

**WARREN CITY COUNCIL  
REGULAR MEETING  
JULY 15, 2019 – 7:00 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the July 15, 2019 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 immediately prior to this meeting for the purpose of receiving legal advice from the City Solicitor. Mayor Cashman also announced that the public hearing scheduled for this date has been rescheduled and will be held at 7:00 PM on August 19, 2019. The hearing will be in regard to a proposed amendment to the Zoning Ordinance as it pertains to residential use of street level units in the C-1 Zoning District.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Paul Giannini, Philip Gilbert, Richard Kolcharno, John Lewis, and James A. Zavinski, Sr. Gregory Fraser was absent (see 5/20/19 minutes). Members of City Staff present were Brandon Deppen, Chief of Police; David Hildebrand, Planner/Development Administrator; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Donna Risinger, Finance Officer; Terry Williams, Director of Codes, Permits, and Recreation Services; Chad Yurisc, City Engineer; and Andrea Stapleford, City Solicitor.

**APPROVAL OF MINUTES**

Upon motion by Mr. Kolcharno and second by Mr. Zavinski, the minutes of the June 24, 2019 Regular Meeting were unanimously approved by Council members present.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Karen Kolos: Paws Along the River Presentation
- Jennifer Rossey: Paws Along the River Presentation
- Rachel O'Carroll: Paws Along the River Presentation
- Pam Nasman: Paws Along the River Presentation
- Susan Allen: Paws Along the River Presentation
- Penny Smith: Paws Along the River Presentation
- Tom Smith: Paws Along the River Presentation
- Sandy Nicholson: Paws Along the River Presentation
- Rick Johnson: Paws Along the River Presentation
- Mark Phillips: First Presbyterian Church of Warren Minor Subdivision
- Pauline Steinmeyer: Observing
- Pam Lewis: Observing
- Josh Cotton: Times Observer Reporter

**CORRESPONDENCE**

There was no correspondence to come before Council.

**PAWS ALONG THE RIVER PRESENTATION**

Karen Kolos, Executive Director of Paws Along the River (Humane Society) addressed Council and provided an overview of the agency's operations and the services it provides to the community. Mrs. Kolos stressed that Paws Along the River is the only kennel in Warren County that is certified to accept stray animals. Mayor Cashman stated that the Paws Along the River directors and personnel are to be commended for the work that they do.

**RESOLUTION NO. 3097: FIRST PRESBYTERIAN CHURCH OF WARREN SUBDIVISION**

Mr. Hildebrand stated that the First Presbyterian Church of Warren filed a minor subdivision application to create Parcel 1 and Parcel 2 from WN-576-469000-000. He

stated that the minor subdivision application meets the requirements of the City of Warren Subdivision Ordinance.

During its regular meeting on June 19, 2019 the Planning Commission reviewed the application and voted to recommend that Council approve the minor subdivision.

Upon motion by Mr. Giannini and second by Mr. Gilbert, Council members present (6) voted unanimously to approve the resolution approving the First Presbyterian Church of Warren Minor Subdivision.

**ORDINANCE NO. 1929: AMENDING §364-2 OF THE CITY CODE – UNLAWFUL TO TAMPER WITH STAKES OR MONUMENTS**

Chief Deppen stated that in reviewing Chapter 364: Property, Public., he found that §364-2: Unlawful to Tamper with Stakes or Monuments referenced the “Borough” rather than “City”. Therefore, an ordinance reflecting the change to “City” was prepared.

Upon motion by Mr. Kolcharno and second by Mr. Zavinski, Council members present (6) voted unanimously to approve the ordinance amending §364-2 of the Code of the City of Warren by changing “Borough” to “City.”

**ORDINANCE NO. 1930: AMENDING CHAPTER 39 OF THE CITY CODE – EMERGENCIES**

Chief Deppen stated that in the course of the City Manager’s review of the Code of the City of Warren, it was determined that amendments to Section 1203 of the Pennsylvania Third Class City Code have been made since the enactment of City ordinances pertaining to a state of emergency. Therefore, it is necessary to amend Chapter 39 of the Code of the City of Warren to bring it into conformity with the Third Class City Code.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members present (6) voted unanimously to approve the ordinance amending Chapter 39 of the Code of the City of Warren.

**ORDINANCE NO. 1931: DISSOLUTION OF THE CONVENTION CENTER AUTHORITY**

Solicitor Stapleford stated that in July of 2008, City Council enacted Ordinance No. 1764 which provided for the formation of a Convention Center Authority and on August 4, 2008, Articles of Incorporation were filed with the Pennsylvania Department of State. The Authority was to be in existence for a period of fifty years. However, in October of 2012, after the Authority had been unsuccessful in obtaining funding for construction of a convention center, City Council approved the Authority’s recommendation that the Authority be moved to inactive status. Subsequently, the sitting Board of Directors resigned from the Authority effective October 30, 2012.

Ms. Stapleford further stated that there has been no further discussion or activity relating to the construction of a convention center in the City and there is no cause to believe that there will be such in the foreseeable future. Therefore, it was recommended that the Convention Center Authority of the City of Warren be dissolved.

Upon motion by Mr. Lewis and second by Mr. Giannini, Council members present (6) voted unanimously to approve the ordinance providing for dissolution of the Convention Center Authority of the City of Warren.

**ORDINANCE NO. 1932: APPROVING & AUTHORIZING REFERENDUM QUESTIONS**

Ms. Stapleford stated that at the request of Councilman Lewis, a review of the City's Home Rule Charter was conducted in regard to possible conflicts between the Charter and prevailing state law pertaining to removal of elected officials from office and conflicts of interest.

As a result of that review, it was proposed that three referendum questions be approved by Council and submitted for placement on the November 2019 Municipal Election ballot. The first question pertains to the removal of a member of Council from office; the second pertains to adherence to the Pennsylvania Public Official and Employee Ethics Act, 170 of 1978, as amended; and the third pertains to vacancies and forfeiture of office.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members present (6) voted unanimously to approve the ordinance authorizing submission of three referendum questions for placement on the November 2019 Municipal Election ballot.

**PROPOSED ORDINANCES: SEWER AND RECYCLING FEE BILLING DUE DATE**

Mrs. Risinger stated that the City contracts with PAMS (Pennsylvania Municipal Service) for the billing and collection of sewer use and recycling fee charges. PAMS is in the process of adding a statement (billing) date to utility bills. As a result, it was requested by PAMS that the City amend the language in the Code of the City of Warren as it pertains to the due date for the referenced charges.

Mrs. Risinger noted that the proposed language would not change the twenty days currently provided for payment of the charges; however, it would eliminate the five-day grace period prior to late charges being assessed.

Ms. Stapleford noted that members of City Staff met with a representative of PAMS and that the proposed ordinance is thought to be the best option. She further noted that the lack of a billing date makes it difficult for customers to determine the current amount due.

Mr. Lewis stated that PAMS bills sometimes take ten to fifteen days to arrive in his mail and expressed concern regarding the loss of the 5-day grace period. Mr. Giannini also expressed concern regarding the grace period.

No motion was made in regard to the proposed ordinance.

**PROPOSED RESOLUTION: CRESCENT PARK TRAIL AND HEALING GARDEN**

Mr. Holtz stated that the City was previously awarded grant funding from the Department of Conservation and Natural Resources (DCNR) to be utilized for trail improvements and a Healing Garden within Crescent Park. The improvements consist of rehabilitating and extending the present limestone walking trail, installing lights along the trail, installing the necessary infrastructure for the Healing Garden (water and electric lines), ADA restroom improvements, and electrical improvements to the Crescent Park pavilion area. Mr. Holtz noted that, at the regular meeting of March 20, 2017, Council approved Resolution No. 3033 authorizing the application for DCNR grant funds in the amount of \$165,000 to be matched by the City (General Fund) for a total of \$330,000.

Mr. Holtz stated that earlier this year, bids were advertised and opened for three contracts. The lowest bids totaled \$509,046 which is \$179,046 over the project budget. City staff researched alternatives to make up the deficit and found that there is an opportunity to request \$89,523 in additional DCNR funding by submitting an Amendment Letter to the Department. The City would be required to commit to providing the remaining \$89,523 to make the project whole.

DCNR requires that the City approve the three contracts and commit to completion of the project with, or without, additional DCNR funds before it will consider awarding additional funds. The apparent low bidders for the contracts are as follows:

1. Fred L. Burns, Inc.	\$308,500	General Contractor
2. Wm. T. Spaeder	\$ 28,270	Plumbing Contractor
3. Pure Tech, LLC	\$172,276	Electrical Contractor

The City's 2019 Budget committed \$165,000 from the General Fund to be used for this project under the CIP Budget. It was requested that Council increase the General Fund commitment by an additional \$179,046 for completion of the project. However, if DCNR approved the Amendment Letter, the additional amount required from the General Fund would be reduced to \$89,523. Mr. Holtz stated that City staff would request funding assistance from local foundations in order to offset the City's General Fund commitment.

Mr. Holtz stated that, alternatively, the 2019 CIP Budget includes \$275,000.00 for projects which, due to various circumstances, will not be completed until 2020. As this amount will not be expended in 2019, it would be possible to utilize up to \$179,046 toward completion of the Crescent Park/Healing Garden Project. If DCNR finds the Amendment Letter to be acceptable and awards additional funding, the amount to be drawn from other line items within the CIP Budget could be reduced to \$89,523.

In response to Council's questions regarding the degree of discrepancy between the project budget and the bids received, Mr. Holtz stated that it was due to low estimates and the fact that 2019 has been a "contractor's year" in that there is a sufficient number of contracts available to allow their rates to remain high.

When asked if the project could be delayed, Mr. Holtz cautioned that contractor rates may continue to climb. He also indicated that allowing this DCNR grant to remain open could delay any action on current and future DCNR funding opportunities for other City projects.

Mayor Cashman suggested that the project be "pared back." Mr. Holtz stated that the single most costly component of the project is the lighting which is an integral part of the project. He also stated that the restrooms must be improved in accord with ADA requirements and the adjacent off-street parking must be completed. Mr. Hildebrand stated that any reduction in the project would require approval and the grant contract would need to be amended.

Following discussion, there was no motion in regard to the proposed resolution.

**DEPARTMENT REPORTS – JUNE, 2019**

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department

**APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

Parks and Recreation Commission	– April 9, 2019	Regular Meeting
Planning Commission	– May 15, 2019	Regular Meeting
	– June 19, 2019	Regular Meeting
Redevelopment Authority	– March 20, 2019	Regular Meeting
Street Landscape Committee	– April 23, 2019	Regular Meeting

**ADJOURNMENT**

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