

Connellsville City Council MINUTES
JULY 18, 2023

This meeting of the Connellsville City Council was held this evening at 5:00 PM. Attending this meeting was Council members Karpiak (entered 5:05 PM), Topper, Keedy and Tiberio and Mayor Lincoln. Also attending was City Clerk Ohler and Solicitor Witt.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE: Invocation by Rev. Matt Goldsberry

REMARKS FROM VISITORS/PUBLIC COMMENTS:

CITY TREASURER'S REPORT: Marilyn Weaver, absent

CITY CONTROLLER'S REPORT: Bill Addis

CORRESPONDENCE:

Elks Lodge No. 503, Request to close Carnegie Avenue

Resolution No. 7-1-2023: "To close N. Carnegie Avenue, between E. Crawford Avenue and Orchard Alley from 9 AM on August 26, 2023 until 9 AM on August 27, 2023 for Elks Lodge No. 503 summer party and further permitting use of items listed on the utilization form."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Loyal Order of Moose Lodge 16, Request to use City parking lot

Resolution No. 7-2-2023: "To permit the Connellsville Moose Lodge 16 to use the top half of the City parking lot adjacent to the rear of the Moose Building on Saturday, July 29, 2023 from noon to 6 PM for their Family Picnic; further permitting use of items listed on the Utilization Form and parking lot to be blocked off for the duration of the event."

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Chamber of Commerce, Christmas Parade, street closure request, December 2, 2023

Resolution No. 7-3-2023: "To close South Pittsburgh Street from Green Street to West Crawford Avenue, West Crawford Avenue from North Pittsburgh Street to Eighth Street, Leisenring and Marietta for the Chamber of Commerce's Christmas Parade on December 2, 2023 at 5 PM; further authorizing use of

road barriers and trash cans as requested on the Utilization Form; pending review and approval of Police Chief, Fire Chief and PennDOT.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Chamber of Commerce, Christmas in the Park request, November 18, 2023

Resolution No. 7-4-2023: “To grant permission to the Connellsville Chamber of Commerce to utilize the entire property at Yough Park on November 18, 2023 for Christmas in the Park; further authorizing use of trash cans and electricity as requested on the Utilization Form.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

New Haven Hose Company, Fall Festival Parade, street closure request, September 30, 2023

Resolution No. 7-5-2023: “To close South Pittsburgh Street, at Green Street, to East Crawford Avenue, left onto East Crawford Avenue continuing onto West Crawford Avenue to South Seventh Street, left onto South Seventh Street to the New Haven Hose Firehall on September 30, 2023 at 4 PM for the New Haven Hose Fall Festival Parade; pending review and approval of Police Chief, Fire Chief and PennDOT.”

Mayor Lincoln asked Fire Lieutenant, Bill Addis, for information on the Fall Festival Parade.

Lieutenant Addis stated “This is new. There are guys that do our Fall Festival and they bumped it up to September this year. They also decided to have a parade this year. As far as details, I do not have that with me, but I will get information for you. Our festival will begin after the parade.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

New Haven Hose Company, 114th Annual Halloween Parade, street closure request, October 31, 2023

Resolution No. 7-6-2023: “To close South Pittsburgh Street, at Green Street, to East Crawford Avenue, left onto East Crawford Avenue continuing onto West Crawford Avenue to South Seventh Street, left onto South Seventh Street to the New Haven Hose Firehall on October 31, 2023, at 7 PM for the New Haven Hose 114th Annual Halloween Parade; pending review and approval of Police Chief, Fire Chief and PennDOT.”

Mayor Lincoln informed City Council that Trick or Treat is Halloween night and they need to discuss that.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

REGULAR AGENDA:

Resolution No. 7-7-2023: “To accept the minutes from the June 20, 2023 City Council Meeting.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 7-8-2023: “To waive the Four-Day Resolution Rule to allow for items submitted after the Four-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 Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

MAYOR LINCOLN:

Police Department Report by Police Chief Hammerle

Chief Hammerle stated a Facebook post went public, about a dead body wrapped in tarp at the river park. He added it should not have been put out on the air the way it was and he is going to call 911 to discuss that with them. He noted it sent people in a frenzy. Chief Hammerle added she was not even here; she was alive in another town somewhere with friends.

Mayor Lincoln questioned if anything happened to the individuals that made a false report.

Chief Hammerle replied, “The thing is, this is what they believed it was. There turned out to be nothing in the tarp but garbage.”

Mayor Lincoln thanked the Public Works for getting it out of there. He noted it was not an easy job. He stated they want people to call 911, but be sure what you are calling about.

Mayor Lincoln asked Chief Hammerle to explain the new report room at the fire hall that is needed.

Chief Hammerle replied they are out of room, busting seams and piled on top of things that need organized better. He added they need the space so they can get everything orderly and organized and make it better for their daily operations.

Mayor Lincoln added it will have secure steel doors and there will be limited access to that room.

Resolution No. 7-9-2023: “To permit the City Clerk to submit an Appalachian Regional Commission, Area Development Funding Grant, on behalf of the City for planning and development of the lower West Side area.”

City Clerk Ohler stated this will help with the funding for the district we all talked about and parking on the Fourth Street lot, the rain gardens, and the drainage that the DEP mandates and PEMA.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Mayor Lincoln stated Davis Monuments delivered the first monument today for the new Veterans Honor Roll. He added Judy Keller is pushing them to get it done so we can have a dedication in hopefully, October.

Reminders:

Farmer’s Markets, July 20th, August 3rd, 17th, 4 PM – 7 PM and September 30th, 8 AM – 2 PM. Call Bonnie 724-570-8339 or Chamber at 724-628-5500, North Arch Street

July 22nd, Special Needs Prom, New Haven Hose, 5 PM – 9 PM, You can donate a dress or tux by dropping it off to Shelley at City Hall or call Rita: 724-880-8281 or Kelly: 724-970-3609. Mayor Lincoln thanked everyone who sponsored and stated it was a big success last year.

July 22nd, Block Party at Yough River Park Pavilion #1 & Stage, 1 PM – 6 PM, Free

Lions Square Concerts, 7 PM – 9 PM, July 23rd – Tane Lynne and Shadow Creek, July 30th – Outpost and August 6th – Abilene

July 29th, Central Fellowship Church, Free lunch, 11 AM – 12:30 PM, donations welcome/not required

September 4th, 1st Annual Jamie McPoyle Walk/Run/Bike, Details will be released soon as plans are being made. It will be followed by the dedication of McPoyle Field at Austin Park. Mayor Lincoln thanked Public Works Foreman, Jimmy Bigam, for going above and beyond to plan this event. He stated everything was donated except for the pole to put the power on at Austin Field. Mayor Lincoln thanked the John Woodruff Club for dedicating the race to Jamie McPoyle this year.

September 16th, Quarter Auction, Benefits New Haven Hose & Crime Victims Center, Info available soon

Recycling Bins are still available, \$3.00, City Hall. Mayor Lincoln stated he would like to see businesses support recycling and wants to see them purchase 1 bin to put in their business.

COUNCILMAN KEEDY:

Resolution No. 7-10-2023: “To donate \$2,500.00 to Fayette EMS; funds to be taken from the Investment Account.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Councilman Keedy stated there was a wonderful turnout at the Red White and Boom Festival. He noted you could not move around near the vendors at 3 PM. He added there were a lot of sponsors for the fireworks and it was a great event and thanked the community for coming down to support it.

Mayor Lincoln stated he and Councilman Topper decided to float upstream to watch the fireworks and they thought the fireworks were the best. He thanked everyone who helped put the festival together.

COUNCILMAN KARPIAK:

Health Officer’s Report

Councilman Karpiak asked Code Officer Currey if he has any comments on his report.

Tom Currey stated if there are feral cats around your area, do not feed them. He added do not leave food out and put a lid on your garbage can.

Councilman Karpiak questioned Tom Currey how the Quality-of-Life Tickets has been going.

Tom Currey replied there has been multiple tickets has been issued and it is going very well. He stated most people are responsive when they get a ticket by fixing the issue. He added there has been appeals, but it is going well.

Mayor Lincoln questioned what the time frame is that people are given to remedy the citation violation that they were given.

Tom Currey replied “What happens is there is a violation like the grass is too high, for an example, you are given 10 days to appeal that ticket if you think there is a reason why you should not have to cut that grass. You then have 14 days to pay for that ticket. After that it becomes a non-traffic citation which goes to Judge Haggerty’s Office and you end up paying the fine there. Most people take care of the problems within that time frame.”

Mayor Lincoln questioned if they cut their grass within the 10-day period, are they still paying a fine.

Tom Currey answered that if they allowed the grass to get that high, yes, you already have a violation.

Mayor Lincoln asked if they pay the fine and then appeal or appeal and then pay or not.

Tom Currey answered they can appeal to the Board of Health who will hear their story. He noted if they have a good reason why the grass is high, the Board of Health has the right to remove the fine.

Mayor Lincoln asked how a person can appeal the Quality-of-Life Violation.

Tom Currey explained they would need to come into City Hall and fill out a Quality-of-Life Appeal Application and fill it out.

Mayor Lincoln asked if they come to his office or see Shelley.

Tom Currey answered either office.

Mayor Lincoln questioned if there is a cost to file the appeal.

Tom Currey answered there is no cost.

Tom Karpiak stated they have to file that appeal in 10 days.

Mayor Lincoln clarified they have 10 days from the date on the ticket to file an appeal.

Tom Currey stated correct.

Mayor Lincoln thanked Mr. Currey.

New Haven Hose Report by Bill Addis, Lieutenant

Councilman Karpiak questioned what the circumstances were with the physical rescue.

Lieutenant Addis answered he will have to look that up since he was out of town most of the month.

Fayette EMS Report, Richard P. Adobato, Chief

Councilman Karpiak stated since January, they have a total of 752 "911" answered calls and that is a valuable entity to the community. He stated that is a lot of answering and going. He further stated "When you think that EMS is no big deal when you get that envelope in the mail, some day it could be you. Let us make sure we keep them around here and put a little something in that envelope and send it to them please. They do a good job."

Resolution No. 7-11-2023: "To adopt Bill No. 5 of 2023, An ordinance of the City of Connellsville, Fayette County, Pennsylvania, requiring and regulating collection, transportation, and disposal of waste and waste materials, making it unlawful to accumulate waste and waste materials, requiring mandatory subscription to and payment for waste and waste material services: identifying violations and penalties;

providing for Authority and Agency by the City; repealing inconsistent ordinances or parts thereof; and providing an effective date.

WHEREAS, the Third-Class City Code, 11 Pa.C.S.A. § 12409, empowers the City of Connellsville to regulate the collection and disposal of ashes, garbage, solid waste, and other refuse materials located within the City; and

WHEREAS, the Third-Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Connellsville with the power “to prohibit and abate public nuisances;” and

WHEREAS, the Third-Class City Code affords the City of Connellsville with the power to regulate businesses and business activities within the City; and

WHEREAS, pursuant to Section 304(a) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.304(a), a municipality has a duty to assure the proper and adequate transportation, collection, and storage of municipal waste that is generated or present within its boundaries and to assure adequate capacity for the disposal of municipal waste generated within its boundaries; and

WHEREAS, pursuant to Section 304(b) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.304(b), a municipality may adopt resolutions, ordinances, regulations, and standards for the transportation, storage, and collection of municipal waste; and

WHEREAS, pursuant to Section 304(c) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. § 4000.304(c), a municipality may contract with any person to carry out its duties for the transportation, collection, and storage of municipal waste; and

WHEREAS, the City Council of the City of Connellsville, Fayette County, Pennsylvania, regulates and desires to continue to regulate the collection, transportation, and disposal of waste and waste materials within the boundaries of the City of Connellsville; and

WHEREAS, the City Council of the City of Connellsville desires to memorialize existing requirements for the collection, transportation, and disposal of waste and waste materials within the boundaries of the City of Connellsville; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Connellsville with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs.”

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

Section 1. Definitions.

The following words and terms as used in this ordinance have the meaning ascribed thereto, unless the content clearly indicates a different meaning:

City Council – City Council of the City of Connellsville.

Collector or Collectors - any person, municipal authority, firm, co-partnership, association, or corporation that collects, transports, or disposes of garbage, refuse, rubbish, or riffraff for a fee, including but not limited to any collector awarded a contract by the City of Connellsville or its designee or agent to collect, transport, and dispose of garbage, refuse, rubbish, or riffraff.

Combustible Refuse - all paper, excelsior, rags, rubber, shoes, and such other refuse which may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

Garbage - all table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for use for which reason they are discarded.

Hazardous Waste - waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials, radioactive and medical waste. For purposes of this ordinance, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner such as aerosol cans, pesticides, fertilizers, and similar items disposed of in small quantities.

Incombustible Refuse - all discarded articles or materials, except sewage, liquid waste, garbage, and combustible refuse.

Person - any natural person, association, partnership, firm, limited liability company, or corporation.

Refuse - all combustible refuse, incombustible refuse, and garbage referred to collectively.

Riffraff - all waste materials too large for collection in the ordinary containers, such as furniture, tanks, stoves, and the like.

Rubbish - all miscellaneous waste materials not otherwise included herein, including but not limited to ashes, tin cans, pottery, pruning from vines and junk of all kinds resulting from the ordinary conduct of business or housekeeping.

City of Connellsville or City - the City of Connellsville, a municipal body and third-class city of Fayette County, Pennsylvania.

Section 2. Unlawful to Accumulate Waste Materials.

From and after the effective date of this Ordinance and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in the City of Connellsville garbage, refuse, rubbish, and ruffraff for a period in excess of seven (7) days. The accumulation or storage of hazardous waste upon private property in the City of Connellsville is prohibited. The owner(s), primary tenant(s), or primary occupant(s) of each premises shall pick up and dispose of any garbage, refuse, rubbish, or ruffraff deposited or accumulated upon any sidewalk, gutter area, berm, or margin on or adjacent to such premises.

Section 3. Mandatory Subscription to Waste Collection Services; Liability for Costs of Waste Collection Services; Billing and Assessment of Waste Collection Services; Default in Payment and Imposition of Penalties and Service Fees.

- (A) The owners, primary tenants, or primary occupants of all dwellings, multiple dwelling structures, apartments, commercial structures, industrial structures, or any other type of structures, or parts thereof or units therein, in the City of Connellsville, shall utilize and subscribe to garbage, refuse, rubbish, and ruffraff collection, transportation, and disposal service and make payment to such utilized or subscribed collector; provided, however, that if the City Council, by resolution, awards one or more contracts for garbage, refuse, rubbish, or ruffraff collection, transportation, or disposal service to any one or more collectors pursuant to its authority as a municipality under the Third Class City Code, the Municipal Waste Planning, Recycling, and Waste Reduction Act, or Section 4 of this Ordinance, the owners, primary tenants, or primary occupants of all dwellings, multiple dwelling structures, apartments, commercial structures, industrial structures, or any other type of structures, or parts thereof or units therein, in the City of Connellsville, shall utilize and subscribe to such contracted garbage, refuse, rubbish, or ruffraff collection, transportation, and disposal service and make payment to such contracted collector, as set forth in this Ordinance.
- (B) Any person who owns a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or parts thereof or units therein, in the City of Connellsville, which he or she does not occupy, or which he or she lets to others, or which he or she permits others to occupy, shall be jointly and severally responsible and liable with the occupant(s) of the said structure for the cost of garbage, refuse, rubbish, and ruffraff collection, transportation and disposal, whether such cost be assessed by a private collector or, if applicable, any collector awarded a contract by the City of Connellsville, as set forth in this Ordinance.
- (C) No person shall dispose of his garbage, refuse, rubbish, or ruffraff except as provided in this Ordinance, except nothing herein contained shall prevent the use of a device commonly known as a disposal which is attached to a sink and connected into a sewer.
- (D) Each separately or independently occupiable unit within a dwelling, multiple dwelling structure, apartment building, townhouse complex, commercial structure, industrial structure, or other structure shall be treated as a separate residence or unit, with each separate unit being required to have collection on the same basis as a single residence or

unit. Each separately or independently occupiable unit within a dwelling, multiple dwelling structure, apartment building, townhouse complex, commercial structure, industrial structure, or other structure, shall be assessed separately for the cost of garbage, refuse, rubbish, or ruffraff collection, transportation, and disposal service. Duplex houses shall be assessed as at least two separate units, unless the house is not used and occupied as two separate units.

- (E) If, after being sent a bill for garbage, refuse, rubbish, or ruffraff collection, transportation, and disposal service by any collector, the owner(s), primary tenant(s), or primary occupant(s) of a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or part thereof, in the City of Connellsville, or any unit therein, fails to remit payment to the proper collector by the date upon which such bill is due and payable, the owner(s), primary tenant(s), and primary occupant(s) shall be deemed to be in violation of the provisions of this Ordinance.

- (F) In the event that the owner(s), primary tenant(s), or primary occupant(s) of a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or part thereof or any unit therein, in the City of Connellsville, fails to pay the collector within thirty (30) days after a bill becomes due and payable, and subject to the terms of any contract or agreement between the City of Connellsville (or its designee or agent) and any collector, the City of Connellsville or the collector may pursue any remedy sought by the collector against or penalty imposed upon the owner(s), primary tenant(s), or primary occupant(s) of a dwelling, multiple dwelling structure, apartment, commercial structure, industrial structure, or any other type of structure, or part thereof or unit therein, in the City of Connellsville, in accordance with this Ordinance and any other law, statute, ordinance, or act.

Section 4. Award of Contract; Contracted Hauler.

- (A) Following the enactment of this Ordinance, the City of Connellsville and City Council may prepare, or direct other officials of the City of Connellsville or any agent or designee of the City of Connellsville to prepare, specifications for bidding for one or more contracts covering the collection, removal, and disposal of garbage, refuse, rubbish, and ruffraff in the City of Connellsville.

- (B) By action of the City Council, the City of Connellsville or any agent or designee of the City of Connellsville may seek and advertise for bids for a contract or contracts for the collection, transportation, and disposal of garbage, refuse, rubbish and ruffraff, and a contract or contracts may be awarded to the lowest responsible bidder(s), at specifications and requirements which are set by the City Council or its designee or agent. The City Council and the City of Connellsville, and their designees and agents, hereby reserve and, with the bid specifications and other bid documents, shall reserve 1) the right to waive any technical defects or deficiencies in any submitted bids and 2) the right to reject any or all bids.

- (C) The City Council, by resolution, awards one or more contracts for garbage, refuse, rubbish, or ruffraff collection, transportation, and disposal service to any one or more collectors, only the person or persons to whom such contracts are awarded shall be permitted to engage in the activities covered by such contracts in the City of Connellsville.

Section 5. Violations; Penalties.

- (A) The failure of a person to comply with any term, provision, requirement, or mandate under this Ordinance shall constitute a violation hereof. All actions for enforcement of this Ordinance shall be brought as follows:
- (1) As a civil action in law or equity, before a magisterial district judge in the same manner provided under the Pennsylvania Rules of Civil Procedure for Magisterial District Judges. Any person, partnership, or corporation who or which has violation of the provisions of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the City of Connellsville, shall pay a judgment of not less than \$100 nor more than \$600 plus all court costs and costs of prosecution. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the City of Connellsville may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred. Each day that a violation continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate violation and offense.
- (B) The presence of any articles containing a person's name among garbage, refuse, rubbish, or ruffraff shall create a rebuttable presumption, for purposes of this Ordinance, that said garbage, refuse, rubbish, or ruffraff is the property of the person whose name is found therein. This presumption shall only be rebutted by clear and convincing evidence to the contrary.
- (C) For purposes of enforcing this Ordinance with any fine, imprisonment, or other penalty, any officer, director, or member of any corporation or other legal entity having officers, directors, or members shall be responsible and liable to the same degree as any such corporation or other legal entity.
- (D) In addition to any other remedy provided in this Ordinance, the City of Connellsville may institute proceedings to restrain any violation of, or to require compliance with, this Ordinance.
- (E) The existence or exercise of any remedy provided by this Ordinance shall not prevent the City of Connellsville from exercising any other remedy available at law or equity.

Section 6. Authority and Agency.

- (A) The City of Connellsville, by and through its City Council, may assign, delegate, or appoint any designee or agent, including, without limitation, the Connellsville Municipal Authority, by ordinance or resolution, to act on behalf of the City of Connellsville in the performance of any authority or function provided in this Ordinance, including, without limitation, of the bidding or awarding of any contract for services, the collection of bills and amounts owing and outstanding or delinquent, and the placement of liens on premises.
- (B) In addition to those individuals, agents, or officers generally empowered to enforce this Ordinance, a collector who is awarded a contract to collect, transport, or dispose of garbage, refuse, rubbish, or ruffraff, as described herein, may be authorized, and empowered, by resolution or ordinance of the City Council, to institute any civil and/or criminal action, including the placement or assessment of liens, on behalf of City of Connellsville to enforce the provisions of this Ordinance. Nothing herein shall be construed to limit the authority or ability of the City Council, the code enforcement officer(s), the Connellsville Police Department, the Pennsylvania State Police, or any other law enforcement or other agent of the City of Connellsville or the City Council to enforce this or any other ordinance.

Section 7. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair, or affect any of the remaining portions of this Ordinance.

Section 8. 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; provided, however, that this Ordinance shall not repeal any property maintenance ordinance or code or qualify of life or ticketing ordinance, which shall be separate and independent from this Ordinance and which may be simultaneously or alternatively enforced with this Ordinance.

Section 9. Effective Date. This Ordinance shall become effective immediately.

This Ordinance is duly ORDAINED AND ENACTED by at least three members of the City Council of the City of Connellsville at a duly advertised public meeting held on the 18th day of July, 2023.”

Councilman Karpiak stated “This is the evolution of the Sewage Authority going to collect for the garbage and it will be a monthly bill now. The design of this is to get us up to speed with people paying their garbage bill. As a community we have been a little behind in making payments to them. What this is going to do is really put it out there in front of you that you really need to pay your garbage bill. Because of our delinquency rate, we have been limited to one bidder. Hopefully this is going to change. We are going to be bidding out the residential and the commercial, separate bids. We are hoping for quite a few bidders to create an atmosphere where people are going to work with their pencils for our business. Where we are right now, we do not have that. The delinquency rate is the culprit. If you choose not to

participate, you will be ticketed and you will be up for penalties. One of the penalties will be that your water will be shut off. If that happens, then you will be paying not only your sewage bill, you will pay to have your water turned off, if we have to pay to move a car, you will pay for that, and you will pay to have your water turned back on. It is cheaper to pay your garbage bill. This is going to make it more competitive and, I cannot stress this enough, there is no guarantee that our rates are not going to go up. We are hoping that this be the case, or at least to maximize the minimization of the increase. I am hoping we will get less on our bills.”

Mayor Lincoln stated a person messaged him and he told them to contact Tom Currey to discuss further the ordinance. He stated the individual told him every time they got a bill from County Hauling, they sent it back because they do not put garbage out on their curb, because they have a rental property that they take their garbage to and put it there. He told them they are not allowed to do that; it is not acceptable to take your garbage to another property. He added they are producing garbage and that is where it is being picked up. He asked if it is possible, maybe the Municipal Authority can put information in their first bill if you have sewage at your property, you are required to have garbage there with no exceptions or waivers.

Tom Karpiak clarified that every address must have garbage service.

Mayor Lincoln questioned if they could put information in with the bill.

Tom Karpiak stated yes.

Mayor Lincoln stated there could be some confusion there. “We don’t know what people are discussing with County unless they come to us and tell us.” He added he appreciates all the hard work that Tom Karpiak and the Municipal Authority has done.

Chief Hammerle stated Lieutenant Addis learned what the physical rescue was and will explain it.

Lieutenant Addis stated it was a juvenile was stuck in a locker at the high school.

Councilman Topper stated there was a dance competition in June at the school.

Mayor Lincoln stated then someone got stuffed in a locker.

Mayor Lincoln went back to the discussion of garbage. He stated the Municipal Authority can send out a letter of information stating if you have autopay with County Hauling, you need to make sure it is stopped for November first. He added he would start the process now, since it could take months to actually happen.

Councilman Karpiak stated you can transfer your autopay over to the Municipal Authority.

Mayor Lincoln stressed “There will definitely be confusion that we need to minimize, regardless of what we do. It will end up Vern, Shelley and Tom taking care of it.”

Tom Karpiak stated there is a learning curve.

Councilman Karpiak explained “Just so there is no confusion, there is a pair, if you have a rental property and have it contracted there to pay the garbage bill and they do not pay it, it will come back to the property owner. Eventually, it will get to the property owner. When the water is turned off, Tom is going to step into action and deem the property as unfit for human habitation. You cannot live in a place without water. You will want to get that worked out pretty quickly. I believe 99 people, for the sewage, went on the “shut off list”. Only three got shut off and one was a death, so only two in reality. This is going to come down really quick and people will get accustom to it. We are not going to bend the wheel here. It worked somewhere else and it will work here.

Mayor Lincoln stated if County Hauling is not our hauler moving forward, they are not going to say, “OK, we lost \$200,000 and leave it go. “I am just letting you know, if you did not pay your bill, County Hauling is not letting it go. They will take you to court and get a judgement on you. If it puts liens on your homes, or whatever it is, they will not let it go. They provided a service and deserve to be paid.”

Councilman Karpiak stated the past bills will not be through the sewage authority. He added that will be through County Hauling. He noted do not call the sewage authority and say you need time to pay this.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

COUNCILMAN TOPPER:

Resolution No. 7-12-2023: “To grant permission to the Connellsville Recreation Board to utilize the entire property of East Park on Saturday, September 9, 2023 for their Croquet Tournament Event; further granting use of items listed on the Utilization Form.”

Mayor Lincoln questioned how you sign up for this.

Councilman Topper stated they will bring registration information down at City Hall. He added it will be on the Recreation Board’s Facebook Page.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 7-13-2023: “To grant permission to General Braddock’s Fish Club to use Pavilion #1 and the stage at Yough River Park on October 8, 2023 for their Club Picnic.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 7-14-2023: “To grant permission to General Braddock's Fish Club to have alcohol at Yough River Park on October 8, 2023 for their Club Picnic.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Resolution No. 7-15-2023: “To enter into agreement with Scott Richter Construction for renovations to the police records room at the East Side Fire Station in the amount of \$18,500.00 money to be taken from the Capital Improvement Fund.”

Mayor Lincoln asked to be clear the money that is being used from the Capital Improvement Fund that is LSA monies...

City Clerk Ohler stated “The money was put into the Capital Improvement Fund, we were the “go through” for the Memorial project, LSA, once we get that check back, that money will be put back there. This is money that was earmarked a couple years ago that will be put back in.”

Mayor Lincoln stated the money that the Chief needs for this will utilize the Highlands, Special Investigation Fund.

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

Councilman Topper stressed to residents when they use one of the parks, to put your trash in the trash can or take your trash with you.

Mayor Lincoln stated “The 12th Street Park improvement, the Redevelopment Authority reached out to the DCED and requested additional funding because bids were higher than the money allocated. I think he got \$175,000 more from the DCED. This means the park is fully funded and they have an extension of a year.”

COUNCILWOMAN TIBERIO:

Public Works Report

Resolution No. 7-16-2023: “That this meeting of the City Council does hereby adjourn.”

A vote upon the adoption of the resolution resulted as follows: Affirmative were Councilmembers Karpiak, Topper, Keedy and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.