

**Connellsville City Council  
MINUTES  
May 15, 2018**

This regular meeting of the Connellsville City Council was held this evening at 6:00 PM at City Hall, Connellsville, PA. Attending this meeting was Mayor Lincoln, Council members Keedy, Karpiak, Tzan and Topper. Also attending was City Clerk Ohler and Solicitor Witt.

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:**

**REMARKS FROM VISITORS/PUBLIC COMMENTS:** There were no visitors or comments.

**CITY TREASURER'S REPORT:**

Councilman Karpiak inquired as to the residents using their credit card for taxes.

Treasurer Weaver stated there have only been approximately 15 residents due to a fee for using it.

Mayor Lincoln asked if parking tickets could be paid with a credit card.

Treasurer Weaver answered you need to pay cash.

Parking at Martin's Plaza was discussed and Chief Hammerle noted there are less vehicles parked illegally since the police have been ticketing there.

**CITY CONTROLLER'S REPORT:**

Mayor Lincoln questioned if the City was getting reimbursements from the mitigation money from Liquid Fuels.

City Clerk Ohler stated the City will get reimbursed Administrative costs. He explained he needs to be sure the City's Solicitor and demolition contractors are taken care of. Ohler stated there is about \$400,000 drawdown due to all being under budget.

**CORRESPONDENCE:**

The Catholic Community of Connellsville, Festival, August 4th, 5th, 2018

**Resolution No. 5-1-2018:** "To close the alley between St. John the Evangelist Church and Somerset Trust for the Catholic Community Festival August 4th and 5th, 2018; pending review and approval of the Police Chief and Fire Chief."

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

VFW Post #21, Poppy Day Request for May 24th, 25th and 26th, 2018

**Resolution No. 5-2-2018:** "To allow VFW Post 21 Auxiliary permission to hold their annual "Buddy Poppy Campaign" on May 24, 25 and 26, 2018 in the City of Connellsville."

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

## **REGULAR AGENDA:**

**Resolution No. 5-3-2018:** “To approve the minutes from the April 17, 2018 City Council Meeting.”

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

**Resolution No. 5-4-2018:** “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 Topper, Tzan, Karpiak and Keedy and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

## **MAYOR LINCOLN:**

Police Department Report

Chief Hammerle noted 42 Parking Tickets were issued in April and the Police Department will continue in May.

Mayor Lincoln stated people need to stop parking illegally. He also discussed crosswalk and residents stopping for them.

Mayor Lincoln then discussed the cameras are operational at Yough Park with every inch of the park covered. He noted you cannot enter the park without being seen and all rules will be enforced. Mayor Lincoln thanked Jason, George and ATP for their time and work on the camera installation. He added the City is looking forward to cameras at East Park next.

Mayor Lincoln reminded residents of the curfew being in effect which is Sunday through Thursday at 10 PM and Friday and Saturday until 11 PM.

May 2018 Mental Health Awareness Month

Proclamation - 2018 National Police Officers Week

Mayor Lincoln announced Chestnut Ridge Counseling Service upcoming events.

**Resolution No. 5-5-2018:** “To permit City Mission - Living Stones, Inc. to erect an Overhead Banner on East Crawford Avenue at Prospect Street on July 1, 2018 and remove on August 22, 2018; banner to be size and clearance as stated on application. Banner is pending approval from Pennsylvania Department of Transportation.”

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

The following was on the agenda; however, no bids were received – therefore the resolution was not read:

Chief Hammerle stated since there were no bids on the police vehicle, he would like to go to the next step to sell the car and asked if the City Solicitor has any ideas of the next step that may be taken.

Mayor Lincoln stated the City is considering placing the vehicle for sale on “MuniciBid”.

City Solicitor Witt stated that would be the next step to see if any municipality would be willing to offer the City anything for it. He noted the following step would be to get the scrap price of it.

Councilman Karpiak asked if the vehicle was still running. Chief Hammerle answered yes. Karpiak stated there may be places the City can donate the vehicle. He further explained the prices of scrap versus donating would be something to look in to.

Mayor Lincoln suggested donating it to the Vo-Tech. Chief Hammerle and Council agreed with Mayor Lincoln.

Solicitor Witt explained if the vehicle is worth more than \$1,000, the City must go through the public bidding process first. He added if the vehicle is not worth more than that, you can just accept an offer on it.

**BOTH OF THE FOLLOWING NOT READ DUE TO NO BIDS:**

**Resolution:** "To open bids received for the 2013 Chevy Impala police cruiser.

**Resolution:** "To accept the bid from \_\_\_\_\_ in the amount of \$\_\_\_\_\_ for the 2013 Chevy Impala police cruiser; vehicle to be sold in as is condition and pending review and approval of City Solicitor."

**REMINDERS:**

May 19th, New Haven Hose's Neon Nights 5K beginning 8:30 PM  
Mayor Lincoln stated there will be great prizes.

May 24th, Walkabout, 6 PM - 8 PM, Meet at City Hall, 412-788-0472  
Mayor Lincoln stated if you would like to volunteer, please be at City Hall.

May 26th, Geranium Festival, 9 AM - 4 PM, Downtown, 724-626-1645  
Treasurer Weaver said it is 9 AM – 3 PM.

May 27th, Golden Reunion, 1 PM - 4 PM, East Park, 724-603-2093

May 28th, Memorial Day Parade, 10 AM  
Mayor Lincoln stated it begins on the west side.

May 28th, City Offices will be closed

May 29th and 30th, June 12th, 13th, 26th & 27th, Recycling Days

June 2nd, New Haven Hose's Hoagie Sales

June 3rd, Learn to play acoustic fiddle, mandolin, banjo or guitar at the Library, 1:30PM-4:30PM

June 9th, Build a birdhouse at Yough Park, 10:30 AM - Noon

June 10th through August 26th, Lion Square Concerts, 7 PM - 9 PM each Sunday

June 11th through July 23rd, Recreation Board's Sports Camps

June 11th, Lions Club Kid's Fest, Murphy Hall, 5 PM - 9 PM

June 12th-July 31st, Wesley Health Center's Tobacco Cessation Class, 724-626-2610, Free Class

June 16th, Paint Room's annual Bike Run, Meet at W Apple/Meadow Lane Parking Lot, 10 AM

Mayor Lincoln added June 30<sup>th</sup> is Central Fellowships "Hope Floats". He added they bought 1,200 lanterns which will be \$5 each. Mayor Lincoln asked that residents let the church know how many lanterns you need so they will have enough.

Treasurer Weaver announced Wesley Church, June 9<sup>th</sup>, 6:30 PM - 8:30 PM, Fiddlers and refreshments

Mayor Lincoln announced the Rib Fest will be coming back to the City July 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>. He added Scott Blasey will play, the Billy Price band, Fungus and the Hillbilly Way.

View reminders and pavilion rental dates on the City's website: [www.connellsville.us](http://www.connellsville.us)

#### **KEEDY:**

Councilman Keedy stated last month was the Quarterly Budget Meeting and all seems to be on track. He announced he would like to add to the meeting tonight with a resolution to pay off the TAN Loan. Councilman Keedy stated he spoke with Joyce and found there is about \$400,000.00 to be transferred along with escrows which puts the City at roughly \$700,000.00. He stated he would like to read a resolution to pay the TAN Loan off on June 1<sup>st</sup> when the escrows are in the bank.

**Resolution No. 5-6-2018:** "To pay off the 2018 TAN Loan at Scottdale Bank and Trust, all outstanding balance and interest."

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

#### **KARPIAK:**

Public Works Report

Councilman Karpiak asked residents to call in potholes as they are working on repairs now.

Mayor Lincoln added there is a link on the City's website to report them at [www.connellsville.us](http://www.connellsville.us)

**Resolution No. 5-7-2018:** "To open bids received for materials and labor for upgrades on local traffic lights and equipment at numerous intersections within the City of Connellsville."

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

City Clerk Ohler opened 2 bids as follows:

Traffic Control and Engineering, \$27,494.90

Mayor Lincoln asked where the money is coming from to pay for this.

City Clerk Ohler answered the City received a grant for the work to be done.

Mayor Lincoln questioned how much the City received from the Green Light Go Grant.

City Clerk Ohler answered \$46,000.00.

The next and final bid was Power Contracting Company, \$44,460.00

**Resolution No. 5-8-2018:** "To accept the bid from Traffic Control and Engineering in the amount of \$27,494.90 for materials and labor for upgrades on local traffic lights and equipment at numerous intersections within the City of Connellsville."

Mayor Lincoln questioned what work will be done.

City Clerk Ohler answered LED Lights at Snyder Street, Arch Street and Third Street, Traffic Loops here and Apple Street along with new mechanisms inside the cabinets. Ohler added all the City lights will be LED.

Councilman Karpiak added this will be a big savings to the City.

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

#### **TZAN:**

**Resolution No. 5-9-2018:** "To purchase a flower barrel from the Connellsville Area Chamber of Commerce at a cost of \$25.00 and to be placed in front of City Hall; Money to be taken from line item #409.250."

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

Councilwoman Tzan reminded residents Sparks Catering is now open at Yough Park. She added the new cameras at Yough Park will make a huge difference now that all can be viewed clearly. Councilwoman Tzan mentioned they are still taking signups for Summer Sports Camps, noting there will be volleyball, tennis, basketball, soccer and track. She added to visit the Recreation Board's Facebook page or call City Hall for more information.

Mayor Lincoln asked that everyone go to Mountz Park and see what an amazing park it has become. He thanked the Williams Employees for their work at their expense on the park for their Day of Caring. Mayor Lincoln stated they did an unbelievable great job at the park. He added this year they fenced in the ballfield and last year did the dugouts. Mayor Lincoln stated that did the painting along the bike trail and do a lot for the Trail Council. He stated the City could never thank them enough and they have the best employees around. He said Council hopes by the end of summer there will be a "local official vs. William's employees wiffleball game at that field and dedicate it as Williams Field. Mayor Lincoln stated he spoke with the Rotary Club and they are hoping to get a flag pole down there. He stated the contract is working on new tennis courts and there will be two shuffle courts with hopes to have them ready Memorial Weekend. Mayor Lincoln stated the sand volleyball is operational now and netting up. He added he hopes there will be many signups for volleyball.

Councilman Karpiak discussed the kayak event at Yough Park called Youghness Monster. He noted it was well received with people from 14 different states that came here for the race. Councilman Karpiak discussed the importance of the Yough River in the City and events that could be upcoming in the City such as racing up the river now. He added the City now has a hotel, restaurants, and the river, noting there is no reason to go elsewhere. Councilman Karpiak stated the City doesn't have hills or rapids and is safer than elsewhere.

Mayor Lincoln added Braddock's Fish Club had their Fishing Event over the weekend with a few hundred kids. He added this is what the City wants the parks to be used for; seeing kids fishing and having fun, not on their cell phones. Mayor Lincoln thanked the Braddock's Fish Club for the event and stocking the river with trout.

#### **TOPPER:**

Health/Code Officer Report

Councilman Topper reminded residents it is grass cutting season and to keep it cut as the Code Officer will be out citing for high grass.

New Haven Hose Report

**Resolution No. 5-10-2018:** "To adopt Bill No. 1 of 2018; Ordinance No. 1533; AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, IMPLEMENTING A VOLUNTEER SERVICE CREDIT PROGRAM AND ESTABLISHING CREDITS FOR CITY EARNED INCOME TAX OR CITY REAL ESTATE TAXES ACTIVE VOLUNTEER FIRST RESPONDERS AND ESTABLISHING RULES AND PROCEDURES TO CLAIM SUCH CREDIT.

**Whereas,** the Commonwealth of Pennsylvania has adopted Act 172 of 2016 allowing tax credits for Volunteer First Responders,

Councilman Topper explained this ordinance is a Tax Credit or Property Tax Rebate or Earned Income Tax Rebate for active volunteers in and around the City of Connellsville. He noted if you live in the City of Connellsville, it does not matter what department you belong to, if you make over 50% of fundraisers or 50% of call you can earn \$200 earned income tax credit or \$2000 property tax rebate. He added the next level is an additional \$200 credit, noting it is difficult to receive as you need to be very active.

The floor was open for public comment and questions on this ordinance. There were no comments or questions asked by the public.

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

Councilman Topper added he has been to surrounding fire departments and they have fifteen days to get their list together of volunteers from 2017 together and to City Hall, by May 30, 2018.

Councilman Karpiak asked if the township or borough need to adopt this ordinance. Councilman Topper answered no they do not.

Solicitor Witt explained the next resolution is the criteria for the ordinance. He explained this resolution will help City if the criteria should change. He noted the City will not have to change the ordinance if this resolution is adopted.

Councilman Topper opted to read an introduction to another ordinance and get back to part two of the ordinance just passed.

**Resolution No. 5-12-2018:** "To introduce Bill No. 2 of 2018: AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, ADOPTING THE PROVISIONS OF THE NEIGHBORHOOD BLIGHT RECLAMATION AND REVITALIZATION (Act 90 of 2010)."

Councilman Karpiak stated he read the ordinance and has some questions. He explained at one time the owner to the old wcvr building lived out of state and the City could not get ahold of the owner to rectify some issues. He noted he was under the assumption that this bill would allow the City to go after those type of issues. Councilman Karpiak added that after reading the bill, he is not sure it will make any difference. He stated it reads "This has not been approved by any organization" and he is curious about that. He further added when you read further down it states it is already law, make this contradictory. Councilman Karpiak stated he wants to know that this will work. He explained that properties inherit liens to the point of not being able to get rid of them. Councilman Karpiak said there should be something in this bill for forgiveness of that (liens) when all it states is "given the opportunity to make payments". He stated he feels the City can do better than that.

Mayor Lincoln questioned if the Redevelopment Authority can acquire a property and make it free and clean.

Tom Currey explained that if mom and dad die and there is no estate set up, that leaves the question "who owns the property"? What happens, Currey noted, is the Redevelopment Authority can force the estate to "open up" and then say, "you own this property, what are you going to do with it?" Currey added in that case, they would have the choice of selling the property or fixing it up or tear it down or pay off the liens. Currey stated that the City can choose to forgive a lien, so the owner can put the money into the property and be up to code.

Mayor Lincoln asked what the success rate is of collecting liens put on properties.

Currey answered approximately 1% or less. He further explained the City liens are not the problem because they are the small ones. Currey stated it is the bank and IRS liens that are high when the properties are not worth that much to begin with. He explained previous experiences the City had and noted they are trying to force the sheriff sales and get the property to someone else.

Solicitor Witt explained this provision tracks the State Statute. He stated if parents pass away and children inherit property in serious code violation, in order to be in a situation where they are the owners of a serious code violation property and be subjected to their assets being in jeopardy under the Act 90 and the City going after them; this gives them the ability to address those violations to that property before they are subject to the penalties of the ordinance. Solicitor Witt stated this does mean if they "inherit" the property. He added if it is a problematic property there are ways they can avoid inheriting it. He added if they actually take ownership of it through inheritance, they will now have avenues to take towards the penalties of the ordinance. Solicitor Witt explained this is what this ordinance is to do and is in tact with the State Statute.

Councilman Karpiak stated he read it is protective of adjoining properties and if you have a blighted area and it is protective of that and even if it is a distraught property. He asked if this ordinance will help someone like the Cuneos and noted he feels it will not.

Tom Currey, Code Officer, stated that would be a civil matter.

Councilman Karpiak stated that anything would be a civil matter, even if the house were falling and the neighbors...

Currey stated that he would then have a problem with that, however, the Cuneo vs. neighbor matter is civil.

Councilman Karpiak asked Currey how many cases he has in court now.

Currey answered about 100.

Councilman Karpiak asked if this ordinance would end or speed up to the end any of Currey's court cases.

Currey answered that is a subjective question and it depends. He explained what this ordinance would do for him the most is enable him to tell residents to be careful and take care of their property or the City can go after their assets. Currey noted that most of his cases are solved before he goes to court and about 10% go to court. He further noted this ordinance would help him solve the problem with that 10% of residents who do not comply.

Councilman Karpiak questioned Currey if he has many multiple offenders.

Currey answered yes.

Councilman Karpiak asked if this ordinance would influence them.

Currey answered yes. He further noted that their demolition permits could be denied, they can't get those contracts and business permits can be denied. Currey stated again the ordinance would give the City more teeth.

Councilman Karpiak stated if the City takes the offender to court, the City would not be able to take their assets and if that offender appeals, the City would still not be permitted to touch their assets. He added the process would take a while.

Currey replied that is correct and it could be initially 90 days. He explained if the City would have to spend City funds to say demolish a house, then go after the persons assets. Currey added that Philadelphia goes through that process a lot.

Councilman Topper added Philadelphia has had a lot of success with that.

Mayor Lincoln asked if this ordinance would help the City collect property taxes.

Currey answer he cannot say for sure but feels certain that it will influence people.

Mayor Lincoln asked what the process would be for a property owner who is delinquent on taxes and what can the City about that.

Currey answered he does not know if the City can force a tax sale on those properties because that is a separate process. He added the City cannot touch personal assets over taxes.

Solicitor Witt verified the City cannot touch personal assets over taxes.

Mayor Lincoln asked if this was just for code enforcement.

Currey reiterated the City can still deny permits and business license. He added they can revoke a business license.

Solicitor Witt stated without a business license, they cannot operate and be cited if they try to operate.

Mayor Lincoln questioned how long it takes once the City cites them to operating a business without a license.

Currey answered 10 days.

Solicitor Witt stated his experience with this ordinance in other municipalities is that it creates incentives or non-incentives to not have delinquent properties or code violations. He added with a City this size it will be an extraordinary remedy and may not be used a lot. Solicitor Witt noted the threat can still be used however, it must be a serious violation of a code or ordinance that the City already has.

Councilman Karpiak asked if serious high grass qualifies.

Solicitor Witt answered no and discussed further: "It has to be an emanate threat to the health and safety of a dwelling occupant, occupants or surrounding structures or passersby." He suggested that if the Code officer would want to go the Act 90 route with someone, Council should meet with him (Witt) and Currey to ensure it is appropriately implemented. Solicitor added to refuse a permit could be deprivation of a constitutional right therefore the City needs to be sure to adhere very closely to the requirements of doing that.

Tom Currey added before anything can be done, they must be guilty at least four times in a less than six-month time frame.

Mayor Lincoln asked why the City should go through this process if it will be a rare occurrence.

Tom Currey answered he has had a couple cases in which it did make a difference.

Councilman Topper stated if the City needs this ordinance, he is for it.

Councilwoman Tzan stated it is just another needed tool.

Currey stated this will keep things from getting worse. He added the back taxes and denying permits will be the most used tool.

Mayor Lincoln added he is completely for that.

Councilman Karpiak added it levels the playing field for everyone. He then questioned the enforcement of this ordinance and noted it read the solicitor and all other employed or appointed by the City of Connellsville.

Mayor Lincoln asked Solicitor Witt what exactly that means.

Solicitor Witt answered it would have to be an employee of the City specifically hired to enforce this.

Chief Hammerle asked in the absence of Currey, could the police enforce it?

Solicitor Witt stated this ordinance does not call for charges to be filed it is just using the legal system to go after personal assets.

Solicitor Witt clarified this is just being introduced and must sit before being adopted.

Mayor Lincoln questioned if there must be public comment for adoption of the ordinance.

Solicitor Witt replied that is up to the City, but it is not a requirement.

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

**Resolution No. 5-11-2018:** "A RESOLUTION OF THE CITY OF CONNELLSVILLE, ESTABLISHING THE PROGRAM CRITERIA FOR THE VOLUNTEER SERVICE CREDIT PROGRAM

WHEREAS, the City of Connellsville has adopted Bill No. 1, Ordinance No. 1533 of 2018, establishing a Volunteer Service Credit Program in compliance with Act 172 of 2016, on May 15, 2018.

NOW, THEREFORE it is resolved that the Program Criteria for the Volunteer Service Credit Program is established as follows:

1. The Volunteer Service Credit Program is available to residents of the City of Connellsville who are volunteers of a recognized Volunteer Fire Company that provides service to the City of Connellsville, as may be limited or designated by resolution of the City Council of the City of Connellsville; and
2. A Level 1 Qualified Volunteer First Responder shall have responded to at least 50% of the calls in their serving department OR attended at least 50% of the fundraising activities in their servicing department.
3. A Level 2 Qualified First Responder must meet the above criteria AND complete (i) all four modules of the Essentials of Firefighting Program, (ii) a minimum of 64 hours of State Certified Training in addition to Essentials, and (iii) Firefighter I or Firefighter II training; and
4. The eligibility period for the 2018 calendar year will be from January 20, 2017, until November 30, 2017; and the eligibility period for subsequent calendar years will be January 1<sup>st</sup> until November 30<sup>th</sup> of the preceding calendar year.
5. The Chief of each Fire Company shall keep specific records of each volunteer's activities in a service log. The Chief will present the notarized eligibility list to the City Clerk no later than May 30, 2018, for the current year, and November 30<sup>th</sup> of the prior year for each subsequent year, in accordance with the City's ordinance."

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

New Haven Hose Fire Chief, Bob Topper, Sr. stated the firemen appreciate the tax credit ordinance.

Mayor Lincoln asked residents to please support New Haven Hose, especially during their fundraising. He noted they are greatly appreciated. Mayor Lincoln reminded residents of the "leash law".

**Resolution No. 5-13-2018:** "That this meeting of City Council does hereby adjourn."

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