

**WARREN CITY COUNCIL
REGULAR MEETING
DECEMBER 15, 2014 – 7:30 PM**

OPENING OF REGULAR MEETING

Mayor Cashman presided over the December 15, 2014 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 in regard to collective bargaining negotiations.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Dr. Howard Ferguson, Gregory Fraser, Samuel Harvey, Richard Kolcharno, John Lewis, James A. Zavinski, Sr., and Robin Thomas, Junior Council Member. 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.

APPROVAL OF MINUTES

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the November 17, 2014 Regular Meeting were unanimously approved.

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the November 13, 2014 Budget Work Session were unanimously approved.

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the November 24, 2014 Special Meeting were unanimously approved.

Upon motion by Mr. Lewis and second by Mr. Zavinski, the minutes of the December 11, 2014 Budget Public Hearing were unanimously approved.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- John Marti: Regarding the Sokolski/Conarro Subdivision Application
- John Aldrich: Transit Authority of Warren County (TAWC)
- Pauline Steinmeyer, resident: Observing
- Members of Boy Scout Troop 9: Merit Badge
 - Bill Wilson
 - John Fankhouser
 - Travis Wilcox
 - Jacob Fankhouser
 - Riley Zaffino
 - Alan Parmeter
- Rob Anderson: Times Observer Reporter

CORRESPONDENCE

Council acknowledged receipt of correspondence from Terry Rohlin expressing concerns in regard to a proposed rental property registration and inspection program.

Mr. Harvey made the motion to instruct the City staff for a period of one year not to spend any more time working on a rental registry or inspection program. The motion was seconded by Mr. Lewis.

Mr. Harvey stated that this matter was previously discussed without a motion being brought forth and, therefore, he suggests that the matter not be discussed until a new Council is seated following the 2015 election. Mr. Lewis stated that he believes there is already a mechanism within the Property Maintenance Code to address tenant concerns and further stated that he has concerns regarding a program to register and inspect properties without cause.

Mr. Fraser indicated that he would be interested in a program which would respond to legitimate tenant complaints regarding issues of habitability or health concerns and noted his support of a program that would encourage tenants to contact the City regarding poor building conditions so that the landlord could be required to bring the building into compliance. He further stated that he would not be in favor of directing staff to cease all investigations of an appropriate program.

Dr. Ferguson made the motion to amend Mr. Harvey's motion to include a study group vehicle led by Administration and the people on that to be able to come to the February 2015 meeting and the report of that group to be given to Council at the November 2015 meeting. The motion was seconded by Mr. Fraser and failed with three votes in the affirmative and four nay votes cast by Mr. Lewis, Mr. Harvey, Mr. Zavinski, and Mr. Kolcharno.

With Mayor Cashman's permission, Mr. Harvey modified his amendment to state that the City not work on any plan for universal registration and fees and mandatory inspections of rental units for the period of one year until the next Council is seated. The vote on Mr. Harvey's motion carried with six votes in the affirmative and one nay vote cast by Mayor Cashman.

Mrs. Freenock asked for clarification that the intent of Mr. Harvey's modified motion was to allow City staff to talk to landlords and tenants about developing some form of program but to not develop an ordinance. Mr. Harvey indicated that her understanding was correct.

RESOLUTION NO. 2966: SOKOLSKI/CONARRO MINOR SUBDIVISION, WN-579-878

Mr. Hildebrand stated that Robert D. Sokolski, applicant, filed a minor subdivision application to annex a portion of parcel WN-576-878 which is owned by Robert Sokolski and Harry Conarro to parcel WN-579-235 which is owned by Whirley Industries. It was noted that the City Planning Commission recommended approval of this minor subdivision.

Attorney John Marti, representing Mr. Sokolski and Mr. Conarro indicated that a subdivision was approved in 2008, however, the proposed sale of the property was not finalized at that time and, therefore, a new application was submitted.

Upon motion by Mr. Fraser and second by Mr. Harvey, Council members voted unanimously to approve the Sokolski/Conarro Minor Subdivision.

RESOLUTION NO. 2967: ADOPTING THE BUDGET FOR FISCAL YEAR 2015

Mrs. Freenock presented the 2015 Budget Summary:

General Fund	\$ 7,932,698
Capital Improvement Program	\$ 4,682,000
Sewer Fund	\$14,539,779
Parking Fund	\$ 456,909

It was noted that under this budget 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).

Mr. Lewis made the motion to approve the resolution adopting the Fiscal Year 2015 Budget. The motion was seconded by Mr. Zavinski and carried unanimously.

Mr. Harvey made the motion to remove the proposed funding contribution to the Historical Society from the 2015 budget. As there was no second to the motion, it was withdrawn.

Mr. Harvey made the motion to remove the proposed funding contribution to Music in the Park from the 2015 budget. The motion was seconded by Dr. Ferguson. Upon roll call vote, the motion failed with one vote in the affirmative and nay votes cast by Mr. Lewis, Dr. Ferguson, Mr. Zavinski, Mr. Fraser, Mr. Kolcharno, and Mayor Cashman.

Mr. Harvey made the motion to remove the proposed funding contribution to the Warren Area Student Union (WASU) from the 2015 budget. As there was no second to the motion, it was withdrawn.

Mr. Harvey made the motion to remove the proposed funding contribution to the Four Flags from the 2015 budget. As there was no second to the motion, it was withdrawn.

Mr. Harvey made the motion to authorize the lease/purchase of only one police cruiser in 2015. The motion was seconded by Mr. Kolcharno. Following discussion, all Council members responded nay to the roll call vote.

Mr. Harvey made the motion to allocate up to \$80,000 for the Department of Public Works to purchase an excavator. The motion was seconded by Mr. Kolcharno. Following discussion in which Mr. Holtz explained the bid process and the need for specific equipment, the motion was withdrawn.

Mr. Harvey asked that consideration be given to purchasing a used trailer for transporting the excavator.

ORDINANCE NO. 1852: ESTABLISHING 2015 REAL ESTATE TAX RATE

Mrs. Freenock noted that the 2015 Municipal Budget as enacted this date reflects no increase in the Real Estate Tax Rate. A public hearing regarding the 2015 Budget was held at 5:30 PM on December 11 at which time Council members received comment on the proposed budget and anticipated tax rates from citizens present.

Upon motion by Mr. Harvey and second by Mr. Lewis, Council members voted unanimously to approve the ordinance establishing the 2015 Real Estate Tax Rate.

RESOLUTION NO. 2968: TRANSIT AUTHORITY OF WARREN COUNTY CONTRIBUTION

Mrs. Risinger stated that the Transit Authority of Warren County (TAWC) seeks funding from numerous agencies and the City's contribution is utilized as matching funds in regard to State funding. As part of the State funding application, it is necessary for TAWC to submit a City resolution affirming the amount of the contribution to TAWC as provided for in the 2015 Municipal Budget and further affirming that the contribution will be provided prior to the June 30, 2015 close of the State Fiscal Year.

Upon motion by Mr. Fraser and second by Mr. Kolcharno, Council members voted unanimously to approve the resolution confirming the contribution to be made to the Transit Authority of Warren County.

PROPOSED RESOLUTION: ACT 89 FEE FOR LOCAL USE

Mrs. Freenock reported that Act 89 empowers counties to enact a \$5.00 Fee for Local Use to be added to any vehicle registration handled by PennDOT. The revenue generated by these fees is then to be disbursed to the Counties for use in road and bridge projects. As the Warren County Government does not have responsibility for any roads or bridges, its role would be to administer the program much as it does the County Liquid Fuels program and to make allocations to municipalities within the County. It is estimated by PennDOT that the City of Warren would receive approximately \$14,000.

The County Commissioners requested that each municipality take formal action to state whether it supports the implementation of the \$5.00 Fee for Local Use as provided for by Act 89.

There was no motion regarding the proposed resolution in support of implementation of the Fee for Local Use under Act 89.

RESOLUTION NO. 2976: ADOPTING SEWER USER RATES FOR 2015

Mr. Holtz noted that the preliminary budget did not include an increase in the sewer user rates. However, based on Council consensus during budget work sessions, the rates were adjusted upward by ten percent. It was noted that annual rate increases have occurred so as to avoid a significant rate increase upon completion of the Wastewater Treatment Plant Project.

Mr. Lewis made the motion to adopt the resolution establishing sewer user rates for 2015. The motion was seconded by Mr. Fraser and carried with six votes in the affirmative and one nay voted cast by Mayor Cashman.

RESOLUTION NO. 2969: ESTABLISHING FEES

Mr. Lewis made the motion to adopt the resolution establishing fees. The motion was seconded by Mr. Fraser and carried unanimously.

RESOLUTION NO. 2970: APPOINTING CITY ENGINEER FOR 2015

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 2014.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to approve the resolution appointing Hill Engineering, Inc. as the City Engineer for 2015.

RESOLUTION NO. 2971: CONTRACT AGREEMENT WITH HILL ENGINEERING, INC.

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to approve the resolution providing for a contract agreement with Hill

Engineering, Inc. for 2015 conditioned on the agreement being amended to include language pertaining to Hill Engineering's cooperation in regard to Right-to-Know requests.

RESOLUTION NO. 2972: APPOINTING SOLICITOR FOR 2015

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 Dr. Ferguson and second by Mr. Harvey, Council members voted unanimously to adopt the resolution providing for the retention of the firm of Stapleford & Byham, LLC as City Solicitor for 2015.

RESOLUTION NO. 2973: ESTABLISHING CLASSIFIED EMPLOYEE COMPENSATION RANGES

Mr. Lewis made the motion to adopt the resolution providing for compensation ranges for classified (non-union) employees. The motion was seconded by Mr. Harvey. The motion, as amended by Dr. Ferguson's motion (below), carried unanimously.

Dr. Ferguson made the motion to amend Mr. Lewis' motion by eliminating the position of "Ordinance/Code Assistant" from the resolution. The motion was seconded by Mr. Harvey and carried with six votes in the affirmative and one nay vote cast by Mr. Lewis.

RESOLUTION NO. 2974: AMENDING NON-UNION EMPLOYEE BENEFITS

Mrs. Freenock noted that Resolution No. 2881 established benefits provided to non-union employees. Effective January 1, 2015, the healthcare coverage plan offered to City employees will be produced by Municipal Benefits Services. Therefore, it is necessary to amend certain provisions within Resolution No. 2881 as they pertain to healthcare coverage.

In addition, Resolution No. 2881 provides exempt employees the opportunity to utilize a portion of their accumulated sick leave time so that they may discontinue work prior to their actual retirement date. This benefit encourages the prudent use of sick leave and it was suggested that a similar benefit be extended to non-exempt employees as well.

Section 9 of Resolution No. 2881 provides for post-retirement participation in the City's group health insurance plan at the expense of the retired employee. This is a benefit which is being phased out and, therefore, Section 9 of Resolution No. 2881 should be repealed.

Mr. Lewis made the motion to approve the resolution which repeals Resolution No. 2881 in its entirety and establishes Non-Union Employee Benefits. The motion was seconded by Mr. Fraser and carried unanimously.

COLLECTIVE BARGAINING: I.B.E.W. AND F.O.P.

Mrs. Freenock reported that the Collective Bargaining Committee (Mayor Cashman, Councilman Fraser, and Mrs. Freenock) successfully negotiated agreements with the International Brotherhood of Electrical Workers (I.B.E.W.) Local No. 459 and the Fraternal Order of Police (F.O.P.) Lodge No. 83. Negotiations with the International Association of Firefighters (I.A.F.F.) Local Union 1835 are ongoing.

Mrs. Freenock noted that the City was able to obtain a better healthcare insurance rate and asked that Council consider approval of a plan with a 250/500 deductible and that the City contribute \$250 to a Flexible Spending Account to offset additional costs to be borne by employees participating in the plan.

Mr. Lewis made the motion to approve the tentative agreement with the International Brotherhood of Electrical Works, Local 459 with the addition of the 250/500 healthcare plan and contributions to the Flexible Spending Accounts. The motion was seconded by Mr. Kolcharno. Following the vote on Mr. Fraser's amendment (below), the motion carried with six votes in the affirmative and one nay vote cast by Mr. Harvey.

Mr. Lewis made the motion to approve the Memorandum of Understanding with the Fraternal Order of Police, Lodge No. 83, with the addition of the 250/500 healthcare plan and contributions to the Flexible Spending Accounts. The motion was seconded by Mr. Kolcharno. Following the vote on Mr. Fraser's amendment (below), the motion carried with six votes in the affirmative and one nay vote cast by Mr. Harvey.

Mr. Fraser made the motion to amend Mr. Lewis' motions by establishing contributions to Flexible Spending Accounts (FSA) on a sliding scale with \$250 to be contributed in 2015, \$200 in 2016, and \$150 in 2017. The motion was seconded by Mr. Lewis and carried unanimously.

APPOINTMENT OF BUILDING CODE OFFICIAL & PROPERTY MAINTENANCE 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. Fraser 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 Mr. Lewis and carried unanimously.

AGREEMENT WITH HUBBARD-BERT, INC.: FLEXIBLE SPENDING ACCOUNT

Mrs. Freenock requested that Council enter into an agreement with Hubbard-Bert, Inc. to be the administrator for a Flexible Spending Account (FSA) program for City employees. The Plan will provide each employee with the opportunity to contribute pre-tax payroll dollars into an account from which they may pay for most health-related expenses such as copays, corrective lenses, and dental work not covered by the healthcare plan. The cost to the City for the program will be \$5 per month per employee.

Mr. Lewis made the motion to approve the agreement with Hubbard-Bert, Inc. for administration of a Flexible Spending Account program with a declining scale of contributions by the City (as approved by prior motion this date). The motion was seconded by Mr. Harvey and carried unanimously.

APPOINTMENT OF HEALTH OFFICER: DR. DENNIS OLSON

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, 2015 and end December 31, 2015.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon motion by Dr. Ferguson and second by Mr. Zavinski, Council members voted unanimously to make the following appointments:

<u>Member</u>	<u>Board/Commission</u>	<u>Term Expiration</u>
Kirk Johnson	Parks and Recreation Commission	12/31/18
Chuck Grey	Planning Commission	12/31/18
Donald Nelson	Planning Commission	12/31/18
Sherry Johnson	Street Landscape Committee	12/31/18

PARKING ENFORCEMENT HOURS

Chief Zydonik stated that the City currently enforces parking, both at the Midtown Lot and on-street meters, between the hours of 9:00 AM and 5:00 PM, Monday through Friday. At the November, 2014, Council meeting, Council voted to lower the hourly rate for the on-street parking meters from \$1.00 to \$.50 per hour. Chief Zydonik noted that with this new rate structure the revenue generated from the on-street meters will be less than previously calculated and thus the Parking Fund will not experience a positive cash flow until 2017.

At a recent Council meeting, it was suggested by Dan Ristau, Main Street President and businessman, that Council consider expanding the enforcement hours to 8:00 AM to 6:00 PM in both the Midtown Parking Lot and at the on-street meters. At that time, Council requested that this be further discussed at a later time. One of the concerns expressed was the impact this might have on restaurants. Accordingly, restaurant owners were contacted and both the Plaza and the Conewango Club asked that enforcement end at 5:00 PM. It was estimated that expansion of the enforcement hours could generate approximately \$7,500 per year.

No motion was made regarding this agenda item.

DEPARTMENT REPORTS – NOVEMBER, 2014

The following reports were presented for Council’s review:

- Police Department
- Fire Department
- Department of Public Works
- Building Codes Department
- Community & Economic Development Department

APPROVED MINUTES OF BOARDS AND COMMISSIONS

Council acknowledged receipt of the following approved minutes:

Planning Commission	–	October 2, 2014	Regular Meeting
Street Landscape Committee	–	October 28, 2014	Regular Meeting
Special Events Committee	–		Event Status Report

ADJOURNMENT

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