



# CITY OF TITUSVILLE

BIRTHPLACE OF THE OIL INDUSTRY



## COUNCIL PROCEEDINGS

September 21, 2010

The regular meeting of Titusville City Council was **called to order** by Mayor Nystrom in the Conference Room at the Titusville Redevelopment Authority at 5:30 p.m. The **Invocation** was given by Mr. Philip Taylor. The **Pledge of Allegiance** was led by Mayor Nystrom. **Members Present** at the meeting: Mayor James Nystrom, Councilwomen; Esther Smith, Bonnie Hull, Councilmen; Pat Cartney, Jay Reese, City Manager Pennie Maclean, Solicitor Richard Winkler. Mary Hill represented The Titusville Herald. It was moved by Mrs. Smith, seconded by Mr. Reese, and carried unanimously to adopt the meeting **Agenda** as prepared. It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to accept the **minutes** of the regular meeting of August 17, 2010 as submitted and place on file.

### BID AWARDS -

**WWTP - SBR TANKS AERATION SYSTEM UPGRADE** - Mr. Nebel stated we are all aware that there have been problems with the existing SBR tanks. The bids came in at a relatively low figure compared to what had been expected. Our Engineer is satisfied with the low bidder.

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to award the SBR Tanks Aeration System Upgrade contract to Ferri Contracting Co., Inc. McMurray, PA in the amount of \$358,118.00.

Mr. Reese said he hopes it goes well and we don't see a lot of change orders. Never in his years have we had such a good bid come in that was designed by an engineer.

**TREE REMOVAL** - It was moved by Mrs. Hull, seconded by Mr. Reese, and carried unanimously to award the contract for tree removal to Taylor Tree Service, Ripley, NY in the amount of \$8,616.45 as recommended by the Shade Tree Commission.

Mrs. Smith questioned the amount budgeted for Shade Tree. City Manager Pennie Maclean stated the budgeted amount is \$10,000.00.

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**EMERGENCY TREE REMOVAL** - It was moved by Mrs. Hull, seconded by Mr. Cartney, and carried unanimously to award the contract for emergency tree removal to Hazlett Tree Service, Townville, PA at a cost of \$66.00 per hour with an estimated quantity of ten hours of \$660.00.

**EMERGENCY TREE PRUNING** - It was moved by Mrs. Hull, seconded by Mr. Reese, and carried unanimously to award the contract for emergency tree pruning to Hazlett Tree Service, Townville, PA at a cost of \$54.00 per hour with an estimated quantity of ten hours of \$540.00.

**EMERGENCY STUMP REMOVAL** - It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to award the contract for emergency stump removal to Taylor Tree Service, Ripley, NY at a cost of \$650.00.

Mr. Reese asked Mr. Nebel to define Emergency Stump Removal. Mr. Nebel suggested this service could be provided for a tree that had been uprooted.

**PUBLIC PARTICIPATION** - Pertaining to agenda items - None.

**REPORTS** -

**MANAGER'S** - It was moved by Mrs. Hull, seconded by Mr. Reese, and carried unanimously to accept the Manager's Minimum Municipal Obligation (MMO) report for the Police Pension Plan \$324,908 in accordance with Act 44, Fire Pension Plan \$200,927 in accordance with Act 44, and Non-Uniform Money Accumulation Plan \$68,000 for the year 2011.

**OPERATIONAL** - It was moved by Mr. Reese, seconded by Mrs. Hull, and carried unanimously to accept the Operational Reports; Finance, Police, Fire, Public Works, Building Inspector, and Treasurer's Report for the month of August, 2010 and place on file.

**Finance** -Ms. Maclean stated we are very close. The Finance Report provided comparison best/worst case projections.

**Police** - Mr. Nystrom questioned the high number of thefts. Chief Gary Thomas stated these instances are not classified as a theft until proven a theft.

**Fire** - Mr. Reese questioned the 3 hazmat calls. Chief Joe Crotty stated the calls were routine. Mr. Nystrom thanked Chief Crotty for his efforts in regards to the Household Hazardous Waste Disposal event in the City on September 18<sup>th</sup>. The City appreciates him taking an interest in this event.

**Public Works** - Mr. Reese questioned the status of fountain upgrades in Scheide Park. Mr. Neble state the electric contractor is running 2 weeks behind. Mrs. Hull questioned the meeting with PENN DOT rep about highway occupancy permits. Mr. Nebel stated this was in regards to issues with water leak pot hole patches on the west side.

**MINUTES OF BOARDS AND COMMITTEES** - It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to accept the minutes of the Housing Authority dated 7/6/10 and place on file.

**BILL LISTING** - It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to ratify the bill listing warrants dated 8/20/10, 8/27/10, 9/3/10, 9/10/10, and 9/17/10.

**OLD BUSINESS**

**COUNCIL BILL NO. 2 OF 2010 - RE: Vacating a portion of South Monroe Street** - An Ordinance of the City of Titusville, County of Crawford, Pennsylvania, to vacate a portion of South Monroe Street. Now therefore, be it enacted by authority of the Council of the City of Titusville, in Council assembled, as follows: That portion of South Monroe Street in the Third Ward of the City of Titusville from its intersection with the south line of West Central Avenue to the intersection of South Monroe Street with the north line of West Spring Street is hereby vacated as a public street excepting and reserving unto the City of Titusville all rights of way and easements for public utilities including sanitary sewage, storm sewage and water pipes and conduits. A map depicting the segment of road to be vacated is attached hereto as Exhibit "A".

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to table Council Bill No.2 on second reading.

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David P. Hazelet, Director of Real Estate for Sheetz and James F. McCormick, Attorney for Sheetz provided a presentation and passed out small drawings of the conceptual layout of a possible new Sheetz location in Titusville. Mr. Reese stated he wants to get any new business in town but wants to make sure the street is safe. Mr. Nystrom asked Mr. Winkler if there were any issues or anything he has come across or are things running smoothly. Mr. Winkler stated things are running smoothly and he has nothing but cooperation from the Sheetz folks. Mr. Winkler stated the thought he had discussed with Mr. McCormick that Sheetz would have to go back to the three adjoining owners because this is going to go out a lot longer than original anticipated completion. The thought was to get each of the owners as part of an amendment to execute and deliver in escrow deeds of dedication back to the City that would be delivered and recorded if the project would die because some permit couldn't be obtained or if Sheetz decided not to pursue the project any further. That would avoid the eminent domain procedure to get the street back. Mr. McCormick stated this is perfectly acceptable. The deeds would be signed and put in to escrow. This is perfectly acceptable. Mr. McCormick stated they do not want the City to be in any disadvantage if for some reason this project does not move forward and obviously it is Sheetz's intent to move forward. Mrs. Hull asked if there would be an issue if Council delays this another month. Mrs. Hull stated she is not opposed to it she is just not comfortable with the process. Mr. McCormick stated they want the City to be comfortable with this. They are not trying to rush it. Mr. Reese stated he agreed with Mrs. Hull. Mr. Nystrom stated he would like to keep the lines of communication open. Our issue is not that we are against this but that we need to make sure we have everything in order. Mr. McCormick said their next step is to go back to the land owners for the deeds of dedication. Mr. Nystrom asked the Solicitor to keep Council apprised and also to say deadlines are coming and we need to expedite. Ms. Maclean stated the City Administration has dedicated a Development Team; Jim Becker, Randy Nebel, and Tim Lorenz. Mr. McCormick will continue to work through the City's Solicitor.

**NEW BUSINESS -**

**APPOINTMENT TO HOUSING AUTHORITY** - It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to re-appoint Mrs. Donna Popieski, 2 Meadow Lane, Titusville, PA to the Housing Authority for a five year term.

**APPOINTMENT TO PLANNING COMMISSION** - It was moved by Mr. Reese, seconded by Mr. Cartney, and carried unanimously to appoint Mr. John Smith, 106 N Perry Street, to the Planning commission to fill an unexpired term. Term will expire January 1, 2011.

**APPROVAL OF MEMORANDUM OF UNDERSTANDING** - It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to authorize the proper city officials to enter in to a Memorandum of understanding between the City of Titusville and Titusville Area Hospital.

**RESOLUTION NO. 12 OF 2010** - Resolved that the City of Titusville City Council shall be, and the same hereby are authorized to submit a Financial Assistance Application and related documents to the Pennsylvania Infrastructure Investment Authority (PennVEST), substantially for the purpose of financing the rehabilitation of the Titusville Wastewater Treatment Plant. It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adopt Resolution No. 12 of 2010.

**RESOLUTION NO. 13 OF 2010** - Authorizing the Sale of Surplus Property. It was moved by Mr. Reese, seconded by Mr. Cartney, Mrs. Smith, Mr. Nystrom, Mrs. Hull, Mr. Cartney - yes; Mr. Reese - no, to adopt Resolution No. 13 of 2010. Mr. Reese stated it probably cost \$45.00 to draft the resolution for a \$25.00 sale and in the future he would suggest to just deal with it. Ms. Macclean stated she was going to do it the right way.

**RESOLUTION NO. 14 OF 2010** - Authorizing Bank Account Signatories. It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to adopt Resolution No. 14 of 2010. Ms. Maclean stated this is necessary as a result of the

change in staff at City Hall where Diana Durstine is now the Assistant to the City Manager so it is necessary to replace Suzanne's signatures with Diana's for bank purposes. Mr. Reese questioned bonding. Mrs. Durstine stated she is already bonded.

**RESOLUTION NO. 15 OF 2010** - Authorizing a new checking account for WWTP - Sewer Project Phase Three - Step 1. It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adopt Resolution No. 15 of 2010. Ms. Maclean stated it is prudent to open a separate checking account with this type of project. Mrs. Hull clarified this account was to be used for Step 1 of Phase Three.

**RESOLUTION NO. 16 OF 2010** - Authorizing request to Penelec, a First Energy Company for the removal of street lights. It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adopt Resolution No. 16 of 2010. Ms. Maclean stated this is part of the Growing Greener/CDBG project to replace existing street lights with historic street lights downtown.

**COUNCIL BILL NO. 3 OF 2010** - AMENDING ARTICLE 521 - PARKING GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY OF TITUSVILLE AND TO ADD A NO PARKING ZONE ON WEST CENTRAL AVENUE NEAR AN UNAMED ALLEY WEST OF NORTH FRANKLIN STREET, AND TO ADD A MAXIMUM FIFTEEN MINUTE PARKING AREA NEAR AN UNANMED ALLEY WEST OF NORTH FRANKLIN STREET. It was moved by Mrs. Hull, seconded by Mr. Reese, and carried unanimously to introduce Council Bill No. 3 of 2010 on first reading. Mr. Nystrom said this only addresses the City street.

**RESOLUTION NO. 17 OF 2010** - Consent Assessment of Civil Penalty between the DEP and the City of Titusville. It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adopt Resolution No. 17 of 2010. Ms. Maclean stated this is authorizing the City to pay a DEP penalty of \$500.00 for discharge of paint residual.

**PUBLIC PARTICIPATION**

Keith Morrison spoke in regards to pension issues being a problem that has happened over time. He stated the City has dodged a bullet this year. He stated how did we get to this problem; previous councils and previous administrations and

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really good contract negotiations and benefits. He stated the taxpayers are sacrificing because of the MMO payments the City has to make.

Mr. Don Frazier stated he agreed with Mrs. Hull. He stated a concern in regards to abandoning properties and the effect the turn around lane would have on the doctors offices.

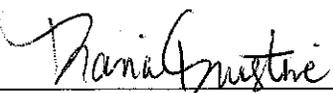
**COMMENTS BY COUNCIL**

Ms. Maclean honored Manager's Secretary Suzanne Birtciel by reading a proclamation written for her wonderful years of service proclaimed September 21, 2010.

**ADJOURNMENT**

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adjourn the meeting at 7:15 p.m.

I hereby certify the foregoing to be a true and correct copy of the minutes of the Council Meeting of September 21, 2010.

  
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Diana Durstine  
Recording Secretary

APPROVED BY COUNCIL THIS 19<sup>th</sup> DAY OF October, 2010