

**WARREN CITY COUNCIL  
REGULAR MEETING  
AUGUST 16, 2021 – 7:00 PM**

---

**OPENING OF MEETING**

Mayor Cashman presided over the August 16, 2021, regular meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Kimberly Exley, Gregory Fraser, Paul Giannini (via Zoom), Douglas Hearn, and John Wortman. Philip Gilbert was absent. Members of City Staff present were Nancy Freenock, City Manager (via Zoom); Vincent DeJoy, Director of Zoning, Codes, and Economic Development; Michael Holtz, DPW Director; David Krogler, Acting Fire Chief; Teena Leary, Assistant City Clerk; Donna Risinger, Finance Officer; Joseph Sproveri, Chief of Police; Chad Yuriscic, City Engineer; and Jessica Byler.

**RECOGNITION OF SERVICE**

Mayor Cashman recognized Don Nelson for his service as a member of the City Planning Commission from 2003 to July, 2021 and presented him with a token of appreciation from the City. Mr. Nelson expressed his appreciation for the opportunity to serve the City.

Donna Risinger, retiring Finance Officer, was recognized for her 26 years of service to the City and presented with a token of appreciation. Mrs. Risinger expressed her thanks and noted that over the span of her career she worked under three City Managers, with three solicitors, four police chiefs, and three mayors.

**APPROVAL OF MINUTES**

Upon motion by Mr. Fraser and second by Mr. Hearn, the minutes of the July 19, 2021, regular meeting were unanimously approved by the six members present.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Don Nelson: Recognition as outgoing member of the Planning Commission
- Randy Rossey: Planning Commission member observing
- Anna Peterson: Recognition of Donna Risinger
- Mark Risinger: Recognition of Donna Risinger
- Richard Risinger: Recognition of Donna Risinger
- Dave Sherman: Warren County Visitors Bureau
- James Decker: Warren County Chamber of Business and Industry
- Joe Michaels: Observing
- Jared Villella: Observing
- Andy Close: YourDailyLocal Reporter
- Josh Cotton: Times Observer Reporter

**CORRESPONDENCE**

There was no correspondence to come before Council.

**PROPOSED AGREEMENT: RESERVED PARKING FOR DAVITA DIALYSIS PATIENTS**

Chief Sproveri stated that Warren General Hospital provides space within its facility for DaVita, Inc. to provide dialysis treatments. Many of DaVita's patients experience a high degree of difficulty in walking any distance and the Warren General Hospital parking garage is located quite some distance from the DaVita treatment center. Therefore, Warren General Hospital requested that the

City designate ten (10) on-street parking spaces proximate to the DaVita entrance for use by its patients during the hours of 5:00 AM to 5:30 PM, Monday through Saturday.

The requested parking spaces, as identified on Exhibit A of the proposed agreement, are currently designated for 2-hour parking Monday through Friday, 9:00 AM to 5:00 PM. The spaces are not metered and enforcement is for parking longer than the 2-hour time limit. Under the terms of the proposed agreement, DaVita patients who display the required placard in their vehicle would not be ticketed for remaining in the space in excess of 2 hours; however, a vehicle not displaying the placard could be ticketed. Chief Sproveri stated that the proposed agreement would not result in a marked reduction in budgeted revenues as the parking spaces do not generate revenue other than fines.

Mr. Fraser expressed concern that the proposed agreement does not contain indemnification language and made the motion to table action until a later date. The motion was seconded by Mr. Wortman and carried unanimously (six members present).

### **PRESENTATION: BOAT LAUNCH PROJECT CONCEPT**

Chad Yuriscic, City Engineer, and Vincent DeJoy, Director of the Department of Zoning, Codes, and Economic Development provided an overview of the proposed Boat Launch Project which would be located adjacent to the current southern terminus of Liberty Street.

Mr. Yuriscic indicated that the proposed project is projected to cost \$2 million and would include construction of a dual-lane launch with one lane designated for trailered motorized boats and the other for canoes/kayaks, improvements to the existing roadway in front of the Clark Street Parking Garage as well as a connector to Clark Street, improvements to Clark Street, development of parking spaces which would serve boat launch users as well as patrons of local businesses, installation of curbs, sidewalks, and crosswalks to accommodate pedestrians and meet Americans with Disabilities Act (ADA) requirements, security lighting, and greenspace to provide thermal cover (trees) and to aid in stormwater management. The launch would accommodate canoes, kayaks, john boats, and 16 to 18 foot boats with a jet motor; it would not be practical to launch pontoon or large pleasure boats due to the relatively shallow river depth.

Mr. Yuriscic stated that the proposed location was selected as it is centrally located, adjacent to the downtown business district, near the City Fire Station which would aid in launching water rescues, and would eliminate the need for boaters to utilize the undeveloped launch area adjacent to the Warren General Hospital helipad. In addition, the site is located on an outward bend of the river which is optimal as the constant scouring by water reduces the accumulation of silt.

Mr. Yuriscic stated that the design displayed is a concept only and further stated that once funding is secured, meetings will be held to gather input from local businesses and various user groups. Upon securing the required environmental permits, the project would then move to the final design stage and construction bids would be solicited.

Mr. DeJoy noted that the Allegheny River is a valued natural asset and nature-based placemaking would be a key component in the boat launch planning process. He explained that nature-based placemaking is a revitalization strategy which leverages nature, outdoor recreation resources, and nature-based assets to enhance local spending to provide qualitative and quantitative benefits to the City and surrounding region.

Mr. DeJoy outlined the proposed funding sources for the project as follows:

- Utilization of up to \$1 million dollars in Redevelopment Assistance Capital Project (RACP) funding which has already been secured by the City; and

- \$250,000 in Department of Community and Economic Development (DCED) funding – application submitted; and
- \$250,000 in Department of Conservation and Natural Resources (DCNR) funding – application submitted; and
- \$473,557.85 in American Rescue Plan (ARP) funding – this amount has been received by the City and, pending final guidelines for expenditure of ARP funds, may be utilized for the project; and
- \$26,424.15 from the City’s General Fund.

**RESOLUTION NO. 3151: BOAT LAUNCH PROJECT FUNDING**

Mr. Wortman expressed his support of the project and noted that it has the potential to provide a positive impact for the City well into the future. He also conveyed Mr. Gilbert’s support of the project.

Jim Decker, President and CEO, spoke on behalf of the Warren County Chamber of Business and Industry (WCCBI) and stated that the development of a high-quality river access point within the City is viewed as a high priority by its Board of Directors. He further stated that a boat launch is the number one priority for the Recreation Committee of the Trestle-to-Trestle Task Force.

Dave Sherman, Director of the Warren County Visitors Bureau, stated that the annual increase in river traffic over the past ten years supports the need for a boat launch. He also noted that the Bureau receives numerous inquiries from travelers as to where they may put in and pull out watercraft.

Mr. Wortman made the motion to approve the resolution outlining the planned funding stream for the Boat Launch Project. The motion was seconded by Mr. Hearn and carried unanimously (six members present).

**RESOLUTION NO. 3152: PENSION INVESTMENT POLICY STATEMENT**

During recent meetings with the City’s three pension committees, Vanguard, the City’s Pension Investment Manager, suggested the following changes and the committees agreed to the same:

1. Increase the international equity allocation to 20% (previously 10%) for all three plans.
2. Update the overall asset allocation of the Firefighters’ Plan to reduce the target allocation of the Firefighters’ assets held at Vanguard to 65% stock/35% bonds to come in line with the other two accounts.

Subsequent to the pension committee meetings, Randall Rhoades, special counsel for pension matters, drafted a revised Pension Investment Policy Statement which reflects the above changes.

Mrs. Risinger noted that Vanguard Institutional Advisory Services (VIAS) notified the City of its intent to increase the annual investment management services fee. Attorney Rhoades reviewed the fees and advised that they are reasonable in today’s market.

Mr. Wortman made the motion to approve the resolution adopting the Pension Fund Investment Policy Statement. The motion was seconded by Mr. Fraser and carried unanimously (six members present).

**PROPOSED RESOLUTION: AMENDING DELINQUENT SEWER ACCOUNT COLLECTION FEES**

Mrs. Risinger noted that in March of this year, the City entered into a Residential Landlord Ratepayer Termination Process agreement with Pennsylvania American Water Company (PAWC)

in regard to water shutoffs for nonpayment of delinquent sewer use fees. The terms of the agreement were in accord with the Water Services and Utility Service Tenants Rights Acts.

As a result of this change in the handling of water shutoffs, it is now necessary to amend the Pennsylvania Municipal Service Company (PAMS) Utility Fee Delinquent Cost Schedule (Appendix A of Resolution No. 3112) to include a "Water Company Tenant Landlord Processing Fee" in the amount of \$50. This fee is the amount charged to PAMS by the Pennsylvania American Water Company (PAWC) for additional administrative work involved in mailing the requisite notices to landlords.

In response to Council members' questions regarding justification for the \$50 fee, Mrs. Risinger explained that since the processing of water service shutoffs for nonpayment of delinquent sewer use fees is now handled by the PAWC, its administrative costs are being charged to PAMS which, in turn, charges the City. She further explained that implementation of the \$50 Water Company Landlord Processing Fee would hold the delinquent ratepayer responsible for charges related to the delinquency. It was noted that without the addition of this fee, the cost to the City will essentially be paid by all sewer use ratepayers.

Mrs. Leary noted that each of the three required notices are sent at progressive levels of Certified Mail and that each level of mailing bears an increase in cost; therefore, postage costs comprise the bulk of the \$50 fee assessed by PAWC.

Mr. Fraser made the motion to adopt the resolution and the amendment to Appendix A (addition of the Water Company Tenant Landlord Processing Fee). The motion was seconded by Mr. Giannini. The vote resulted in a tie vote with Mayor Cashman, Mr. Fraser, and Mr. Giannini voting in the affirmative and Mr. Wortman, Mr. Hearn, and Ms. Exley casting nay votes.

#### **APPOINTMENT TO THE WARREN COUNTY TAX COLLECTION COMMITTEE**

Mrs. Risinger stated that Act 32 requires municipalities levying an Earned Income Tax to appoint a delegate to the County Tax Collection Committee. Mrs. Risinger indicated that at the time that she begins her pre-retirement leave, Jessica Byler will assume the duties of Acting Finance Officer and, therefore, recommended that Mrs. Byler be appointed to serve as the City's delegate to the Warren County Tax Collection Committee and that the appointment be made effective September 1, 2021.

Upon motion by Mr. Wortman and second by Ms. Exley, Council members present (six) voted unanimously to appoint Jessica Byler as the City's delegate to the Warren County Tax Collection Committee with the appointment to be effective September 1, 2021.

#### **SUNSHINE ACT UPDATE**

Mrs. Leary noted that the Pennsylvania Sunshine Act requires that agencies deliberate and take official action on agency business in an open and public meeting. It is required that meetings have prior notice and that the public has the opportunity to attend the meeting, participate, and comment before any official action is taken. As defined by the Act, deliberation is the "discussion of agency business held for the purpose of making a decision."

Mrs. Leary stated that Act 65 of 2021, effective August 29, 2021, amends the Sunshine Act by requiring the posting of meeting notices and agendas. The agenda of issues to be deliberated on or planned official action for all meetings of City Council, boards, commissions, committees, and authorities must be posted not later than 24 hours prior to the public meeting; this includes regular and special meetings. Such postings are to occur on the City web site and at the Municipal Building; in addition, copies are to be available at the meeting. Changes to the agenda may occur

prior to the meeting if they are “di minimus” (lacking significance), pertain to an issue which arose within 24 hours of the meeting, and involve no expenditure of funds or entering into a contract.

During the course of a meeting, a change to the agenda which is initiated by a taxpayer or member of the public may be deferred to a future meeting with City personnel being requested to gather and provide additional information. If the board votes to amend the agenda and take action at the current meeting, the matter must be of a di minimus nature and may not involve the expenditure of funds or entering into a contract or agreement. A posted agenda may also be changed to address a real or potential emergency which involves a clear and present danger to life and/or property.

If initiated by the board, the change must be approved by a majority vote, the reason for the agenda change must be announced prior to official action, the amended agenda must be posted within 24 hours, and the meeting minutes must reflect that the agenda was amended. It should be noted that the board may discuss a matter(s) not on the agenda; however, prior to any action being taken, there must be a vote to amend the agenda.

**DEPARTMENT REPORTS – JULY, 2021**

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Zoning, Codes, and Economic Development
- General Fund Financial Review – Second Quarter

**APPROVED MINUTES OF BOARDS AND COMMISSIONS**

Council acknowledged receipt of the following approved minutes:

- |                                    |   |              |                 |
|------------------------------------|---|--------------|-----------------|
| Blighted Property Review Committee | – | May 27, 2021 | Regular Meeting |
| Street Landscape Committee         | – | May 25, 2021 | Regular Meeting |

**ADJOURNMENT**

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