

**Connellsville  
City Council Minutes  
November 27, 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 Mayor Matthews, Council members Karpiak, Weaver, Geyer and Ritch. Also attending this meeting was City Clerk Tesauro and Solicitor Witt.

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:** Invocation led by Rev. David Ealy

**VISITORS/PUBLIC COMMENTS:**

Lucille King, Downtown Connellsville's event update

Geno Gallo, Sustainable Connellsville, stated Sustainable Pittsburgh certified Connellsville as a Gold Member, conference on December 10, 2013

**CORRESPONDENCE:**

**REGULAR AGENDA:**

**Resolution No.11-1-2013:** "To approve the minutes from the October 16, 2013 City Council Meeting."

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

**Resolution No.11-2-2013:** "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, Geyer, Ritch, Weaver and Mayor Matthews. The majority of the votes being affirmative, the resolution was adopted.

**MAYOR MATTHEWS:**

Police Department Report

Proclamation for Linda Shearer of the Connellsville Patriots

**Resolution No.11-3-2013:** "To introduce Ordinance #1505, Bill No. 8 of 2013, AN ORDINANCE APPROVING COLLECTION PROCEDURES AND ADOPTING PENALTY, INTEREST, COSTS, AND DCHEDULE OF ATTORNEY FEES TO BE ADDED TO THE AMOUNT COLLECTED FOR DELINQUENT MUNICIPAL ACCOUNTS AND UNPAID MUNICIPAL CLAIMS."

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

**Resolution No.11-4-2013:** “To accept the resignation of Linda Suter from the Tax Office effective January 15, 2014.”

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

**REMINDERS:**

Toys for Tots box is located in City Hall until December 12<sup>th</sup>.  
Saturday, November 23<sup>rd</sup>, Light-up Night and Christmas Parade  
Saturday, November 23<sup>rd</sup>, Christmas in Yough Park by Chamber of Commerce noon-4PM  
contact the Chamber at 724-628-5500 for information  
City Hall will be closed Thursday, November 28<sup>th</sup> for Thanksgiving and Friday, November 29<sup>th</sup>  
December 6<sup>th</sup> at 7:30 PM, 7<sup>th</sup> at 7:30 PM and 8<sup>th</sup> at 2:30 PM (Friday, Saturday and Sunday), “A  
Christmas Spectacular” at Edwin S. Porter Theater, Community Center, \$10 Admission  
Wednesday, December 11<sup>th</sup> at 5:30 PM, Crime Watch in Council Chambers  
For information on upcoming Patriot’s events contact Linda Shearer at 724-322-1494. A few  
events are the National Cemetery of the Alleghenies, Wreaths across America at the Arlington  
Cemetery on December 14<sup>th</sup> at 9 AM, Christmas packages to the veterans on November 27<sup>th</sup> at  
the Elks

**GEYER:**

Letter of Resignation from Dorothy J. Fosbrink

**Resolution No.11-5-2013:** “To accept the resignation of Dorothy J. Fosbrink, effective February 1, 2014.”

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

**Resolution No.11-6-2013:** “To advertise for the position of Bookkeeper for the City of Connellsville.”

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

**Resolution No.11-7-2013:** “To introduce proposed Ordinance #1501, Bill No. 4 of 2013, AN ORDINANCE FIXING THE SALARIES PAYABLE BY THE CITY OF CONNELLSVILLE FOR THE VARIOUS POSITIONS ENUMERATED HEREIN FOR THE FISCAL YEAR 2014, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.”

Geyer noted that this ordinance sets the salaries which is stated in their contracts.

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

**Resolution No.11-8-2013:** "To introduce Ordinance #1502, Bill No. 5 of 2013, An Ordinance of the City of Connellsville, County of Fayette, and the Commonwealth of Pennsylvania, fixing the real estate tax rate and residence tax rate for all city purposes for the fiscal year 2014, and repealing all ordinances or parts of ordinances inconsistent herewith."

Geyer added mills will be increased to 7.5 mills.

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

**Resolution No.11-9-2013:** "To introduce proposed Ordinance #1503, Bill No. 6 of 2013, AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, SHOWING THE ESTIMATED RECEIPTS, EXPENDITURES, AND LIABILITIES OF EVERY KIND FOR ALL THE FUNDS FOR FISCAL YEAR 2014 WITH THE BALANCE OF UNEXPENDED APPROPRIATIONS AS THE BASIS FOR FIXING THE LEVY AND TAX RATE FOR SAID FISCAL, YEAR APPROPRIATING THE VARIOUS AMOUNTS SHOWN AS PROPOSED EXPENDITURES HEREIN FOR THE EXPENSES OF THE CITY FOR SAID FISCAL YEAR FROM THE REVENUE AVAILABLE FOR SAID FISCAL YEAR FOR THE DEPARTMENTS, BUREAUS, AND SPECIFIC PURPOSES SET FORTH HEREIN, AND THE REPEALING OF ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTANT HEREWITH."

Geyer said that the budget has been reduced over \$61,000 from last year to this year. He noted that since Council is asking for a tax increase, the public should know that they did their best to cut where they can cut.

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

\* Matthews explained why he chose to abstain. He stated there was question about New Haven Hose and the CDBG Money which got held up for a while. He further stated the budget includes a "small token" of \$24,000 to New Haven Hose and because of that is the reason he abstained. Matthews stated that if it wasn't for the questioning of his integrity over the CDBG, he would support the budget.

Ritch added that he would like the public to know that the citizen that complained about Matthews and the CDBG also complained to the State saying there was conflict of interest and wrong doing. He added he feels Council's integrity was questioned. Ritch stated he has his doubts as to why that was brought up and even if they Mayor had not voted for it, it would have been for nothing. He further noted he did not want to make an issue of it at the time, but I have to speak how I feel. Ritch stated, "Mayor if anyone wears the heart of this City on their sleeve, it's you and it's an honor and privilege to serve with you." He further stated for the record the State has come back and absolved that indicating that there was no conflict of interest or wrongdoing and that we "rightfully so" as a Council contributed to New Haven Hose. Ritch went on record stating that he will always support New Haven Hose. He stated "To even consider paying those volunteers for what they do and for what they are worth would cost this City more than \$675,000.00." Ritch stated to Matthews that he (Matthews) is a man of honor and integrity. Ritch stated that this is the story that had to be told and if anyone wants to question him

concerning this, they know where to find him and he would be very happy to discuss it with anyone, anywhere at any time.

Karpiak added it would not even bother me even a little bit if he voted his heart, which would be a yes. He stated when he looks at Matthews he finds nothing improper and he is a man of integrity who only looks out for the good of the City. Karpiak stated "To have your integrity questioned was an election cycle." He further stated that Matthews work on the budget and throughout the years and Council being able to cut as much as they have so the City is sustained, that Matthews is behind a lot of that. Karpiak stated that "You are going to hear talk that we didn't raise taxes enough because there was talk of it being more. We have laid the groundwork and there are more revenues to come and the tax base is being broadened. This is an adequate amount to do that. If someone wants to raise it next time, they have that opportunity to do that." Karpiak stated he echoes Ritch's remarks about Matthew's integrity and thanked him for all he has done. He further stated that as far as New Haven, you cannot find anything wrong there.

**Resolution No.11-10-2013:** "To introduce proposed Ordinance #1504, Bill No. 7 of 2013, AN ORDINANCE OF THE CITY OF CONNELLSVILLE REPEALING ORDINANCE NO. 587, ORDINANCE NO. 725, ORDINANCE NO. 1203, ORDINANCE NO. 1455, AND ORDINANCE NO. 1472, AND ANY ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH, ALL OF THE CITY OF CONNELLSVILLE, AS THEY MAY HAVE BEEN AMENDED, REPEALED, OR OTHERWISE REVISED BY ORDINANCE FROM TIME TO TIME; REQUIRING A LICENSE FOR THE OPERATION OF MECHANICAL AMUSEMENT DEVICES; LEVYING A LICENSE TAX FOR GENERAL REVENUE PURPOSES UPON ALL OPERATORS OF SUCH MECHANICAL AMUSEMENT DEVICES OR CONTROLLING OR OWNING THE PREMISES ON WHICH SUCH MECHANICAL AMUSEMENT DEVICES ARE OPERATED; PROVIDING FOR THE COLLECTION OF SAID LICENSE TAX; AMENDING ORDINANCE NO. 658 TO INCREASE THE JUKE BOX LICENSE FEE; AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF."

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

**Resolution No.11-11-2013:** "To pay Mockenhaupt Benefits Group \$700.00 for Consulting, actuarial and administrative services through September 30, 2013; \$350 for Police Pension Plan and \$350 for Firemen's Pension Plan."

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

**Resolution No.11-12-2013:** "To transfer and assign the rights and obligations of the City under that certain Option Agreement with Cheryl C. Casini and Ralph C. Bosley, dated July 25, 2013, a copy of which is attached hereto, to Hotel d2 Services, LLC, for the exclusive purpose of enabling Hotel d2 Services, LLC, to purchase and develop the subject property for the construction and operation of the hotel currently proposed by Hotel d2 Services, LLC, upon and subject to the following minimum terms and conditions:

1. Hotel d2 Services, LLC, shall previously enter into that certain Memorandum of Understanding with the Connellsville Redevelopment Authority and such other parties as may be deemed appropriate.

2. The subject property shall be purchased and used only for the purpose of constructing and operating the hotel currently proposed by Hotel d2 Services, LLC, on the subject property. If the subject property is purchased or used for any purpose other than the construction and operation of the hotel currently proposed by Hotel d2 Services, LLC, then Hotel d2 Services, LLC, shall convey, immediately upon request from the City, all its interest in the subject property outright to the City at no cost or expense to the City. If the hotel currently proposed by Hotel d2 Services, LLC, is not constructed and operated within eighteen (18) months after the purchase of the subject property by Hotel d2 Services, LLC, then Hotel d2 Services, LLC, shall convey, immediately upon request from the City, all its interest in the subject property outright to the City at no cost or expense to the City.
3. The rights and obligations transferred and assigned by the City to Hotel d2 Services, LLC shall not be assignable to any other person or entity without the express written approval of the City.
4. Hotel d2 Services, LLC, shall acknowledge and agree that the construction of the hotel currently proposed by Hotel d2 Services, LLC, must be constructed and operated in accordance with all applicable statutes, regulations, ordinances, and orders, including, without limitation, all zoning, storm water management, and floodplain ordinances of the City.
5. Hotel d2 Services, LLC, shall acknowledge and agree that the transfer and assignment of the rights and obligations of the City under the Option Agreement to Hotel d2 Services, LLC, shall not constitute approval or consent for any other purpose or under any other statute, regulation, ordinance, or order, which such approval or consent shall be separately requested, applied, or petitioned for to the City by Hotel d2 Services, LLC, or its agents or affiliates.
6. The City hereby does not and shall not make any representations or warranties with respect to the subject property or the anticipated transfer and assignment in this Resolution and such other agreements or documents as may be required by the City. For no purpose shall Hotel d2 Services, LLC, rely, whether detrimentally or otherwise, on this Resolution.
7. Hotel d2 Services, LLC, by and through its authorized representatives, shall execute an acknowledgement of the terms, conditions, covenants, and requirements of this Resolution. In addition, the acceptance of the rights and obligations of the City under the Option Agreement by Hotel d2 Services, LLC, shall constitute an acknowledgement and acceptance of the terms, conditions, covenants, and requirements of this Resolution.”

Geyer stated the City worked with Mr. Bosley and Ms. Casini to acquire a site for a hotel developer. He noted they gave the City a year option and the City can assign that option to the developer. Geyer stated there are funds in place for Hotel d2 to start purchasing the land they need and exercising these agreements.

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

**Resolution No.11-13-2013:** "To transfer and assign the City's interest in property located on First Street and identified with Parcel Identification Number 05-06-0519 by special warranty or quitclaim deed to Hotel d2 Services, LLC, for the exclusive purpose of enabling Hotel d2 Services, LLC, to construct and operate the hotel currently proposed by Hotel d2 Services, LLC, on the subject property and an adjacent parcel, upon and subject to the following minimum terms and conditions:

1. Hotel d2 Services, LLC, shall previously acquire the adjacent property and begin construction of the hotel currently proposed by Hotel d2 Services, LLC.
2. The subject property shall be used only for the purpose of constructing and operating the hotel currently proposed by Hotel d2 Services, LLC, on the subject property and the adjacent

parcel. If the subject property is used for any purpose other than the construction and operation of the hotel currently proposed by Hotel d2 Services, LLC, then Hotel d2 Services, LLC, shall convey, immediately upon request from the City, all its interest in the subject property outright to the City at no cost or expense to the City. If the hotel currently proposed by Hotel d2 Services, LLC, is not constructed and operated within eighteen (18) months after the purchase of the subject property by Hotel d2 Services, LLC, then Hotel d2 Services, LLC, shall convey, immediately upon request from the City, all its interest in the subject property outright to the City at no cost or expense to the City.

3. The rights and obligations transferred and assigned by the City to Hotel d2 Services, LLC shall not be assignable to any other person or entity without the express written approval of the City.

4. Hotel d2 Services, LLC, shall acknowledge and agree that the construction of the hotel currently proposed by Hotel d2 Services, LLC, must be constructed and operated in accordance with all applicable statutes, regulations, ordinances, and orders, including, without limitation, all zoning, storm water management, and floodplain ordinances of the City.

5. Hotel d2 Services, LLC, shall acknowledge and agree that the transfer and assignment of its interest in the subject property shall not constitute approval or consent for any other purpose or under any other statute, regulation, ordinance, or order, which such approval or consent shall be separately requested, applied, or petitioned for to the City by Hotel d2 Services, LLC, or its agents or affiliates.

6. The City hereby does not and shall not make any representations or warranties with respect to the subject property or the anticipated transfer and assignment in this Resolution and such other agreements or documents as may be required by the City. For no purpose shall Hotel d2 Services, LLC, rely, whether detrimentally or otherwise, on this Resolution.

7. Hotel d2 Services, LLC, by and through its authorized representatives, shall execute an acknowledgement of the terms, conditions, covenants, and requirements of this Resolution. In addition, the acceptance of the City's interest in the subject property by Hotel d2 Services, LLC, shall constitute an acknowledgement and acceptance of the terms, conditions, covenants, and requirements of this Resolution."

Geyer explained that this resolution will allow the City to transfer a second parcel of ground adjacent to the Connellsville Bottling site that will make one larger parcel. "The hotel is looking to be a 3.5 million dollar structure", Geyer noted, "and it will help our tax base." He further stated the City is looking forward to the groundbreaking.

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

**Resolution No.11-14-2013:** "To authorize the City Clerk to request quotes from financial institutions for a Tax Anticipation Note for the year 2014."

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

**Resolution No.11-15-2013:** "To hereby affirm the City's participation in the Sustainable Community Essentials Certification Program."

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

**KARPIAK:**

Public Works Report

**Resolution No.11-16-2013:** "To enter into an agreement with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union; AFL-CIO-CLC, LOCAL UNION 13836-10 and the City of Connellsville for period of Three Years ending December 31, 2016, pending legal review and approval by both parties."

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

Karpiak thanked the Public Works Department and Police Department for agreeing to take a 0 percent increase for next year. "In these economic time that is greatly appreciated."

**WEAVER:**

Health Department Report

Fire Department Report

New Haven Hose Report

**Resolution No.11-17-2013:** "Authorizing and entering into the Employment Agreement attached hereto with Charles Thomas Currey, Jr."

Weaver thanked Currey for taking a zero percent increase and stated how extremely happy she is to get this done while still on Council and keeping Tom around for four more years.

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

**RITCH:**

There were no bids received for the sale of City property. Resolutions to open bids and accept or reject bids was not read.

**Resolution No.11-18-2013:** "To place an invitation for bid for the sale of any City interest in the following properties: *140 South Pittsburgh Street, Parcel ID # 05070139, Run Avenue, Parcel ID #05090442* and Rear North Sixth Street, Parcel ID #05050010 and direct the City Clerk to advertise the parcel for bid. Bids are to be received no later than December 16, 2013 at 4:00 PM and to be opened on December 18, 2013 at 7:00 PM at City Hall during the regularly scheduled Council Meeting."

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

**Resolution No.11-19-2013:** “To accept and adopt the unanimous written consent and amended bylaws of the Greater Connellsville Area Community Center, Inc., attached hereto.”

Ritch noted the Community Center is a non-profit 501C3.

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

**Resolution No.11-20-2013:** “To extend the term of David Reed on the Recreation Board to January 1, 2015.”

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

Ritch reiterated what Lucy King had stated earlier about the activities in the City.

Ritch stated he will give a full report on the Community Center in December. He noted that last year at this time the Community Center occupancy rate was around 10% and right now it's over 60% and continues to grow.

**CITY TREASURER REPORT:**

**CITY CONTROLLER REPORT: NO REPORT AVAILABLE**

**Resolution No.11-21-2013:** “That this meeting of City Council does hereby adjourn.”

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