

**WARREN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 19, 2016 – 7:30 PM**

---

**OPENING OF REGULAR MEETING**

Mayor Cashman presided over the December 19, 2016 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 two matters of litigation.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Elissa Davis, Philip Gilbert, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Josh Chimenti, Junior Council Member. Councilman Gregory Fraser was absent. Members of City Staff present were Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Chief Zydonik, and Ms. Stapleford as well as Police Sgt. B. Deppen. Gus Maas represented Greenman-Pedersen, Inc., City Engineer.

**APPROVAL OF MINUTES**

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the November 21, 2016 Regular Meeting were unanimously approved by members present (6).

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the December 12, 2016 Budget Public Hearing were unanimously approved by members present (6).

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the December 12, 2016 Public Hearing regarding Elected Officials' Salaries were unanimously approved by members present (6).

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Pauline Steinmeyer: Observing
- Darell Simons: Concerns regarding seasonal alternate-side parking (arrived during the meeting)
- Josh Cotton: Times Observer Reporter

The following visitors were present as part of a Government class assignment:

- |                      |                    |
|----------------------|--------------------|
| ● Braden Steffey     | ● Abbey Koebley    |
| ● Kaycee Morgan      | ● Peyton Jignac    |
| ● MacKenzie Gravelle | ● Claire Lyle      |
| ● Aubrey Greenland   | ● Andrew Smoulder  |
| ● Justin Mazzola     | ● Meranda Jenkins  |
| ● Gage Scovil        | ● Randall Gillotti |
| ● Tristan Davis      | ● Brendon Mattson  |
| ● Cassidy Nielsen    | ● Kelsey Kraft     |

**CORRESPONDENCE**

There was no correspondence to come before Council.

**RESOLUTION NO. 3018: ADOPTING THE 2017 MUNICIPAL BUDGET**

Mrs. Freenock stated that the proposed budget calls for the Real Estate Tax millage to remain at 19.8 mills on each one dollar of assessed valuation and the combined Earned Income Tax to remain at two and two-tenths percent (Earned Income Tax of one percent plus Supplementary Earned Income Tax of one and two-tenths percent). It was further noted that a Budget Public Hearing was held on

December 12 at which time Council received citizen comments regarding the proposed budget and anticipated tax rates.

The 2017 budget was summarized as follows:

General Fund	\$ 9,574,100
Community Improvement Program	\$ 2,539,550
Sewer Fund	\$ 2,156,039
Parking Fund	\$ 449,839

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members present (6) voted unanimously to approve the resolution adopting the 2017 Municipal Budget.

**ORDINANCE NO. 1886: ESTABLISHING THE 2017 REAL ESTATE TAX RATE**

Mrs. Freenock stated that the budget, as presented to Council, reflects no increase in the Real Estate Tax Rate.

Upon motion by Mr. Kolcharno and second by Miss Davis, Council members present (6) voted unanimously to adopt the ordinance establishing the 2017 Real Estate Tax Rate at 19.8 mills on each one dollar of assessed valuation.

**ORDINANCE NO. 1887: WIRELESS FACILITIES MANAGEMENT ORDINANCE**

Mrs. Freenock noted that, at the regular Council meeting on July 18, Council members voted unanimously to accept the Cohen Law Group's Proposal for development of a Wireless Facilities Management Ordinance. The draft ordinance has been reviewed by City staff and the Planning Commission. In addition, a public hearing regarding the proposed ordinance was held on October 17 at which time no citizens offered comment.

The City Planning Commission met on December 14 for a final review of the proposed ordinance with Atty. Dan Cohen participating in the meeting via conference call. "Housekeeping" items in the ordinance were discussed and Atty. Cohen will address these non-substantive matters. These items include the addition of the word "mass" preceding "communications wireless facilities" and the requirement that the City receive the actual bond rather than a copy of the bond. The Planning Commission, with four members in attendance, voted to recommend adoption of the ordinance.

Upon motion by Mr. Lewis and second by Mr. Gilbert, Council members present (6) voted unanimously to approve the ordinance establishing regulations pertaining to communications antennas and towers.

**PROPOSED RESOLUTION: ESTABLISHING FEES**

Mrs. Freenock stated that in response to changing costs for the provision of various permits, services, and facilities, it becomes necessary from time to time to amend the City's Fee Resolution. The proposed resolution includes all fees and charges (except those pertaining to Building Code Permits and Inspections). All changes to the existing Resolution No. 3007 were noted in bold italics for Council's reference.

There was discussion regarding the proposed fees pertaining to sidewalk permits, health licenses, and street opening permits.

Mr. Zavinski made the motion to approve the resolution establishing fees. The motion was seconded by Miss Davis. Upon roll call vote, the motion failed due to a tie vote with three votes in the affirmative and nay votes cast by Mr. Lewis, Mr. Gilbert, and Mr. Kolcharno. Resolution No. 3007 will remain in effect.

**RESOLUTION NO. 3019: RETENTION OF AUDITING FIRM**

Mrs. Risinger noted that in 2013, Council approved retention of the firm of Felix & Gloekler, P.C. for performance of the annual audits of the Accounts of the City for years ending December 31, 2013, 2014, and 2015. Felix and Gloekler submitted letters of engagement for the audit of fiscal years ending December 31, 2016, 2017, and 2018, which reflect no rate change. The firm's Audit Fee will not exceed \$33,000 per year. The firm's fee for completion of the Wastewater Conveyance and Treatment Agreed Upon Procedures report will be \$4,000 per year. Based upon the experience of the past three audits, it was recommended that the firm of Felix and Gloekler be retained as auditors for fiscal years 2016, 2017, and 2018.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members present (6) voted unanimously to adopt the resolution for retention of Felix & Gloekler, P.C. for auditing services for the 2016, 2017, and 2018 Accounts of the City.

**RESOLUTION NO. 3020: APPOINTING CITY ENGINEER FOR 2017 AND 2018**

**RESOLUTION NO. 3021: CONTRACT WITH ENGINEER FOR 2017 AND 2018**

Mr. Holtz requested that City Council consider entering into an agreement with Greenman-Pedersen, Inc. (formerly Hill Engineering, Inc.), to provide consulting engineering services to the City. The City Engineer would be available to meet the City's needs in accordance with requests from the City with payment made for such services based on the per diem rate schedule. The rate schedule reflects a \$5 per hour increase; however, it was noted that this is the first increase since 2008. Additionally, the firm wishes to enter into a two-year agreement with no rate change to occur in the second year of the agreement.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members present (6) voted unanimously to approve the resolution appointing Greenman-Pedersen, Inc. as the City Engineer for 2017 and 2018.

Upon motion by Mr. Lewis and second by Miss Davis, Council members present (6) voted unanimously to approve the resolution authorizing the contract agreement with Greenman-Pedersen, Inc. for services provided in 2017 and 2018.

**RESOLUTION NO. 3022: APPOINTING CITY SOLICITOR FOR 2017**

Mrs. Freenock requested that Council consider entering into an agreement with the law firm of Stapleford & Byham, LLC, to act as Solicitor for the City of Warren. Attorney Andrea Stapleford would continue to serve as primary counsel to the City and Attorney Christopher Byham would serve as secondary counsel. Mrs. Freenock noted that the firm has completed its seventh full year with the City and recommended the continuance of its service.

Upon motion by Mr. Lewis and second by Mr. Gilbert, Council members present (6) voted unanimously to approve the resolution appointing the firm of Stapleford & Byham, LLC as City Solicitor for 2017.

**RESOLUTION NO. 3023: ESTABLISHING COMPENSATION RANGES**

Mrs. Freenock noted that the compensation ranges for Classified Employees (non-union) are to be set by resolution of City Council. The ranges provided for in the proposed resolution were determined in accord with the 2017 budget which was approved earlier in this meeting.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members present (6) voted unanimously to approve the resolution establishing compensation ranges for non-union Classified Employees.

**RESOLUTION NO. 3024: APPOINTING HEALTH OFFICER**

Ms. Nau indicated that, in accord with City Ordinance No. 1841, it is necessary for Council to annually, by resolution, appoint a health officer(s), who shall be certified and recognized by the Commonwealth of Pennsylvania Departments of Agriculture and Health or any Commonwealth agency which may be designated for the regulation of Retail Food Facilities. The Board of Health may appoint more than one Health Officer for a term commencing on January 1 and ending December 31.

Ms. Nau stated that Dennis Olson, MD, has served in this capacity for a number of years and has indicated his desire to continue to do so.

Upon motion by Miss Davis and second by Mr. Lewis, Council members present (6) voted unanimously to approve the resolution appointing Dr. Dennis Olson as the City Health Officer.

**RESOLUTION NO. 3025: NON-UNION EMPLOYEE BENEFITS**

Mrs. Freenock stated that Resolution No. 2974 established benefits provided to non-union employees. Effective January 1, 2017, the healthcare coverage plan offered to non-union City employees will change to a Highmark PPO Plan and a basic dental plan. As Council was previously advised, this will provide a cost savings to the City. It was recommended that Resolution No. 2974 be repealed in its entirety and replaced by a new resolution which reflects the new healthcare coverage. The proposed resolution also contains language to clarify certain sections.

Mr. Lewis made the motion to approve the resolution establishing non-union employee benefits with the addition of "stepchildren" to Section 6.A. The motion was seconded by Mr. Kolcharno and carried unanimously among the Council members present (6).

**RESOLUTION NO. 3026: DESIGNATING INVESTMENT MGR. FOR PENSION PLANS**

Mrs. Risinger stated that Northwest Bank has managed the Police and Employee Pension Plans for approximately twelve years while the Firefighters' Plan was held in a MetLife contract which is being terminated. Therefore, it was determined by the three Pension Plan Committees (Police, Fire, and General Employee) that it would be timely to issue a Request for Proposal (RFP) for investment management and custody of the funds. Randall Rhoades, of Rhoades Law, LLC, served as special counsel in the issuance of the RFP and evaluated responses. Based on the evaluation, four firms were selected to be interviewed by the Pension Committees. Based on Atty. Rhoades' evaluations and the interviews, the Committees determined that the best option would be the engagement of Vanguard Advisors, Inc. and its affiliates as the Investment Manager and Custodian for each of the three Pension Plans and to retain Northwest Bank in its role as Administrator of the Plans.

Upon motion by Mr. Lewis and second by Mr. Gilbert, Council members present (6) voted unanimously to approve the resolution authorizing the engagement of Vanguard Advisors, Inc. as the Investment Manager for all City of Warren pension plans and authorizing the City Manager and Special Counsel to execute all actions necessary to implement the Vanguard engagement.

**RESOLUTION NO. 3027: ESTABLISHING AN IRS SECTION 125 QUALIFIED PLAN**

Mrs. Risinger stated that under certain health and welfare plans maintained by the City of Warren, employees are provided the option of receiving the plan benefits or receiving a cash payment if the employee opts out of the plan. To meet the Internal Revenue Code requirements regarding tax liability for such benefits, it is necessary for the City to establish an Internal Revenue Code Section 125 Qualified Plan. The City's Labor Counsel prepared a resolution which establishes such a plan.

Upon motion by Mr. Lewis and second by Miss Davis, Council members present (6) voted unanimously to approve the resolution establishing an Internal Revenue Code Section 125 Qualified Plan.

**ORDINANCE NO. 1888: ESTABLISHING ELECTED OFFICIALS' SALARIES**

Mrs. Freenock noted that at the July 20, 2015 regular meeting of City Council, it was reported that outgoing Council members Dr. Howard Ferguson and Sam Harvey conducted a comparison study of the salaries of the elected officials of the City of Warren and those of other Pennsylvania Third Class Cities. Dr. Ferguson and Mr. Harvey recommended that the annual salary for the Mayor of the City of Warren be increased to \$2500 so as to be equal to that required to be paid in non-Home Rule Third Class City municipalities and that Council members' salaries remain unchanged at \$1200 per annum. At that time, Council members approved the recommended salaries with four votes in the affirmative, one abstention by Mayor Cashman, and two members absent.

Mrs. Freenock further noted that at the November 21, 2016 regular Council meeting, Mayor Cashman stated that information provided at the State Mayors' Conference indicated that the recommended minimum salary for Mayors is \$2500. Mr. Cashman suggested that the Mayor's per annum salary be set at \$2700 and that the salary for Council members be set at \$1800. He noted that this would retain the ratio of Council member salaries being two thirds that of the Mayor. He noted that salaries have not been increased for many years and further stated that he believes such change is appropriate in recognition of the time spent in preparing for meetings, participating in City events, and representing the City at community events. Mayor Cashman further noted that an increased salary may be conducive to attracting future candidates.

Mrs. Freenock stated that Section 410 of the Home Rule Charter states that any change in the compensation paid to an incumbent elected officer shall not become applicable until the commencement of a new term of office. Therefore, the earliest that any salary increase may become effective is January 2, 2018, on which date the Organizational Meeting of Council will be held. Section 705 of the Home Rule Charter requires that a public hearing be held prior to enactment of any ordinance setting the salaries of elected officials. Therefore, a Public Hearing was held on Monday, December 12, 2016.

Mr. Lewis made the motion to approve the ordinance setting Elected Officials' Salaries with the Mayor's salary to be set at \$2700 per annum and Council members' salary to be set at \$1800 per annum. The motion carried with four votes in the affirmative and two nay votes cast by Mr. Gilbert and Mr. Kolcharno. Mr. Kolcharno stated that he believes the increased Mayoral salary is warranted but did not see the need to increase the salary for Council members.

**AGREEMENT: CHERRY GROVE BUILDING CODE INSPECTION SERVICES**

Ms. Nau stated that the City recently received correspondence from Cherry Grove Township indicating its interest in entering into an agreement with the City for the performance of third-party PA Uniform Construction Code (PA UCC) inspection services which include the issuance of building permits, plan reviews, and inspections leading to a Certificate of Occupancy for the project. It was noted that the services provided would not entail enforcement of property maintenance and/or nuisance issues. Ms. Nau stated that, due to the recent termination of an agreement with another municipality, the City Building Codes Department would be able to meet the Township's inspection needs without compromising the level of services provided within the City. It was noted that the agreement will be for a term of five years, which will aid the Codes Department in planning for future years.

Upon motion by Mr. Lewis and second by Miss Davis, Council members present (6) voted unanimously to approve the agreement with Cherry Grove Township for the provision of third-party Building Code Inspection Services.

**APPROVAL OF VENDOR FOR SCBA PURCHASE**

Chief Pascuzzi noted that the Department’s 22 Self-Contained Breathing Apparatus (SCBA) and accessory equipment were purchased in 2002 using Federal AFG Funds. Due to their age and condition, the current SCBA were prioritized as the next major item to be replaced. The Department again received AFG funding in an amount sufficient to replace 14 of the SCBA. In order to maintain the interoperability of the equipment and to continue to provide enough SCBA for operations, funding to replace the remaining eight 2002 vintage SCBA was included in the 2017 budget.

The Department developed and distributed a Request for Proposal (RFP) which included the specifications for the equipment to be purchased. Three proposals were received and, upon review, it was determined that KAZA Fire Equipment best met the specifications at the best price.

Chief Pascuzzi indicated that, if permitted by the grant guidelines, the old SCBA will be traded in toward the purchase of the new SCBA. Otherwise, they must be removed from use for fire service and may only be sold for non-fire service use.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members present (6) voted unanimously to authorize the purchase of Self-Contained Breathing Apparatus (SCBA) from KAZA Fire Equipment per its proposal submitted on November 16, 2016.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Upon motion by Miss Davis and second by Mr. Lewis, Council members present (6) voted unanimously to make the following appointments:

<u>Member</u>	<u>Board/Commission</u>	<u>Term Expiration</u>
Paula Bogart	Street Landscape Committee	12/31/2020
Mary Conarro	Street Landscape Committee	12/31/2020
Denise Whipp	Blighted Property Review Committee	12/31/2020
Jeff Scutella	Warren Public Library Board	12/31/2019

**ORDINANCE NO. 1889: FLOODPLAIN ORDINANCE**

Mr. Holtz indicated that since 2010 the City and County have been coordinating with representatives from the Federal Emergency Management Agency (FEMA) in developing updated Flood Insurance Rate Maps (FIRMS). The most significant change is that the updated mapping incorporates new base mapping technology that improves the accuracy of floodplain determinations. Updated mapping for the City of Warren and Warren County (all jurisdictions) were issued in October and become effective March 21, 2017.

In addition, during this time, the City has been coordinating with FEMA representatives to develop a new floodplain ordinance that meets the National Flood Insurance Program (NFIP) requirements. The City received preliminary approval of its draft ordinance subject to consideration and approval by City Council. By the effective date of the FIRMS referenced above, the City must have adopted, and FEMA must perform a final review and issue approval, or, the City may face suspension from the NFIP. It was noted that the ramifications of this would be great as existing insurance policies could not be renewed, new policies could not be issued, and Federal disaster assistance would not be available.

Mr. Holtz indicated that the floodplain maps are available via the FEMA web site and stressed that the interpretation of the maps lies with FEMA and is not a function of the City.

Mrs. Freenock added the following: (1) The floodplain has been expanded; (2) all property owners affected by the expansion have been notified; (3) affected property owners had the opportunity to appeal the designation; and (4) two property owners appealed the designation but were not successful.

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members present (6) voted unanimously to approve the Floodplain Ordinance.

**WIRELESS FACILITY APPLICATION AND REVIEW FEE**

Mr. Lewis made the motion to set the fee for a Wireless Facility Application and Review at \$1000. The motion was seconded by Mr. Kolcharno and carried unanimously among the Council members present (6).

**MISCELLANEOUS**

Mr. Zavinski addressed all present and commended the Fire, Police, and Public Works Departments for their response to a recent fire. He also praised the work being done by the Public Works Department in addressing recent heavy snowfalls. He asked that Council and citizens not take the work of City departments for granted. Mayor Cashman noted that the ability of the Fire Department to make a quick response is a key advantage to a paid Fire Department.

**DEPARTMENT REPORTS – NOVEMBER, 2016**

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:

- |                                 |   |                  |                 |
|---------------------------------|---|------------------|-----------------|
| Parks and Recreation Commission | – | October 4, 2016  | Regular Meeting |
| Planning Commission             | – | November 9, 2016 | Regular Meeting |
| Street Landscape Committee      | – | October 25, 2016 | Regular Meeting |

**ADJOURNMENT**

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