

Connellsville City Council
MINUTES
August 17, 2021

AT 5:30 PM: PUBLIC HEARING: INTERMUNICIPAL LIQUOR LICENSE TRANSFER, RESTAURANT LIQUOR LICENSE NO. R-9852 INTO THE CITY OF CONNELLSVILLE FROM SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA.

AT 6 PM: This meeting of the Connellsville City Council was held this evening at 6:00 PM. Attending this meeting was Mayor Lincoln, Council members Keedy, Karpiak and Topper. Also attending was City Clerk Ohler and Solicitor Witt. Councilwoman Tzan was absent.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:

Mayor Lincoln announced there was a public hearing for a liquor license transfer into the City of Connellsville. He added the public hearing was held from 5:30 PM until 6 PM with no comments.

Resolution No. 8-1-2021: A RESOLUTION OF THE CITY OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-9852 INTO THE CITY OF CONNELLSVILLE FROM SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA.

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if, as in the City of Connellsville, sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the intermunicipal transfer of the liquor license prior to an applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one public hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that AriRoryMilo Enterprises, LLC, has requested the approval of the City of Connellsville for the proposed transfer of Restaurant Liquor License No. R-9852 from South Union Township, Fayette County, Pennsylvania, to facilities within the City of Connellsville to be located at 223 North Third Street, Connellsville, Fayette County, Pennsylvania, with the understanding that

said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the City of Connellsville has held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED that the City of Connellsville approves, by adoption of this Resolution, the proposed intermunicipal transfer of Restaurant Liquor License No. R-9852 into the City of Connellsville of AriRoryMilo Enterprises, LLC; and BE IT FURTHER RESOLVED those transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board. DULY adopted this 17th day of August, 2021, by the City of Connellsville, Fayette County, Pennsylvania, in lawful session duly assembled.”

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

REMARKS FROM VISITORS/PUBLIC COMMENTS: There were no public comments.

CITY TREASURER’S REPORT: Report given by Treasurer Marilyn Weaver

CITY CONTROLLER’S REPORT: Report given by Controller Bruce Witt

Mayor Lincoln read and presented Highlands Hospital Proclamation, 130th Anniversary

Marcie Ozorski, a representative from Highlands Hospital invited City Council and the community to Highlands 130th Anniversary celebration on September 17th from 5 PM until 8 PM. She added there will be food, music, historic displays, health screenings, raffles and more. Ms. Ozorski then discussed a Day Care Center just opened by Highlands. She added it is for anyone.

CORRESPONDENCE:

New Haven Hose, Street closure request for Fall Festival, October 15th, 16th and 17th

Resolution No. 8-2-2021: “To close South Seventh Street from West Crawford Avenue to Leisenring Avenue and the side streets Marietta Avenue and Leisenring Avenue at South Seventh Street intersection closed on the following dates and times: October 15, 2021 from 3 PM until 10 PM, October 16, 2021 from 10 AM until 10 PM and October 17, 2021 from 10 AM until 4 PM for New Haven Hose’s Fall Festival; pending review and approval of Police Chief and Fire Chief.”

Mayor Lincoln stated that the people who live on 8th Street have a complaint when there are parades and events and the street is closed. He stated they have no way of getting into their houses and questioned if there is a way they can get into and out of their homes by allowing access to the alley.

Fire Chief Layton stated they can put someone on the street to allow them access in and out of the alley to get to their home.

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

New Haven Hose, Halloween Parade, October 26th

Resolution No. 8-3-2021: "To close South Pittsburgh Street from Washington Avenue to Crawford Avenue and Crawford Avenue from South Pittsburgh Street to South Seventh Street on Tuesday, October 26, 2021 beginning 5 PM until 9 PM for the Halloween Parade; pending review and approval of PennDOT, Police Chief and Fire Chief."

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

Toni Colland, Resignation from the Senior Citizens Board

Resolution No. 8-4-2021: "To accept the resignation of Toni Colland from the Senior Center Board effective immediately."

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

Mayor Lincoln requested residents interested in serving on the board to submit their letter of interest for City Council to review.

REGULAR AGENDA:

Resolution No. 8-5-2021: "To approve the minutes from the July 20, 2021 City Council Meeting."

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

Resolution No. 8-6-2021: "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 Topper, Karpiak and Keedy and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

MAYOR LINCOLN:

Police Department Report given by Police Chief Hammerle

Chief Hammerle stated working the South Connellsville territory is going well and there are no complaints.

Chief Hammerle added there were 17 Police applications turned in by the deadline. He added he ordered the test for the written exam which will be held September 5th and the physical agility on the same date. He further explained that if you pass the physical agility and written tests then you move on to the oral exam.

Mayor Lincoln discussed an issue at Yough Park because of the Municipal Authority's sewage project. He noted the Municipal Authority dug through the City's cable lines for the cameras when they were going through the park. He further added the city tried to have repairs made to the lines then had to buy new cameras. Mayor Lincoln stated they are still having major issues and the lines have to be replaced and there is water getting into the conduit causing it to not operate correctly.

Chief Hammerle added that once the lines are severed and you try to tie them back together, that is where the difficulty is. He noted you do not get the quality of the picture, rather static. He stated the wiring all need relined from beginning to end.

Mayor Lincoln stated they spent over \$10,000 on the cameras. He stated he doesn't know how fault is determined but they were severed by the contractor working for the Connellsville Municipal Authority. Mayor Lincoln stated the City Solicitor will have to get involved and have them cover the costs of replacing the lines to make the cameras work right. Mayor Lincoln added the latest at Yough Park is the dusk till dawn lights have not worked for several months. He added the city got bids to replace the heads of the dusk till dawn lights, put LED lights and trim the trees back. Mayor Lincoln stated Leiberger gave the best price and went to start the work and found there is no power to either light. He added with further investigation he found the contractor ripped the power line out to these poles and did not fix the line, they buried it and left it like that. Mayor Lincoln stated Leiberger is waiting for the contract to come back while waiting on one-calls, to repair the lines. He stated he wants everyone to know that is two things that have happened in the park and the power lines is alarming to him because you know when you hit a power line since it sparks.

Mayor Lincoln requested Solicitor Witt to begin a proper procedure to get this fixed.

City Clerk Ohler stated he and Solicitor Witt spoke before the meeting regarding this. He added he will reach out to the engineer tomorrow by email so there is a paper trail going. He further added there will be no more phone calls. He asked Solicitor Witt if he should reach out to the Connellsville Municipal Authority as well.

Solicitor Witt answered he should reach out to their engineer and cc them as well in that email.

Mayor Lincoln added he was one person involved in raising funds for the camera and noted they worked perfectly before this project and he wants them working correctly again. He added this is a security issue and the police need to see clearly on the cameras. He also stated he is hopeful for a positive resolution now and not later. Mayor Lincoln stated the Police Chief will get quotes for the repairs.

Resolution No. 8-7-2021: “To adopt Bill #2 of 2021, ORDINANCE NO. 1554, REAUTHORIZING PROPERTY TAX EXEMPTIONS FROM PROPERTY TAX FOR CERTAIN DETERIORATED INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS PROPERTY; DEFINING ELIGIBLE DETERIORATED AREAS; SETTING A MAXIMUM EXEMPTION AMOUNT AND AN EXEMPTION SCHEDULE; AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION.”

Mayor Lincoln stated this is renewing the LERTA Program that helps bring businesses into town.

Councilman Karpiak noted this is a five-year plan.

Mayor Lincoln explained every year, in the five-year program, the taxes go up and at the fifth year, the taxes are at 100%.

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

Resolution No. 8-8-2021: “To approve the agreement of sale and other related documents with PennDOT relating to the York Avenue Bridge project acquisition; to authorize the Mayor and City Clerk to execute such documents; and to authorize City officials and employees to take such actions as may be necessary or required to effectuate such agreement and related documents.”

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

Resolution No. 8-9-2021: “To request the name change of "Campbell Estates" to the Fayette County Housing Authority to replace what is currently known as Gibson Terrace.”

Tom Currey, Code Officer, stated they are in the process of bidding for the demolition of Gibson Terrace.

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

Resolution No. 8-10-2021: “To set Trick or Treat for Sunday, October 31, 2021 from 6:00 PM until 8:00 PM.”

Chief Hammerle stated he forgot to put on the agenda, a resolution for the Auto Theft Task Force Agreement. He asked that it be added to the agenda.

Solicitor Witt stated this is the last meeting things can be added to the agenda.

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

Resolution No. 8-11-2021: “For the City of Connellsville adopt a policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”). The City has made this policy available to the public at its Administrative Office(s) [and on its public website connellsville.us] along with the State Request form or the RTKL Uniform Request Form.”

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

REMINDERS:

Farmers Markets: August 21st, September 11th and October 2nd, 9 AM – 2 PM. Mayor Lincoln asked if anyone is interested in being a vendor to call Shelley at City Hall.

Lions Square Concert, August 22nd, Abilene

Italian Days, Food sale, St. Rita’s, September 3rd, 11 AM – 5:30 PM

September 4th, Wellness on the Yough, 11 AM – 4 PM

September 4th and 5th, Food Truck Event in front of City Hall, 4 PM – 11 PM. Mayor Lincoln added they are looking for more food vendors and to call City Hall.

September 11th, Warriors Rock, 7 PM, CAHS. Mayor Lincoln stated the city event is in coordination with the Connellsville Patriots. Donations and questions: Linda Shearer, 724-322-1494. Mayor Lincoln stated they are selling commemorative shirts for \$10 and they are available at City Hall. He also stated the city secured the Sky Cannons again this year which will be at the Veteran’s Plaza and turned on for three hours. He asked if anyone would like to sponsor the cannons at \$849 to call Vernon at City Hall.

September 17th, Highland’s Hospital 130th Anniversary Celebration, 5 PM – 8 PM

October 2nd, Tangled Up in Brew, Mayor Lincoln added tickets will go on sale in September. He added he is asking for Chance Auction Baskets.

October 15th, 16th and 17th, New Haven Hose's Fall Festival. Friday – 4 PM – 10 PM, Saturday – 11 AM – 10 PM, Sunday – 11 AM – 4 PM. Mayor Lincoln asked everyone to follow their Facebook Page since they post all the events they have.

Christian Church, 212 S. Pittsburgh Street, Free Community Lunch every Monday beginning 11:30 AM until 1 PM, 724-628-3802 for information

Resolution No. 8-12-2021: "To authorize, approve and enter into the Auto-Theft Task Force Agreement with the Commonwealth of Pennsylvania; to authorize and direct 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 Topper, Karpiak and Keedy and Mayor Lincoln. The majority of the votes being affirmative, the resolution was adopted.

KEEDY:

Resolution No. 8-13-2021: "To approve the 2020 Audit as performed by McClure and Wolf."

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

KARPIAK:

Public Works Report

Councilman Karpiak stated the lines are not painted on the streets because the city cannot get paint because there is a freeze on it in Texas. He added the Public Works is using what they have.

Resolution No. 8-14-2021: "To accept the bid of Roer Sutter and Son in the amount of \$44,950.00 for the Dutch Bottom Bank Stabilization Project. Money to be reimbursed through a Fayette County Growing Greener Grant; pending review and approval of City Solicitor, City Engineer and City Clerk."

Mayor Lincoln thanked City Clerk Ohler and County employees Sheila and Art for working on this grant so the city can get this work completed.

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

There were no bids received for the 2001 Johnston Street Sweeper.

Resolution No. 8-15-2021: “To place the 2001 Johnston Street Sweeper out to bid on Municibid. Bids will be until September 20, 2021 at 4 PM.”

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

Resolution No. 8-16-2021: “To introduce Bill No. 3 of 2021, **AN ORDINANCE REGULATING MOTOR VEHICLES FROM EXITING ONTO SAID STREETS AND TO PROHIBIT PARKING ON THE BELOW LISTED STREETS FINES AND PENALTIES ALLOWED BY THE MOTOR VEHICLE CODE.**”

Solicitor Witt explained this will consolidate some of the No Parking Regulations that Council has received and reviewed from the Traffic Committee and posting some Not an Exit Signs as well. He added this will make it an Ordinance so it is a citable offense to violators.

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

TZAN: Mayor Lincoln read Councilwoman Tzan’s following resolution:

Resolution No. 8-17-2021: “WHEREAS, by virtue of Resolution No. 04-13-2021, adopted April 20, 2021, the City of Connellsville declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual adopted December 16, 2008 and amended on March 28, 2016, and,
WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;
NOW, THEREFORE, BE IT RESOLVED That the City of Connellsville, Fayette County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records attached hereto”

Mayor Lincoln thanked City Clerk Ohler for his work in cleaning out the fire hall of records.

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

Mayor Lincoln discussed the Redevelopment Authority is setting in motion the bidding for the fire hall being done as one project, both the upstairs and downstairs. He noted he is hopeful by next summer the building will be complete.

Mayor Lincoln thanked the Public Works Department with Connellsville’s 1st Croquet Tournament.

TOPPER:

Health/Code Officer Report

Resolution No. 8-18-2021: “To introduce Bill No. 4 of 2021: **An Ordinance Adopting the Quality of Life and Violations Ticket Process in the City of Connellsville** with the purpose of enforcing lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the city, which reduces business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of the City of Connellsville are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Part is to promote the health, safety and general welfare of our community by helping to create a clean environment for the citizens of the City of Connellsville.”

Mayor Lincoln questioned if this will supersede any of the health ordinances the city has now or does it accompany it?

Tom Currey, Code Officer, answered it will re-write the ordinances.

Councilman Topper explained the way it works now is that if you don't cut your grass, Currey will come by then send you a letter and go through the very slow process. He added what this will do is allow the City to issue a ticket on the first offense. He also stated you will have the chance to cut your grass and pay the fine and that will be it. He also stated if you do not do that then it will go to court.

Mayor Lincoln discussed the number of residents who do not use garbage cans. He added the reason the city has an ordinance is so there are no wild animals attracted and garbage bags do not break causing trash on the streets. He also stated this protects the garbage workers from getting cut by anything in your trash bag that could cut or harm them.

Councilman Topper explained the ordinance and fines, highlighting the importance of what residents should already be doing such as cutting grass and using trash cans for garbage.

Mayor Lincoln requested the ordinance be put on the City's website.

Councilman Karpiak stated he was around when the ordinance first came out. He noted when this ordinance first came out it failed in a lot of ways. He further stated this ordinance is not a hunt for anyone and he is not leery about it. Karpiak noted that with this ordinance, you are stepping out and becoming a target if you are not going to cut your grass or pick up your garbage. He added that he is a landlord and does not want to see any of his properties with tires on it and he will not let that happen. He further stated that there are people who are still using winter tires. Karpiak stated he understands Councilman Topper's frustration with trying to get something accomplished and running into walls and he will vote for it in hopes that it will make a difference and make things easier. He further added that

this is not just certain areas of the city doing this, noting he picks garbage up off his street a couple of times a week. Karpiak stated some people keep their property clean and others need to be taught to do so by in the wallet.

Councilman Topper thanked Solicitor Witt and City Clerk Ohler stating they meet regularly and met with Judge Haggerty. He added they have had many conversations before bringing this ordinance to the table.

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

New Haven Hose Report was given by Fire Chief Layton

Mayor Lincoln stated the Honor Roll Committee is fundraising to construct a new memorial on North Pittsburgh Street. He added Councilman Keedy's organization is accepting the funds and are up to around \$17,500 of the \$40,000 needed. He further stated anyone who would like to donate to please send a donation check to the Connellsville Festival Association, 415 North Penn Street.

Resolution No. 8-19-2021: "That this meeting of City Council does hereby adjourn."

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