

**Connellsville
City Council Minutes
January 16, 2013**

This regular meeting of the Connellsville City Council was held this evening at 7:00 p.m. in City Council Chambers, Municipal Building, at 110 North Arch Street, Connellsville, PA. Attending this meeting was Council members Karpiak, Geyer and Ritch. Also attending this meeting was City Clerk Tesauro and Solicitor Witt. Mayor Matthews and Councilwoman Weaver were absent.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:

Pastor Don Smith led invocation.

VISITORS/PUBLIC COMMENTS:

Lucy King, Downtown Connellsville; September 7th, Mum Festival; March 25th, Mixer at the Library beginning at 5:30 PM; February 2nd, Flea Market; matching grants to businesses for signs and façade; Seton Hill business plan classes, Connect Connellsville calendar will be ready at the end of January.

Johanna Harden, Complaints: snow removal on sidewalks; removal of dog feces.

CORRESPONDENCE:

REGULAR AGENDA:

Resolution No. 1-1-2013: "To approve the minutes from the December 19, 2012 City Council Meeting."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 1-2-2013: "To waive the 4-day Resolution Rule to allow for items submitted after the 4-day rule to be read at the meeting tonight, such Resolutions will be marked with an asterisk."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

MAYOR MATTHEWS: Absent, read by Acting Mayor Geyer

Resolution No. 1-3-2013: "TO ADOPT ORDINANCE NO. 1496, BILL NO. 7 OF 2012 OF THE CITY OF CONNELLSVILLE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1412, OF THE CITY OF CONNELLSVILLE ENACTED JANUARY 22, 2002, WHICH REPEALED ORDINANCE NO. 1076 AND IT'S AMENDMENTS AND REVISIONS, AND AS AMENDED, REPEALED, OR OTHERWISE REVISED BY ORDINANCE FROM TIME TO TIME, TO AMEND SECTION 3.01 "EMPLOYEE CONTRIBUTIONS" OF THE POLICE PENSION PLAN TO BRING SAID SECTION INTO COMPLIANCE WITH SECTION 4301 OF THE THIRD CLASS CITY CODE."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 1-4-2013: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE CHIEF OF POLICE TO REQUEST A FORMAL MODIFICATION OF THE CONDITIONS FOR THE 2010 COPS GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE.

WHEREAS, the City of Connellsville has been awarded a 2010 COPS Grant from the Department of Justice; and

WHEREAS, one of the conditions of the 2010 COPS Grant is that the City both a) hire an additional law enforcement officer to supplement the number of Police Department law enforcement officers, and b) keep and retain that additional officer in that position for a fourth year at the full cost and expense of the City; and

WHEREAS, as a result of the City of Connellsville's current financial condition, including the budgetary and fiscal distress and constraints faced by the City, the City will find it difficult to satisfy all of the conditions of the 2010 COPS Grant, including the requirement that the City both a) hire an additional law enforcement officer to supplement the number of Police Department law enforcement officers, and b) keep and retain that additional officer in that position for a fourth year at the full cost and expense of the City; and

WHEREAS, the City desires to no longer be required to both a) hire an additional law enforcement officer to supplement the number of Police Department law enforcement officers, and b) keep and retain that additional officer in that position for a fourth year at the full cost and expense of the City as a condition of the 2010 COPS Grant; and

WHEREAS, the City reaffirms and desires to satisfy all other conditions of the 2010 COPS Grant; and

WHEREAS, the City has the opportunity to seek a formal modification of the 2010 COPS Grant through the Department of Justice modification process; and

WHEREAS, the City desires to seek a formal modification of the 2010 COPS Grant such that it shall no longer be required to either a) hire an additional law enforcement officer to supplement the number of Police Department law enforcement officers, or b) keep and retain that additional officer in that position for a fourth year at the full cost and expense of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Connellsville, to authorize and direct the Chief of Police of the City of Connellsville Police Department to seek and request a formal modification of the City's 2010 COPS Grant from the Department of Justice through the Department of Justice's grant modification process.

1. The request for formal modification of the 2010 COPS Grant shall include the following modification requests:

(A) The City of Connellsville will not be required to either (a) hire an additional law enforcement officer to supplement the number of Police Department law enforcement officers, or (b) keep and retain that additional officer in that position for a fourth year at the full cost and expense of the City.

(B) In the alternative, if the City is unable to modify the 2010 COPS Grant as described in subsection (A), the City will be required only to hire an additional law enforcement officer to supplement the number of Police Department law enforcement officers, and it will not be required to keep and retain that additional officer in that position for a fourth year at the full cost and expense of the City.

(C) The 2010 COPS Grant may be further modified in other respects, as may be in the best interest of the City or as required by the Department of Justice.

2. The City reaffirms and agrees to abide by all other conditions of the 2010 COPS Grant, as described or required by the Department of Justice and its representatives.

3. The City authorizes and directs all other City officials and employees to perform such actions as are required or necessary to seek a formal modification of the 2010 COPS Grant from the Department of Justice through the grant modification process.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 1-5-2013: “To introduce Ordinance No. 1499, Bill No. 2 of 2013, AN ORDINANCE OF THE CITY OF CONNELLSVILLE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1162 OF THE CITY OF CONNELLSVILLE, ENACTED DECEMBER 28, 1977, AS AMENDED, REPEALED, OR OTHERWISE REVISED BY ORDINANCE FROM TIME TO TIME, TO AMEND SECTION 2(G) OF ORDINANCE NO. 1162 TO DESIGNATE THE CITY TREASURER AS THE COMMISSIONER OF BUSINESS PRIVILEGE TAX; TO AMEND SECTION 3 OF ORDINANCE NO. 1162 TO REQUIRE THE PAYMENT OF ALL ANNUAL BUSINESS REGISTRATIONS BY A CERTAIN DATE AND TO PROVIDE FOR THE COLLECTION OF A PENALTY FOR THE LATE FILING OF A BUSINESS REGISTRATION; TO AMEND SECTION 9 OF ORDINANCE NO. 1162 TO MAKE THE FAILURE TO FILE A BUSINESS REGISTRATION A VIOLATION OF ORDINANCE NO. 1162 AND TO INCREASE THE FINE AND PENALTY FOR VIOLATIONS OF ORDINANCE NO. 1162.

WHEREAS, the City of Connellsville, by Ordinance No. 1162, has adopted a business privilege tax, calculated upon gross receipts, requiring the registration of businesses and payment of an annual registration fee and the business privilege tax as a condition of conducting such business within the City; and

WHEREAS, there are businesses within the City of Connellsville which are not being registered or for which taxes or the annual registration fee are not being paid; and

WHEREAS, the non-payment of the annual registration fee and/or taxes by some businesses within the City of Connellsville is unfair to the residents of the City of Connellsville and other businesses operating within the City of Connellsville; and

WHEREAS, the City Council of the City of Connellsville, has amended and supplemented Ordinance No. 1162 in various respects, by ordinances of the City Council of the City of Connellsville, including but not limited to:

Ordinance No. 1166 enacted on February 13, 1978
Ordinance No. 1356 enacted on December 27, 1994
Ordinance No. 1456 enacted December 14, 2006

WHEREAS, the City Council of the City of Connellsville wishes to cause all businesses operating within the City of Connellsville to pay timely all annual registration fees and taxes; and

WHEREAS, in order to cause all businesses operating within the City of Connellsville to pay timely all annual registration fees and taxes, the City Council of the City of Connellsville wishes to impose a penalty on the late or non-payment of annual business registration fees and to increase the fine and penalty for violations of Ordinance No. 1162, including but not limited to the late or non-payment of annual registration fees and taxes; and

WHEREAS, the office of the City Treasurer of the City of Connellsville is currently administering and enforcing Ordinance No. 1162, as amended; and

WHEREAS, in order to clarify that the City Treasurer is designated as the Commissioner of Business Privilege Tax charged with the administration and enforcement of Ordinance No. 1162, as amended; and

WHEREAS, the City Council of the City of Connellsville wishes to amend Section 2(g) of Ordinance No. 1162, as amended, to designate the City Treasurer as the Commissioner of Business Privilege Tax, and Section 3 and Section 9 of Ordinance No. 1162, as amended, to require the payment of all annual business registration fees by a certain date, to provide for the collection of a penalty for the late filing of a business registration, to make the failure to file a business registration a violation of said Ordinance, and to increase the fine and penalty for all violations of said Ordinance.

BE IT ENACTED AND ORDAINED by the City Council of the City of Connellsville, Fayette County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Amendment of Section 2(g).

Section 2(g) of Ordinance No. 1162, as amended, hereby is amended by deleting the provisions of Section 2(g) in their entirety and replacing them with the following:

(g) “Commissioner of Business Privilege Tax” or “Commissioner” shall mean the City Treasurer of the City of Connellsville, and such other City officials or persons who are so designated by ordinance or resolution of City Council.

Section 2. Amendment of Section 3.

Section 3 of Ordinance No. 1162, as amended, hereby is amended by deleting the provisions of Section 3 in their entirety and replacing them with the following:

(a) Every person registering with the Commissioner in compliance with Section 5 hereof shall pay an annual registration fee of \$30.00 on or before March 15 of each year unless such person has become subject to the tax and the annual registration fee imposed by this ordinance for the first time during any such year, in which event such person shall pay an annual registration fee of \$30.00 within seventy-five (75) days of the date upon which such person becomes subject to the tax imposed by this ordinance. If any annual registration fee is not paid on or before the applicable date, the annual registration fee for such person shall be increased to \$50.00 for additional costs of administration.

(b) Every person engaging in any business in the City of Connellsville beginning with the tax year 1978, and annually thereafter, shall pay an annual tax at the rate of 1½ mills on each dollar of volume of the gross annual receipts thereof.

Section 3. Amendment of Section 9.

Section 9 of Ordinance No. 1162, as amended, hereby is amended by deleting the provisions of Section 9 in their entirety and replacing them with the following:

(a) Whoever makes any false or untrue statement on his return, or who refuses to permit inspection of the books, records, or accounts of any business in his custody or control when the right to make such inspection by the Commissioner is requested, whoever fails or refuses to register a business, to file a return, or to pay any annual registration fee or tax required by this ordinance, and whoever violates any provision of this ordinance shall, upon summary conviction before any magistrate, be sentenced to pay a fine and penalty of not less than \$100.00 nor more than \$600 for each violation, plus costs, and, in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.

(b) Each day on which any person violates this ordinance shall be considered as a separate offense and shall be punishable as such as hereinbefore provided.

(c) This fine and penalty shall be in addition to all other penalties and interest as may be set forth herein.

Section 4. Severability.

The provisions of this ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal by any court of competent jurisdiction, the validity of any of the remaining provisions of the ordinance shall not be affected thereby, it being the intent of the City Council of the City of Connellsville that the ordinance would have been adopted had such unconstitutional or illegal provisions not been included therein.

Section 5. Ratification and Reaffirmation.

In all other aspects, Ordinance No. 1162, as set forth and amended, repealed, supplemented, or revised by prior ordinances, is ratified and reaffirmed except as modified by the provisions of this ordinance.

Section 6. Repealer.

Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 7. Effective Date.

This ordinance shall become effective ten (10) days after enactment.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

GEYER:

Resolution No. 1-6-2013: “To adopt Ordinance No. 1497, Bill No. 8 of 2012, AN ORDINANCE OF THE CITY OF CONNELLSVILLE, LEVYING, ASSESSING, AND COLLECTING A REALTY TRANSFER TAX AT A RATE OF ONE PERCENT OF THE VALUE OF REAL ESTATE TRANSFERRED LOCATED WITHIN THE CITY; PROVIDING FOR THE COLLECTION OF INTEREST AND PENALTIES; DEFINING PARTIES EXEMPT FROM TAX AND TRANSACTIONS EXCLUDED FROM TAX; FEFINING ACQUIRED COMPANIES, MAKING THE TAX APPLICABLE THERETO, AND REQUIRING THE FILING OF DECLARATIONS OF ACQUISITION; PROVIDING FOR CREDITS AGAINST TAX; AUTHORIZING AND DIRECTING THE PENNSYLVANIA DEPARTMENT OF REVENUE TO DETERMINE AND COLLECT ADDITIONAL TAX OWED; PROVIDING FOR UNPAID TAX TO BECOME A LIEN ON TRANSFERRED REAL ESTATE; PROVIDING FOR THE ENFORCEMENT AND PROMULGATION OF REGULATIONS RELATED THERETO; PROSCRIBING CIVIL AND CRIMINAL PENALTIES FOR VIOLATION; AND ESTABLISHING THE SEVERABILITY AND EFFECTIVE DATE OF THE ORDINANCE.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 1-7-2013: "To authorize the City of Connellsville to prepare, collect and submit a grant proposal and/or application, and any supporting documentation, for the Community Sustainability Fair through the West Penn Power Sustainability Fund."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 1-8-2013: "To set March 1, 2013 as the final day to pay 2011 City Per Capita Taxes at the \$11 rate. The delinquent records will be turned over to Berkheimer on March 15, 2013 for further collection and processing, with added penalties."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

Geyer reminded the public that City Hall will be closed Monday the 21st for Martin Luther King, Jr. Day.

KARPIAK:

Public Works Report

Karpiak asked the public for their prayers for George Kosisko who works on the Street Department who has physical problems of a dire situation and dire circumstances. He noted the department is down and man and now are hiring another one.

Resolution No. 1-9-2013: "To hire William Bukovac as a Laborer at a yearly salary of \$27,950.79, effective Monday, February 4, 2013."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 1-10-2013: "To adopt the Consultant Selection Policy and Procedure, attached hereto and promulgated by the Pennsylvania Department of Transportation, for the orderly determination of the need to use consulting engineering firms, qualification and selection firms, and general administration and monitoring of engineering agreements."

Karpiak stated this has to do with having bridges inspected by engineers.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.

WEAVER: Absent

Health Department Report
Fire Department Report
New Haven Hose Report

RITCH:

Thank you to Frank Sabec from Woodmen of the World for the donation of the American Flag at City Hall

CITY TREASURER REPORT:

CITY CONTROLLERS REPORT: not available

Resolution No. 1-11-2013: "That this meeting of City Council does hereby adjourn."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Karpiak, Ritch and Geyer. The majority of the votes being affirmative, the resolution was adopted.