be given first consideration be included in the ordinance. Mike Roberts, of the Cohen Law Group, incorporated such language (Section E(3)(d) on page 29) in the draft ordinance presented for Council's consideration.

Mr. Rossey noted that if the proposed ordinance is not adopted, the City will have no recourse to prevent wireless providers from locating facilities/apparatus wherever they might choose.

Mr. Rossey indicated that, upon Council's review, and prior to enactment of any ordinance which would amend the Zoning Ordinance, it is required that the City of Warren Planning Commission conduct a final review of the proposed regulations and provide any recommendations it may have. The proposed ordinance is also to be provided to the Warren County Planning Commission for its review and comment. It is also required that Council hold a Public Hearing regarding the proposed regulations.

Mr. Cashman made the motion to refer the draft Wireless Communications Facilities ordinance to the City Planning Commission for final review, forward the draft ordinance to the Warren County Planning Commission for review and comment, and to establish 7:00 PM on August 15 as the time and date of the public hearing. The motion was seconded by Mr. Villella.

Mr. J. Wortman stated his intent to make motions regarding several amendments to the proposed ordinance. Mr. Cashman asked that Mr. Wortman outline his proposed

amendments for Council’s review; Mr. Wortman agreed. Mr. Cashman then withdrew his motion.

Mr. Vilella made the motion to table action on the Wireless Communications Facilities ordinance until the July, 2022, regular meeting. The motion was seconded by Mrs. McCain and carried unanimously.

**MARKETING COMMITTEE UPDATE**

Mr. Vilella provided Council and Staff members with an outline of the Committee’s plan to begin posting recordings of City Council meetings via the City YouTube Channel with such recordings to be posted only until the minutes of the meeting are approved. Mr. Vilella also indicated that the Committee is testing various platforms on which to host public opinion surveys; it is anticipated that a survey will be published the week of July 4.

**DEPARTMENT REPORTS – MAY, 2022**

The following reports were presented for Council’s review:

- Police Department: In addition to the written report, Chief Sproveri provided an update on the recent Department Accreditation review.
- Fire Department
- Department of Public Works
- Codes and Planning Department

**APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	– April 21, 2022	Regular Meeting
Planning Commission	– April 20, 2022	Regular Meeting
Redevelopment Authority	– April 27, 2022	Regular Meeting
Street Landscape Committee	– April 26, 2022	Regular Meeting

**ADJOURNMENT**

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