



<b>CALL TO ORDER</b>	The regular meeting of Titusville City Council was called to order by Mayor Nystrom in the Conference Room at the Titusville Redevelopment Authority at 5:32 p.m.
<b>MOMENT OF SILENCE</b>	Observed
<b>PLEDGE OF ALLEGIANCE</b>	Led by Mayor Nystrom
<b>ROLL CALL</b>	Mayor James Nystrom, Deputy Mayor Esther Smith, Councilman Pat Cartney, Councilwoman Bonnie Hull, and Councilman Jay Reese were present.  City Manager Larry Manross, Police Chief Thomas, Tom Boyle represented The Titusville Herald. GBS Television taped the proceedings.
<b>NOTICE OF EXECUTIVE SESSIONS</b>	Mr. Nystrom stated there were no executive sessions held since the last regular meeting.
<b>ADOPTION OF AGENDA</b>	It was <i>moved</i> by Mr. Reese, <i>seconded</i> by Mr. Cartney, and <i>carried unanimously</i> to adopt the meeting Agenda as prepared.
<b>APPROVAL OF MINUTES</b>	It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mr. Reese, and <i>carried unanimously</i> to accept the minutes of the regular meeting of July 19, 2011 as submitted with the correction adding Mr. Reese's name to the Roll Call and place on file.  Mr. Reese stated that he had commented on the Treasurer's Report at the last meeting and was looking for information on July delinquent tax collection information and has not seen it yet. Mr. Manross said it slipped his mind and he will get the information.
<b>PUBLIC PARTICIPATION PERTAINING TO AGENDA ITEMS</b>	None
<b>REPORTS</b>	It was <i>moved</i> by Mrs. Hull, <i>seconded</i> by Mr. Reese, and <i>carried unanimously</i> to accept the Operational Reports; Building Inspector, Fire, Police, Public Works, and Treasurer for the month of July 2011 as submitted and place on file.
Fire Department	Mr. Reese made the comment that the Fire Department received a gift from the VFW for \$3,000 for portable radios. Mr. Nystrom asked a letter be sent to the VFW recognizing the gift.
Public Works	Mrs. Hull stated the Public Works director has not been at the last few meetings and she really has some things she would like to follow up with him on. One being the street light walk-around. Mr. Manross asked if she would like Mr. Nebel's attendance at the next work session. Mrs. Hull stated that would be great.

Treasurer

Mr. Nystrom requested Mr. Manross ask the Treasurer if there is any particular reason he can comment on for collection being \$60,000 down through the end of July and bring that back to the first work session in September; it may just be a sign of the times.

**BILL LISTINGS**

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to ratify the bill listing warrants dated 7/27/2011 and 8/3/2011.

Warrant Dated 7/27/2011 - \$17,247.31

Mr. Reese stated he sees another substantial bill for the arbitrator. Mr. Manross will check in to it and get back to him.

Warrant Dated 8/3/2011 - \$244,629.00

Mr. Reese questioned categorization on the bills and called attention to Apple Scientific which is sewage treatment materials for a de-foamer which he understands is a sewage treatment plant material, he thinks that is fairly categorized, but when you go to Hovis Auto Supply, a battery charger is categorized as materials and he would identify this as equipment. He stated in his business he has been on both sides and worked the budget to his favor and has learned to really watch that. He stated the brush is equipment the paint is the material.

Mr. Nystrom questioned the Real Estate Tax audit and the reason why it isn't done by our regular auditor. Mr. Manross will find out and get back to Mr. Nystrom. Mr. Nystrom stated for a point of reference the \$244,000 includes \$168,482 paid for paving.

**New Business**

Resolution No.19 of 2011  
PennDot Agility Agreement

It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to adopt Resolution No. 19 of 2011 authorizing the Mayor to sign the Agility Agreement Resolution with the PA Department of Transportation.

Mr. Manross described the agreement as being with PennDot and the City of Titusville. They have had an agreement for years. This is just a renewal agreement where they share different functions like maybe we patch some pot holes on a state road in-kind help them out and they in turn help us out. They loan us signs on occasion and we loan them things.

Re-Occurring Special Event  
Approval – Fire Department  
MDA "Boot Day"

It was moved by Mrs. Hull, seconded by Mr. Reese, and carried unanimously to ratify the Fire Department MDA "Boot Day" held 8/12 from noon to 7pm.

Mr. Cartney thanked the Fire Department for the time they are involved with the MDA. He really appreciates what they do for the

association. Mr. Manross will have information at the next work session in regards to how much they made.

Resolution No. 21 of 2011  
Berkheimer costs of collection

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adopt Resolution No. 21 of 2011 authorizing Berkheimer to impose and retain costs of collection of delinquent taxes.

Mrs. Hull confirmed that this is already decided for Council and that we have no other option but to go with Berkheimer. Solicitor Winkler stated there is a new law that set up a County tax collection commission that made the selection of Berkheimer. Mr. Reese stated there were a couple of people at the last work session that strongly voiced their displeasure.

Resolution No. 20 of 2011  
Appoint local liaison to communicate with Berkheimer

It was moved by Mr. Reese, seconded by Mr. Cartney, and carried unanimously to adopt Resolution No. 20 of 2011 appointing a local liaison, Larry, to communicate with Berkheimer.

Mr. Nystrom stated this is another requirement by Berkheimer. Solicitor Winkler stated the reason for this one is the new act imposes a confidentiality requirement on the tax collector so they have to have somebody designated they can pass information to. Mrs. Hull questioned why we went with the City Manager as opposed to someone in the tax office. Solicitor Winkler stated other than getting the money the Treasurer's Office wouldn't have anything to do with collection of EIT or LST with this new statute.

Resolution No. 22 of 2011  
ACT 44 reduction for Police Pension Plan

It was moved by Mr. Reese, seconded by Mrs. Hull, to adopt Resolution No. 22 of 2011 electing the ACT 44 reduction amortization for the Police Pension Plan, vote as follows:

Mr. Cartney, Mrs. Hull, Mr. Reese, Mr. Nystrom – Yes  
Mrs. Smith - No

Mr. Manross stated this is a renewal of ACT 44 which basically says that we can pay to the pension fund 75% of what is owed for next year. Our obligation normally would have been \$397,929. With the ACTT 44 it would be \$325,935. This basically is a new rule that the government has out where we can basically put this contribution off to a later date. At some point we would have to make it up if the stock market doesn't increase or something good like that happens. Mrs. Smith questioned how many times are we allowed to take advantage of this reduction? Council confirmed with Keith Morrison four times. Mrs. Smith stated we are basically making this decision because we think the market is going to improve or get better. Mr. Reese stated he thinks the correct word would be the economy would improve. The 1% wage tax the City receives is way off at this time and potentially if the economy would improve the City would have more receipts to pay towards this. On a State level he thinks they realize that needed to be an option or maybe Cities would be

Resolution No. 23 of 2011  
ACT 44 reduction for Fire  
Pension Plan

shutting down a lot of services they couldn't pay for to meet these obligations. If it doesn't get better in a few years then we'll have to bite the bullet, but it allows relief knowing that those tax receipts are down and the stock market is down which cause us an increased burden.

It was moved by Mrs. Hull, seconded by Mr. Reese, to adopt Resolution No. 22 of 2011 electing the ACT 44 reduction amortization for the Fire Pension Plan, vote as follows:

Mr. Cartney, Mr. Reese, Mrs. Hull , Mr. Nystrom – Yes  
Mrs. Smith - No

Mr. Manross stated this would be the same thing but with the Fire Pension our normal amount is \$252,388. This will allow us to put in \$200,767 which is the 25%. Mrs. Smith confirmed we are \$8 million underfunded for both pensions. Mr. Reese stated there is not much we can do about this. We don't really have the money to anything other. To say that we want to do some other thing we would have to do something very creative or raise taxes. There is no option he is not in favor of raising taxes.

1<sup>st</sup> Ward Tax Assessor  
Recommendation

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to recommend to Crawford County the appointment of Edward Brown, 327 West Spruce Street as assessor for the 1<sup>st</sup> Ward.

Resolution No. 24 of 2011  
Council Roll Call

It was moved by Mrs. Smith, seconded by Mr. Cartney, to adopt Resolution No. 24 of 2011 adopting a procedure to govern roll call votes by City Council, vote as follows:

Mr. Nystrom, Mr. Reese, Mrs. Hull - No  
Mrs. Smith, Mr. Cartney - Yes

Resolution failed.

Mr. Reese stated he is not a big fan of voting in rotation, it has been strange to him to since he has been here. He always thought it was the Mayor's discretion. He was surprised when this came up and if that is what the rest of Council wants to do that is fine with him but he is going to vote his conscience on what he thinks about it. Mr. Nystrom stated he believes that the way Council has been doing it is satisfactory. He went on to say that he does not feel that we need to encumber not only this Council but Councils in the future. If Esther felt that he had done something wrong he wishes that she would have come to him and expressed it and we could have talked about it rather than the action or route that she took and he is not in favor of it. Mrs. Smith stated she did make a phone call to Mr. Nystrom the night of the meeting and she did approach him on that. Mrs. Smith stated it is not the Mayor's discretion she talked with Rich. She stated she thinks if Council is voting on an issue that it is absolutely wrong for any of Council to go and ask Diana and or the

Manager to change and put us as the last voter so we could see how everyone was voting and then make our vote: basically stacking the vote. She thinks that the way it is being done is perfect but no one should be able to go and change the order. She personally would not do it so she does think it is wrong. Mr. Reese stated he respects Mrs. Smith's comments and he understands where she is coming from on why she put this together. Mrs. Smith stated if you folks want me to proceed and tell what really happened she would be happy to do it. Mr. Reese stated he wants to explain where he comes from, what he has been a part of abiding by the Borough Code for 11 years so it's different. He understands Mrs. Smith's point about what transpired or may have transpired in to a problem, but when you ask him to vote for a tax increase or vote random it is not his cup of tea and that is the answer you are going to get. It has nothing to do with saying you are or aren't on the right track. Mrs. Smith questioned what is the purpose of changing an order of the voting; when we look at the agenda, don't we all know how we are going to vote? Mr. Reese stated if you would put a Resolution in front of him based on the events that happened before where you want this Council to go forward with an all in favor say Aye all opposed say no I'm fine with that but he is not going to vote for voting at random because he does not like it that way. If Mrs. Smith would have done a different resolution in a different way to avoid it happening again he would have been fine. Mr. Reese stated he would make a point in his favor. Council just put the gentleman on as Tax Assessor. Mr. Reese stated he does not know the man; Council did not interview him. He went on to say, he would not give a vote of no confidence because he doesn't know him, but having him vote yes first on that puts him on the spot. Voting at random is not how he would do it if he was the Mayor. Mrs. Smith stated let's make a correction tonight and do it right. Mr. Reese suggested let's go over it at a work session and not just have it in the packet. Mrs. Hull said that is her opposition right there; we mention it and it is voted on at the next meeting and she does not see any necessity to tie Council down to this resolution at all.

**PUBLIC PARTICIPATION**

Tom Kopper – 323 E Main St

Thanked the Street Department for fixing the leaks he talked to the Manager about earlier this week. He thinks fixing fire hydrants should be a higher priority. He commented on Mrs. Hull's 8/3 statement in the paper. He believes that the people should have the right to vote if they want a paid or volunteer department. He questioned why comparisons on response times were being done between the City and Hydertown and what a 17 minute ambulance response time has to do with the Fire Department.

Don Frazier – 206 W Elm St

Gave all of Council a compliment on how nice the new traffic lights

look. He thought they were going to be LED. Mrs. Hull said they were supposed to be and she believes they are but she will check on it. He also thanked the City Solicitor, Building Inspector, and former City Manager for their involvement in helping him get rid of a blighted property situation in town that he hopes to put back on the tax roles in town. He stated we have and are going to go through many more difficult times in this town. This is a small community of friends and neighbors. We should have the ability to agree to disagree. What disappointed him was the lack of professionalism in some areas. He holds the departments we have to the utmost level of professionalism. One challenges that someone has a vendetta and that was not fair. On behalf of the Titusville citizens he apologized for that and said that really destroyed him to see that. The other thing was the great big fan-fare afterwards where he himself went and closed the door because he could not hear what was going on. That was not professional. He appreciates the risks the Police and Fire take and believes they should be compensated. Titusville is in the same situation as every other small community in every other state. He said we need to find reasonable and alternate ways and everyone should be able to bring these ideas to the table without being challenged.

**COMMENTS BY  
MAYOR/COUNCIL**

Mr. Cartney thanked Mrs. Hull and Take Pride for the job that they did for the parade. He had a lot of people come up to him and say it was a really nice parade. He knows they put a lot of hard time and had some stress in to it for a little bit. Mrs. Hull said it was the Chamber and the Chamber Committee. Mr. Cartney saw Mrs. Hull directing traffic and thanked her again for her time that she put in there.

**ADJOURNMENT**

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adjourn the meeting at 6:25 p.m.

**APPROVED BY COUNCIL**

THIS 20<sup>th</sup> DAY OF September, 2011

  
James A. Nyström, Mayor

I hereby certify the foregoing to be a true and correct copy of the minutes of the Council Meeting of August 16, 2011.

  
Diana A. Durstine  
Recording Secretary