

**WARREN CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 21, 2020 – 7:00 PM**

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**OPENING OF MEETING**

Mayor Cashman presided over the September 21, 2020, 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 regarding potential litigation regarding internet services, litigation in the matter of the City of Warren vs Tom Pellegrino, real estate matters pertaining to City-owned properties, and personnel matters.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Gregory Fraser (via Zoom), Paul Giannini (via Zoom), Philip Gilbert, Douglas Hearn, John Wortman, and Christian Zavinski. Members of City Staff present were Nancy Freenock, City Manager; David Hildebrand, Planner/Development Administrator; Michael Holtz, DPW Director; Teena Leary, Assistant City Clerk; Joseph Sproveri, Chief of Police; Rodney Wren, Fire Chief; Chad Yurisc, City Engineer; Andrea Stapleford, City Solicitor; and Steve Hoffman, Fire Department Operations and Training Officer.

**APPROVAL OF MINUTES**

Upon motion by Mr. Wortman and second by Mr. Zavinski, the minutes of the August 17, 2020, Regular Meeting were unanimously approved.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Jared Villella: City EMS to Pleasant Township
- David Wortman: City EMS to Pleasant Township
- David White: City EMS to Pleasant Township
- Gregg Trisket: Observing
- Jane Dunshie: Observing
- Brian Hagberg via Zoom
- Josh Cotton: Times Observer Reporter

**CORRESPONDENCE**

Mrs. Freenock presented a memorandum detailing the Minimum Municipal Obligation (MMO) for City of Warren pension plans to be provided for in the 2021 Municipal Budget in accord with Act 205.

Employee Pension Plan	\$212,654
Police Pension Plan	\$229,924
Firefighters' Pension Plan	\$288,547

State financial assistance provided for under the provisions of Act 205 will be applied to this obligation prior to December 31, 2021. Should the amount received be less than the amount required, the City is responsible for the payment. The 2021 budget must include the obligation of \$731,125.

Mrs. Freenock presented correspondence from the law firm of Stapleford & Byham, LLC, stating that the Board of Directors of Habitat for Humanity of Warren County approved the voluntary dissolution of the corporation and that it is in the process of winding up its affairs.

**PROPOSED AGREEMENT AMENDMENT: PLEASANT TOWNSHIP FIRE & EMS RESPONSE**

*(See August 17, 2020 Council minutes)*

Chief Wren stated that on September 1, 2020, the City began stationing two Firefighter/EMT's (FF/EMT's) at the Pleasant Volunteer Fire Station during the hours of 7:45 AM to 3:45 PM on Monday, Wednesday, and Friday in accord with the Intermunicipal Cooperation Agreement approved by Council on August 17, 2020. This arrangement is expected to reduce the wear and tear on (and thus prolong the life of) City equipment that had been being utilized to respond to calls in Pleasant Township while retaining the number of personnel required at the City station to respond to calls within the City and/or other surrounding municipalities. In addition, those stationed at Pleasant are available to respond to City calls if necessary.

In consideration of the success of the first weeks of operations under the agreement, Pleasant Township requested that the agreement be amended to include the provision of FF/EMT's on Tuesday and Thursday; all other terms of the agreement would remain in place.

Dave White, City resident, addressed Council and expressed his concern that agreements such as this are a step toward regionalization of government.

Mayor Cashman noted that the agreement provides for a regionalization of services and not the regionalization of government. He further stated that Warren County Commissioner Ben Kafferlin has been working with municipalities to develop a plan to address the shortage of volunteer firefighters.

David Wortman, City resident, addressed Council and stated that he believes it is up to the townships to address the matter and to not rely upon the City. He expressed his opinion that it is not appropriate for the City to send its assets (personnel) when townships will not address their problems. He further stated that the City does not have such an issue as the taxpayers support services via a higher tax rate than that which is paid in surrounding townships.

Mayor Cashman noted that the agreement provides for the City to benefit from a funding stream that is not otherwise available to fund the Fire Department. He further noted that the stationing of two FF/EMT's at the Pleasant Fire Station provides the City access to use of Pleasant's equipment in the event that it is required within the City. He also stated that, in the event another township desires to enter into a similar agreement, the City would hire additional personnel and the township(s) would be charged the actual costs (i.e. wages, benefits) for the hours that the personnel are stationed there.

Mayor Cashman emphasized that the City is required, by law, to respond to calls in other municipalities when the home municipality cannot muster to answer the call. In such instances, the City may only recover the costs covered by insurance. He indicated that the projected revenues under the amended agreement would equate to approximately one mil of real estate tax revenue.

Chief Wren noted that since September 1 there have been two instances when both City ambulances were on calls and City personnel stationed at Pleasant responded to a third call in the City utilizing the Pleasant ambulance.

Councilman Wortman made the motion "to table the proposed agreement amendment between Pleasant Township Fire and the EMS response – I feel that we need to give the City of Warren residents an opportunity in a public meeting or hearing to have a say on this issue." The motion was seconded and, following considerable discussion, carried with five votes in the affirmative and two nay votes cast by Mr. Fraser and Mayor Cashman.

**PUBLIC MEETING RE: EMERGENCY MEDICAL RESPONSE**

Mr. Wortman made the motion to schedule a public hearing which will allow City residents to comment about the EMS situation in Warren to be held before the regular scheduled October Council meeting. The motion was seconded by Mr. Zavinski and carried with six votes in the affirmative and one nay vote cast by Mr. Fraser.

There was additional discussion regarding the agreement with Pleasant Township. Mrs. Freenock stressed that the purpose of the three-month agreement is to gather data so that each party to the agreement may reasonably determine whether it is feasible to continue with an extended agreement.

**RESOLUTION NO. 3126: LAUGER MINOR SUBDIVISION**

Mr. Hildebrand stated that Rebekah Haight, applicant, filed a minor subdivision application to create Lot 1 and Lot 2 from Parcel No. WN 584-794900 owned by Lou Ann Lauger. Lot 2 will be attached to Parcel No. WN-584-7954 owned by Rebekah Haight. The minor subdivision application meets the requirements of the City of Warren Subdivision Ordinance. At its regular meeting on August 26, 2020, the City of Warren Planning Commission voted to recommend Council's approval of this subdivision.

Upon motion by Mr. Fraser and second by Mr. Wortman, the resolution approving the Lauger Minor Subdivision was unanimously approved.

**AGREEMENT: I.B.E.W. MEMORANDUM OF UNDERSTANDING**

Mrs. Freenock stated that, according to its terms, the current Collective Bargaining Agreement between the City and the International Brotherhood of Electrical Workers, Local No. 459, will expire on December 31, 2020. This union represents employees in the Department of Public Works as well as clerical and parking enforcement employees in the Police Department.

She further stated that the collection of Earned Income Tax Revenues has been impacted by the COVID-19 pandemic and, therefore, the City is unable to accurately project 2021 revenues. In consideration of this, I.B.E.W. Local No. 459 agreed to a Memorandum of Understanding which will extend the terms and conditions of the Collective Bargaining Agreement for an additional one-year period.

Mr. Wortman made the motion to accept the Memorandum of Understanding with the International Brotherhood of Electrical Workers, Local No. 459. The motion was seconded by Mr. Zavinski and carried unanimously.

**EXTENSION OF RECYCLING COLLECTION AGREEMENT**

Mr. Holtz stated that in December of 2017, the City entered into an agreement with Advanced Disposal for the collection of recyclable materials. The term of the agreement is for an initial three years (2018 – 2020) with optional fourth and fifth years (2021 and 2022). The 2020 per unit cost per month for residential curbside collection and disposal is \$2.56. This amount would be increased by five cents in each of the optional years. Back door recycling collection and disposal is provided at \$5.00 per unit per month for all years under the contract, including the optional years.

Mr. Holtz noted that in 2017, Advanced Disposal was the sole bidder and the recycling market has not improved since that time. Numerous municipalities have recognized a significant cost increase in recent recycling collection bids over the past two years. Therefore, it was recommended that the City exercise its option to extend the current recycling contract for years four and five (2021 and 2022).

Mr. Fraser made the motion to authorize extension of the agreement with Advanced Disposal for the collection of recyclable materials for the optional years four and five (2021 and 2022). The motion was seconded by Mr. Zavinski and carried with six votes in the affirmative and one nay vote cast by Mr. Gilbert.

**PROPOSED AGREEMENT: FIRE DEPARTMENT FOAM TRAILER LEASE**

Chief Wren indicated that the City owns a Carry-On trailer which is equipped with two 55-gallon drums of Aqueous Film Forming Foam, one nozzle, and absorbent pads. These materials are used to fight petroleum and other types of fires for which water cannot be used. Due to the nature of the foam, it is necessary that the trailer be stored in a heated environment.

Until recently, the trailer was housed at the City Fire Station; however, the new fire apparatus are larger than the pieces they replaced. Therefore, there is no longer a viable space in which to store the foam trailer. Warren County has interest in leasing the trailer which would be housed at the County's heated garage located in Starbrick. Chief Wren stated that such an arrangement would be beneficial to both parties in that the trailer would be available to the Warren County HazMat Team and would remain available to serve the City in the event of a HazMat event. Additionally, United Refining Company has two tankers of foam which could assist within the City, if necessary.

In response to questions from Council Chief Wren and OTO Hoffman indicated that the foam trailer has only been used twice within the City since the time that it was built (by firefighters). It was also noted that all other HazMat equipment is housed at the County's Starbrick garage.

Mr. Fraser made the motion to authorize an agreement with Warren County for the lease of the City Fire Department's Foam Trailer. The motion was seconded by Mayor Cashman and failed with three votes in the affirmative and four nay votes cast by Mr. Wortman, Mr. Gilbert, Mr. Giannini, and Mr. Hearn.

**MARATHON ENERGY NATURAL FUEL GAS SUPPLY TRANSACTION CONFIRMATION**

Mr. Holtz stated that since 2011, the City has had an account with National Fuel Resources, Inc., for the provision of natural gas to the Wastewater Treatment Plant at 380 W. Harmar Street and the City Garage at 200 Elm Street.

National Fuel Resources was recently acquired by Marathon Power, LLC (doing business as Marathon Energy). Therefore, it is necessary for Council to authorize execution of the Transaction Confirmation which is subject to the contract between National Fuel Resources, Inc., and the City as assigned to Marathon Energy via an Instrument of Assignment and Assumption dated July 31, 2020 and effective August 1, 2020.

The rate will be set at the verified market rate on September 22, 2020, and, upon Council's acceptance of the Transaction Confirmation, the natural gas supplied to the above properties will be locked in at that rate.

Upon motion by Mr. Fraser and second by Mr. Zavinski, Council members voted unanimously to authorize execution of the Marathon Energy Transaction Confirmation.

**TRANSFER OF PROPERTIES TO THE CITY REDEVELOPMENT AUTHORITY**

Mrs. Freenock stated that there are a number of delinquent sewer accounts which are in arrears for substantial amounts. The City continues to pursue collections; however, there are accounts for which it has become evident that the property owner has no intention of making payments. Therefore, the City has begun to exercise its liens upon such properties.

The City recently took possession of properties located at 111 Pioneer Street and 103 North Sixth Avenue. It was suggested that these properties be transferred to the City Redevelopment Authority as it is best positioned to negotiate terms of sale and/or agreements with contractors to rehabilitate the properties. It was noted that there has been interest shown by parties interested in acquiring the properties.

Mr. Wortman made the motion to authorize the transfer of City-owned properties located at 111 Pioneer Street and 103 North Sixth Avenue to the City of Warren Redevelopment Authority contingent upon the Redevelopment Authority recovering expenses, delinquent sewer amounts being paid, and the remainder of the proceeds to go to the Redevelopment Authority. The motion was seconded by Mr. Fraser and carried unanimously.

**PURCHASE: SLUDGE TRUCK**

Mr. Holtz indicated that the Bradford Sanitary Authority (BSA) recently completed an upgrade and change in process at its Treatment Plant. As a result, the BSA no longer requires the use of a sludge hauling truck and offered it and two (2) thirty (30) cubic yard containers (dumpsters) for sale.

The truck is a 2013 International Model 7600 SBA 6x4 210 which was purchased new in 2013 for \$172,000. The minimum bid price is \$34,000 which includes the truck and two containers.

The City currently transports dumpsters containing pressed sludge to the landfill via a local contractor. Over the past two and a half years the City has expended \$105,490.20 for this service; therefore, the cost of the truck would be recovered by the savings realized in less than one year.

Mr. Fraser made the motion to authorize the purchase of a 2013 International Model 7600 SBA 6x4 210 truck and two containers from the Bradford (PA) Sanitary Authority at the price of \$34,000. The motion was seconded by Mr. Gilbert and carried unanimously.

**DEPARTMENT REPORTS – AUGUST, 2020**

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:

- |                            |                 |                 |
|----------------------------|-----------------|-----------------|
| Planning Commission        | – June 24, 2020 | Regular Meeting |
| Street Landscape Committee | – July 28, 2020 | Regular Meeting |

**ADJOURNMENT**

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