

PUBLIC HEARING – 5:30 PM – November 15, 2022
PROPOSED ORDINANCE, BILL #5 OF 2022

PUBLIC HEARING ROLL CALL: Attending this hearing was Council members Karpiak, Keedy, Topper and Tiberio and Mayor Lincoln. Also attending was City Clerk Ohler and Solicitor Witt.

PUBLIC HEARING: Bill #5 of 2022; An ordinance of the City Council of the City of Connellsville, Pennsylvania, approving the vacation of a portion of Meason Avenue; a portion of an unnamed alley; and a portion of an unnamed alley located in the City of Connellsville, County of Fayette.

PUBLIC COMMENT: There was no Public Comment.

PUBLIC HEARING ADJOURNED: 6 PM

Connellsville City Council MINUTES
NOVEMBER 15, 2022

This meeting of the Connellsville City Council was held this evening at 6:00 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:

REMARKS FROM VISITORS/PUBLIC COMMENTS:

Richard Bower, District Attorney, presented City Council with an antique picture of Connellsville. He noted Marty Ferens gave the picture to him and he feels it belongs in Connellsville.

Mr. Bower then stated back in September there was a homicide trail from Fairview Avenue. He added the Connellsville Police investigated it..." Tom Patton, Bryan Kendi, Andy Hominsky, Dan Sherbinsky, Tyler Garlick, and Bill Hammerle. If you remember what it was about, it was about a 15-year-old boy who was living with a man from Everson named Keith Bradshaw. He had been raped repeatedly for four months. Fortunately, he was able to tell the victim of the murder that this was happening. The problem was, though, Keith Bradshaw and another person, Marjorie Jay, went to the house to kidnap the 15-year-old. When Bill Stewart came out of the house at approximately 2 AM, Bradshaw shot him three times and killed him. He then went in the house and kidnapped the boy. Had it not been for all those men I mentioned, the officers, who were the leads on all of this, that boy would have probably been killed. What happened that day, Sherbinsky caught the woman and identified her, but left her go because he didn't realize what she had. Then everyone put two and two together and they went and got Marjorie Jay. She had a bag with a taser, two sets of handcuffs, one set of shackles, duct tape and belts. He stated he should add Jason Huss to the list of officers who worked on this case. The officers tried to find where the boy was and ended up getting Keith Bradshaw's then husband, who gave them the information that Bradshaw had a white car and gave the police the license plate number and interestingly enough, he volunteered, "That car has OnStar, but a never turned it on because I didn't want to pay for it." The Connellsville Police sprung right into action and called OnStar and located the car being driven 200 miles away over in the Chambersburg area. They already put out an Amber Alert then called the State Police and said this is where the car is and started tracking the car 45 minutes

before the State Police captured Bradshaw and saved the boy. There were about 16 State Trooper and 2 PCO's involved. So that day, there were several Connellsville Police Officers who were heroes, the deceased was a hero trying to save the boy, there was 18 people who were State Police who were heroes. That boy would have been dead. Bradshaw had already taken him into the woods and said to him in the woods, I am going to kill you and then I'm going to kill myself. The boy talked him out of it and then Bradshaw was trying to figure out what to do. We believe Bradshaw was going to kill him and the boy. I haven't written the letter yet, but I really think the officers need commended by this City and the State Police need commended. Interestingly enough, the Ex-husband should be commended because he co-operated completely. Without him, that boy would have been dead. I'll tell you one little funny thing that happened in trial, when my first assistant, Melinda, and I were sitting there and I was doing an examination of one of the witnesses about the handcuffs and shackles, I walked back and said is that person sitting out in the hallway and she said "yes". I said "why don't you go out because we never asked him this question "did you have handcuffs and shackles?". She asked him, came back in and told me they did have them. When I called him as a witness, the Ex-husband, I asked him point blank, did you have any handcuffs or shackles, and he replied "yes, we did." I showed him the handcuffs and he said yes, that one pair belong to Keith and I but I don't know about the other pair. He also said the shackles were ours too. Bower then explained how it started with Sherbinsky finding the girl to every other officer doing a great job. He stated City Council needs to understand that you have one heck of a great police force. He said he thanks them greatly because otherwise that boy would have been dead. Bower stated he has been to Chambersburg four times and there are very desolate areas. I think the officers deserve a lot of credit. Bower stated he is going to write a letter commending them all because I do think they need praised a lot.

CITY TREASURER'S REPORT:

CITY CONTROLLER'S REPORT:

Controller Addis then read New Haven Hose Report

Mayor Lincoln thanked New Haven Hose for the Halloween Parade.

Controller Addis stated New Haven Hose will be doing the "Santa around town" again this year on December 9th, 10th, 11th and 12th. He added the times and sections of town will be posted on New Haven's Facebook page.

CORRESPONDENCE:

Gayle Stafford, Request to be placed on the Diversity and Inclusion Board

Resolution No. 11-1-2022: "To appoint Gayle Stafford to the Diversity and Inclusion Board; term to expire January 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.

REGULAR AGENDA:

Resolution No. 11-2-2022: “To accept the minutes from the October 18, 2022 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. 11-3-2022: “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:

Resolution No. 11-4-2022: “To accept the resignation of Michael Stokes from the Connellsville Police Department; last day of work will be November 10, 2022.”

Mayor Lincoln thanked Stokes for his service with the city, noting he is now in Cecil Township.

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.

Police Department Report

Hammerle explained one of the Sergeants will be certified to download information off of the cell phones saving the departments gas expense to go elsewhere to get it done, wear and tear on the vehicles used to go to Pittsburgh or the county and they would have the reports completed faster.

Resolution No. 11-5-2022: “To advertise for testing for the City of Connellsville Police Force for the purpose of creating a new eligibility list of candidates.”

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. 11-6-2022: “To adopt the City of Connellsville Residential Anti-Displacement and Relocation Assistance Plan.”

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. 11-7-2022: “To adopt Bill #4 of 2022; an Ordinance of the City of Connellsville, Fayette County, Pennsylvania, amending Chapter 1, Part 12 of the Codified Ordinances of the City of

Connellsville relating to Civil Service Rules, examinations, hirings, and promotions; repealing all inconsistent ordinances or parts thereof; and providing an effective date.

WHEREAS, the City of Connellsville previously adopted ordinances relating to Civil Service rules, examinations, hiring, and promotions, which ordinances have been codified at Chapter 1, Part 12 of the Codified Ordinances of the City of Connellsville; and

WHEREAS, the City Council of the City of Connellsville desires to update Chapter 1, Part 12 of the Codified Ordinances of the City of Connellsville in various respects, including to render them consistent with existing Civil Service rules, regulations, procedures, and practices; and

WHEREAS, the City of Connellsville has commissioned a Civil Service Commission, which is also referred to as a Civil Service Board, for the purpose of fulfilling various requirements relating to the hiring and promotion of certain positions within the City; and

WHEREAS, the City of Connellsville has the power to enact ordinances, resolution, rules, regulations, procedures, and practices relating to the Civil Service Commission, including hirings and promotions, pursuant to the Third-Class City Code, 11 Pa.C.S.A. § 14401, et seq.; 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. Amendment of Ordinance 1148 and Section 1-1214 of the Codified Ordinances of the City of Connellsville. The City Council hereby amends Ordinance No. 1148, by deleting Section 1-1214 of the Codified Ordinances of the City of Connellsville and replacing it with the following:

1. There shall be administered by the Civil Service Commission a written examination on practical police skills and knowledge (and any and all subjects deemed proper or necessary by the Commission), which shall constitute 55% of the score, or such other percentage as may be adopted, in advance of such examination, by resolution of the City Council. An oral examination by the Civil Service Commission shall be made of each candidate who passes the written examination. This oral examination shall constitute 45% of the score towards promotion.
2. In case of tie scores, then preference shall be given according to seniority.
3. For purposes of this Part, any evaluation committee shall consist of the members of the Civil Service Commission.”

Section 2. Amendment of Ordinance 1148 and Section 1-1215 of the Codified Ordinances of the City of Connellsville. The City Council hereby amends Ordinance No. 1148, by deleting Section 1-1215 of the Codified Ordinances of the City of Connellsville and replacing it with the following:

1. The three persons who receive the highest scores on the accumulation of the written and oral examinations, evaluation and addition of seniority points shall be certified to City Council on a list of eligible persons. The Mayor shall nominate one person from said list for promotion. Council shall then vote on the nomination.

2. All such promotions shall be on a probationary status for a period of 1 year and if such person obtains a satisfactory rating as hereinafter set forth, then that person shall be placed in a permanent status as to such promotion, unless otherwise extended by the Mayor and Chief of Police.”

Section 3. Amendment of Ordinance 1148 and Section 1-1217 of the Codified Ordinances of the City of Connellsville. The City Council hereby amends Ordinance No. 1148, by deleting Section 1-1217 of the Codified Ordinances of the City of Connellsville and replacing it with the following:

The written examinations referred to shall be given at such times as may be designated by City Council, except that if vacancies shall occur and no persons shall be qualified for promotion under this Section, then an examination may be given at the earliest practicable date for that vacancy, said test and the list derived therefrom to be good for a period of 2 years.”

Section 4. Amendment of Ordinance 1148 and Repeal of Section 1-1219 of the Codified Ordinances of the City of Connellsville. The City Council hereby amends Ordinance No. 1148, by repealing Section 1-1219 of the Codified Ordinances of the City of Connellsville in its entirety.

Section 5. Adoption of Third-Class City Code Civil Service Provisions by Reference. The City Council hereby adopts the Civil Service provisions of the Third-Class City Code, 11 Pa.C.S.A. § 14401, et seq., by reference. In the event of any conflict between the provisions of the ordinances of the City of Connellsville or any Civil Service rule, regulation, procedure, and practice with the mandatory requirements of the Third-Class City Code, the conflicting provision of the Third-Class City Code shall govern.

Section 6. Adoption of Civil Service Rules and Regulations. The City Council hereby authorizes the adoption or amendment of Civil Service Rules, Regulations, Policies, Procedures, and Practices by the City Council by resolution, as may be determined to be appropriate by the City Council with the advice of the Civil Service Commission.

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.

Section 6. 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 15th day of November, 2022.”

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. 11-8-2022: “To adopt Bill #5 of 2022; An ordinance of the City Council of the City of Connellsville, Pennsylvania, approving the vacation of a portion of Meason Avenue; a portion of an unnamed alley; and a portion of an unnamed alley located in the City of Connellsville, County of Fayette. **WHEREAS**, Thomas Jamieson and Teda J. Family Limited Partnership have petitioned and requested that a portion of Meason Avenue abutting their properties identified as Tax Parcel Nos. 05-05-0042-01 and 05-05-0039; and

WHEREAS, Thomas Jamieson and Saint John’s Evangelist Roman Catholic have petitioned and requested that a portion of an unnamed alley abutting their properties identified as Tax Parcel Nos. 05-08-0134 and 05-08-0133-02; and

WHEREAS, Ethan Keedy, Bernadette Long, Joseph Hardik, Laura Saucerman, Michael Gusrafon, and Kenneth Snyder, Jr., have petitioned and requested that a portion of an unnamed alley abutting their properties identified as Tax Parcel Nos. 05-09-0027-02, 05-09-0025, 05-09-0028, 05-09-0027-01, 05-09-0027, and 05-09-0166; and

WHEREAS, said portion of Meason Avenue and such unnamed alley are used as parking and entrance areas and are not used by the public for purposes of public travel; and

WHEREAS, said portion of said unnamed alley is used as private yard areas and are not used by the public for purposes of public travel; and

WHEREAS, the City of Connellsville does not maintain said portions of said street and said unnamed alleys;

WHEREAS, the Third-Class City Code, 11 Pa.C.S.A. § 12919 requires any street or alley vacation ordinance to be advertised prior to consideration and final passage; and

WHEREAS, a public hearing was held before the City Council on the 15th day of November, 2022; and

WHEREAS, the petitioners have agreed to meet certain conditions, including, without limitation and with respect to certain petitioners, the release, waiving, and indemnifying the City of any damages as an adjacent property owner.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONNELLSVILLE, PENNSYLVANIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: That the following described portion of an unnamed alley is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred twenty-two and ninety-five hundredths (122.95) feet of said unnamed alley, being that existing, unopened, and unvacated portion of an unnamed alley extending northwardly from a portion of such twenty (20) foot alley at the corner of property now or formerly of Somerset Trust Company for approximately one hundred twenty-two and ninety-five hundredths (122.95) feet to a northern terminus, with a width of twenty (20) feet, as shown on Exhibit A attached hereto.

SECTION 2: That the following described portion of Meason Avenue is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred two and twenty-nine hundredths (102.29) feet of Meason Avenue, being that existing, unopened, and unvacated portion of Meason Avenue extending westwardly from its intersection with North Seventh Street for approximately one hundred two and twenty-nine hundredths (102.29) feet to the right of way line of US Route 119, with a width of fifty (50) feet, as shown on Exhibit B attached hereto.

SECTION 3: That the following described portion of an unnamed alley is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred fifty (150) feet of said unnamed alley, being that existing, unopened, and unvacated portion of an unnamed alley extending northwardly from the northern line of property now or formerly of Kenneth Snyder, Jr., for approximately one hundred one hundred fifty (150) feet, with a width of ten (10) feet, as shown on Exhibit C attached hereto.

SECTION 4: Reservation of Easement. An easement is hereby reserved and retained, as a condition of approval of the petition, for all of that portion of the above vacated property as a perpetual easement or rights-of way for any existing pipes, pipelines, or other infrastructure, for the construction, maintenance, repair, relocation, and operation of existing pipes, pipelines, or other infrastructure, without any liability for damages on the part of the City, and no permanent buildings or structures shall be located within or upon said easement without the prior written consent of the City. Petitioner shall execute all necessary documents identifying and conveying such easement to the City.

SECTION 5: Conditions of Vacation. The vacation is contingent on the Petitioner providing any releases, easement reservation instruments, or any other confirmatory documents requested by the City. The petitioner, and its successors and assigns, has agreed and acknowledged that no proceedings for the award of damages may be had and no damages as a result of the vacation of the aforementioned road within the City of Connellsville shall under any conditions be awarded to it.

SECTION 6: Constitutionality or Invalidity. If any section, subsection, clause, phrase, or sentence, of this Ordinance, is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality of the remaining portions of this ordinance, as it is being hereby expressly declared that this ordinance and each section, subsections, clause, phrase, or sentence, hereof would have been prepared, proposed, adopted, and approved and ratified irrespective of the fact that any one or more section, subsection, clause, phase, or sentence, be declared invalid or unconstitutional.

SECTION 7: Effective Date. This Ordinance shall be in full force and effect thirty (30) days from and after passage, and publication as provided by law, and upon full completion of the conditions provided herein.

SECTION 8: Recordation. The City Clerk is directed to file this ordinance with the Clerk of Courts, Fayette County, Pennsylvania, and record this ordinance with the office of the Recorder of Deeds, Fayette County, Pennsylvania.

SECTION 9: Implementation. The Mayor and City Clerk are hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this ordinance.

ENACTED AND ADOPTED this 15th day of November, 2022.”

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

Resolution No. 11-9-2022: “To accept the Redevelopment Assistance Capital Program grant of \$500,000 as described in the October 26, 2022 Notification Letter for the Connellsville Micro Resort Project.”

Mayor Lincoln stated this is for a project Kevin Leonard is doing across from the hotel. He will be putting in a 75,000 square foot brewery/retail spot there and a small outdoor skating rink in the winter.

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. 11-10-2022: “To increase the Mechanical Device License fee and Amusement Device License Fee to \$150.00 effective January 1, 2023.”

Mayor Lincoln stated this will involve all of the State legal video poker machines and gaming machines and any type arcade gaming machine.

Tom Currey questioned if this would be for jukeboxes as well.

Solicitor Witt stated that is a different ordinance. He explained Council may want amendment where it is to increase the mechanical device license fee and amusement device license fee.

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

Resolution No. 11-11-2022: "To accept the resignation of Judith Sherwood from the Shade Tree Commission, effective immediately."

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.

Reminders available on the City's website: connellsville@connellsville.us

CAHS Patriots, Wreaths Across America sponsorship request, \$15 will place a wreath on the grave of a Veteran in National Cemetery. Checks payable to "Wreaths Across America", Call Linda Shearer at 724-322-1494

November 19th, 11 AM – 3 PM, Christmas in the Park, Yough Park, Chamber of Commerce, 724-628-5500

November 20th, 6 PM, Mozart Music's Thanksgiving Festival, Free, Wesley United Methodist Church

November 24th and 25th, City Hall offices are closed

November 24th, Thanksgiving Dinner at the Sr. Center, 11 AM – 1 PM, 724-628-0070 with questions, to volunteer or donate food

November 26th, Christmas Market at East Side Fire Hall beginning 11 AM until 4 PM. Small Business Saturday in the City, Pictures with Santa, Children can make an ornament for the City Christmas tree, Followed by Light up Night and the Christmas parade at 5 PM. Sponsored by the Chamber of Commerce, 724-628-5500

December 3rd, Christmas in Connellsville, 11 AM – 6 PM, Discounts throughout the City

December 3rd, Vo-Tech's SkillsUSA Paint 'n Snack Fundraiser, Vo-Tech's gym, 2 PM – 4 PM, \$30, purchase tickets by calling Tina at 724-626-0236 ext. 3104

December 3rd, Connellsville Christmas Kickoff, Porter Theatre, 6:30 PM, Advance tickets \$20 / \$25 at the door, Scott Blasey, Fedd the God, Sean Ski and special guest Hemi. There will be a toy and coat drive, VIP picture booths, food vendors. BYOB

December 3rd & 4th, New Haven Hose's Holiday Craft & Vendor Expo, 11 AM – 5 PM, 724-252-5208, photos with Santa & the Grinch

December 10th and 11th, 7:30 PM, Living Christmas Tree event, Faith Bible Church

December 17th, Community Christmas Meal, Sr. Center, 11 AM, to get meal(s) delivered you must be a resident of the Connellsville School District and visit Connellsville Area Community Ministries on Facebook to fill out the delivery form. You do not need to sign up for sit down or take out. Meal: ham, parsley potatoes, carrots, green beans, coleslaw, roll with butter, and cake and drinks for sit down guests. Heart to Hope will also be handing out treat bags. There will be entertainment and special guests.

Openings on City boards and commissions. Email letter of interest to: connellsvillesecretary@gmail.com or contact Vernon Ohler with questions at 724-628-2020 ext. 201

KEEDY:

Resolution No. 11-13-2022: "To amend the agenda by adding a resolution authorizing the City of Connellsville, Fayette County, Pennsylvania, to join with other Authorities as members of the Pennsylvania Municipal Health Insurance Cooperative (PMHIC), to enter into an Intergovernmental Agreement for the purpose of joining the PMHIC and to participate as a member of the PMHIC."

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.

Solicitor Witt explained he would now have to read it without the words amend the agenda.

Resolution No. 11-24-2022: "A resolution authorizing the City of Connellsville, Fayette County, Pennsylvania, to join with other Authorities as members of the Pennsylvania Municipal Health Insurance Cooperative (PMHIC), to enter into an Intergovernmental Agreement for the purpose of joining the PMHIC and to participate as a member of the PMHIC."

City Clerk Ohler stated this will save the city around \$60,000 and the employees are happy with it.

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. 11-12-2022: "To rescind Resolution No. 10-22-2022, which entered the City into a one-year contract with Cintas."

Councilman Keedy thanked Shelley for reading over this contract that we approved last month. He noted she pointed out a lot of hidden items in the contract and the fact that they will only go with a three-year contract and not guarantee the price.

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. 11-14-2022: “To renew the City’s contract for One-Year with UniFirst for rugs at City Hall as stated in the August 1, 2022 proposal; money to be taken from line item 409.250; contract begins February 22, 2023 and ends February 22, 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. 11-15-2022: “To introduce Bill No. 6 of 2022: An ordinance of the City of Connellsville, County of Fayette and the Commonwealth of Pennsylvania, fixing the salaries payable by the City of Connellsville for the various positions enumerated herein for the fiscal year 2023, and repealing all ordinances or parts of ordinances inconsistent herewith.”

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. 11-16-2022: “To introduce Bill No. 7 of 2022: An ordinance of the City of Connellsville, County of Fayette and the Commonwealth of Pennsylvania, fixing the Real Estate Tax Rate and Residence Tax Rate for all City purposes for the fiscal year 2023, and repealing all ordinances or parts of ordinances inconsistent herewith.”

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. 11-17-2022: “To introduce Bill No. 8 of 2022: An ordinance of the City of Connellsville, County of Fayette and the Commonwealth of Pennsylvania, showing the estimated receipts, expenditures and liabilities of every kind of all the funds for fiscal year 2023 with the balance of unexpended appropriations as the basis for fixing the levy and tax rate for said fiscal year appropriating the various amounts shown as proposed expenditures herein for the expenses of the City for said fiscal year from the revenue available for said fiscal year for the departments, bureaus and specific purposes set forth herein, and the repealing of all ordinances or parts of ordinances inconsistent herewith.”

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. 11-18-2022: “A Resolution of the City of Connellsville requiring the tax collector to waive additional charges for real estate taxes.

WHEREAS, the City of Connellsville is a political subdivision and taxing body and taxing district of the Commonwealth of Pennsylvania that levies and collects real estate taxes; and

WHEREAS, the City of Connellsville is governed by the Third-Class City Code and the Local Tax Collection Law;

WHEREAS, pursuant to the Third-Class City Code and the Local Tax Collection Law, the City Treasurer serves as the tax collector for City taxes, including, without limitation, real estate taxes; and

WHEREAS, the General Assembly enacted Act 57 of 2022, which was signed into law by the Governor on July 11, 2022, and has an effective date of October 11, 2022;

WHEREAS, Act 57 of 2022 requires that a taxing district adopt, within ninety days of the effective date of Act 57 of 2022, an ordinance or resolution requiring a tax collector to waive additional charges for real estate taxes beginning in the first tax year after the effective date of Act 57 of 2022, under certain circumstances;

WHEREAS, the Third-Class City Code, 53 P.S. 37403(60), affords the City of Connellsville with the power to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be 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.”

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Connellsville that:

1. The City Council hereby acknowledges that, pursuant to the Third-Class City Code and the Local Tax Collection Law, the City Treasurer is the tax collector for taxes levied by the City of Connellsville.
2. The City Council hereby establishes that the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:
 - (i) The term "**additional charge**" shall mean any interest, fee, penalty or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.
 - (ii) The term "**qualifying event**" shall mean:
 - (a) For purposes of real property, the date of transfer of ownership.
 - (b) For purposes of manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a mobile or manufactured home on a parcel of land not owned by the owner of the mobile or manufactured home. The term does not include the renewal of a lease for the same location.
 - (iii) The term "**tax collector**" shall mean the City Treasurer, a tax collector as defined in section 2 of the Local Tax Collection Law, a delinquent tax collector as provided in section 26.1 of the Local Tax Collection Law, the tax claim bureau or an alternative collector of taxes as provided in the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," an employee, agent or

assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax, or any successor thereof.

3. The City Council hereby requires the City Treasurer and any tax collector, and their respective successors, to waive additional charges for real estate taxes beginning in the 2023 calendar and tax year, for an eligible taxpayer on eligible property if the taxpayer does all of the following:
 - (i) provides a written waiver request, on a form approved and adopted by the City, of additional charges to the tax collector in possession of the claim within twelve months of a qualifying event;
 - (ii) attests that a tax notice was not received;
 - (iii) provides the tax collector in possession of the claim with one of the following:
 - (A) a copy of the deed showing the date of real property transfer; or
 - (B) a copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
 - (iv) pays the face value amount of the tax notice for the real estate tax with the waiver request.
4. The City Council hereby acknowledges that a taxpayer granted a waiver and paying real estate tax as provided in this Resolution shall not be subject to an action at law or in equity for an additional charge, and any claim existing or lien filed for an additional charge shall be deemed satisfied.
5. The City Council hereby further acknowledges that a tax collector that accepts a waiver and payment in good faith in accordance with this Resolution shall not be personally liable for any amount due or arising from the real estate tax that is the subject in the waiver.
6. The City Council hereby establishes that this Resolution shall be effective immediately.
7. The City Council hereby resolves that all resolutions, or parts of resolutions, which are inconsistent herewith be and are repealed.

RESOLVED, ENACTED, AND ADOPTED at a meeting of the City Council of the City of Connellsville held on the 15th day of November, 2022.”

Solicitor Witt explained that Act 57 was passed earlier this year. He noted it is an Act that requires Municipalities to adopt a resolution that if a taxpayer requires a property in any given year and they don't receive their tax bill for that year because of timing of getting the updated information on the owner of the property, the owner of the property can have the penalties of that property waived just for that year if they fill out and sign an affidavit confirming they never received a tax bill and they pay the amount of taxes owed in full. DCED has a form that they want all municipalities to use so if someone comes in you must provide them with that form.

Mayor Lincoln questioned if it has to be notarized.

Solicitor Witt stated he will look into it.

Mayor Lincoln questioned if this is just 2022 or here on out?

Solicitor Witt stated for here on out.

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. 11-19-2022: "To authorize the City Clerk to contact financial institutions regarding a Tax Anticipation Note for 2023, if needed."

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. 11-20-2022: "To increase the fee of Tax Certificates, Lien Letters and Zoning Certificates to \$40.00 and charge \$5.00 for Tax Certificate copies."

Health/Code/Zoning Officer, Tom Currey, questioned if the Lien and Zoning Certificates should be added.

Mayor Lincoln agreed that it was time to increase the fee after over 13 years.

City Council discussed the price increase and decided that \$40 was not a top end price and fair.

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

KARPIAK:

Health/Code Officer's Report

Tom Currey, Health/Code/Zoning Officer, discussed a 216 East Hill Street property with City Council.

Mayor Lincoln stated if you are homeless, reach out to the city and we will open up the Senior Center. The Police Auxiliary will man it for the night. He stated he would rather then be at the Senior Center than to trespass and get shot.

Resolution No. 11-21-2022: “A Resolution of the City of Connellsville setting the application, filing, and permit fees for construction, building, occupancy, and demolition permits within the city of Connellsville.

WHEREAS, the City of Connellsville is responsible for the enforcement and administration of the Uniform Construction Code (UCC) within the City of Connellsville; and

WHEREAS, the City of Connellsville is authorized to set application, filing, and permit fees for construction, building, occupancy, and demolition within the City of Connellsville, in accordance with the Uniform Construction Code and applicable state and local laws, regulations, and rules;

WHEREAS, the City of Connellsville previously adopted a fee schedule for construction, building, occupancy, demolition, and other related permits and application and filing fees; and

WHEREAS, the City of Connellsville desires to ensure that its costs for all enforcement and administration of the Uniform Construction Code and all related ordinances, regulations, and requirements are covered at minimal direct or indirect public expense by the taxpayers of the City of Connellsville;

WHEREAS, the Third-Class City Code, 53 P.S. 37403(60), affords the City of Connellsville with the power “to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be 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.”

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Connellsville that:

1. The City Council hereby adopts the Building Permit Fee Schedule attached hereto and incorporated herein as the construction, building, occupancy, and demolition fee schedule for the City of Connellsville, except as modified in by this Resolution, effective immediately and until further modification or amendment by the City of Connellsville.
2. The Demolition Permit (Commercial Only) fee shall be 0.4% of the total demolition cost (Total Demolition Cost x 0.0040), subject to a minimum permit fee of \$225.00.
3. The City Council hereby resolves that all resolutions, or parts of resolutions, which are inconsistent herewith be and are repealed.

RESOLVED, ENACTED, AND ADOPTED at a meeting of the City Council of the City of Connellsville held on the 15th day of November, 2022.”

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.

Tom Currey, Health/Code/Zoning Officer stated this is all UCC fees and will be raised from \$225 to .4% of the total demolition cost.

Councilman Karpiak reminded residents it is the season for flu and colds and to use precautions.

Mayor Lincoln thanked Highlands Hospital for the first successful COVID 19 booster shots. He thanked Rick Abobato for manning the center for anyone with reactions.

TOPPER:

Gave a Recreation Board update noting they are working on Bi-Laws.

Resolution No. 11-22-2022: "To enter into an Agreement with Coldwell Banker, Laurel Ridge Realty for the Multi-Listing Service of the property at 305 South Arch Street, Connellsville, PA 15425, Parcel #05-07-0258."

Councilman Topper thanked all the agents who submitted a proposal. He added they waited to hear from all of the Real Estate Agents in the area. He stated they are hoping to get it on the market this weekend.

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

Councilman Topper questioned if the power was still on in the building.

City Clerk Ohler answered yes and he can give him the code to get into the building.

TIBERIO:

Public Works Report

Public Works Leaf and Vacuum Truck schedule available on www.connellsville@connellsville.us

Mayor Lincoln announced he witnessed the Public Works employees picking up leaves in the rain and he appreciates them.

James Bigam, Street Foreman stated they have two trucks ready for the winter. He also stated they have two more trees to plant and they will be done on Thursday. He thanked Connellsville Township for helping by using their mini excavator and dug on Johnson Avenue. Bigam stated they winterized Woodruff Park and is waiting for Mr. Suter to get better and then they will find a leak at East Park. He added he called the water company and they came down to test the chlorine. He stated he believes he found the leak. Bigam added there are new lines in the park except from the restrooms to pavilion #3. He stated they put dirt on the ballfields and thanked the Recreation Board for the dirt. He stated they just got done painting the Vascar lines for the Police Department on South Arch Street.

Mayor Lincoln thanked Foreman Bigam for his work on the circuit on West Crawford Avenue, adding it could have been a huge cost for the city.

James Bigam announced next Friday York Bridge will be open.

Mayor Lincoln questioned the Dunkin Donuts new sign and what it will say.

Councilwoman Tiberio replied "Right Turn Only."

Mayor Lincoln stated when the sign is up, the police will be giving citations. He clarified that they don't want people getting killed.

James Bigam stated he never got anything from PennDOT to get the signs.

City Clerk Ohler stated he got the letter from PennDOT. He told the Chief and Bigam to get a copy of the letter tomorrow.

Resolution No. 11-23-2022: "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.