

**Connellsville City Council MINUTES**  
**JUNE 20, 2023**

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

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

**REMARKS FROM VISITORS/PUBLIC COMMENTS:**

Gabby Topper and Amelia Lincoln: Gabby Topper stated that she and Amelia Lincoln will host a volleyball tournament to make money for the Connellsville Parks and Recreation Board. She stated it will be on July 15, 2023 at 9:45 AM for kids and adults immediately after at Cat's Court, Mountz Creek Park. She stated the ages are 5 through 15 and adults are age 16 and over. The registration is \$5 per kids and \$10 per adult. Gabby added you can register at City Hall or check the Connellsville Rec Board Facebook Page for more registration information. She added there is a 6-person team max.

Mayor Lincoln questioned if there is a form for people to fill out when they come to City Hall to register.

Councilman Topper stated there are forms in the office.

Mayor Lincoln thanked them for helping the Recreation Board.

Janine Brooks spoke next on behalf of the Connellsville Parks and Recreation Board. She notified City Council that they recently submitted a grant for the Community Development Block Grant for improvements to Pinnacle Park. She stated they plan to develop an inclusive playground in the park. Brooks clarified an inclusive playground is for all children, all ages, and all abilities. She continued there would not only be steps or the children, but also handicap ramps for those who have special needs such as difficulty walking. She added the existing swing set would be upgraded with new paint and swings. Brooks stated the basketball court would have a ten-foot fence around it so the ball does not roll down East Fayette Street. She added there will be new poles and backboards and new hoops. She stated there will be ADA compliant parking with a sidewalk leading to the inclusive park. Brooks stated playgrounds are an essential part of a child's life not only for exercise to build muscles, but also emotional, social, and cognitive skills. She stated the Recreation Board intends to make Pinnacle Park a beautiful park for everyone to enjoy. Brooks stated it is close enough to the hospital that when patients have children or family that is getting bored, they can walk over to the park. She continued that there is a daycare there and the teachers and aides can walk the children to the park. Brooks stated the park is large enough to do more than what they have the money to do right now. She stated there is more in the future they can do. Brooks stated she and the Recreation Board hope to have the City Council's support. She stated that each child deserves to have fun and play regardless of their ability. She asked if anyone has questions.

Mayor Lincoln stated he 100% loves this project. He stated he attended the Redevelopment Authority's Meeting last night and saw there was only two submissions for using the money. He stated this project was one and Code Enforcement was the other one. Mayor Lincoln stated council is on board with using the 2023 money for this project. He thanked the Recreation Board for the extra effort they are giving on this project.

Mayor Lincoln asked Janine Brooks if she would like to discuss the Red White and Boom Festival coming up.

James Flynn joined Janine Brooks to discuss the festival.

Janine Brooks stated it will be July 1<sup>st</sup> from 3 PM until the fireworks around 9:45 PM. She stated there will be food vendors and BBQ, funnel cakes, hot dogs, Italian food, sandwiches and fries, ice cream and more. She stated they are still taking donations for the fireworks. She continued that this year they are adding games from Fun Services such as Ax Throwing which is Velcro. She announced some of the games and stated there will be a basket raffle.

James Flynn stated there will be three great bands: The Cash out Band which is a Johnny Cash Band, Lori and Shirley have a steel guitarist coming with them from Nashville, and Variety Pack. He added after that will be fireworks.

Janine Brooks stated Friends Day is this Sunday and there are 25 kids signed up.

City Clerk Ohler asked City Council if weather does not cooperate that day, are they ok with this event being held in the fire hall.

Mayor Lincoln answered they are more than welcome to use the fire hall.

Jim Bigam questioned if they still have authorization to go through the gate for the fireworks.

James Flynn stated yes, he is going to their house tomorrow.

Councilman Karpiak questioned if a pavilion is in the plan for Pinnacle Park.

Janine Brooks answered it will be in the future, but right now they cannot afford it. She added they would like a pavilion, gazebo and walking trail.

Councilman Karpiak added that is a developing area and there are new houses in that area.

**CITY TREASURER'S REPORT:** Marilyn Weaver

**CITY CONTROLLER'S REPORT:** Bill Addis - absent

## **CORRESPONDENCE:**

Benjamin Hoffman, Street closure request

**Resolution No. 6-1-2023:** “To close North Second Street from Meason Street to the First Street triangle on Saturday, July 1, 2023 from 2 PM until 8 PM; 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, and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

## **REGULAR AGENDA:**

**Resolution No. 6-2-2023:** “To accept the minutes from the May 16, 2023 City Council Meeting.”

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

**Resolution No. 6-3-2023:** “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, and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

## **MAYOR LINCOLN:**

Police Department Report

Mayor Lincoln reminded residents that we do not allow people to loiter, do drugs in the parks, camp in the parks or river banks and under the trestle at the Historical Society’s property. He added they police those areas on a daily basis. Mayor Lincoln added there is proper signage all over the parks. He continued no tobacco products, no alcohol or foul language and smoking. Mayor Lincoln then stated there was a scam artist come through town again to Martin’s Plaza. He explained they will set up and act like they are playing a violin when it is actually a track on a boom box and begging for money. He stated they were harassing people going into Martin. Mayor Lincoln stated the police made them leave and they end up at the Walmart in Mt. Pleasant set up again. He continued that they had out of state plates and expensive speakers. He stated this is a known scam and if you see them, report it to the store manager or call 911.

Mayor Lincoln then stated PA American Water on a directive from the PUC were required to send out an informational letter to their customers asking them what type of materials are coming through their

walls of their house to service the water line. He stated “is it copper, lead, galvanized or plastic, etc.” He stated that most people fill them out and turn them back in. He continued that what they are doing now until July is having contractors coming into the city knocking on doors and identifying those addresses. Mayor Lincoln added they are required to do this by the PUC. He stated he wants residents to know that if someone comes to the door and identifies themselves as PA American Water and are asking about your water service line, it is true. Mayor Lincoln added you do not have to let them in if you look at what you have and let them know the material you have. He stated the purpose of this is that they have to remove lead whether connections or the line per the PUC.

Mayor Lincoln stated that if anyone else comes to your door, ask for a peddler’s license. He instructed residents if they do not have the permit, call 911.

**Resolution No. 6-4-2023:** “To grant permission to the City Clerk to file the 2023 -2024 Local Shares Account Grant on behalf of the City.”

City Clerk Ohler stated they needed more money to finish the ADA compliant dock fishing off of the boat ramp at Yough Park. He added the Garden Club will submit for a portion of the wall at Cameron Court which is falling in.

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

**Resolution No. 6-5-2023:** “To authorize, approve and enter into the Auto-Theft Task Force Agreement with the Commonwealth of Pennsylvania for July 1, 2023- June 30, 2024; further authorizing and directing the Mayor, City Clerk and Police Chief and City Solicitor to execute such agreement and to authorize City Officials and employees to take such action as is necessary to effectuate such agreement.”

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

**Resolution No. 6-6-2023:** “To enter into an Agreement with PRINT MAPS to create and print maps of the City of Connellsville, at no cost to the City of Connellsville.”

Mayor Lincoln thanked Shelley for contacting this company. He added their maps are sought after. He noted that the businesses will be updated.

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

**Resolution No. 6-9-2023:** “To permit the City Clerk to submit a Bare Root Tree grant on behalf of the City of Connellsville for the Fall 2023 Grant Term.”

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

Mayor Lincoln stated last night at the Redevelopment Authority Meeting they opened bids for the drainage projects on East Crawford Avenue and the 12<sup>th</sup> Street Park. He stated it was over the amount they have currently. He stated they will rebid and take the project down in half.

Mayor Lincoln made a motion to amend the agenda to allow for two resolutions to revise the FFY 2020 CBG Program. Councilman Topper seconded the motion.

**Resolution No. 6-7-2023:** “Be it Resolved by the City Council of the City of Connellsville, to revise their FFY 2020 CDBG Program as follows and to direct the Connellsville Redevelopment Authority to file the appropriate paperwork with DCED:

1. To revise the City’s FFY 2020 CDBG Program to re-allocate funding and to revise the following activities budgets as follows:

\$ 18,632.87 - Clearance

\$ 135,514.50 – Johnson Avenue Sidewalk

\$ 105,058.63 – East Crawford Avenue Storm Sewer

This revision is being implemented to allow for sufficient funds to complete the E. Crawford Avenue Storm Sewer Project.”

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

**Resolution No. 6-8-2023:** “Be it Resolved by the City Council of the City of Connellsville to commit to fund the balance needed to complete the E. Crawford Avenue Storm Sewer in the total amount not to exceed \$10,000.00.”

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

**Reminders:**

Farmer’s Markets, July 6, 20, August 3, 17, 4 PM – 7 PM and September 30, 8 AM – 2 PM. Call Bonnie 724-570-8339 or Chamber at 724-628-5500, North Arch Street

Connellsville’s First Fridays, Shop Local, Facebook: Connellsville’s First Fridays

Lions Square Concert, 7 PM – 9 PM, June 25<sup>th</sup> – High Ryder, July 9<sup>th</sup> – Shelly McCombie Duo, July 16<sup>th</sup> – The Wally Gingers Orchestra, July 23<sup>rd</sup> – Tane Lynne and Shadow Creek, July 30<sup>th</sup> – Outpost and August 6<sup>th</sup> – Abilene

Recycling Bins are still available, \$3.00, City Hall

June 24<sup>th</sup> and June 25<sup>th</sup>, Braddock's Crossing, Yough Park, 24<sup>th</sup> at 11 AM is the Opening ceremony for Braddock's Crossing and 1 PM is "Crossing the River" with New Haven Hose present and ensuring safety

Mayor Lincoln stated Fire Chief Layton stated the crossing will be on Sunday at 1 PM and you must have a shoe that covers your foot. He added that if you cannot swim, please do not participate.

June 25<sup>th</sup>, Friends Day at East Park, 1 PM – 4 PM, Alexandra 724-880-0139 for information

June 27<sup>th</sup>, Somerset Trust's Car Cruise, St. John's Church, 5:30 PM – 10 PM

July 1<sup>st</sup>, Connellsville Recreation Board and Festival Association, Red White and Boom Festival, Noon until 10 PM, Fireworks at 9:30 PM, North Arch Street

July 12<sup>th</sup>, John Woodruff Race, 7 PM, Register on-line "The John Woodruff Club". This year's race will be dedicated to Jamie McPoyle so some members of our community wanted to show their gratitude and support for his family

July 13<sup>th</sup> – 15<sup>th</sup>, St. Rita's Fair, 5:30 PM – 10 PM, 15<sup>th</sup> at 7 PM is Mangia Mania Italian Food Eating Competition

July 22<sup>nd</sup>, 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

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

Connellsville Recreation Board will host numerous events throughout the year. Visit their Facebook Page: Connellsville Rec Board. He added Connellsville.us is the website.

Unknown gentleman spoke stating he had a land survey and owns houses in Connellsville. He stated this has already gone through Tom Currey and the Planning Commission. He continued that he needs a signature of council or a chair person.

Tom Currey explained to this man what he needed to do (audio did not pick up the words).

**COUNCILMAN KEEDY:** Absent

**COUNCILMAN KARPIAK:**

Health Officer's Report

Tom Currey reminded residents to cut grass, use garbage cans with lids

New Haven Hose Report – Fire ban has been lifted

Councilman Karpiak stated the New Haven Hose volunteers do everything for free. He added “This is how they get money to serve the community. So, support them every chance you get.”

Fayette EMS Report, Richard P. Adobato, Chief

**Resolution No. 6-10-2023:** “To hire Emily Nichelson as the Board of Health Secretary effective immediately; pay rate to be \$65.62 per month; Money to be taken from line item 420.132.”

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

**Resolution No. 6-11-2023:** “To introduce 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 ruffraff 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 ruffraff.

*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 riffraff 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 riffraff 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 riffraff 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 riffraff 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 rifferaff 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 rifferaff, 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 rifferaff 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.”

Councilman Karpiak stated this ordinance is very important for the city. He added the reason we pay so much for garbage is due to their poor collection rates. He continued this ordinance will help elevate that and now you will not be able to not pay your garbage which makes the rest of us pay more. Councilman Karpiak stated people will now pay for their garbage. He added that whether you rent or are the landlord, someone will be paying for the garbage. He continued that there will be a penalty for not paying and it will not be pleasant. Councilman Karpiak stated this will enable them to collect more bidders for the garbage. He thanked Vern Ohler for all he has done with this, Rod Gunderson, Attorney Husband, Attorney Witt, and the Sewage Board.

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

Mayor Lincoln thanked Tom Karpiak for his work on this and being the liaison with the Municipal Authority Board. He added that residents who have not paid their bill for garbage service in 3 ½ years is a slap to the face. He warned residents that even if County Hauling does not remain our garbage hauler, they will still file a suit against anyone not paying their bill and will recoup their money. Mayor Lincoln stated that County Hauling provides a service and deserves to get paid. He noted with this ordinance, the days of not paying your bill are over.

Councilman Karpiak added even a low garbage rate could be a mixed number due to everything going up astronomically. He clarified that if they can keep it as low as possible, that will be a win.

Councilman Karpiak stated the burning ban has been lifted. He added you are not permitted to burn garbage or tires just yard trimmings or a burn pit for toasting marshmallows and such. He notified residents to only burn Wednesdays and Saturdays.

## **COUNCILMAN TOPPER:**

Councilman Topper stated he will let Mayor Lincoln speak about Jamie McPoyle since they were close. He added the city will try to complete Mr. McPoyle's visions he was hoping to finish.

**Resolution No. 6-12-2023:** "To rename the ballfield at Austin Park "McPoyle Field" in honor of Jamie McPoyle."

Mayor Lincoln added he wishes this could have been done before Jamie lost his battle to cancer. He added this will be an honor in his name because he put his blood, sweat and tears into this park. Mayor Lincoln stated he is the one who got it renovated and the ballfield done.

Mayor Lincoln asked Jim Bigam to come to the podium to discuss the dedication to honor Jamie McPoyle in September.

Jim Bigam stated he is thinking of putting something behind home plate at Austin Park. He told council he will show them a few ideas he has for the sign.

Jim Bigam then discussed the September race in McPoyle's honor. He stated he is working on people being permitted to park at the stadium. He added James Flynn and Janine Brooks will help. He added he will see if the kids from his class can work the tables for drinks. He gave a description of the route. He then stated he will talk with Mrs. McPoyle about a scholarship of her choice in his honor.

Mayor Lincoln thanked Bigam and asked him to let council know what he needs to make this happen.

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

**Resolution No. 6-13-2023:** "To grant permission to the friends of Jamie McPoyle, in conjunction with the Connellsville Recreation Board, to use designated streets on the City's south side area for a bike/run/walk in honor of Jamie McPoyle on Monday September 4th, 2023; pending approval of the Police and Fire Chief."

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

**Resolution No. 6-14-2023:** "To hire Denise White at the Connellsville Visitors Center with pay to be paid through the GO Laurel Highlands Visitors Center Grant."

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

Councilman Topper stated that Tangled Up In Brew is underway and they are reaching out to past vendors and planning.

Councilman Karpiak stated he wants to let the public know just how dire the consequences will be for not paying your garbage bill. He stated "If you do not pay your garbage bills, whether you are a tenant or a landlord or own your own home, it can get to the point where your water will be shut off. At that point, that is where a lot of bad things can happen." He stated the code officer can deem your home unfit for human habitation. He stated this is why it is so important for landlord and tenants to work out the garbage payment. Councilman Karpiak added once the water is shut off, you must pay to turn it back on. He stated council is serious about the garbage bills being paid.

Solicitor Witt explained it is the property owner and the tenant they are jointly responsible and ultimately, if it is not paid and there is a lien, it will be filed against the property then that becomes the property owner's responsibility.

Councilman Karpiak stated the landlord can battle with the tenant, but the place will be deemed inhabitable and there will not be rent or a tenant.

#### **COUNCILWOMAN TIBERIO:**

Public Works Report by Jim Bigam

**Resolution No. 6-15-2023:** "To hire Clint Richter for the laborer position with the Connellsville Public Works Department with a start date of July 5th, 2023. Salary to be taken out of line item 430.144."

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

**Resolution No. 6-16-2023:** "To hire Shawn Prinkey as a seasonal employee for the Connellsville Public Works Department retroactively to June 8, 2023, with salary to be taken out of line item 430.145."

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

**Resolution No. 6-17-2023:** "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, and Tiberio and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

