

**5:50PM – EXECUTIVE SESSION (Contracts)(Cell Phone Tower)**

**ELLWOOD CITY BOROUGH COUNCIL  
REGULAR MEETING – 6:00 P.M. – COUNCIL CHAMBERS  
November 21, 2022**

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**MINUTES**

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**CALL TO ORDER**

President George Celli called the meeting to order.

**ROLL CALL**

Present: Mr. Barry, Mr. Cragle, Ms. Dici, Ms. Lamenza (via phone), Mr. Ovial, Ms. Williams, and Mr. Celli

Also Present: Borough Manager David Allen, Solicitor Ed Leymarie, and Kaden Schlichtkrull (Jr. Councilperson)

Absent: Mayor Anthony Court

**INVOCATION** – Rev. James Johnson – Risen Savior

**PLEDGE OF ALLEGIANCE**

**VISITORS**

None

**COMMUNICATIONS**

**APPROVAL OF MINUTES:**

Public Hearings (2) 10/17/22 and Regular Meeting 10/17/22

A motion was made by Ms. Dici, seconded by Mr. Ovial, to approve the Minutes of the Public Hearings (2) held 10/17/22 and the Regular Meeting held 10/17/22, as submitted. Voice vote; all in favor. Motion carried.

**APPROVAL OF VOUCHERS:**

Pre-Paid Voucher List 11/15/22 and List of Vouchers to be Paid dated 11/16/22

A motion was made by Mr. Barry, seconded by Ms. Williams, to approve the Pre-Paid Voucher List dated 11/15/22, in the amount of \$1,127,985.83, and the List of Vouchers to be Paid dated 11/16/22, in the amount of \$479,624.23. Roll call vote. All in favor, with Ms. Williams abstaining on pre-paid voucher # 59506. Motion carried.

**DEPARTMENTAL REPORTS:**

A motion was made by Mr. Barry, seconded by Ms. Williams, to approve the Departmental Reports, as submitted. Voice vote; all in favor. Motion carried.

**BID OPENINGS**

**ORDINANCES**

1. Creation of an Advanced Life Support (ALS) Program  
A motion was made by Mr. Ovial, seconded by Mr. Cragle, to adopt an Ordinance, as submitted, creating an Advanced Life Support (ALS) Program. Roll call vote; all in favor. Motion carried.
2. One Way – Birch Way  
A motion was made by Mr. Barry, seconded by Mr. Ovial, to adopt an Ordinance, as submitted, designating Birch Way from Fourth Street to a point 76 feet east as one way (eastbound). Roll call vote. All in favor, except Ms. Williams. Motion carried, 6-1.

## RESOLUTIONS

1. Interim Financing – Wampum Avenue Pump Station Project  
A motion was made by Ms. Dici, seconded by Mr. Cragle, to adopt a Resolution, as submitted, declaring the use of General Funds, General Capital Reserve Funds, Sewer Funds, Sewer Capital Reserve Funds or a Line of Credit, if needed, for the Wampum Avenue Pump Station Project. Roll call vote; all in favor. Motion carried.
2. Free Holiday Parking  
A motion was made by Mr. Barry, seconded by Mr. Cragle, to adopt a Resolution, as submitted, authorizing free parking at all currently metered spaces located on Lawrence Avenue, Bell Avenue, Crescent Avenue, 5<sup>th</sup> Street, 6<sup>th</sup> Street, 7<sup>th</sup> Street and the Beaver Avenue parking lot for a maximum of two (2) hours from November 25 through December 31, 2022. Motorists exceeding the 2 hour time limit will be subject to a \$5.00 fine if paid within 72 hours. Violators who fail to make payment within 72 hours will be subject to prosecution through the District Justice office. Roll call vote; all in favor. Motion carried.
3. Accept \$6,000,000 Funding Offer from PennVest (Wampum Ave. Pump Station Project)  
A motion was made by Ms. Dici, seconded by Mr. Barry, to adopt a Resolution, as submitted, accepting the \$6,000,000 funding offer from PennVest for the Wampum Avenue Pump Station Project and designating the Council President, Borough Manager, Borough Secretary and/or the Borough Solicitor as authorized signatories for the same. Roll call vote; all in favor. Motion carried.
4. Keystone Communities Enterprise Zone Designation  
A motion was made by Mr. Ovia, seconded by Ms. Lamenza, to adopt a Resolution, as submitted, authorizing the Lawrence County Economic Development Corporation to file an application to include Ellwood City Borough in a proposed multi-municipal, Lawrence County Keystone Communities Enterprise Zone Designation application with the Department of Community and Economic Development (DCED). Such benefits available to eligible business will be to those in the Industrial Zoning District. Voice vote; all in favor. Motion carried.

## APPOINTMENTS/RESIGNATIONS

### COMMITTEES OF COUNCIL

#### Finance: (Williams, Lamenza, Dici)

1. Advertise Ordinance – Creating a 1 Mill Tax (Advances Life Support Services)  
A motion was made by Mr. Ovia, seconded by Ms. Dici, to advertise an ordinance creating a 1 mill tax for Advanced Life Support (ALS) Services, pursuant to the passage by majority vote of a referendum on the November 8, 2022 ballot. Roll call vote. All in favor, except Mr. Barry. Motion carried, 6-1.
2. Donation – Ellwood City Area Historical Society  
A motion was made by Mr. Barry, seconded by Mr. Ovia, to authorize the donation in the amount up to \$2,500 to the Ellwood City Area Historical Society. This amount will be paid from the 2023 Budget (L&N Property Fund) and shall be used for digitizing historical records.

#### Health/Public Safety: (Ovia, Lamenza, Cragle)

1. Agreement – Providing Public Safety/Police Protection for School Events  
A motion was made by Mr. Barry, seconded by Ms. Williams, to approve an Agreement, as submitted, with the Ellwood City Area School District providing public safety/police protection for school events. Voice vote; all in favor. Motion carried.
2. EC Parade Committee – Christmas Parade  
A motion was made by Ms. Dici, seconded by Ms. Lamenza, to approve the request by the EC Parade Committee to hold the Christmas Parade December 3 beginning at 3:30pm. Voice vote; all in favor. Motion carried.

3. Advertise Ordinances – Repeal One Way (Glen Avenue); Stop Intersection (Glen Avenue); Turning at Certain Intersections (Glen Avenue); No Parking (Glen Avenue)

A motion was made by Mr. Oviai, seconded by Ms. Lamenza, to advertise the following:

- \* an amendment to the traffic ordinance repealing one way traffic on Glen Avenue from 5<sup>th</sup> Street to a point 350 feet westbound.
- \* an amendment to the traffic ordinance establishing a stop intersection on Glen Avenue at Fifth Street (eastbound).
- \* an amendment to the traffic ordinance establishing turning at certain intersections, specifically Glenn Avenue, eastbound, not to make left turn or straight through onto Fifth Street.
- \* an amendment to the traffic ordinance establishing no parking (south side) on Glen Avenue from Fifth Street to a point 350 feet west.

Voice vote; all in favor. Motion carried.

**Public Works: (Barry, Williams, Oviai)**

**Utilities: (Dici, Barry, Williams)**

**Parks/Recreation: (Cragle, Lamenza, Barry)**

1. Approve Quote (ratify) – Youngblood Paving

A motion was made by Ms. Dici, seconded by Ms. Williams, to approve the quote (ratify) from Youngblood Paving in the amount of \$9,000 to resurface the pavement in Ewing Park for a pickleball court. This amount will be paid from the Marcellus Shale Fund. Roll call vote; all in favor. Motion carried.

**Administration/Personnel: (Lamenza, Oviai, Cragle)**

1. Employment – Part-time Patrolman

A motion was made by Mr. Barry, seconded by Ms. Williams, to approve the employment of Joseph Howard as a Part-time Patrolman, contingent upon the successful completion of any remaining background checks. The rate of pay is \$20.28/hour. Roll call vote. All in favor, except Ms. Dici. Motion carried, 6-1.

2. Employment – Crossing Guard

A motion was made by Mr. Cragle, seconded by Ms. Lamenza, to approve the employment of Jennifer Greco as Crossing Guard, contingent upon the successful completion of all background checks. The rate of pay is \$11.50/hour. Voice vote; all in favor. Motion carried.

3. Employment – Borough Manager

A motion was made by Mr. Barry, seconded by Mr. Oviai, to approve the employment of Kevin Swogger as Borough Manager at the salary of \$70,000 and to further approve his Employment Agreement, as submitted. Roll call vote, all in favor. Motion carried.

4. Lease Agreement Renewal – Children’s Advocacy Center of Lawrence Co.

A motion was made by Ms. Dici, seconded by Ms. Williams, to approve renewing the lease agreement with the Children’s Advocacy Center of Lawrence County at the rate of \$575/month. Roll call vote, all in favor. Motion carried.

5. Advertise – Board/Commission Vacancies

A motion was made by Ms. Williams, seconded by Mr. Cragle, to advertise the vacancies on the following Boards/Commissions: Zoning Hearing Board, EC Planning Commission, Library Board, Board of Health, and Recreation Board. Voice vote; all in favor. Motion carried.

6. Advertise Ordinance - Code Book Updates  
A motion was made by Mr. Barry, seconded by Ms. Lamenza, to advertise an ordinance approving the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the codified ordinances. Voice vote; all in favor. Motion carried.
7. Worker's Compensation Insurance – Firefighters  
A motion was made by Mr. Cragle, seconded by Ms. Dici, to approve the Workers Compensation Insurance with the State Workers Insurance Fund (SWIF) for the volunteer firefighters for the period 1/1/23 – 1/1/24. The estimated annual premium is \$15,209 (final premium is subject to adjustment by audit). This amount will be paid from the General Fund. Roll call vote; all in favor. Motion carried.
8. Police Pension Plan – 2023 Cost of Living Adjustments (Damon, Disher (DROP), Forester (QDRO), Kingston, Liberatore, List, Lubich, & Parsons  
A motion was made by Mr. Ovia, seconded by Ms. Dici, to approve the year 2023 cost of living adjustments for retired police officers Brian Damon, Jon Disher (DROP), Patricia Forester (QDRO), David Kingston, Matthew Liberatore, Richard List, John Lubich, and Wayne Parsons, as submitted by the Actuary. Roll call vote; all in favor. Motion carried.
9. Ptl. David Samsa – Completion of Probationary Period  
A motion was made by Mr. Cragle, seconded by Ms. Lamenza, to accept the recommendation from Mayor Court and Sgt. McBride that Ptl. David Samsa has completed his six (6) months probationary period and there is no need to extend it. Voice vote; all in favor. Motion carried.
10. Ptl. Robert Bird – Completion of Probationary Period  
A motion was made by Ms. Dici, seconded by Mr. Cragle, to accept the recommendation from Mayor Court and Sgt. McBride that Ptl. Robert Bird has completed his six (6) months probationary period and there is no need to extend it. Voice vote; all in favor. Motion carried.
11. Richardson Inspection Services – Fee Schedule 2023  
A motion was made by Mr. Ovia, seconded by Ms. Lamenza, to approve the 2023 fee schedule as submitted by Richardson Inspection Services for zoning services. Voice vote; all in favor. Motion carried.
12. Employment – Part-time Paramedic  
A motion was made by Mr. Ovia, seconded by Ms. Williams, to hire the following individuals as part-time Paramedic at the rate of \$20.00/hour: Ernest Mallary, Jr. and Christopher Szymoniak. Voice vote; all in favor. Motion carried.
13. Resignation – Sharon Smith (Administrative Assistant)  
A motion was made by Mr. Barry, seconded by Mr. Cragle, to accept the resignation of Sharon Smith, Administrative Assistant, effective 11/9/22, her last day of employment. Voice vote; all in favor. Motion carried.
14. Advertise Employment – Administrative Assistant  
A motion was made by Mr. Barry, seconded by Ms. Dici, to advertise the position of Administrative Assistant. Voice vote; all in favor. Motion carried.

**Community Development/Buildings: (Ovia, Barry, Cragle)**

1. Award Bid – Sale of 806 Fifth Street  
A motion was made by Mr. Cragle, seconded by Mr. Ovia, to award the bid on the sale of 806 Fifth Street (#22-002-0707.000) to Constance Kennedy for \$1,001.00. Roll call vote; all in favor. Motion carried.

2. Approve Quote – Tom Sipes Demolition

A motion was made by Mr. Oviai, seconded by Mr. Cragle, to approve the quote from Tom Sipes Demolition in the amount of \$8,900 to demolish the structure at 1219 Crescent Avenue. This amount will be paid from the General Fund. Roll call vote; all in favor. Motion carried.

**Blight: (Dici, Oviai, Barry)**

**Technology: (Cragle, Williams, Dici)**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

1. Permission to Add to Agenda – Agreement Everest Infrastructure Partners

A motion was made by Mr. Oviai, seconded by Ms. Dici, to approve adding to the agenda an Agreement with Everest Infrastructure Partners regarding the cell tower located at 1 Hack Wilson Drive (Stiefel Park). Voice vote; all in favor. Motion carried.

2. Agreement - Everest Infrastructure Partners

A motion was made by Mr. Barry, seconded by Mr. Cragle, to approve the Agreement with Everest Infrastructure Partners increasing the cell tower (located at 1 Hack Wilson Drive – Stiefel Park) rent/revenue from \$1,520.88/month to \$3,020.88/month plus additional terms under the Agreement. Roll call vote; all in favor. Motion carried.

**MAYOR'S REPORT**

**MANAGER'S REPORT**

**ANNOUNCEMENTS**

Budget Workshop – November 30 at 5pm

**ADJOURNMENT**

There being no further business, the meeting adjourned on a motion by Ms. Dici, seconded by Mr. Barry. Voice vote; all in favor. Motion carried.

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Linda M. List  
Borough Secretary