

**WARREN CITY COUNCIL
REGULAR MEETING
SEPTEMBER 20, 2021 – 7:00 PM *with one amendment***

OPENING OF MEETING

Mayor Cashman presided over the September 20, 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), Philip Gilbert, Douglas Hearn, and John Wortman. Members of City Staff present were Nancy Freenock, City Manager; Jessica Byler, Acting Finance Officer; Vincent DeJoy, Director of Planning, Codes, and Economic Development; Michael Holtz, DPW Director; David Krogler, Fire Chief; Teena Leary, Assistant City Clerk; Joseph Sproveri, Chief of Police; Chad Yuriscic, City Engineer; and Andrea Stapleford, City Solicitor.

APPROVAL OF MINUTES

Upon motion by Mr. Fraser and second by Mr. Gilbert, the minutes of the August 16, 2021, regular meeting were unanimously approved.

Upon motion by Mr. Fraser and second by Mr. Gilbert, the minutes of the August 30, 2021, special meeting were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Richard Lear: PA Municipal Service Company
- Diana Lillard: Minor Subdivision
- Judy (Sweet) Rimer: Minor Subdivision
- Dave Conroy: Observing
- Jared Villella: Observing
- Wendy McCain: Observing
- David Wortman: Observing
- Joe Michaels: Observing
- Brian Hagberg: YourDailyLocal Reporter
- Josh Cotton: Times Observer Reporter

CORRESPONDENCE

There was no correspondence to come before Council.

RESOLUTION NO. 3153: AMENDING DELINQUENT SEWER ACCOUNT COLLECTION FEES

Mr. Holtz stated 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 Act.

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 represents an offset for the additional administrative work and mailing costs that are now required and which must be completed prior to shutting off water service for nonpayment of delinquent sewer bills. Implementation of

the \$50 Water Company Tenant Landlord Processing Fee will allow PAMS to charge this amount to the landlord who is ultimately responsible for payment of the delinquent sewer charges. It was noted that if the fee is not implemented, PAMS will charge the City and all ratepayers will absorb costs resulting from ratepayer delinquencies.

Mr. Gilbert asked for a breakdown of the costs represented by the \$50 fee. Mr. Lear responded that the costs were related to the mailing of additional letters that are required and the accompanying postage fees which include certified mailings.

Mr. Wortman made the motion to approve the resolution amending Delinquent Sewer Account Collection Fees by the addition of a Water Company Tenant Landlord Processing Fee. The motion was seconded by Mr. Fraser and carried with six votes in the affirmative and one nay vote cast by Mr. Gilbert *for the reason that Mr. Gilbert did not believe Mr. Lear's response adequately answered his question.* (amended 10/18/21)

RESOLUTION NO. 3154: APPROVING SKELTON MINOR SUBDIVISION

Mr. DeJoy stated that Thomas R. Skelton filed a minor subdivision application to subdivide the property located at 27 Brook Street (Parcel No. WN 573-9499) currently owned by Ann M. Ferguson. The minor subdivision would divide the existing Ferguson property into two lots with Mrs. Ferguson retaining Lot 1 and Lot 2 being annexed to the Cameron L. (*nee* Frantz) Skelton property located at 25 Brook Street (WN 573-9735). This minor subdivision received approval from the City Planning Commission at its August 18, 2021 meeting.

Upon motion by Mr. Gilbert and second by Ms. Exley, Council members voted unanimously to adopt the resolution approving the Skelton Minor Subdivision.

RESOLUTION NO. 3155: APPROVING LILLARD MINOR SUBDIVISION

Mr. DeJoy stated that Diana L. Lillard filed a minor subdivision application to subdivide her property located at 3 Branch Street (Parcel No. WN 584-8638) into Lots 1 and 2. Ms. Lillard would retain Lot 1 and Lot 2 would be annexed to the Judith A. Rimer property (Parcel No. 584-8659) located at 305 Jackson Avenue. This minor subdivision was approved by the City Planning Commission at its August 18, 2021, meeting.

Upon motion by Mr. Wortman and second by Mr. Fraser, Council members voted unanimously to adopt the resolution approving the Lillard Minor Subdivision.

AGREEMENT: WARREN GENERAL HOSPITAL FOR DEDICATED ON-STREET PARKING

(See August 16, 2021, Council Minutes)

Chief Sproveri stated that the agreement, as discussed at the August 16, 2021, Council meeting, has been amended to include the requested indemnification language.

Mr. Fraser made the motion to approve the agreement between the City and Warren General Hospital regarding ten on-street parking spaces to be dedicated for use by patients of DaVita, Inc. The motion was seconded by Mr. Hearn and carried unanimously.

AGREEMENT: USDA COMMUNITY FACILITIES GRANT/LOAN FOR DUMP TRUCK PURCHASE

Mr. Holtz stated that the Department of Public Works submitted a grant/loan application in the amount of \$93,600 to the United States Department of Agriculture (USDA) Rural Development Office for the purchase of a 2021 Ford F-600 4x4 dump truck with snow plow and salt spreader. The USDA approved the funding with \$28,800 to be provided in grant

funds, \$43,600 to be in the form of a loan, and \$21,200 in City matching funds. The full purchase price of the truck, plow, and salt spreader (\$93,000) was included in the 2021 budget; therefore, the \$64,800 required to pay the City's matching funds and to immediately pay off the loan amount are available.

AGREEMENT

Mr. Fraser made the motion to authorize entering into a Community Facilities Grant Agreement with the US Department of Agriculture Rural Development Office for the purchase of a 2021 Ford F-600 4x4 dump truck. The motion was seconded by Mr. Wortman and carried unanimously.

RESOLUTION NO. 3156: USDA RDA GRANT/LOAN

Mr. Fraser made the motion to adopt the resolution affirming the City's responsibilities and its commitment to pay the US Department of Agriculture Rural Development Office under the terms of the Community Facilities Grant Agreement. The motion was seconded by Mr. Wortman and carried unanimously.

AUTHORIZATION TO SIGN USDA RDA GRANT/LOAN CLOSING DOCUMENTS

Mr. Fraser made the motion to authorize Nancy K. Freenock, City Manager, to execute closing documents pertaining to the US Department of Agriculture Rural Development Office under the terms of the Community Facilities Grant/Loan. The motion was seconded by Mr. Wortman and carried unanimously.

RETENTION OF PAGE, WOLFBERG & WIRTH, LLC

Mrs. Freenock stated that following the executive session held on August 30, Council reconvened the special meeting and two votes were taken regarding the retention of the firm of Page, Wolfberg & Wirth, LLC, to assist the City in two separate legal matters. The agenda for the meeting included the executive session topics; however, it was not made clear that action upon the items was expected to be taken once the special meeting was reconvened. This was contrary to the newly-enacted amendment to the Sunshine Act; therefore, it was requested that the two motions be restated, seconded, and voted upon.

EMS PERSONNEL MATTER

Mr. Wortman made the motion to engage the firm of Page, Wolfberg & Wirth, LLC, to represent the City in regard to an Emergency Medical Services personnel matter. The motion was seconded by Mr. Fraser and carried unanimously.

RESPONSE TO EMS LETTER

Mr. Wortman made the motion to engage the firm of Page, Wolfberg & Wirth, LLC, to assist the City with its response to Director Dylan Ferguson's (Emergency Medical Services, PA Department of Health) letter for an amount not to exceed \$2500. The motion was seconded by Mr. Gilbert.

Mrs. Freenock asked that Council consider not imposing the \$2500 cap on fees to be paid to Page, Wolfberg & Wirth. There was considerable discussion after which Mr. Fraser made the following motion.

Mr. Fraser made the motion to table action on Mr. Wortman's motion pending receipt and review of further information. The motion was seconded by Mr. Cashman and carried with six votes in the affirmative and one nay vote cast by Mr. Wortman.

RETENTION OF COHEN LAW GROUP: WIRELESS FACILITIES MANAGEMENT SERVICES

Mr. DeJoy stated that advancements in telecommunications are taking place at a rapid rate and with such technology comes the need to expand the infrastructure to provide high speed services. He indicated that the necessary structures are typically placed in municipal rights-of-way and create ever-changing challenges for the municipality.

He further stated that there have been significant changes in laws pertaining to wireless facilities, including PA Act 50 which enacted regulations regarding wireless facilities in the public rights-of-way and was signed into law on June 30, 2021.

It was recommended that City Council accept the Cohen Law Group's proposal for development of an updated Wireless Facility Management Ordinance as state and federal regulations are complex and it would be to the City's benefit to retain the services of a law firm which specializes in the development of ordinances pertaining to wireless facilities.

Mr. Wortman stated his opposition to imposing additional regulations on an industry. Mayor Cashman stated that the purpose of such regulation is to protect residents' properties/property values and to ensure aesthetics that will not detract from people wanting to visit and live in Warren.

Mr. Fraser made the motion to accept the Cohen Law Group's proposal for Wireless Facilities Management Services. The motion was seconded by Mr. Hearn and carried with six votes in the affirmative and one nay vote cast by Mr. Wortman.

COUNCIL APPOINTMENTS

Upon motion by Mr. Wortman and second by Mr. Fraser, Council members voted unanimously to make the following appointments:

- Randall Gustafson to the Planning Commission to fulfill the term expiring December 31, 2022.
- Julia McTavish to the Planning Commission to fulfill the term expiring December 31, 2021.
- Adam Elms to the Uniform Construction Code Joint Board of Appeals to fulfill the term expiring December 31, 2023.

APPOINTMENT: EMERGENCY MANAGEMENT COORDINATOR & ASSISTANT COORDINATOR

Mrs. Freenock stated that former Fire Chief Rodney Wren served as the City's Emergency Management Coordinator with Police Chief Joseph Sproveri as the Assistant Coordinator. She noted the importance of having more than one individual prepared to handle the duties of the Coordinator in the event of a catastrophic event and requested that Council consider the formal appointment of Chief Sproveri as the Emergency Management Coordinator and Fire Chief David Krogler as the Assistant Emergency Management Coordinator.

Mr. Fraser made the motion to appoint Police Chief Joseph Sproveri as the City of Warren Emergency Management Coordinator and Fire Chief David Krogler as the Assistant Emergency Management Coordinator. The motion was seconded by Mr. Gilbert and carried unanimously.

RIVERFRONT DEVELOPMENT COMMITTEE

Mr. Gilbert made the motion to create a Riverfront Development Committee comprised of himself, Mr. Hearn, and Mr. Wortman. The motion was seconded by Mr. Wortman.

Mr. Fraser made the motion to amend the agenda to include discussion regarding the formation of a Riverfront Development Committee. The motion was seconded by Mr. Gilbert and carried unanimously.

Following discussion, Mr. Gilbert withdrew his motion.

STAFF APPOINTMENTS

Mayor Cashman congratulated David Krogler on his recent appointment as the City Fire Chief and Jessica Byler on her appointment as the Acting Finance Director.

DEPARTMENT REPORTS – AUGUST, 2021

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Zoning, Codes, and Economic Development

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

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|------------------------------------|---|-----------------|-----------------|
| Blighted Property Review Committee | – | June 24, 2021 | Regular Meeting |
| Planning Commission | – | August 18, 2021 | Regular Meeting |
| Street Landscape Committee | – | July 27, 2021 | Regular Meeting |

ADJOURNMENT

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