

Connellsville City Council MINUTES
MARCH 21, 2023

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

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE: Rev. Strader led invocation

REMARKS FROM VISITORS/PUBLIC COMMENTS:

Linda Shearer, CAHS Patriots, gave a brief on the CAHS Patriots

Mayor Lincoln read and presented a Proclamation for the Connellsville Area High School Patriots 20th Anniversary

Alexandria Huffman, Student representative for the Recreation Board, Requested permission to sponsor a Friends Day at East Park

Mayor Lincoln thanked Huffman for being present and for volunteering to help with this event. He added it is on the agenda and he feels certain that City Council will vote to approve it.

OATH OF OFFICE:

Douglas Brighton, Connellsville Police Department

CITY TREASURER'S REPORT: Marilyn Weaver

CITY CONTROLLER'S REPORT: William Addis

CORRESPONDENCE:

General Braddock's Fish Club, Request concerning Yough River Park stage

Resolution No. 3-1-2023: "To name the stage at Yough River Park in honor of Dave Tremba; professional plaque/sign to be paid for by the General Braddock's Fish Club and approved by City Council prior to installation."

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. 3-2-2023: "To grant permission to the General Braddock's Fish Club to repair and repaint the stage at Yough River Park at no cost to the city."

Mayor Lincoln thanked the members of General Braddock's Fish Club for this project and noted that is one less thing the City must pay the Public Works Department to do.

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.

Sally Stoots, John Woodruff Race, July 5, 2023

Resolution No. 3-3-2023: "To temporarily close the following streets on July 5, 2023 for the John Woodruff Run/Walk; Starting at Falcon Stadium on South Arch Street to East Green Street to Isabella Road to Reidmore Road to West Gibson and back onto South Arch Street; pending review and approval of Police Chief and Fire Chief."

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.

Thomas McFadden, VFW Post #21, Memorial Day Parade, May 29, 2023

Resolution No. 3-4-2023: "To close West Crawford Avenue to North Pittsburgh Street and East Crawford Avenue to the Memorial at North Pittsburgh Street and Memorial Blvd. from 8:30 AM until 12 Noon for the Memorial Day Parade on Monday, May 29, 2023; pending approval of Police Chief, Fire Chief and Penn DOT. Further authorizing the Veterans Commission to use the PA System, Podium, and chairs as requested on the Utilization Form for the Memorial Day Program."

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. 3-7-2023: "To correct the February 21, 2023 Connellsville City Council Minutes and Resolution No. 2-8-2023 to the following: "To appoint Bob Topper, Jr. to the Connellsville Redevelopment Authority; term to expire January 1, 2024."

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. 3-5-2023: "To accept the minutes from the February 21, 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. 3-6-2023: “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 William Hammerle

Chief Hammerle stated they cannot use the new police vehicle due to the supply issues in the country. He added they are waiting for the emergency parts to come in so they can outfit the vehicle.

Chief Hammerle stated this past month, there has been multiple reports of gun shots being fired in different areas of the city. He requested the public be diligent and report hearing gun shots as soon as you hear them. He added the police can get a jump on the location. Hammerle stated they do not know at this time where they are coming from, but are looking into it. Chief Hammerle notified the public to call 911 as soon as they hear gun shots so the police will be dispatched out immediately.

Mayor Lincoln thanked the everyone who was out and helping when three-fourths of the City lost power during the storm recently.

Mayor Lincoln asked Chief Hammerle to give his input on the “Bottle Ordinance” that City Council is going to introduce this evening.

Chief Hammerle stated the Police Chief in Uniontown is in the process of trying to get this same ordinance passed in Uniontown. He added the Police Chief stated he wishes they would have passed it already because they are already having problems with this. Chief Hammerle stated he was informed Uniontown has an establishment that is partying until daylight, shots are being fired and it is a serious problem that they are having. He added this is something they need to address right now, before the city has those problems.

Resolution No. 3-8-2023: “TO INTRODUCE BILL NO. 3 OF 2023; AN ORDINANCE OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA; DEFINING AND REGULATING BOTTLE CLUBS, REQUIRING REGISTRATION OF BOTTLE CLUBS; MAKING CERTAIN CONDUCT RELATING TO BOTTLE CLUBS UNLAWFUL; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. WHEREAS, the City of Connellsville has the power and authority to regulate bring your own bottle clubs (BYOB Clubs).”

Mayor Lincoln asked Solicitor Witt how it would work if a restaurant that does not have a liquor license and wants to have a BYOB, do they have to come to the city and get a permit?

Solicitor Witt replied they would need to fill out an application to register so they would be on that registration and have to pay that registration fee that is specifically for a "Bottle Club". He added they would then be on the Registration List for that year.

Mayor Lincoln asked what Jeanette's registration fee for this is.

Solicitor Witt replied he does not know what their fee is.

Mayor Lincoln questioned if this affects places like New Haven Hose or places that hold weddings or those types of events.

Solicitor Witt answered if the establishment has a PA Liquor License with the Liquor Control Board, then it would not affect them.

Mayor Lincoln questioned Chief Jeff Layton if New Haven Hose has a Liquor License.

Chief Layton stated they only have a license when they are hosting an event in which they charge for alcohol.

Solicitor stated if a vendor or establishment is giving alcohol for free, then they would be subject to the BYOB requirement.

Chief Layton stated when there are weddings at New Haven Hose, the actual renter provides the alcohol, not New Haven Hose.

Solicitor Witt explained that the renter is renting the entire facility and this ordinance is for someone operating and open to the public or members who are bringing it in or it is there for everyone at that event.

Mayor Lincoln questioned if there was a cash bash and part of the ticket price is alcohol.

Solicitor Witt answered that would fall under that requirement (BYOB).

Tom Currey, Code Officer, questioned that if they are not bringing their own alcohol, wouldn't that mean they do not fall into that requirement. He clarified that a caterer is bringing it in.

Solicitor Witt explained under the ordinance the specific definition is "if someone is providing alcohol to patrons for free, the owner, managers, etc. it still falls under that requirement." He added another criterion would be if the establishment allows the patron to keep their own (patrons) alcohol on site and serve it to them.

Councilman Keedy stated then Kickstand and Ruvo's would fall under that since they have BYOB.

Solicitor Witt replied yes, they would.

Mayor Lincoln questioned Solicitor why Jeanette went with this ordinance.

Solicitor Witt replied they are dealing with similar issues that Uniontown is dealing with. He explained these places were open late into the night and could not be subject to a nuisance bar because they were not licensed by the PA Liquor Control Board. He added Jeanette to address the problem another way and that is through this ordinance. Solicitor Witt clarified this will put regulations in place as to how the Bottle Clubs can and can not operate.

Mayor Lincoln stated he is for this if there is a fair price on the permit itself.

Solicitor Witt stated City Council can set whatever that registration fee will be. He added they can set it to the minimum and just cover the cost of the program. He added the goal is to hold the owners and managers of those establishments responsible.

Mayor Lincoln clarified that if you do not have a PA Liquor License, that is what this is.

Solicitor Witt replied yes.

Councilman Karpiak stated the hours of operation state from midnight until 11 AM and added that is a long time.

Solicitor Witt explained that the establishment cannot be open from midnight until 11 AM. He added the ordinance makes those hours of operation unlawful.

Council discussed not charging a fee and the ordinance further.

Solicitor Witt explained the fee is zero until council decides to set a fee.

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.

Next Mayor Lincoln read a letter from North First Street Associates, LLC.

"To enter into an Agreement with 235 North First Street Associates, LLC for 23 parking spaces in the City owned lot adjacent to the hotel parking lot, to fulfill zoning requirements."

Mayor Lincoln questioned Solicitor Witt if the City leases these spaces, how will it affect the city's future growth down there.

Solicitor Witt stated one thing the City needs to determine is if this is exclusive use or non-exclusive use.

Mayor Lincoln questioned if this resolution ties them to an agreement.

Solicitor Witt clarified that this resolution is for the agreement, however, the terms of that agreement must be further spelled out. He added the agreement would still need approved and signed.

Councilman Karpiak questioned if that would come before council for a vote.

Solicitor Witt replied it could if council wishes it to be that way.

Council then discussed with Code Officer Currey how the parking and zoning requirements fall with the twenty-three parking spots. Currey explained those twenty-three spots would fall under 235 North First Street Associates, LLC's zoning requirements and could not count towards anyone else's zoning requirements, should that be needed in the future, even if the spots were "not" exclusive.

Solicitor Witt stated City Council can table the resolution for now and discuss this further with the party involved.

Tom Currey, Code Officer, stated the parties could request a Zoning Variance to not have the 23 parking spaces as a requirement.

City Council discussed the situation further and it was decided to table the resolution: A vote to table 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.

Reminders available on the City's website: Connellsville.us

APRIL EVENTS:

April 8th, Saturday, YRTC 29th Annual Trail Race, Registration 8 AM, Race at 9 AM, Yough River Park, Pre-register \$20, or day of event \$30. Call 724-628-6078 for registration information.

April 22nd is the City-wide volunteer cleanup day, register at Yough Park at 8 AM

April 23rd, Sunday, Recreation Board's Bluebird Box event, Noon at East Park, Free, PA Game Commission will provide bluebird box kits and some hammers (you are welcome to bring your own), all age groups are welcome, however, young children must be accompanied by an adult, call Mike at 724-323-2212 for further information.

April 29th, Saturday, Recreation Board's Tangled Up In Vines, Noon to 4 PM, East Side Fire Hall, \$20 tickets at City Hall, Atkins, West Side Jewelry and Brillhart's in Scottdale.

This Saturday, East Side Fire Hall, 10 AM – 1 PM, Recycling can distribution, 45 gallon can, \$3

Mayor Lincoln asked all property owners to support the recycling program. He noted it is important to obtain grant monies which the City gets thanks to people who support the recycling program. He stated if you cannot make it Saturday, call City Hall and we will figure out how to get one to you if you live in the City.

Mayor Lincoln announced that Tom Sparks passed away last night. He added Tom and Linda have always supported the city and gave his love and prayers to Linda and the family.

KEEDY:

Resolution No. 3-9-2023: “To abate and exonerate the City Treasurer from collecting 2023 Real Estate Taxes on City owned properties, which shall be exempt from 2023 City Real Estate Taxes known and located as follows: Connellsville Community Center, lots 15, 23 and 31, 201 East Fairview Avenue, \$333.59 and Connellsville Community Center, PT Lot 7, South Cottage Avenue, \$55.14.”

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 KARPIAK:

Health Officer’s Report

Code Officer Currey reminded residents that garbage must always be in cans with lids. He added to put them out the night before and not leave them out all weekend long. He also reminded residents with pools to treat the water now since the weather is in the 50’s and mosquitos are out. He also noted if anyone is getting a pool over 2 feet to get a permit from City Hall and get a UCC Permit. Currey stated it must have an enclosure.

Mayor Lincoln added he would like to see citations issued to those who are placing their garbage bags on the ground and not in cans. He noted there has been enough warnings and people are still not listening.

Mayor Lincoln announced this Saturday at New Haven Hose is Breakfast with the Bunny from 8 am until noon.

Fire Chief Jeff Layton stated from 1 PM until 3 PM you can bring your pet and get a photo of them with the Easter Bunny.

New Haven Hose Report by Chief Jeff Layton

Chief Layton notified City Council that landlords have been calling New Haven Hose with requests. He stated New Haven Hose are not janitors or maintenance men. He noted if landlords are collecting rent, then they need to answer the phone when their tenant calls. Chief Layton stated in the past three months, New Haven Hose probably had twelve calls for service for landlords who did not answer their

phone and the tenants sink was overflowing, someone is shutting water off and dishwashers. He added these calls are 2 AM and 3 AM in the morning. He requested that landlords be notified. Chief Layton added some tenants do not know their landlord's full name or who they write the check to. His example was the night after the storm, when all men were busy the entire evening, he received a call at 2 AM that a neighbor fell asleep in the tub and the water was running through the ceiling.

Chief Hammerle stated 911 should call the police and they can determine whether New Haven should be there or not.

Mayor Lincoln stated New Haven Hose had a banquet and recognized and awarded Joe and Roxanne Abramowitz for all they do in the community.

Chief Jeff Layton stated Joe and Roxanne are a big part of this town and you cannot say "Connellsville" without one of their names being mentioned.

Chief Layton stated Vinny Traynor received the Chief's award, Bill Addis received the most calls, the presidents award went to Joe Mancuso and a Special Award went to Joe and Roxanne Abramowitz.

Chief Layton stated he is working on a special training with West Penn Power and inviting Public Works and Chief Hammerle. He stated it is called "wires and fires." He explained that West Penn brings a mobile unit with transporters, they energize it and show you what happens if a down wire hits the ground and explains what we need to know and do. He added they will touch on the difference between a cable, phone and electric wire.

Chief Layton stated he and Emergency Coordinator Patrolman Layton to discuss emergency situations in the city.

Resolution No. 3-10-2023: "To reappoint Jeffrey Peterson to the Board of Health; term to expire April 1, 2028."

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. 3-11-2023: "To hire Chuck Hubbell as an employee for the Connellsville Visitors Center. Wages to be paid through a GO Laurel Highlands Grant."

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. 3-12-2023: “To hire Tom Kezmarsky as an employee for the Connellsville Visitors Center. Wages to be paid through a GO Laurel Highlands Grant.”

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. 3-13-2023: “To grant permission to Alexandra Huffman, in conjunction with the Connellsville Recreation Board, use of East Park for “Connellsville Friends Day” event on June 25, 2023; further granting permission for 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.

Resolution No. 3-14-2023: “To enter into a License Agreement with Connellsville Little League, for use of the baseball field located on Parcel ID #05-08-0263 (12th Street Ballfield, for Ninety-Nine (99) years, at a cost of \$1.00.”

Councilman Topper stated there are some particulars that are being worked out and they are glad to keep them moving forward.

Solicitor Witt stated the lease covers the field and restrooms. He added the Council needs to understand there will be changes made and then a final approval on this lease.

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 announced Clean-up Day will be led by the Parks and Recreation Board and stated they would love to have volunteers and groups. He added they will emphasize on the parks but hit other areas as well. He then discussed the Facebook Page was down for the Parks and Recreation but is up now. He stated a Sunday softball league is back at Woodruff Park and if you want to join, please reach out to us by calling City Hall.

Councilman Topper stated the Recreation Board’s Spring Fling is in a half hour. He thanked James Flynn and Janine Brooks, noting they did a tremendous job and the funds goes towards the parks so the City does not have to put tax dollars in the parks.

COUNCILWOMAN TIBERIO:

Public Works Report by James Bigam

Resolution No. 3-15-2023: “To rehire Mason Hollis as a seasonal employee for the Connellsville Public Works Department; money to be taken from line item 430.145.”

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. 3-16-2023: “To rehire Michael Hollis as a seasonal employee for the Connellsville Public Works Department; money to be taken from line item 430.145.”

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. 3-17-2023: “To rehire Dakota Nicholson as a seasonal employee for the Connellsville Public Works Department; money to be taken from line item 430.145.”

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. 3-18-2023: “To rehire Jacob Sanzone as a seasonal employee for the Connellsville Public Works Department, money to be taken from line item 430.145.”

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. 3-19-2023: “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.