



CALL TO ORDER	The regular meeting of Titusville City Council was called to order by Mayor Nystrom in the Conference Room at the Titusville Redevelopment Authority at 6:00 p.m.
INVOCATION	Given by Jerry Wagner.
PLEDGE OF ALLEGIANCE	Led by Mayor Nystrom.
ROLL CALL	<p><i>Members Present:</i> Mayor James Nystrom, Deputy Mayor Esther Smith, Councilwoman Bonnie Hull, Councilman Pat Cartney, Councilman Jay Reese.</p> <p>Solicitor Richard Winkler. Mary Hill represented The Titusville Herald. GBS Television taped the proceedings.</p>
ADOPTION OF AGENDA	It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mrs. Hull, and <i>carried unanimously</i> to adopt the meeting Agenda as prepared.
APPROVAL OF MINUTES	It was <i>moved</i> by Mrs. Hull, <i>seconded</i> by Mr. Reese, and <i>carried unanimously</i> to accept the minutes of the regular meeting of December 21, 2010 and the special meeting of December 28, 2010 as submitted and place on file.
PUBLIC PARTICIPATION PERTAINING TO AGENDA ITEMS	<p>Larry Manross – Business Owner - 220 W Central Ave Addressed the Fee Schedule agenda item. Mr. Manross stated his understanding is that Council's plans are to change the set fee for the sewer hookup fee \$2500 to \$2500 plus costs and the same with water to the fee that is now there to the addition of whatever costs are there.</p> <p>Mr. Reese stated it was originally proposed to be an increased fee over what it was.</p> <p>Mr. Manross stated he is concerned that this could be a pretty big hit to a new business or anybody who wants to build and comes to Titusville. This could potentially cost them \$3,500; \$4,000 just for the sewer hookup. He went on to say that he is concerned that this increased fee will deter people from building and construction. His impression was fees were to cover costs not to give tax payers a huge tax increase.</p> <p>Public Works Director Randy Nebel clarified that the storm water tap is the only change. The tap itself is a buy in to a system that has been in place for years. Mr. Nebel described a tap installation and responsibility for costs.</p>
REPORTS	It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mr. Cartney, and <i>carried unanimously</i> to accept the Operational Reports; Building Inspector, Fire, Police, Public Works, and Treasurer for the month of December 2010 as submitted and place on file.

Fire Department

Mr. Reese stated he will let Chief Crotty brag on his guys. He went on to say that he drives through Union City all the time and has

seen some houses that may not still be there without our ladder truck being there. He stated well done boys.

Fire Chief Joe Crotty stated they did an outstanding job and are directly responsible for the area on the south west corner of the facility and for them standing right now.

Police Department

Mrs. Smith commended our officers for the homicide investigation on December 21st and what they did for that she wants to thank them.

Mr. Cartney and Mrs. Hull also thanked our police officers.

Public Works

Mr. Reese stated he lives near the exciting hill in town and does not remember as much snow since he moved here. He went on to say the department is doing a heck of a job. Mr. Reese stated he wonders where the salt budget is going to go everyday but said the streets have been as well done as any other town he has been through.

MINUTES OF BOARDS & COMMITTEES

It was moved by Mr. Reese, seconded by Mrs. Smith, and carried unanimously to accept the minutes of the Housing Authority dated 11/16/10 and place on file.

Mr. Reese stated Mrs. Popieski is stepping down as chairman after many years and he wishes she was staying on more.

BILL LISTINGS

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to ratify the bill listing warrants dated 12/22/10, 12/29/10, 12/31/10, & 01/13/11.

Warrant Dated 12/22/2010 - \$51,867.30 – no questions

Warrant Dated 12/29/2010 - \$38,238.24

Mr. Reese questioned the purchase of salt. Back in the spring he stated we were still buying salt and stockpiling it in Centerville now he can see many checks written for salt. Are we day to day on salt or do we still have an inventory?

Mr. Nebel stated the salt trucks when they deliver salt to us are on a cycle and have many municipalities to hit. We are on a Costars agreement at a reduced amount from last year of 1,300 tons. We are required to take at least 60% of that and may in a bad year go to 140%. Currently the 60% means we need to be at 780 tons at the end of our season. We are currently at 402 ½ tons. Two trucks were lost for two days so 35 tons was moved from Centerville. There is still 65 tons in Centerville left there as an insurance policy and we continue to get our salt as it moves through. Once we hit our 780 tons then we can

relax on buying.

Mr. Reese stated the bills come in as the trucks come in and it is not a reflection on our inventory.

Warrant Dated 12/31/2010 - \$11,237.81

Mr. Nystrom stated the reason there are checks written on the 31st is closing out the year and to get bills paid that come in the proper year.

Warrant Dated - 01/13/2011 - \$81,025.26

Mr. Nystrom Council receives these and reviews them on a regular basis. These are for items. Payroll and benefits do not come through. We are looking for the everyday expenditures in what departments are doing.

OLD BUSINESS

Resolution No. 5 of 2011

It was moved by Mr. Cartney, seconded by Mr. Reese, and carried unanimously to table Resolution No. 5 of 2011 Amending Article 191 Fee Schedule.

Mrs. Smith questioned the Right to Know Request Duplication Fee \$.25/page. Mrs. Smith stated a question that was asked of her is if a right to know request comes in electronic form is there a charge?

Mr. Nystrom stated he believes this is a copy fee.

Solicitor Winkler stated if electronic then there would be no fee.

Mrs. Smith requested that be stated in this.

Mrs. Smith questioned the storm sewer tap * actual costs to all labor and materials. The statements brought to her included what is to stop the City from charging outlandish prices - it is too open ended and too big of a loophole.

Mr. Nebel stated when we talk about actual costs of the materials whenever we do the billing and send it to the billing department a copy of what the reduced cost tax free that is what the City buys the materials at is what is transferred to the customer for the price.

Mr. Nebel stated the water taps and sanitary sewer taps have always been reimbursed as such. The change is on the storm water side.

Mrs. Smith stated these are the questions that have been brought to her and until she knows for certain that it isn't open ended or the public might have a problem someday she doesn't feel comfortable in passing this. Mrs. Smith went on that another statement brought to her was we need to prevent future administration from exaggeration of costs. The \$40 disconnection notice – why aren't they mailed

and/or are they ever mailed giving a customer the chance to pay their bills? Does it really cost \$40 to deliver a red tag?

Mrs. Durstine stated the notices have to be physically posted on the property before the water shut off.

Mrs. Smith went on stating every decision we make as a Council makes that is too vague and open ended could create problems and or disasters financially for the citizens of this community.

Mr. Reese stated the idea behind this was that we were doing something and not covering the costs and not charging anything more. It seems to be clerical at this point. The duplication fee even if it is electronic someone has to take the time to dig it up.

Solicitor Winkler stated the City cannot charge for the staff to produce a request only for the paper or cost of the CD if it is put on CD.

Mrs. Hull questioned if a copy of the bill or receipt is sent to the customer.

Mr. Nebel stated the copy is sent to the customer. Usually we are not talking about major amounts of money. Materials are measured and marked for each particular job.

Mrs. Hull requested a high and a low.

Mr. Nebel stated the Moose Club tap was the most expensive tap last year because it was on a state road. Thousands of dollars because of the state requirements. Mr. Nebel went on to say we are not charging anyone anything more than what we have invested in it cost wise.

Mr. Reese stated he has not heard that we are charging for labor or hourly for a backhoe or anything like that.

Mr. Nebel stated we did get in to some hourly rates when we talked about realigning our line for AutoZone. There are associated costs with that that were billed because there were licensed operated required on that line. There are these cases and times when you do have man hours involved.

Mr. Reese stated now he has to lean with Esther and it is vague. We commissioned Pat and maybe need to send him back to the table. He can see the point to add clarification.

Mrs. Smith said you guys [the public] voted her in to do her due diligence and a lot of things come before her that she doesn't have any more knowledge then you folks have so I am relying on you guys to do a little bit of background and thanked the people that have

Saving America's Treasures

brought this to her attention. She stated she cannot vote on it because it is a little bit too vague.

It was moved by Mrs. Hull, seconded by Mr. Reese, to accept the possible match to the \$75,000 Saving America's Treasures Grant.

Vote as follows:

Mrs. Smith, Mr. Reese, Mrs. Hull – Yes

Mr. Nystrom, Mr. Cartney - No

Mr. Reese stated this goes back to City Hall and there is money available through TRI and this was \$75,000 for \$150,000 work at City Hall and we have two years from this date to come up with \$75,000.

Mrs. Hull clarified the draw downs can be done as we need it.

Mr. Reese stated if we get to the end and only drawn down \$35,000 then they are yelling at me for not using grant money again.

Mrs. Hull agreed.

Mrs. Smith questioned if we have that it writing.

Mrs. Hull stated it's the way the grant works. As far as the grant and how it is written yes that is how it works. We are not making anything up. We are not saying that if you approve it you have to spend all \$75,000 right now. We could actually drawn down enough money that we could insulate or put in storm windows or whatever in order to make the building more efficient and probably save us.

Mrs. Smith said we have \$75,000 do we have to get an engineer in there to do work?

Mrs. Hull stated the \$75,000 match can be in funds or in kind. There are historical records that need to be tended to that are mold and mildewed. We can have Historic Preservation come in and take care of the records and that would be in kind labor. Mrs. Hull stated her hourly billing rate she thinks is \$20.00. It doesn't have to be dollar for dollar it can be in kind.

Mr. Reese stated we have talked about this before and no one wanted to sell City Hall to which Mrs. Smith stated I did. Mr. Reese went on to say the majority did not want to sell City Hall. He went on to say you are not going to be able to fix City Hall again for fifty cents on the dollar.

Mrs. Hull stated there are other grants available that may be used as match or may be used to do preliminary engineering work or studies or whatever needs to be done. If we need an architect to come in and redesign the building to make it more efficient there are grants

funds available.

Mrs. Smith stated again that is too vague. We don't know that for certain.

Mrs. Hull stated yeah we do. One is available right now. It was due last week. They are out there we just have to be working on it and we haven't been working on it.

Mrs. Smith stated a deal isn't a deal unless you have the match.

Mr. Reese stated this is something that the City needs to maintain and it doesn't have to come out of this year's budget and unless something happens it probably won't. Come October we can talk about where we can find the money.

Mr. Nystrom stated if it is voted on and accepted we are not obligated to spend it if we do not have the money.

Mrs. Hull stated we have to maintain the building no matter what we are going to do with it. This will reduce our bills.

Board, Authority, &
Commission Re-Appointments

It was moved by Mr. Reese, seconded by Mrs. Hull, and carried unanimously to re-appoint members (Agenda items A-G) as follows:

Airport Authority

- Larry Weldon to the Airport Authority for a five year term to expire 1/1/2016.
- Jeffrey Wolfe to the Airport Authority Term for a five year term to expire 1/1/2016.

Leisure Services Board

- Claude Lemley to the Leisure Services Board for a five year term to expire 1/1/2016.

Planning Commission

- John Smith to the Planning Commission for a four year term to expire 1/1/2015.

Shade Tree Commission

- Dr. Ralph Nazzaro to the Shade Tree Commission for a five year term to expire 1/1/2016.

Zoning Hearing Board

- Lee Kafel to the Zoning Hearing Board for a five year term to expire 1/1/2016.
- Timothy McCandless to the Zoning Hearing Board for a five year term to expire 1/1/2016.

Board, Authority, &
Commission Appointments

Airport Authority

It was moved by Mr. Reese, seconded by Mrs. Smith, and carried unanimously to appoint Gail Bean, 1757 Buxton Rd, Titusville, PA to the Airport Authority for a five year term to expire 1/1/2016.

Mr. Nystrom stated for the general public Council interviews any new appointments so Council knows who the individual is.

Planning Commission

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to appoint William Adelman, 315 W Spruce St, Titusville, PA to the Planning Commission for a four year term to expire 1/1/2015.

Zoning Hearing Board

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to appoint James P. Smith 407 W Elm St, Titusville, PA to the Zoning Hearing Board to fill a vacancy to expire 1/1/2012.

Mr. Reese stated we missed someone. Mrs. Durstine clarified there are two appointments made by Council for the Library. The rest of the members are set by the Library Board. Mr. Reese stated Council did interview someone for the Library Board but it's not up.

Resolution No. 4 of 2011

It was moved by Mr. Reese, seconded by Mrs. Hull, and carried unanimously to adopt Resolution No. 4 of 2011 – Fixing the Tax Collector Salary.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TITUSVILLE, CRAWFORD COUNTY, PENNSYLVANIA SETTING THE ANNUAL COMPENSATION FOR THE TAX COLLECTOR OF THE CITY OF TITUSVILLE EFFECTIVE JANUARY 1, 2012 AND SETTING FORTH CERTAIN EXPECTATIONS OF CITY COUNCIL WITH RESPECT TO THE DUTIES OF THE OFFICE OF TREASURER.

Mr. Nystrom stated every cycle since this is an elected position we have to state what the salary is for the Treasurer for the term that they will be elected to. We have to do this so the people up for election understand what the pay is.

Resolution No. 6 of 2011

It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to adopt Resolution No. 6 of 2011 – Legal Services Agreement / USDA.

A RESOLUTION OF THE CITY OF TITUSVILLE AUTHORIZING AND APPROVING A LEGAL SERVICES AGREEMENT WITH THE CURRENT CITY SOLICITOR, RICHARD WINKLER, OF THE FIRM BUTCHER AND WINKLER LOCATED IN TITUSVILLE, PA.

Mr. Nystrom explained this agreement is for the USDA. The City has applied for grants and low interest money on our waste water treatment plant. We have to submit to them an estimated cost of the legal fees. This is part of the grant procedure and has to be done to keep the application moving through the process.

*Special Event Approval
March of Dimes Walk*

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to approve the Special Event – March of Dimes Walk – Saturday, April 23, 2011.

Resolution No. 1 of 2011

It was moved by Mrs. Smith, seconded by Mrs. Hull. Vote as follows:

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

To adopt Resolution No. 1 of 2011 – Settlement and General Release between the City and City Manager/City Clerk/Director of Accounts & Finance Pennie N. Maclean.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TITUSVILLE TO APPROVE A SETTLEMENT AGREEMENT AND GENERAL RELEASE BETWEEN THE CITY OF TITUSVILLE AND PENNIE N. MACLEAN, CITY MANAGER/CITY CLERK/DIRECTOR

OF ACCOUNTS AND FINANCE, AND TO AUTHORIZE THE EXECUTION AND DELIVERY THEREOF.

Mrs. Smith read the following prepared statement:

It's too bad it's come to this conclusion. I feel it's been an emotional roller coaster for all parties. In my opinion Penny has done an outstanding job at being fiscal responsible for this city. To that I am grateful. Penny had a huge responsibility taking on the task of Management and Finance Director. The city benefited greatly. I will not elaborate however; Penny had to deal with many obstacles, some in form of individuals that created much havoc for not just Penny but others. I have to say that for the most part I feel we had a good working relationship.

This decision for me has come with much thought and consideration. I want you all to know that this is a mutual agreement. I never, ever glory in a decision that will and or could effect anyone in a negative way, however a lot of circumstances in the last few months has lead to my conclusion that we reached a cross road that it's now time and for the best interest of the city to change course in leadership. I wish the best for Penny and it's with much regret that I'm voting in favor of the release of Penny.

Esther went on to say folks I want to tell you that I want Penny to have her life back.

Mr. Reese stated he did not have a copy of the attachment A.

Resolution No. 2 of 2011

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adopt Resolution No. 2 of 2011 – Appoint a City Clerk.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TITUSVILLE TO APPOINT A CITY CLERK.

Mr. Cartney stated Council does have to appoint someone. He is glad to see that Gary is stepping up and he will support Gary until we find

Resolution No. 3 of 2011

somebody else.

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adopt Resolution No. 3 of 2011 – Appoint an Interim City Manager.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TITUSVILLE TO APPOINT AN INTERIM CITY MANAGER FOR THE CITY OF TITUSVILLE.

PUBLIC PARTICIPATION

Jackie Wagner – 104 Overlook Drive

Ms. Wagner addressed Agenda item 11N. Ms. Wagner stated she opened up her newspaper this morning as she is sure the majority of our town did. Her guess would be that the majority of the people were very surprised. You get surprised when you haven't been given any kind of warning as a community that there are problems she said. City Council and the Mayor may have been aware of them but the majority of City taxpayers were not. She stated she believes over two years ago some of you sat on the board of Council whenever you interviewed all of the candidates for this position. I know that you picked the very best or that person would never have been put in the position of City Manager. She stated she believes the person that sat as City Manager tried to do her very best. She came with very high credentials. She did her best to try and turn the City around and we are not there yet. She went on to say when it comes time to go in to the interview process that you have to be honest with the person you are interviewing because we have gone through an awful lot of City managers in the past for a very short span of time and not given them a whole lot of time to prove themselves male or female. She stated that sometimes there are undercurrents in Titusville that persuade us to do things that we might not always do on our own. She stated she believes in her heart that Pennie Maclean did the best possible job she could have done and deserves quite a lot of credit for the things that she accomplished in a very short span of time.

Mr. Philip Hinkle - 204 W Bloss St

Stated he wanted to bring up to Council again the heavy truck traffic and four buses coming up W Bloss St. This year he has helped back up four trucks and two passenger buses. He stated he thinks the State needs to mark the road a little better. The GPSs on the four buses say to turn on Bloss St. He also expressed concern for the pedestrian traffic now that the sidewalk is closed. Mr. Nebel stated the target date for completion of the bridge is 2013. Mr. Philip Hinkle asked if and when Franklin St bridge would be closed for repairs. Mr. Nebel stated in March as soon as the weather breaks. The detour will be car traffic over the Brown St bridge and truck traffic out through Pleasantville. Mr. Reese stated he finds himself thinking he has said one thing and then reading it in the morning. He stated he didn't vote in favor of Resolution N because he wasn't provided with the

proper paperwork because of his travel. He thinks Esther did a wonderful job and had many of the same sentiments he has of the hard work Pennie did but does also agree that we are at a crossroads. He doesn't want to look like he is not part of a team, but he did not have attachment "A". He thanked the Mayor for his good hard and late work. Mr. Nystrom stated we have it here. Mr. Reese stated I know you do but I don't have it here. I don't vote on it unless I see it.

**COMMENTS BY
MAYOR/COUNCIL**

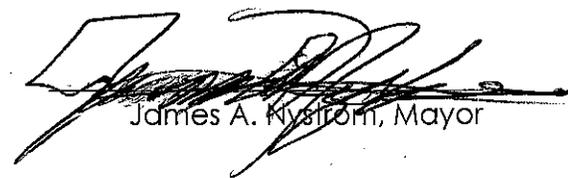
Mrs. Smith stated in an upcoming work session she thinks it is imperative that Council discuss water bills as people are coming to her with some water bills questioning meter readings. She stated she has a customer's bill where that customer lives in a home and has a usage of zero. This customer has another place that she is not living in and there is usage. Mrs. Smith stated she is hearing these things all the time now and we've got problems. Mrs. Smith encouraged everyone that is having problems with their bill to come to the work session and step up to the plate and start discussing these because a lot of people are telling her there are issues.

ADJOURNMENT

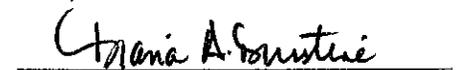
It was *moved* by Mrs. Smith, *seconded* by Mrs. Hull, and *carried unanimously* to adjourn the meeting at 7:05 p.m. to an executive session followed by adjournment.

APPROVED BY COUNCIL

THIS 15th DAY OF March, 2011


James A. Nystrom, Mayor

I hereby certify the foregoing to be a true and correct copy of the minutes of the Council Meeting of January 18, 2011.


Diana A. Durstine
Recording Secretary