

**PUBLIC HEARING
AUGUST 21, 2023 – 7:00 PM**

WIRELESS COMMUNICATION FACILITIES

Mayor Wortman opened the public hearing; all members of City Council and City staff were present. Mr. Rossey stated that the proposed ordinance to amend the City's Zoning Ordinance as it pertains to Wireless Communication Facilities was first presented to Council at its April 18, 2022, regular meeting. It was noted that, due to the complexity of state and federal wireless communications law, the Cohen Law Group was retained to draft the proposed ordinance. Since that time, the proposed ordinance was reviewed and edited multiple times by both the City Planning Commission and City Council. He further stated that, at its May 17 regular meeting, the City Planning Commission voted to recommend Council's approval of the ordinance in its current form. The Warren County Planning Commission also reviewed the ordinance and recommends its adoption. The required notice of this hearing and the availability of the proposed ordinance for public review was published on August 7.

Randy Gustafson, City of Warren Planning Commission member, addressed Council and stated that the Commission spent a great deal of time reviewing the proposed ordinance. Mr. Gustafson indicated that the Commission's intent was to provide for the development of such technology and facilities in a manner that will not degrade the City's Historic District.

There being no other residents present who wished to provide comment regarding the proposed ordinance, Mayor Wortman declared the public hearing closed.

**WARREN CITY COUNCIL
REGULAR MEETING
AUGUST 21, 2023**

OPENING OF MEETING

Mayor David Wortman presided over the August 21, 2023, 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 immediately prior to the public hearing for the purpose of receiving legal advice regarding potential litigation pertaining to emergency medical services (EMS) matters, the proposed agreement with Warren Pickleball, Inc., and the lease of oil and gas interests.

ROLL CALL

Members present and responding to roll call were: Mayor David Wortman, Maurice Cashman, Danielle Flasher, Philip Gilbert, Wendy McCain, Jared Villella, John Wortman, and Junior Council Member Lydia Balas. Members of City Staff present were Michael Holtz, City Manager; Jessicca Byler, Finance Officer; David Krogler, Fire Chief; Teena Leary, Assistant City Clerk; Randall Rossey, Codes and Planning Director; Joseph Sproveri, Chief of Police; Darren Pike, City Engineer; and Andrea Stapleford, City Solicitor.

RECOGNITION OF LYDIA BALAS: JUNIOR COUNCIL MEMBER

Mayor Wortman recognized Lydia Balas for her service as Junior Council Member during the

2022 – 2023 school year and presented her with an inscribed wooden pen and case. Miss Balas thanked Council for the opportunity to serve and noted that she appreciated the opportunity to learn more about local government.

RECOGNITION OF VISITORS

Mayor Wortman welcomed all visitors. Present were:

Philip Caudill	Ron Peterson	Kevin Sheldon
Michael Suppa	Dick Balas	Elizabeth Raible
David Winans	Crissi Winans	Belinda Brohn
Robert Gustafson	Randall Gustafson	Sherry Johnson
Josh Cotton	Andy Close	Kelley Coey
Michael Agresti		

The following visitors addressed Council:

- David Winans re Hudson Companies' Eagles Crest Project
- Ron Peterson re Hudson Companies' Eagles Crest Project
- Philip Caudill re petition in regard to Hudson Companies' Eagles Crest Project and retention of Council meeting video recordings

CONEWANGO AVENUE SPEED LIMIT

Miss Balas stated that she has observed vehicular, pedestrian, and bicycle traffic on and along Conewango Avenue and expressed her concern that the 35 MPH speed limit is too high. She noted the high volume of students traveling on Conewango Avenue as they travel to and from Warren Area High School, Warren Area Elementary Center, and Beaty Middle School. Miss Balas stated that her greatest concern is between 3:00 PM and 5:30 PM and asked that the City consider taking steps to reduce the speed limit to 25 MPH. Mayor Wortman indicated that Miss Balas' suggestion will be reviewed.

APPROVAL OF THE AGENDA

Mr. Cashman made the motion to approve the meeting agenda as presented. The motion was seconded by Miss Flasher and carried unanimously.

APPROVAL OF MINUTES

Mr. Villella made the motion to approve the July 17, 2023 minutes as presented. The motion was seconded by Miss Flasher.

Mrs. McCain made the motion to amend the July 17, 2023, minutes by indicating that Tanya Mitchell Weston is the "President and CEO" of the Warren County Housing Authority and by including "she made clear to Hudson that there is no need for additional housing, particularly for seniors. There's currently forty-one vacancies in three of the properties that she looked at, that she oversees, and she also stated that Eagles Crest will pull people from the four existing housing so, therefore, those buildings will suffer. She also stated that the population is starting to decline." There was not a second to the motion.

Mrs. McCain made the motion to table approval of the July 17, 2023 minutes until other members view the recording. The motion was seconded by Mr. J. Wortman and carried unanimously.

CORRESPONDENCE

Mayor Wortman read the Blue Star Mothers of Kinzua PA 203's invitation to participate in the National Wreaths Across America event to be held at St. Joseph's Cemetery on December 16, 2023.

ORDINANCE NO. 1972: WIRELESS COMMUNICATION FACILITIES

Mr. Rossey referenced the information provided during the public hearing held on this date.

Mr. Cashman made the motion to approve the Wireless Communication Facilities ordinance as presented. The motion was seconded by Mr. Villella and carried with four votes in the affirmative and three nay votes cast by Mr. J. Wortman, Miss Flasher, and Mayor Wortman.

Mr. J. Wortman made the motion to amend the Wireless Communication Facilities ordinance by striking “or on parcels of land or buildings owned by the City of Warren” from Section 1 D.(1)(m) and by striking Section 1 E.(3)(d) in its entirety. The motion was seconded by Miss Flasher. The motion failed with three votes in the affirmative and four nay votes cast by Mr. Villella, Mrs. McCain, Mr. Gilbert, and Mr. Cashman.

AGREEMENT: WARREN PICKLEBALL, INC.

Mr. Holtz stated that, per the terms of the June 20, 2022, agreement between the City and Warren Pickleball, Inc. (WPB), upon completion of the pickleball courts the parties are to enter into an agreement to provide for funding for future court maintenance. WPB estimates that the life span of the court surface will be ten years and that the replacement cost will be \$30,000. On behalf of WPB, Jon Marti proposed that WPB make two payments totaling \$20,000 which are to be deposited in an income-producing account with the expectation that the interest/dividends will bring the total of available funds to \$30,000 in ten years’ time. An agreement reflecting the foregoing was presented for Council’s consideration.

Mr. Cashman made the motion to approve the agreement with Warren Pickleball, Inc. relating to future maintenance. The motion was seconded by Mrs. McCain and carried unanimously, as amended.

Mr. J. Wortman made the motion to amend the agreement with Warren Pickleball, Inc. by restating Section 3 to read, “Should the deposited funds not mature to a total balance equivalent to the cost of resurfacing the courts, Warren Pickleball, Inc. shall pay to the City the remaining amount required to bring the total balance to the resurfacing costs.” The motion to amend was seconded by Mr. Villella and carried unanimously.

RESOLUTION NO. 3236: SHORT-TERM INDEBTEDNESS – USDA GRANT/LOAN PROGRAM

Mrs. Byler stated that, in October of 2022, Council approved submission of a grant application to the United States Department of Agriculture (USDA) for the purchase of two 2023 Ford Interceptor Police Vehicles. The grant was awarded and the vehicles were subsequently purchased in January of 2023, fully outfitted, and put in service in March. The City paid the costs in full and will be reimbursed by the USDA award.

She further stated that this particular grant program requires the recipient of grant funds to also accept a loan for the remaining balance of the purchase. Since the City previously paid for the vehicles in full, the loan proceeds will be utilized to immediately pay off the loan with no penalty. Given that a loan document will be created, and the City’s indebtedness will be temporarily increased, the Local Government Unit Debt Act (LGUDA) requires that Council approve the increase in debt prior to finalizing the grant/loan documents with USDA.

Mr. Villella made the motion to approve the resolution providing for an increase in the indebtedness of the City of Warren and the issuance of a General Obligation Note in the amount of \$49,900 to the US Department of Agriculture (USDA). Miss Flasher seconded the motion which carried unanimously.

BID AWARD: FIRE DEPARTMENT TRUCK BAY EXHAUST EXTRACTION SYSTEM

Chief Krogler stated that bids were solicited for the provision and installation of a complete vehicle exhaust extraction system in the Fire Department Truck Bay. The purpose of the project is to install a high-efficiency system that will extract the exhaust resulting from daily testing and operation of the vehicles and improve air quality in the truck bay and all areas of the Department, including sleeping quarters.

The sole bid received was in the amount of \$76,800 and was submitted by Air Clean Systems, Inc. of Latham, NY. Other departments in the region have contracted with this company with satisfactory results. The project will be funded by an Assistance to Firefighters Grant in the amount of \$73,142.85; matching funds in the amount of \$3,657.15 are included in the 2023 Municipal Budget.

Mr. Cashman made the motion to award the Fire Department Exhaust Extraction System contract in the amount of \$76,800.00 to Air Clean Systems, Inc. The motion was seconded by Miss Flasher and carried unanimously.

RESOLUTION NO. 3237: BRIGHHOUSE GROUP ANNUITY CONTRACT (FIRE PENSION)

Mrs. Byler stated that the City of Warren Firefighters Pension Plan has funds invested in a Brighthouse (formerly MetLife) Group Annuity Contract. In 2013, Council voted to initiate annual twenty percent (20%) withdrawals from this Annuity Contract until the time the assets were significantly reduced. The funds withdrawn are now invested with Vanguard.

A meeting of the Fire Pension Committee was held on Friday, August 11, 2023, to discuss the assets in the Annuity Contract. All committee members present agreed that, due to Brighthouse' low interest rate of 3.15% and significantly reduced balance, it is appropriate to withdraw the remaining funds and turn them over to Vanguard to invest with the other Fire Pension funds.

Mr. Villella made the motion to approve the resolution authorizing termination of the Brighthouse (formerly MetLife) Group Annuity Contract and transfer of the funds to Vanguard. The motion was seconded by Mrs. McCain and carried unanimously.

ELEVATOR AND FIRE ALARM SYSTEM UPGRADE PROJECT

Mr. Holtz stated that the elevator in the City Building was installed 46 years ago and has reached the point where it is difficult to locate repair parts. The elevator was recently serviced on multiple occasions and the technicians have advised that it is no longer possible to reliably keep it in service.

The City has had discussions with Schindler as to the best way to proceed to ensure that there is a reliable elevator in the building. Schindler submitted a proposal under Sourcewell (similar to COSTARS) pricing. The proposal calls for retrofitting as many existing components as possible (e.g., the elevator car). Schindler requires a lead time of approximately six months to source/manufacture the required parts.

Mr. Holtz indicated that modern hydraulic elevator systems utilize energy-saving technologies which result in reduced energy consumption and lower operational expenses over the system's lifespan. The proposed system will reduce Schindler's service contract from the current amount of \$410/month to \$185/month which equates to approximately \$27,000 in savings over the next ten years; this savings amount does not factor in reduced electrical costs.

To meet current codes pertaining to elevators, it is required that the elevator fire alarm also be upgraded. Mr. Holtz noted that the upgrade may be done for the elevator only; however, the need for an advanced alarm system throughout the Municipal Building has long been a source of concern. A building-wide upgrade of the fire alarm system would include carbon monoxide detectors/alarms. The building currently has smoke detectors; however, if the area in which the alarm is activated is not occupied, there is no mechanism to alert the entire building and the Fire Department. The upgraded system would trigger both audible and visual alarms (for the hearing impaired) throughout the building and would have the capability to be hard-wired to the Fire Department.

Mr. Holtz stated that the City currently has a balance of \$57,570.49 in unencumbered ARPA (American Rescue Plan Act) funds and proposed that these funds be dedicated to the elevator retrofit project.

Two options were presented for Council's consideration:

1. Elevator only: Includes a complete retrofit of the elevator lift system and elevator fire alarm system. The total projected cost is \$100,379.31 (\$157,949.80 less \$57,570.49 in ARPA funds).
2. Elevator retrofit as stated above plus full building fire alarm system upgrade. The total projected cost is \$126,098.88 (\$183,669.37 less \$57,570.49 in ARPA funds)

To accommodate Schindler's required lead time and provide an elevator as quickly as possible, it was requested that Council select from the two options, allocate the remaining ARPA funds (\$57,570.49) to the project, and affirm that the required funding for the option selected will be included in the 2024 Municipal Budget.

Mr. J. Wortman made the motion to allocate the remaining American Rescue Plan Act (ARPA) funds to the Elevator Retrofit and Elevator and Full Building Fire Alarm System Upgrade and to affirm that the required funds will be included in the 2024 Municipal Budget. The motion was seconded by Mr. Villella and carried unanimously.

ENDORSEMENT OF MAYOR'S LETTER REGARDING HOUSE BILL 106

Mayor Wortman stated that House Bill 106, known as the Patient Safety Act, seeks to increase hospital patient safety by establishing limits as to the number of patients that may be under the care of an individual nurse. The bill has passed the Pennsylvania House of Representatives and is now before the Pennsylvania Senate. He further stated that HB 106 is a one-size-fits-all plan that will negatively impact small rural hospitals such as Warren General Hospital.

Mr. J. Wortman made the motion to approve and endorse the draft letter to be submitted to Senator Kim L. Ward, Senate President Pro Tempore, and copied to all forty-nine additional members of the Pennsylvania State Senate. The motion was seconded by Miss Flasher and carried (as amended below) with five votes in the affirmative and two nay votes cast by Mrs. McCain and Mr. Gilbert.

Mr. J. Wortman made the motion to amend the first sentence of the letter to read, "As Mayor, I, along with the majority of the elected members of City Council, represent the citizens of Warren." The motion was withdrawn.

Mr. J. Wortman made the motion to amend the letter by inserting at the end of the letter, "All names and positions on Council with the members that voted in the affirmative." The motion was

seconded by Mr. Villella and carried with five votes in the affirmative and two nay votes cast by Mrs. McCain and Mr. Gilbert.

Mr. J. Wortman made the motion to amend the first sentence of the letter to read, "As Mayor, I represent the citizens of the City of Warren." The motion was seconded by Miss Flasher and carried with six votes in the affirmative and one nay vote cast by Mrs. McCain.

Mr. J. Wortman made the motion to amend the letter by correcting Item 2 to correct the amount to \$127,500. The motion was seconded by Miss Flasher and carried with five votes in the affirmative and one nay vote cast by Mrs. McCain.

VIDEO RECORDING DISCUSSION

Mr. Villella reported that he and others gathered information pertaining to online video recordings maintained by other Pennsylvania municipalities. There was discussion regarding the findings, including whether there are policies in place for retention of the videos beyond the time that the meeting minutes are approved. Mayor Wortman asked that the Marketing Committee further review the information and provide a recommendation to Council as to the length of time that meeting recordings should be posted via the City’s website.

DEPARTMENT REPORTS – JULY, 2023

The following reports were provided 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:

Parks, Recreation & Landscape Commission	– June 27, 2023	Regular Meeting
Planning Commission	– May 17, 2023	Regular Meeting
Redevelopment Authority	– June 28, 2023	Regular Meeting
	– May 24, 2023	Corrected

ADJOURNMENT

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