

**WARREN CITY COUNCIL
PUBLIC HEARING AND REGULAR MEETING
JULY 15, 2024 – 7:00 PM**

PUBLIC HEARING: BREEZELINE FRANCHISE RENEWAL

Mayor Wortman opened the public hearing. Mr. Holtz stated that the purpose of the hearing was to receive public comment regarding the past performance of the cable operator, Breezeline (formerly Atlantic Broadband), and to identify the future cable-related community needs of the City. Citizens were invited to provide comments.

The following individuals addressed Council; a summation of their comments/concerns is provided.

Gary Culbertson

- There was a \$10/month increase on his statement one month followed by a \$48 increase the next month; he does not understand Breezeline's pricing and phones them annually to negotiate his rate.
- The picture is frequently lost under Breezeline's streaming platform.
- Breezeline charges a fee for paper invoices as well as for payment by check.
- Must use a Breezeline modem and cannot purchase your own.
- Questioned why only one cable company is permitted and why it is not put to bid. Mr. Holtz explained that the franchise is non-exclusive and that this is not the type of service that may be put to bid.

Barb Phillips

- Outlined the costs of Breezeline cable and internet services and detailed how she has saved money by using alternate means of watching programs (e.g., YouTube streaming).
- One of the main reasons she switched from cable TV was the amount of down time.
- Pointed out that many who are not tech savvy, particularly older individuals, have difficulty using cable alternatives and are, therefore, tied to the cable company.
- Cited data indicating that the cost of Breezeline services is 8.35% of the median household income and stated that such rates are not sustainable for those with limited income (e.g., seniors).

Kerry Gern (Glade Township resident)

- His understanding of his research is that the agreement covers Glade Township; however, no franchise fees are received by the Township.
- Believes the franchise is exclusive.
- Internet service is poor at best; Breezeline techs have checked his modem and stated that slow/lagging speed is due to aged lines and not the modem.
- Referenced high rates and stated that he negotiated a lower rate for his personal account.

Dan Tassone

- Questioned why there is a franchise agreement and why it is not open to all providers – said people should not be locked in. Mayor Wortman indicated that the agreement is not exclusive and other companies may establish service in the City.

Kevin Sheldon

- Breezeline should have an office in Warren. He stated that a vacation rental he owns was struck by lightning and he had to wait five days to receive a new modem that was shipped from Breezeline; the occupants could not access the internet in the interim.

John McGahan

- Breezeline techs delivered a modem that would not work with his TV (older model).
- “Old” boxes allowed program recording – new boxes require a \$10/mo. fee to record.
- Buffalo, NY, channels are no longer included in the channel lineup; most Buffalo Bills football games cannot be viewed.
- Cable is frequently down; it was down twice on this date.
- All other utilities combined do not equal the Breezeline bill of \$250/month (which includes a \$30-\$40 discount).
- Persistent difficulty accessing the internet and associated Breezeline email account.

There being no others who wished to address Council regarding the franchise renewal, Mayor Wortman declared the hearing closed.

OPENING OF REGULAR MEETING

Mayor David Wortman presided over the July 15, 2024, 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 David Wortman, John Barbera, Maurice Cashman, Danielle Flasher, Philip Gilbert, Wendy McCain, and Jared Villella. Members of City Staff present were Michael Holtz, City Manager; Jessica Byler, Finance Officer; David Krogler, Fire Chief; Teena Leary, Assistant City Clerk; Randall Rossey, Codes and Planning Director; Joseph Sproveri, Chief of Police; Chad Yuriscic, City Engineer; and Andrea Stapleford, City Solicitor.

MAYOR’S STATEMENT

Mayor Wortman read a prepared statement regarding the recent attempted assassination of former president Donald Trump and calling upon citizens to exercise their freedom of speech and all other Constitutional rights yet remain united as Americans.

EXECUTIVE SESSION ANNOUNCEMENT

Mayor Wortman announced that Council will meet in executive session immediately following this meeting for the purpose of receiving updates on past due ambulance service invoices and pension matters.

MAYOR’S ANNOUNCEMENT RE EAGLES CREST/HUDSON COMPANIES DISCUSSION

Mayor Wortman announced that, due to pending litigation in which the City is an interested party, there will be no discussions regarding Eagles Crest and/or Hudson Companies unless there is a specific business matter on the meeting agenda.

RECOGNITION OF VISITORS

Mayor Wortman welcomed all visitors. Present were:

Mark Borger	Tessa Brown	Laura Bunce
William Bunce	Alec Conarro	Justin Conarro
Karen Conarro	Mary Conarro	Josh Cotton
Gary Culbertson	Kerry Gern	Brian Hagberg
Deb McGahan	John McGahan	Jackie Palmer
Barb Phillips	Mark Phillips	Dan Tassone
Albert Webster	Patricia Webster	Kevin Wilson
Paula Wilson	David Winans	

David Winans began to address Council regarding discussion at the June 17, 2024, Council meeting pertaining to the Eagles Crest Project. Mayor Wortman interjected that, in accord with the advice of legal counsel, this matter would not be discussed as the City is an interested party in pending litigation. Mrs. Stapleford, City Solicitor, affirmed that the Pennsylvania Sunshine Act permits a governing body to limit discussion to agenda items.

APPROVAL OF THE AGENDA

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

Mr. Cashman made the motion to not amend the agenda. The motion was seconded by Miss Flasher and carried unanimously.

APPROVAL OF MINUTES

Mrs. McCain made a motion to table approval of the June 17, 2024, Council meeting minutes to provide members with an opportunity to review the portion of the meeting video recording pertaining to the Hudson Project discussion. The motion was seconded by Mr. Villella and carried unanimously.

CORRESPONDENCE AND RECOGNITION

Mayor Wortman stated that, on behalf of City Council, it was with regret that Mrs. Mary Conarro's resignation from the Parks, Recreation, and Landscape Commission was accepted. He stated that she was appointed to the Street Landscape Committee in August of 2012 and remained as a member when the Street Landscape Committee and the Parks and Recreation Commission were combined to become the current Parks, Recreation, and Landscape Commission. He further noted that Mrs. Conarro served this community in many ways over the course of several decades, including service as a member of Warren City Council from January 1994 through December 2001.

RESOLUTION NO. 3259: WILSON MINOR SUBDIVISION

Mr. Rossey stated that Kevin and Paula Wilson filed a minor subdivision application to annex the parcel located at 1103 Spring Street (Parcel No. WN-574-737100) to 1109 Spring Street (WN-574-729700). Both parcels are owned by the applicants. The City Planning Commission reviewed the application at its June 19, 2024 regular meeting and voted to recommend that it be approved by City Council. The Warren County Planning and Zoning Staff reviewed the subdivision application and also recommended Council's approval.

Upon motion by Mr. Cashman and second by Miss Flasher, Council members voted unanimously to approve the resolution authorizing the Wilson Minor Subdivision.

RESOLUTION NO. 3260: PENSION INVESTMENT POLICY

Mrs. Byler noted that, at the June 2024 Council meeting, Council tabled approval of the new Pension Investment Policy Statement (IPS) to allow for further review of the policy as presented by Marquette. The pension Committees met with Marquette on July 8, 2024, and discussed the items in question and agreed that everything was addressed and the necessary adjustments had been made to the document.

Upon motion by Mr. Cashman and second by Miss Flasher, Council members voted unanimously to approve the resolution adopting the Pension Investment Policy.

RESOLUTION NO. 3261: MULTIMODAL TRANSPORTATION GRANT FUNDING APPLICATION

Mr. Yurisc stated that it is the intent of City Staff to submit a funding application to the Department of Community and Economic Development's Multimodal Transportation Fund Grant Program. If approved, the grant funds will be utilized to conduct a Streetscape Improvement Project in the 200 Block of Pennsylvania Avenue West (between Liberty and Market Streets) and would include street rehabilitation, utility relocation, new light poles and bases, electric panels and wiring, tree replacements including structural soil and cast iron tree grates, curbing, ADA curb ramps, slab removal over sidewalk vaults and filling, new sidewalks with brick inserts, and new planters and benches. The grant application will be for seventy percent (70%) of the estimated project cost with a thirty percent (30%) match required.

An Opinion of Probable Cost (OPC) was developed and estimates the total construction cost of the project at \$3,243,800; therefore, the application for grant funding will be in the amount of \$2,270,660 (70%). If the grant is awarded, the City will seek additional funding sources for the 30% match which will be \$973,140.

Upon motion by Mr. Cashman and second by Mr. Villella, Council members voted unanimously to approve the resolution authorizing the DCED Multimodal Transportation Fund Grant Program application in the amount of \$2,270,660.

AUTHORIZATION TO SEND LETTER RE OSHA EMERGENCY RESPONSE STANDARD

Chief Krogler stated that the OSHA rule known as the Fire Brigade Standard applies to fire brigades, industrial fire departments, and private or contractual type fire departments and has not been revised in forty plus years. OSHA now proposes that the standard be replaced with a new standard to address a broader scope of emergency responders to include firefighters, emergency medical service providers, and technical search and rescuers. The new regulations would be known as the Emergency Response Standard and could significantly impact paid fire companies such as the City's Fire Department and volunteer fire companies. Chief Krogler noted that Pennsylvania is not currently an OSHA state; however, legislation to become an OSHA state is pending. A memorandum outlining the City's position regarding the proposed new Emergency Response Rule was presented for Council's consideration.

Mr. Cashman made the motion to authorize submission of the memorandum to the Occupational Safety and Health Administration. The motion was seconded by Miss Flasher and carried unanimously.

COMMITTEE REPORTS:

Marketing Committee: Mr. Villella reviewed statistics regarding the online videos of Council meetings and noted that the committee will soon review data regarding the first year of postings.

Council of Governments (COG): Miss Flasher reported that there was a presentation from FEMA (Federal Emergency Management Agency) regarding forms, an announcement regarding the branding firm selected by Warren Worx, and OSHA updates.

Riverfront Development: Mr. Yurisc reported that Greenman-Pedersen, Inc. continues to work on the final design, detailed topographical maps have been submitted to the Fish and Boat and Fish and Wildlife Commissions, and erosion control preparation has begun. Additional funding resources are being investigated and there has been discussion with the Army Corps of Engineers in regard to cost sharing; this is a 2-year process which requires congressional support.

Warren Worx: Mr. Holtz reported that the second stakeholders meeting was well- attended. Jenny Phillips, Marketing Director, and Truth Collective, marketing firm, were introduced. Mayor Wortman noted that he and the City Manager represented the City in the interview process for the marketing

director and marketing firm. He further noted that stakeholder meetings are open to the public and that Executive Committee meetings will be public.

Comprehensive Plan Task Force: Mr. Rossey indicated that the Task Force voted not to meet in July; the next meeting will be held in August.

DEPARTMENT REPORTS – JUNE, 2024

The following reports were provided for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Codes, Planning, and Zoning Department

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Blighted Property Review Committee	– April 18, 2024	Regular Meeting
Parks, Recreation & Landscape Commission	– April 23, 2024	Regular Meeting
Redevelopment Authority	– April 24 2024	Regular Meeting

ADJOURNMENT

Upon motion by Miss Flasher and second by Mr. Villella, Mayor Wortman declared the meeting adjourned.