

**WARREN CITY COUNCIL  
REGULAR MEETING  
JULY 18, 2022 – 7:00 PM**

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**OPENING OF MEETING**

Mayor Wortman presided over the July 18, 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 personnel matters pertaining to Nancy Freenock's retirement.

**ROLL CALL**

Members present and responding to roll call were: Mayor David Wortman, Maurice Cashman, Philip Gilbert, Wendy McCain (via Zoom), 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.

**RECOGNITION OF VISITORS**

Mayor Wortman welcomed all visitors. Present were:

- Josie Gerardi: Presentation of PA House and Senate Citations
- Tom Christeson: Liberty Street Reimagined
- Jeff Eggleston, County Commissioner: NW Housing Strategic Initiative Project
- Angela Dart, Planning Commission Chair (via Zoom)
- Elizabeth Raible: Observing
- Rachel O'Carroll: Observing
- Jane Dunshie: Observing
- Boy Scout: Observing
- Josh Cotton: Times Observer Reporter

**APPROVAL OF THE AGENDA**

Mr. J. Wortman made the motion to approve the agenda; the motion was seconded by Mr. Cashman.

Mr. J. Wortman made the motion to amend the agenda by moving Item No. 9.j. to second in order of business items. The motion was seconded by Mr. Cashman and carried unanimously.

**APPROVAL OF MINUTES**

Mr. Wortman made the motion to approve the minutes of the June 20, 2022, regular meeting with one correction and one friendly amendment (spelling correction) noted by Mr. Villella and seconded by Mr. J. Wortman. The motion was seconded by Mr. Cashman and carried unanimously.

**RECOGNITION OF COUNCIL MEMBER JOE MICHAELS**

Mayor Wortman recognized Joe Michaels for his service to the City and presented him with a token of appreciation from the City. Mr. Michaels previously stated his intent to resign from his seat on City Council effective July 31 as he has accepted new employment which will require him to move from the City.

**PRESENTATION OF PA SENATE AND PA HOUSE CITATIONS**

Josie Gerardi addressed Council and, on behalf of the Street Landscape Committee, thanked Council for its support of the urban forest as the Committee celebrates its 100<sup>th</sup> year of existence. Ms. Gerardi presented Mayor Wortman with the citations which were received from Representative Kathy Rapp

and Senator Scott Hutchinson in recognition of this anniversary year. The citations were initially presented to the Street Landscape Committee as part of a combined rededication of Crescent Park and ribbon cutting for the Crescent Park Healing Garden.

### **CORRESPONDENCE**

Kim Exley submitted a letter of resignation from her position on the Planning Commission.

### **DEWBOI PROPERTIES: LIBERTY STREET REIMAGINED**

Developer Tom Christeson addressed Council and provided an overview of the Liberty Street properties acquired by DewBoi Properties, redevelopment plans for those properties, and the timeline for the Liberty Street Reimagined Project. Mr. Christeson indicated that the project will move forward upon the Office of Budget's approval of the application and business plan.

Mrs. Freenock noted that she is seeking an increase of \$400,000 in the RACP funding to be allocated to DewBoi Properties. (See Redevelopment Assistance Capital Project funding below).

### **LETTER OF SUPPORT: NW HOUSING STRATEGIC INITIATIVE PROPOSAL**

Mrs. Freenock indicated that, at the request of Council Member John Wortman, a draft letter in support of a funding request for the Northwest Housing Strategic Initiative Project (NHSI) was provided for Council's consideration. Warren County Commissioner Jeff Eggleston addressed Council and provided information regarding the NHSI Project. He stated that the Project, at present, will encompass Warren and Forest Counties; however, additional counties may be added. The goal of the NHSI Project is to provide a basis for future decisions and/or development of projects pertaining to the housing stock.

*Corrected 8-15-22*

~~Mayer~~ Mr. Cashman made the motion to approve the letter in support of Northwest Housing Strategic Initiative Proposal funding requests with the letter to be addressed to County Commissioner Jeff Eggleston. The motion was seconded by Mr. J. Wortman and carried unanimously.

### **REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM RESOLUTIONS & AGREEMENTS**

Mrs. Freenock stated that Redevelopment Assistance Capital Program (RACP) allocations are overseen by the Office of Budget (OB). Over the past several months, the OB has made changes to the manner in which documents are to be submitted when finalizing the use of funds; particularly:

1. The Application and Business Plans for all projects to be funded under an award year must be submitted together.
2. The Application and Business Plans for multi-award year projects must be submitted at the same time as all other projects for the respective years.

As a result of these changes, it is necessary for the City to update previously-approved resolutions and sub-grantee agreements.

During discussion, Mrs. Freenock indicated that she would defer to the Solicitor for her opinion as to whether HIY, Inc. is in breach of its original sub-grantee agreement for not having completed the requisite application and business plan by the stated date. Mr. J. Wortman made the motion to table the proposed resolutions and sub-grantee agreements pertaining to the allocation of Redevelopment Assistance Capital Project funding awards until the August 1 special meeting. The motion was seconded by Mr. Vilella and carried unanimously.

### **PROPOSED WIRELESS COMMUNICATIONS FACILITIES REGULATIONS**

Mr. Rossey noted that at the June 20, 2022, regular Council meeting, Mr. J. Wortman indicated that he would put forth several amendments to the proposed ordinance; therefore, Council voted to table

the matter until this meeting in order to provide members with an opportunity to review and consider the amendments.

Mr. Wortman provided a redlined and annotated version of the proposed ordinance which incorporates his proposed amendments. Since telecommunications law is a highly specialized area of practice, Mike Roberts, of the Cohen Law Group, was consulted to determine what the anticipated fee for his review of the proposed amendments (if approved by Council) would be. He anticipates that a review of the amendments would likely take two hours which would be a maximum total of \$600; if revisions are required as a result of his review, approximately one additional hour of work would be required. This review would be performed prior to the Planning Commission's final review.

Mr. Rossey reminded Council that if the proposed ordinance is not adopted, the City will have no recourse to prevent wireless providers from locating facilities/apparatus wherever they choose, and such facilities/apparatus may be of any design regardless of whether the aesthetic is compatible with the area.

As noted at the June 20 meeting, 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 will also be provided to the Warren County Planning Commission for its review and comment. It is required that Council hold a Public Hearing regarding the proposed regulations.

Following discussion, Mr. J. Wortman made the motion to postpone action regarding the proposed Wireless Communications Facilities ordinance until an information session is held. The motion was seconded by Mr. Michaels and carried with six votes in the affirmative and one nay vote cast by Mrs. McCain. Per discussion, a representative of the wireless communications industry will be invited to be present to answer questions at the information session.

#### **SOLICITOR AUTHORIZATION: PREPARATION OF OGM ABSTRACTS**

Mr. Holtz stated that, in response to Council's interest in exploring possible oil drilling within the City, it was requested that Council authorize the Solicitor to conduct research regarding Oil, Gas, and Mineral (OGM) rights pertaining to Point Park. Dependent upon the amount of research required, the cost of the abstract requested would range from a minimum of \$2500 and a not-to-exceed amount of \$12,000. He noted that any extraction of oil and/or gas from this property would be derived from a horizontal well which would be located on the Elm Street Department of Public Works property and would not result in any pumping apparatus being located on Point Park.

Mr. Cashman made the motion to authorize the Solicitor to prepare an Oil, Gas, and Mineral abstract for Point Park at a cost not to exceed \$12,000. The motion was seconded by Mr. Michaels and carried with five votes in the affirmative and two nay votes cast by Mrs. McCain and Mr. Gilbert.

#### **LETTER OF AUTHORIZATION: NORTHWEST BANK TAX APPEALS LEGAL FIRM**

Mrs. Freenock noted that, at the July 19, 2021, regular meeting, City Council accepted a letter of engagement with the law firm of Cafardi Ferguson Wyrick Weis + Gabriel, Inc. (CFWWG) pertaining to real estate tax appeals filed by Northwest Bank. Under that engagement, Stephanie Fera provided counsel for the three taxing bodies (City, County, and School District).

The appeals have not yet been settled and the City was advised, by way of letter dated July 6, 2022, that Attorneys Christopher Gabriel and Stephanie Fera have opened the practice of Gabriel Fera, P.C. The letter requests that the City notify Gabriel Fera and CFWWG of its intent to have Attorney Fera, of Gabriel Fera, P.C., continue to represent the City or to have CFWWG assign new counsel. Ms. Fera indicated that the fees for her services under the new firm would be unchanged. Mrs. Freenock stated that the County has opted to continue to receive counsel from Attorney Fera and it is anticipated that the School District will do likewise.

Mr. Cashman made the motion to authorize the City Manager to sign the Letter of Transition advising the firms of Gabriel Fera, P.C. and Cafardi Ferguson Wyrick Weis + Gabriel, Inc. that the City wishes to have Attorney Stephanie Fera continue to provide services regarding the Northwest Bank Tax Appeal. The motion was seconded by Mr. Villella and carried unanimously.

#### **DCED LETTER OF INTENT: MANAGER RECRUITMENT**

Mayor Wortman stated that the Department of Community and Economic Development, through the Governor's Center for Local Government Services, offers free technical assistance for manager recruitment. The cost to the City is minimal and includes expenses such as publication and online advertising costs. It was noted that the City successfully utilized this program at the time that Mrs. Freenock was hired as the City Manager.

He further stated that following the Manager Search Committee's review of all proposals and the conduct of interviews, it was the Committee's recommendation that Council authorize the signing and filing of a Letter of Intent with the Governor's Center for assistance in Manager Recruitment.

Mr. J. Wortman made the motion to authorize the signing and submission of the Letter of Intent requesting technical assistance in Manager Recruitment to the Governor's Center for Local Government Services. The motion was seconded by Mr. Gilbert and carried unanimously.

#### **MEMORANDUM OF UNDERSTANDING: ACCEPTING ASSIGNMENT OF RESCUE BOAT**

Chief Krogler stated that in recent years, there has been a significant increase in recreational activities in and along the area's waterways. Therefore, there has been an emphasis on enhancing the Department's ability to respond to water rescue incidents which include land incidents where the only access is by water. Eleven personnel have been trained to the Boat Operations and Rescue Level and ten are trained to Advanced Levels of Water Rescue. Currently, a 1995 v-bottom fishing boat is used for reaching the site of a water rescue.

He further stated that there is an opportunity to take assignment of a 2009 RescueOne boat from the Northwest Pennsylvania Emergency Response Group (NW PA ERG). The boat was acquired with Homeland Security Funds and was designated for use by the Forest County Sheriff's Office; that agency no longer has sufficient personnel to continue water rescue operations. As a result, the boat may now be assigned to another NW PA ERG member agency. The boat is a 2009 model designed specifically for water rescues. The boat was brought to Warren so that Department personnel could test its operation on local waterways, and it proved to be a superior watercraft. The owner of Lawson Boat and Motor (Jamestown) inspected the boat and motor and recommends that approximately \$500 in minor repairs be made; this amount includes \$300 for deep cycle marine batteries.

Mr. J. Wortman made the motion to authorize David Krogler, Fire Chief, to sign the Memorandum of Understanding between the City and the Northwest PA Emergency Response Group for the EmergencyOne rescue boat. The motion was seconded by Mr. Gilbert and carried unanimously.

#### **DISPOSITION OF SURPLUS DPW VEHICLE**

Mr. Holtz stated that the Department of Public Works' 2007 Chevrolet 3500 Heavy Duty One-Ton Dump Truck is out-of-service. He indicated that there are issues with the drivetrain and transmission and the cost of repairs exceeds the value of the truck; its overall condition does not warrant the expenditure for repairs.

Mr. Cashman made the motion to authorize disposition of the 2007 Chevrolet Heavy Duty One Ton Dump Truck, VIN #1GBJK34K97E570706 in a manner permitted by City Code. The motion was seconded by Mr. Villella and carried unanimously.

**I.A.F.F. MEMORANDUM OF UNDERSTANDING REGARDING FILLING SHIFT VACANCIES**

Chief Krogler stated that the Collective Bargaining Agreement (CBA) between the City and the Firefighters’ Union includes language that states, “The Chief will provide a written policy establishing a procedure for calling in personnel to fill shift vacancies.” and further states that “When it is necessary to call in a regular Firefighter, consideration will be given for seniority.”

In regard to call-ins, seniority was previously considered from “top to bottom” with those with the highest seniority being called first. That practice will be reversed and those with the least seniority will be the first to be called in.

Warren Fire Department Directive 113: Filling Shift Vacancies was amended to reflect the above and provided to the Union for its review. The Union met and voted in favor of the Memorandum of Understanding.

Mr. Villella made the motion to approve the Memorandum of Understanding between the City and the I.A.F.F. Local No. 1835 regarding the filling of shift vacancies. The motion was seconded by Mr. J. Wortman and carried unanimously.

**SECOND QUARTER FINANCE REPORT**

Mrs. Byler presented the Finance Report for the second quarter of 2022 and noted that at the close of the second quarter, the City’s general fund expenses exceeded revenues by \$436,472. She further noted that a net loss at this time of the year is common as a good portion of revenue is realized from real estate tax collection, which does not begin until August 1, 2022. A detailed departmental revenue and expense report was provided for Council’s review along with a quarterly review highlighting key revenues and expenditures.

**MARKETING COMMITTEE UPDATE**

Mr. Villella stated that work toward publishing recordings of Council meetings continues and the Committee will soon publish a community survey.

**DEPARTMENT REPORTS – JUNE 2022**

The following reports were presented for Council’s review:

- Police Department
- 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	–	May 19, 2022	Regular Meeting
Parks and Recreation Commission	–	April 5, 2022	Regular Meeting
Planning Commission	–	April 20, 2022	Regular Meeting
Redevelopment Authority	–	May 25, 2022	Regular Meeting

**ADJOURNMENT**

Upon motion by Mr. Michaels and second by Mr. Villella, Mayor Wortman declared the meeting adjourned.