

**WARREN CITY COUNCIL
REGULAR MEETING
OCTOBER 21, 2013 – 7:30 PM**

OPENING OF MEETING

Mayor Mark A. Phillips presided over the October 21, 2013 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 Mark Phillips, Maurice Cashman, Dr. Howard Ferguson, Samuel Harvey, John Lewis, Joseph Sprentz, 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.

RECOGNITION OF VISITORS

Mayor Phillips welcomed all visitors. Present were:

- Members of Boy Scout Troop 8: Present as a requirement for a merit badge
 - Owen Balas
 - Zachary Ickert
 - Gabriel Yucha
 - Jack Holland
 - Kenny Lasecki
 - Bruce Punskey, Assistant Scout Master
 - Branden Dutchess
 - Michael Bero
 - Eli Punskey
 - Ryan Zavinski
 - Hope Punskey, Merit Badge Counselor
- Jim Roth: Warren County Tourism Promotion Agency Designation
- John McGraw: Warren County Tourism Promotion Agency Designation
- John O'Connor: Warren County Tourism Promotion Agency Designation
- John Eggleston, County Commissioner: Warren County Tourism Promotion Agency Designation
- Jim Decker: Warren County Tourism Promotion Agency Designation
- Karrie Cristea: Warren County Tourism Promotion Agency Designation
- Martin Hinton: Warren County Tourism Promotion Agency Designation
- Coralee Wenzel: Warren County Tourism Promotion Agency Designation
- Gregory Fraser, 17 Fourth Avenue: Observing
- Chris Snyder: Young Lungs at Play Program
- Dennis Crandall: Parks and Recreation Commission Chairman
- Lisa To: South Side Oil/Gas Well
- Peter To: South Side Oil/Gas Well
- Steve To: South Side Oil Gas Well
- Dawn Hagberg: South Side Oil/Gas Well
- Jason Hagberg: South Side Oil/Gas Well
- Ross Hawks: South Side Oil/Gas Well
- Lenny Gray: City employee observing
- Judy Wytzig, 625 Connecticut Avenue: Sewer Billing
- Amanda Kosterman: City employee observing
- Richard Kolcharno, 1301 Madison Avenue: Observing
- Ruth Zavinski: Junior Council Member parent
- Josh Cotton: Times Observer reporter

JUNIOR COUNCIL MEMBER OATH OF OFFICE

Mayor Phillips introduced Eric Zavinski and administered the Junior Council Member Oath of Office. Mr. Zavinski will serve during the 2013-2014 academic year.

APPROVAL OF MINUTES

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the September 16, 2013 Regular Meeting were unanimously approved.

Upon motion by Mr. Zavinski and second by Mr. Lewis, the minutes of the September 30, 2013 Special Meeting were unanimously approved.

CORRESPONDENCE

Council members acknowledged receipt of the following correspondence:

- Pennsylvania Department of Transportation: Affirming its plan for a highway improvement project on Main Avenue from its intersection with Pleasant Drive northerly to the railroad tracks. The project is scheduled to be let for bid on March 27, 2014 and construction is to be carried out during the 2014 construction season.

COUNCIL UPDATE

Southside Oil/Gas Well – Timothy Koebley.

(See also 8/26/13 Special Meeting and 9/16/13 Regular Meeting minutes.)

Ms. Stapleford stated that she continues to be in communication with Mr. Koebley's attorney and is hopeful that this matter will be presented for Council consideration and action at the November regular meeting. Ms. Stapleford indicated that she is not presently able to publicly provide details as the matter is in the settlement resolution stage.

Peter To, representing area residents, addressed Council and expressed their collective frustration as to the length of time that has been required to resolve this matter. Mr. To enumerated the following:

1. Council previously denied Mr. Koebley's subdivision application to designate a portion of his property for industrial use.
2. The City Zoning Hearing Board denied Mr. Koebley's application to permit the oil/gas well.
3. Judge Skerda denied Mr. Koebley's appeal to the Zoning Hearing Board decision.
4. The Department of Environmental Protection revoked the Koebley well permit.

Mr. To concluded by stating that he and other residents believe the City has the sole authority to stop the oil/gas well and asked that the City deny the Koebley proposal.

Ms. Stapleford advised Mr. To that a decision regarding a proposed resolution would not be made without Council approval. She further noted that it is anticipated that discussions would take place during a Council executive session and a floor vote would then take place during a public session of Council.

AGREEMENT: OUTDOOR FITNESS PARK

Ms. Nau noted that at its regular meeting on August 19, 2013, Council approved the placement of an Outdoor Fitness Park within DeFrees Park/Playground. This project is to be carried out by the Community Mobilization Initiative (CMI) and, upon completion, the Outdoor Fitness Park will be transferred as a gift to the City. An agreement memorializing the expected actions and

responsibilities of CMI and the City of Warren was prepared and has been reviewed and verbally agreed to by CMI.

Upon motion by Mr. Cashman and second by Mr. Harvey, Council members voted unanimously to approve the agreement between the City and the Community Mobilization Initiative, Norwell USA, and Surface Sure for the development of the Outdoor Fitness Park.

ORDINANCE NO. 1836: MUSIC IN THE PARK

Ms. Nau stated that Music in the Park has become a long-standing summer tradition in the City which draws scores of people to the downtown area each Friday evening. The program was originated by volunteers and has been coordinated by volunteers each year throughout its history. In addition to providing entertainment for residents and visitors, the goal of the program has been to assist downtown merchants by drawing a number of people to the area on a regular basis.

In accord with the City's Special Event Ordinance, such use of City property is required to be covered by liability insurance. As all funds received are dedicated for musical performance fees, it is not feasible to require the volunteer coordinators to provide such insurance. In accord with Section 2403(45) of the Pennsylvania Third Class City Code, Council may, by ordinance, appropriate money for musical entertainments held "under the auspices of the City. Therefore, it was suggested that Music in the Park be designated as a program of the City and, thereby, insurance coverage would be provided via the City's policies. The program would continue to be managed by volunteers who will also continue to seek monetary contributions from local businesses and residents. In addition, Council may annually direct that in-kind services and/or a contribution be provided by the City.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to adopt the ordinance designating Music in the Park as a City of Warren Program.

ORDINANCE NO. 1837: AMENDING ORDINANCE NO 1803 BY ESTABLISHING TOBACCO FREE ZONES IN CERTAIN PARK AREAS

Ms. Nau reported that Chris Snyder, Beacon Light Behavioral Health Systems Supervisor of Prevention Services, addressed the Parks and Recreation Commission and provided information regarding the Pennsylvania Department of Health's Young Lungs at Play Program. This program recognizes the health dangers of secondhand smoke as well as the dangers of debris from all types of tobacco products. The Program specifically targets those dangers as they pertain to children. The Program supports the establishment of tobacco free areas within a community's park and recreation areas which are commonly used by children.

The Parks and Recreation Commission voted unanimously to support the principles of the Young Lungs at Play Program and recommended City Council's adoption of the proposed ordinance identifying areas which are to be tobacco free.

The proposed ordinance would amend City Ordinance No. 1803, which establishes regulations for the use of City Park, Recreation, and Conservation Areas, by identifying areas which are to be tobacco free.

Following considerable discussion by Council members, Mr. Lewis made the motion to approve the ordinance amending Ordinance No. 1803 by establishing tobacco free zones in certain park areas. The motion was seconded by Dr. Ferguson and carried with four votes in the affirmative and three nay votes cast by Mr. Harvey, Mr. Zavinski, and Mr. Cashman.

RESIDENT CONCERN REGARDING PAYMENT OF SEWER CHARGES & OIL/GAS DRILLING

(See also 9/16/13 regular Council meeting minutes)

Judy Wytzig addressed Council and reiterated her concern that there are no locations within the City to make in-person payments for sewer charges. Ms. Wytzig also inquired why the rates were increased. Mr. Harvey explained that the City has been mandated to carry out a wastewater improvement project which has necessitated an increase in rates. Mrs. Freenock stated that the company responsible for collecting sewer use fees does not presently have the ability to staff a local office and there are no means by which the City may collect payments for current charges. She further stated that this is a matter which the City will try to negotiate at the conclusion of the current contract with Pennsylvania Municipal Systems (PAMS).

RESOLUTION NO. 2924: DESIGNATION OF WARREN COUNTY TOURISM PROMOTION AGENCY

Mrs. Freenock stated that the City received correspondence from the Warren County Commissioners outlining action which they took to designate the Warren County Chamber of Business and Industry (WCCBI) as the Recognized Tourism Promotion Agency for Warren County. This designation would be effective January 1, 2014.

Per the Commissioners' correspondence, the Tourism Promotion Agency Act of 2008 requires that such designation be supported by municipalities within the County representing more than fifty percent of the County's population. Therefore, the City of Warren was requested to enact a resolution affirming its support of WCCBI's designation as the Tourism Promotion Agency for Warren County.

Mayor Phillips stated that, as Mayor, he holds a seat on the WCCBI Board and that he would participate in discussion regarding this matter but would abstain from the vote.

Representatives of the Warren County Visitors Bureau, which is currently the designated Tourism Promotion Agency, presented information and personal perspectives in support of the Bureau's retention of the designation. Jim Decker, Executive Director of WCCBI, and John Eggleston, Warren County Commissioner, presented information in support of the designation of WCCBI as the Tourism Promotion Agency effective January 1, 2014.

Mr. Cashman made the motion to approve the resolution in support of the designation of the Warren County Chamber of Business and Industry as the recognized Tourism Promotion Agency of Warren County. The motion was seconded by Dr. Ferguson and carried with five votes in the affirmative, one nay vote cast by Mr. Lewis and one abstention by Mayor Phillips.

RESOLUTION NO. 2925: HOUSING & URBAN DEVELOPMENT ACT OF 1968 SECTION 3 PLAN

Mr. Hildebrand stated that the City is required to comply with Section 3 of the Housing and Urban Development Act of 1968 and that the Section 3 Plan is to be updated annually. He further stated that the Act encourages the contracting of small local businesses and the hiring of low income residents from within the community.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members voted unanimously to approve the resolution adopting a Section 3 Plan.

RESOLUTION NO. 2926: FAIR HOUSING

Mr. Hildebrand stated that in accord with requirements of the Pennsylvania Department of Community and Economic Development's Community Development Block Grant Program, it is necessary to adopt a Fair Housing Resolution.

Upon motion by Mr. Lewis and second by Mr. Cashman, Council members voted unanimously to adopt the Fair Housing Resolution.

RESOLUTION NO. 2927: DISTRIBUTION OF STATE AID TO PENSION PLANS

Mrs. Risinger stated that, as required by the provisions of Act 205, the City must distribute the Commonwealth's 2013 Allocation of State Aid to Pension Plans among the City's three plans. The allocation for 2013 is in the amount of \$357,360.99. Accordingly, it was recommended that the allocation be distributed as follows:

Firefighters Pension Plan	132,068.00
Police Pension Plan	124,300.00
Municipal Employee Pension Plan	100,992.99
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Total Allocation	\$357,360.99

Upon motion by Mr. Lewis and second by Mr. Harvey, Council members voted unanimously to adopt the resolution for the distribution of the 2013 Allocation of State Aid to Pension Plans.

PROPOSED REVISION OF JOINT BILLING AGREEMENT WITH EMERGYCARE, INC.

(See also minutes of 9/30/13 special meeting)

Chief Pascuzzi addressed Council and outlined changes contained within the proposed Joint Billing Agreement with EmeryCare, Inc. It was noted that benefits of cooperation between EmeryCare and the City under such an agreement include reduction of out-of-pocket expenses for residents, enhanced insurance coverage, and continuation of guidelines for coordination of services. Chief Pascuzzi stated that the revised agreement was reviewed by the City Solicitor and asked that Council provide authorization to proceed with development of a Joint Billing Agreement.

Mr. Harvey made the motion to authorize appropriate Staff to proceed with development of a Joint Billing Agreement with EmeryCare, Inc. provisioned on final approval by City Council at a future meeting. The motion was seconded by Mr. Cashman and carried unanimously.

PENNVEST LOAN CLOSING DOCUMENTS

Mr. Sceiford stated that City Staff, the City Solicitor, and Hill Engineering are working to complete documentation required by the Pennsylvania Infrastructure Investment Authority (PENNVEST) in order to close on the financing package offered to the City for its Wastewater Facilities Improvement Project. The City received a Funding Offer from PENNVEST dated January 22, 2013 in the amount of \$24,000,000 of which \$19,491,723.00 is a loan and \$4,508,277.00 is a grant. Based upon bids received, it is anticipated that the City will receive an additional \$2,000,000 loan supplement at the October 23, 2013 PENNVEST Board meeting.

Numerous required closing documents are to be submitted to PENNVEST a minimum of 23 days before the proposed settlement date. The document submission deadline date is currently set for October 24, 2013. The following documents were presented for Council's consideration:

Legal Services Agreement

Upon motion by Mr. Lewis and second by Mr. Cashman, Council members voted unanimously to approve the Wastewater Conveyance and Facilities Improvement Project Financing Legal Services Agreement between the City of Warren and Stapleford & Byham, LLC.

Resolution No. 2928: Declaration of Official Intent to Reimburse Short-Term Borrowed Funds

Upon motion by Mr. Lewis and second by Mr. Cashman, Council members voted unanimously to adopt the resolution declaring the City's official intent to reimburse short-term borrowed funds used to construct improvements to its Wastewater System with funds received from the Pennsylvania Infrastructure Investment Authority.

Resolution No. 2929: Approving the Issuance of a Guarantee to PENNVEST

Upon motion by Mr. Lewis and second by Mr. Cashman, Council members voted unanimously to adopt the resolution approving the issuance of a guarantee to the Pennsylvania Infrastructure Investment Authority (PENNVEST) of the loan to be issued to the City of Warren in the amount of \$21,491,723.00.

Funding Recipient Omnibus Certificate

Upon motion by Mr. Lewis and second by Mr. Cashman, Council members voted unanimously to approve the Funding Recipient Omnibus Certificate.

Manager Omnibus Certificate

Upon motion by Mr. Lewis and second by Mr. Cashman, Council members voted unanimously to authorize the City Manager to execute the Manager Omnibus Certificate.

DEPARTMENT REPORTS – SEPTEMBER, 2013

The following reports were presented for Council's review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department

APPROVED MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES

Council acknowledged receipt of the following:

Parks and Recreation Commission	– August 6, 2013 Regular Meeting
Planning Commission	– July 17, 2013 Regular Meeting
Street Landscape Committee	– July 23, 2013 Regular Meeting
Special Events Committee	– Event Status Report

MISCELLANEOUS

Mr. Lewis noted that there are structures within the Commercial District that were originally built as residential structures; however, under current zoning regulations, first floor residential use is not permitted. Mr. Lewis requested that consideration be given to the creation of a zoning district which would allow first floor residential use in such structures. He suggested that residential structures within this zoning designation be subject to real estate tax at a commercial rate.

Mr. Hildebrand noted that this matter was recently discussed by the Planning Commission and indicated that it would be further addressed by the Commission.

ADJOURNMENT

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