

4:55pm – Executive Session (Personnel)

5:00pm – Budget Workshop #1

**ELLWOOD CITY BOROUGH COUNCIL
REGULAR MEETING – 6:00 P.M. – COUNCIL CHAMBERS
November 15, 2021**

MINUTES

CALL TO ORDER

President George Celli called the meeting to order.

ROLL CALL

Present: Mr. Barry, Mr. Brough, Mr. Cragle, Ms. Lamenza, Mr. Ovial, and Mr. Celli
Also Present: Manager David Allen, Mayor Anthony Court and Solicitor Ed Leymarie
Absent: Ms. Dici

INVOCATION – Dave McQuaid, First Baptist Church

PLEDGE OF ALLEGIANCE

COMMENDATION

Cara Atkinson – Recipient of the “Woman of Courage” award
Rick Myers – obtaining “Professional Emergency Management Certification”

VISITORS

None

COMMUNICATIONS

APPROVAL OF MINUTES:

Regular Meeting 10/18/21

A motion was made by Mr. Ovial, seconded by Mr. Cragle, to approve the Minutes of the Regular Meeting held 10/18/21, as submitted. Voice vote; all in favor. Motion carried.

APPROVAL OF VOUCHERS:

Pre-Paid Voucher List dated 11/8/21 and List of Vouchers to be Paid dated 11/10/21

A motion was made by Ms. Lamenza, seconded by Mr. Barry, to approve the Pre-Paid Voucher List dated 11/8/21, in the amount of \$1,262,400.71, and the List of Vouchers to be Paid dated 11/10/21, in the amount of \$221,391.40. Roll call vote; all in favor. Motion carried.

DEPARTMENTAL REPORTS:

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

BID OPENINGS

ORDINANCES

1. Refinancing of 2016 & 2017 Bond Issues (2021 General Obligation Bonds – Series A & B)

A motion was made by Mr. Barry, seconded by Mr. Cragle, to adopt an ordinance, as submitted, authorizing and directing the issuance of its General Obligation Bonds, series A of 2021 and General Obligations Bonds, series B of 2021 in a combined aggregate principal amount not to exceed \$13,150,000 pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania, known as the Local Government Unit Debt Act, determining that such debt shall be nonelectoral debt of the local government unit; inviting a proposal for the purchase of such bonds, and setting forth related provisions; providing that such general obligation bonds, when issued, shall be general obligations of the local

government unit; fixing the substantial form, denominations, numbers, date, maturity dates, maximum yields, maximum interest rates, interest payment dates, registration provisions, place of payment of principal, maturity amount and interest; authorizing execution of such bonds and authentication thereof; providing covenants related to payment of debt service and pledging the full faith, credit and taxing power of the local government unit in support thereof; creating a sinking fund and a clearing account; appointing agents and professionals; authorizing and directing specified officers of the local government unit to do, to take and to perform certain specified, required, necessary or appropriate acts and things; ratifying prior advertisement and directing further advertisement; authorizing payment of expenses; ratifying the preliminary official statement; authorizing approval of the final official statement; providing covenants related to continuing disclosure and compliance with provisions of the internal revenue code; and repealing all ordinances or parts of ordinances insofar as the same shall be inconsistent herewith. Roll call vote; all in favor. Motion carried.

2. Name Change from Wolverine “Avenue” to Wolverine “Way”

A motion was made by Ms. Lamenza, seconded by Mr. Barry, to adopt an Ordinance, as submitted, changing the street name from Wolverine “Avenue” to Wolverine “Way” from Cherry Way to 6th Street. Voice vote; all in favor. Motion carried.

3. Repealing Ordinance #2583 – Prohibiting the Use of Engine Brake Retarders On Motor Vehicles

A motion was made by Mr. Brough, seconded by Mr. Oviai, to adopt an Ordinance, as submitted, repealing Ordinance #2583 prohibiting the use of engine brake retarders on motor vehicles on Woodside Avenue (SR 65) from Pershing Street to Mt. Vernon Drive. Roll call vote; all in favor. Motion carried.

4. Prohibiting the Use of Engine Brake Retarders On Motor Vehicles

A motion was made by Mr. Cragle, seconded by Mr. Barry, to adopt an Ordinance, as submitted, prohibiting the use of engine brake retarders on motor vehicles on Line Avenue/Woodside Avenue (SR 65) from Bridge Street to Wampum Avenue and Line Avenue/Woodside Avenue (SR 65) between Haig Street and the Borough line with Wayne Township. Roll call vote; all in favor. Motion carried.

5. Vacating Locust Way & Fountain Avenue

A motion was made by Mr. Brough, seconded by Ms. Lamenza, to adopt an Ordinance, as submitted, vacating Locust Way and Fountain Avenue, more specifically described as follows:

Locust Way

All that certain portion of Locust Way, to be vacated, situate in Ellwood City Borough, Lawrence County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point at the intersection of the easterly right of way line of Locust Way, 14.00 feet wide, and the southerly right of way line of Glen Avenue, 60.00 feet wide; thence from said point of beginning by the easterly right of way line of Locust Way S 00° 55' 00" W a distance of 163.97 feet to a point on the northerly right of way line of Fountain Avenue; thence by the northerly right of way line of Fountain Avenue N 89° 05' 00" W a distance of 14.00 feet to a point on the westerly right of way line of Locust Way; thence by a westerly right of way line of Locust Way N 00° 55' 00" E a distance of 160.03 feet to a point on the southerly right of way line of said Glen Avenue; thence by the southerly right of way line of said Glen Avenue N 75° 13' 00" E a distance of 14.54 feet to a point at the intersection of the easterly right of way line of said Locust Way and the southerly right of way line of said Glen Avenue, at the point of beginning.

Fountain Avenue

All that certain portion of Fountain Avenue, to be vacated, situate in Ellwood City Borough, Lawrence County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point at the intersection of the southerly right of way line of Fountain Avenue, 20.00 feet wide, and the westerly right of way line of 5th Street, State Route No. 0065, 66.00 feet wide; thence from said point of beginning by the southerly right of way line of Fountain Avenue N 89° 05' 00" W a distance of 160.00 feet to a point; thence by a line through Fountain Avenue N 00° 55' 00" E a distance of 20.00 feet to a point on the northerly right of way line of Fountain Avenue; thence by the northerly right of way line of Fountain Avenue S 89° 05' 00" E a distance of 160.00 feet to a point on the westerly right of way line of said Fifth Street; thence by the westerly right of way line of said 5th Street S 00° 55' 00" W a distance of 20.00 feet to a point at the intersection of the southerly right of way line of said Fountain Avenue and the westerly right of way line of said 5th Street, at the point of beginning.

Roll call vote. All in favor, except Mr. Barry. Motion carried, 5-1.

6. New Sewer Rates Established

A motion was made by Mr. Cragle, seconded by Mr. Barry, to adopt an Ordinance, as submitted, amending the sewer ordinance designating the new sewer rates effective 1/1/22 to be \$8.68/1,000 gallons of water and \$8.68 per customer per month. Roll call vote; all in favor. Motion carried.

7. Establishing Procedures & Requirements (Act 50 of 2021) and Regulating Small Wireless Facilities to be Placed Within the Public Right of Way

A motion was made by Mr. Brough, seconded by Mr. Cragle, to adopt an Ordinance, as submitted, establishing procedures and requirements pertaining to the implementation of Act 50 of 2021 and regulating small wireless facilities to be placed within the public right-of-way. Roll call vote; all in favor. Motion carried.

8. Police Pension Plan - Elimination of the DROP

A motion was made by Mr. Cragle, seconded by Mr. Barry, to adopt an Ordinance, as submitted, amending the Police Pension Plan eliminating the Deferred Retirement Option Plan (DROP) effective for any officers hired after September 20, 2021. Roll call vote; all in favor. Motion carried.

RESOLUTIONS

1. Free Holiday Parking

A motion was made by Mr. Cragle, seconded by Ms. Lamenza, to adopt a Resolution, as submitted, authorizing free parking at all currently metered spaces located on Lawrence Avenue, Bell Avenue, Crescent Avenue, 5th Street, 6th Street, 7th Street and the Beaver Avenue parking lot for a maximum of two (2) hours from November 26 through December 31, 2021. 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. Voice vote; all in favor. Motion carried.

2. Revision to the Sewage Facilities Plan (Wampum Pump Station Project)

A motion was made by Mr. Barry, seconded by Mr. Cragle, to adopt a Resolution, as submitted, approving the submission of a revision to the Sewage Facilities Plan for the Wampum Pump Station Project. Roll call vote; all in favor. Motion carried.

APPOINTMENTS/RESIGNATIONS

COMMITTEES OF COUNCIL

Finance: (Ovial, Cragle, Barry)

1. Adopt Tentative 2022 Budget/Tax Rate
This item was pulled from the agenda.

Health/Public Safety: (Celli, Barry, Lamenza)

1. Civil Service Commission

A motion was made by Mr. Barry, seconded by Mr. Ovial, to authorize the Civil Service Commission to start the process for obtaining a new Police Eligibility List.

An amendment to the motion was made by Mr. Ovial, seconded by Ms. Lamenza, to start this process December 1st. Roll call vote on the amendment. All in favor. Motion carried.

Roll call vote on the amended motion to authorize the Civil Service Commission to start the process for obtaining a new Police Eligibility List December 1st. All in favor. Motion carried.

2. Approve Quote – Duke’s Sport Shop (Weaponry)
A motion was made by Ms. Lamenza, seconded by Mr. Brough, to approve the quote from Duke’s Sport Shop in the amount of \$7,425 for the purchase of 15 weapons. This amount will be paid from the Drug Investigation Fund. Roll call vote; all in favor. Motion carried.

3. Approve Quotes – E-Safe Technologies
A motion was made by Mr. Cragle, seconded by Mr. Barry, to approve the quotes by E-Safe Technologies to upgrade the police department computers (battery backup, new server, firewall, backup storage, technical support) in the total amount of \$7774.76. This amount will be paid from the General Fund. Roll call vote; all in favor. Motion carried.

Public Works/Utilities: (Barry, Cragle, Ovia)

1. Approve Quote (Ratify) – Shults Ford
A motion was made by Mr. Ovia, seconded by Mr. Cragle, to ratify the approval for the purchase of a 2021 Ford F150 from Shults Ford/Lincoln in the amount of \$35,452 (Costar pricing) for the Electric Department. This amount was paid from the 2017 Bond Issue. Roll call vote; all in favor. Motion carried.

2. Approve Quote (Ratify) – Baierl Ford
A motion was made by Mr. Ovia, seconded by Ms. Lamenza, to ratify the approval for the purchase of a 2016 Ford Super Duty F550 from Baierl Ford in the amount of \$48,644 (Costar pricing) for the Public Works Department. This amount was paid from the General Fund. Roll call vote; all in favor. Motion carried.

3. 2021 Paving Project– Change Order #1
A motion was made by Mr. Ovia, seconded by Mr. Barry, to approve change order #1 in the amount of \$34,624.42 to Youngblood Paving for work associated with the 2021 Paving Program. This amount will be paid from the Liquid Fuel Fund. The revised project cost, including this change order is \$406,735.66. Roll call vote; all in favor. Motion carried.

4. Meadowridge/Pinecrest Acres Paving Project– Change Order #1
A motion was made by Mr. Barry, seconded by Mr. Cragle, to approve change order #1 in the DEDUCT amount of \$4,692.97 to Youngblood Paving for work associated with the Meadowridge/Pinecrest Acres Paving Project. The revised project cost, including this change order is \$115,656.03. Voice vote; all in favor. Motion carried.

Parks/Recreation: (Cragle, Lamenza, Brough)

Administration/Personnel: (Lamenza, Cragle, Barry)

1. Employment – Part Time Patrolman
A motion was made by Ms. Lamenza, seconded by Mr. Barry, to approve the employment of William Daufen as a part-time Patrolman, contingent upon the successful completion of all background checks/clearances. The rate of pay is \$19.88 per hour. Roll call vote; all in favor. Motion carried.

2. Police Pension Plan – 2022 Cost of Living Adjustments (Betz, Damon, Disher (DROP), Forester (QDRO), Hardie, Kingston, List (DROP), Lubich, & Parsons (DROP))
A motion was made by Mr. Ovia, seconded by Mr. Barry, to approve the year 2022 cost of living adjustments for retired police officers William Betz, Brian Damon, Jon Disher (DROP), Patricia Forester (QDRO), Chris Hardie, David Kingston, Richard List (DROP), John Lubich, and Wayne Parsons (DROP), as submitted by the Actuary. Voice vote; all in favor. Motion carried.

3. Appoint – Herbert, Rowland & Grubic (HRG) (Engineers) & Rate Schedule
A motion was made by Mr. Brough, seconded by Mr. Ovial, to appoint Herbert, Rowland & Grubic (HRG) as the Borough’s engineering firm, and further to approve their 2021 Rate Schedule. Voice vote; all in favor. Motion carried.
4. Advertise – Board/Commission Vacancies
A motion was made by Mr. Brough, seconded by Mr. Ovial, to advertise the vacancies on the following Boards/Commissions: Zoning Hearing Board, Zoning Hearing Board Alternate, EC Planning Commission, Economic Development Authority, Civil Service Commission, Civil Service Commission Alternate, Library Board, and Recreation Board. Voice vote; all in favor. Motion carried.
5. Advertise Ordinance - Code Book Updates
A motion was made by Mr. Barry, seconded by Mr. Brough, 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. Roll call vote; all in favor. Motion carried.
6. Worker’s Compensation Insurance – Firefighters
This item was pulled from the agenda.
7. Employment – Kasarah Ward (Crossing Guard)
A motion was made by Mr. Barry, seconded by Mr. Ovial, to authorize the employment of Kasarah Ward as crossing guard at the rate of \$9.40 per hour, contingent upon the successful completion of all background checks and clearances. Voice vote; all in favor. Motion carried.
8. Resignation – Neil Froce (Administrative Assistant)
A motion was made by Mr. Barry, seconded by Mr. Brough, to accept the resignation of Neil Froce, Administrative Assistant, effective December 3, 2021, his last day of employment. Voice vote; all in favor. Motion carried.

Community Development/Buildings: (Dici, Celli, Lamenza)

1. Eminent Domain Proceedings – 135 Wampum Avenue
A motion was made by Mr. Brough, seconded by Mr. Ovial, to pull this item from the agenda. Voice vote; all in favor. Motion carried.

Blight: (Brough, Dici, Ovial)

UNFINISHED BUSINESS

NEW BUSINESS

MAYOR’S REPORT

MANAGER’S REPORT

VISITORS

1. Patrick McClosky – Crescent Avenue

ANNOUNCEMENTS

Public Hearing - Conditional Use (Sheetz) December 13 at 5:45pm

ADJOURNMENT

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

Linda M. List
Borough Secretary