

**WARREN CITY COUNCIL  
REGULAR MEETING  
DECEMBER 21, 2015 – 7:30 PM**

---

**OPENING OF MEETING**

Mayor Cashman presided over the December 21, 2015 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 on December 17, 2015, in regard to property matters.

**ROLL CALL**

Members present and responding to roll call were: Mayor Maurice Cashman, Dr. Howard Ferguson, Gregory Fraser, Samuel Harvey, Richard Kolcharno, John Lewis, and James A. Zavinski, Sr. Mrs. Freenock, Mr. Hildebrand, Mr. Holtz, Mrs. Leary, Ms. Nau, Chief Pascuzzi, Mrs. Risinger, Mr. Sceiford, Ms. Stapleford, and Chief Zydonik of City staff were also in attendance. Police Officer B. Gulnac was in attendance.

**PRESENTATION TO OUTGOING COUNCIL MEMBERS**

Mayor Cashman presented Dr. Howard Ferguson, Jr. and Samuel Harvey, outgoing Council members, with desk clocks commemorating their service to the City of Warren.

**APPROVAL OF MINUTES**

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the November 16, 2015 Regular Meeting were unanimously approved.

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the November 12, 2015 Budget Work Session were unanimously approved.

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the December 17, 2015 Budget Public Hearing were unanimously approved.

**RECOGNITION OF VISITORS**

Mayor Cashman welcomed all visitors. Present were:

- Dick Balas: Resident regarding the intersections of Liberty Street and PA Avenue West and Market Street and PA Avenue West
- Elissa Davis: Council Member Elect
- Philip Gilbert: Council Member Elect
- Pauline Steinmeyer: City resident – remarks regarding the City web site
- Rebecca Wilson: School assignment
- Kylie Fischer: Times Observer Reporter

Mrs. Steinmeyer addressed Council and outlined what she views as inconsistencies within the City of Warren website and between the website and the City's Home Rule Charter as well as the Third Class City Code.

Mr. Balas addressed Council and referenced Mr. Lewis' comments regarding the intersections of Liberty Street and Pennsylvania Avenue West and Market Street and Pennsylvania Avenue West (*November 16, 2015 Council Regular Meeting minutes*). Mr. Balas stated that he shares Mr. Lewis' concerns and requested that Council pursue the installation of a traffic signal at the Liberty Street and Pennsylvania Avenue intersection as well as a change in the signalization at Market Street and Pennsylvania Avenue. He further stated that he believes there is funding available for such installations. Mayor Cashman noted that a prior study conducted by PennDOT indicated that the suggested signalization is not warranted at either intersection.

**CORRESPONDENCE**

There was no correspondence to come before Council.

**RESOLUTION NO. 2992: ADOPTING THE 2016 MUNICIPAL BUDGET**

Mrs. Freenock presented the 2016 Budget Summary and noted that the Real Estate Tax millage will remain at 19.8 mills on each one dollar of assessed valuation and the combined Earned Income Tax will 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 17 at which time Council received citizen comments regarding the proposed budget and anticipated tax rates.

General Fund	\$ 8,581,819
Capital Improvement Program	\$ 3,120,000
Sewer Fund	\$ 5,858,654
Parking Fund	\$ 479,483

Upon motion by Mr. Fraser and second by Dr. Ferguson, Council members voted unanimously to approve the 2016 Municipal Budget as presented.

**ORDINANCE NO. 1863: ESTABLISHING REAL ESTATE TAX RATE FOR 2016**

Upon motion by Mr. Lewis and second by Mr. Kolcharno, Council members voted unanimously to approve the ordinance establishing the Real Estate Tax Rate for 2016 at 19.8 mills on each one dollar (\$1.00) of assessed valuation.

**RESOLUTION NO. 2993: ESTABLISHING SEWER USER RATES FOR 2016**

Mr. Holtz noted that the sewer user rates have been increased incrementally over the past several years in anticipation of construction of a new Wastewater Treatment Plant. The new plant will become fully operational in 2016 and, therefore, it is anticipated that sewer user rates will stabilize.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the resolution establishing the 2016 Sewer User Rates.

**RESOLUTION NO. 2994: ESTABLISHING FEES**

Upon motion by Mr. Fraser and second by Dr. Ferguson, Council members voted unanimously to approve the resolution establishing fees for 2016.

**RESOLUTION NO. 2995: APPOINTING CITY ENGINEER FOR 2016**

Mrs. Freenock indicated that 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 being based upon the per diem rate schedule which remains the same as in 2015.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the resolution appointing Hill Engineering, Inc. as the City Engineer for 2016.

**RESOLUTION NO. 2996: CONTRACT AGREEMENT FOR ENGINEERING SERVICES**

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the resolution providing for a contract agreement with Hill Engineering, Inc. for services provided in 2016.

**RESOLUTION NO. 2997: RETENTION OF SOLICITOR FOR 2016**

In accord with the retainer letter submitted by Stapleford & Byham, LLC, Attorney Andrea Stapleford will continue to serve as primary counsel to the City and Attorney Christopher Byham will serve as secondary counsel.

Upon motion by Mr. Kolcharno and second by Dr. Ferguson, Council members voted unanimously to adopt the resolution providing for the retention of the firm of Stapleford & Byham, LLC as City Solicitor for 2016.

**RESOLUTION NO. 2998: COMPENSATION RANGES FOR NON-UNION EMPLOYEES**

Mr. Fraser made the motion to adopt the resolution establishing compensation ranges for Classified (non-union) employees. The motion was seconded by Mr. Harvey and carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

**APPOINTMENT OF BUILDING CODE OFFICIAL AND PROPERTY MAINTENANCE CODE OFFICIAL**

Mrs. Freenock noted that the PA Department of Labor and Industry requires that a Building Code Official (BCO) be appointed annually for administration and enforcement of the Building Code. It is also required that Council recognize the Code Official responsible for Property Maintenance enforcement.

Mr. Lewis made the motion to appoint Mary Ann Nau as the Building Code Official and as the Code Official for Property Maintenance enforcement. The motion was seconded by Dr. Ferguson and carried unanimously.

**RESOLUTION NO. 2999: APPOINTMENT OF HEALTH OFFICER**

Ms. Nau noted that in accord with City Ordinance No. 1841, it is necessary for Council, acting as the Board of Health, to annually appoint a qualified health officer(s). The term of the appointment is to commence on January 1, 2016 and end December 31, 2016.

Mr. Fraser made the motion to appoint Dr. Dennis Olson as the City Health Officer. The motion was seconded by Mr. Harvey and carried unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

<u>Member</u>	<u>Board/Commission</u>	<u>Term Expiration</u>
Judi Wilson	Parks and Recreation Commission	12/31/19
Mark Zavinski	Parks and Recreation Commission	12/31/19
Paul Bohn	Street Landscape Committee	12/31/19
Mark Davis	Street Landscape Committee	12/31/19
Tricia Durbin	Redevelopment Authority	12/31/20
Randy Rossey	Redevelopment Authority	12/31/20
Michael Holtz	Employee Pension Committee	

**DISPOSITION OF SURPLUS EQUIPMENT: RECYCLING TRUCK**

Mr. Holtz stated that in 2005, the City used Department of Environmental Protection (DEP) 902 Grant Funds for the purchase of a compartmentalized recycling truck. Advanced Disposal (formerly Veolia) has been the contracted hauler for the curbside collection of recyclable materials and utilized the truck for collections for several years. However, Advanced now utilizes a recycling center that is capable of sorting the items. Therefore, a packer truck is now used and the City recycling truck has remained unused since Advanced made this change.

As the compartmentalized truck was purchased with DEP grant funds, the City is not permitted to sell the truck. However, it is permitted to transfer the truck to another municipality. DEP has advised the City that Greene Township in Erie County has interest in the City's truck. Therefore, it

was requested that Council declare the 2005 International Recycling Truck as surplus City equipment and authorize the transfer of the title to another municipality.

Mr. Kolcharno made the motion to declare the 2005 International Recycling Truck as surplus City equipment and to authorize the transfer of the title to another municipality. The motion was seconded by Mr. Lewis and carried unanimously.

#### **RESOLUTION NO. 3000: BUCKET TRUCK AND EXCAVATOR FINANCING**

Mr. Holtz noted that at the November 16 regular meeting, Council approved the purchase of a bucket truck and excavator. Also approved was financing through Northwest Savings Bank with an interest rate of 2.39%. As the loan paperwork was being processed, it came to light that Northwest Savings Bank is unable to provide a tax-free loan at this rate.

The next lowest interest rate was provided by Acceptance Leasing at 2.50% and it has been verified that Acceptance can provide a tax-free loan. Therefore, it is requested that Council approve a loan from Acceptance Leasing for a term of 5 years at 2.50% interest to be utilized for the purchase of the bucket truck and excavator.

Upon motion by Mr. Fraser and second by Mr. Lewis, Council members voted unanimously to approve financing with Acceptance Leasing for a term of 5 years at 2.50%, to approve the Obligor Resolution, and to authorize the Mayor and/or appropriate City personnel to execute documents pertaining to the financing with Acceptance Leasing.

#### **RATIFICATION OF DEP CONSENT ORDER**

Mr. Holtz noted that earlier this year there was an event at the Wastewater Treatment Plant which resulted in material leaking from an aged pipe that cracked. The Department of Environmental Protection investigated the event and issued a Consent Order which assessed a fine in the amount of \$1000. The DEP timeframe for execution of the Order and submission of the payment was very short and, ultimately, the City was required to follow the Order. Therefore, the City Manager executed the order and payment was submitted.

Mr. Lewis made the motion to ratify the City Manager's action in signing the Consent Order and submission of the payment. The motion was seconded by Mr. Fraser and carried unanimously.

#### **AMENDMENT TO PARKING FINE PAYMENT PERIOD**

Dr. Ferguson provided a handout summarizing the findings of the Parking Committee and noted that areas of review were (1) Rates, (2) Fine structure, and (3) Amount of time in which to pay fines. Following discussion, Mayor Cashman declared that the parking plan will be further discussed once incoming Council members have been seated and the public has been given an opportunity to provide comment. It was noted that Dr. Ferguson will be leaving his seat as a Council member and, therefore, it will be necessary to fill his seat on the Parking Committee.

Mr. Lewis made the motion to extend the time for payment of parking fines to ten (10) business days. The motion was seconded by Mr. Kolcharno and carried unanimously.

#### **2016 ORGANIZATIONAL MEETING**

Mayor Cashman noted that, in accord with the City Charter, City Council is to hold an Organizational Meeting on the first Monday in January following a municipal general election in which any Council member is elected. Therefore, an Organizational Meeting will be held on Monday, January 4, 2016, at 5:30 PM.

The Oath of Office will be administered to Mr. Kolcharno, Ms. Davis, and Mr. Gilbert and Council will elect the Vice-President of Council.

**DEPARTMENT REPORTS – NOVEMBER, 2015**

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 6, 2015  | Regular Meeting |
| Street Landscape Committee      | – | October 27, 2015 | Regular Meeting |

**ADJOURNMENT**

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