



CITY OF TITUSVILLE

City Council Proceedings - November 16, 2010

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 5:35 p.m.
INVOCATION	Given by Tim Maybray.
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>City Manager Pennie Maclean, Solicitor Richard Winkler. Mary Hill represented The Titusville Herald. GBS Television taped the proceedings.</p>
ADOPTION OF AGENDA	<p>It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mr. Reese, and <i>carried unanimously</i> to adopt the meeting Agenda as prepared.</p> <p>Mrs. Hull questioned if an Ordinance was needed to set the wage for the City Manager separately. Solicitor Rich Winkler stated this could be done simultaneously with the final adoption of the budget.</p>
APPROVAL OF MINUTES	<p>It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mrs. Hull, and <i>carried unanimously</i> to accept the minutes of the regular meeting of October 19, 2010 as submitted with the correction by Mrs. Hull that GBS Television taped the proceedings and place on file.</p> <p>Mr. Nystrom commented that he likes the new format of the minutes and they are much easier to read and find things.</p>
PUBLIC PARTICIPATION PERTAINING TO AGENDA ITEMS	Tom Kopper, 323 E Main St stated he wants to remind everyone that our council members are not paid for what they do and he stated he wants to thank Council for what they do. Mr. Kopper stated he understands 85% of the City's budget goes to labor and benefits. He went on to say that personally he is against unions and what they have done to our Country. Mr. Kopper stated he will continue to try and find organizations that can help the situation.
PUBLIC HEARING: 2011 BUDGET	<p>City Manager Pennie Maclean gave a background in regards to how the 2011 Budget was created based on different scenarios. The general fund budget revenues are short of expenses by about \$250,000. Ms. Maclean stated she worked with the City Treasurer on calculating projected revenues. The primary source of revenue for the General Fund is taxes. Expenses were looked at and estimated as tight as possible. After review of twenty different options the following budget cuts were presented by the City Manger and City Council to balance the 2011 budget:</p> <p>Fire \$-117,390 (impacts 4 fireman), Police \$-118,830 (impacts 2 officers), Leisure Services & Shade Tree \$-33,100, \$-13,500 City Hall (effects 2 individuals), \$-39,450 to Public Works (paving & Public Works garage). The balanced 2011 General Fund operating budget as presented totals \$3,273,928 for 2011.</p>

Mr. Nystrom explained to the audience that if someone would like to address Council they need to state their name and address for the records. If Council can answer the question they will.

Ashley Madden, Route 408, Centerville asked Council who comes up with the final agreement of why it is that cut. Did Council look at other scenarios?

Mr. Reese stated his suggestion was to keep the Police and Fire budgets at the same dollar amount they were this current year. The City Manager then gave Council on the ground ideas of how that would affect personnel.

Alisha Detar, 525 Brook St, Titusville, questioned which Council member was going to come to her house for a fire or help her child?

Mr. Nystrom stated when Council looks at the budget and has to make very tough decisions as to how the City allocates the money we have to spend. Revenues are easy to calculate because we can look at taxes and everything else, but when we look at the increase in the expenses that are incurred every year by the City like the MMO payment for pensions. This is a mandate from the state. The City has no choice in this decision.

Alisha Detar stated this is her money and she should have a say in how it is spent. Council needs to look at other areas because none of them are going to take a bullet for her family like these officers would or run in to a burning building to save someone.

Mr. Reese stated he appreciates Ms. Detar's point of view and he can say that there will be a fireman at the station and there will be an officer on duty at all times we just had to cut back. Grants will be solicited. With no plan coming from somewhere else this is where we would start if tomorrow was January 1st.

Ashley Madden questioned where the money is from all of the officers and Public Works employees and firefighters that have left and can't there be a fundraiser or something instead of making a cut to someone who has served the City for four years?

Mrs. Smith stated the budget for the Fire Department was \$776,000; operating expenses total \$27,000. Police Department \$1,258,000; operating expenses total \$61,000. Mrs. Smith went on to say the City needs every fire and policeman.

Mr. Reese stated he spent 20 years as a volunteer fireman and would be a volunteer fireman in this City if the Union allowed it and will be when they do. He went on to say from his point of view he is not up here making wreck-less decisions. He understands what it takes to put a fire out and was trained by the same people that

City's Fire Chief was. He has had both Police and Fire at his home. Mr. Reese stated we are all very proud of our officers and

firefighters. It comes down to their compensation has grown while the economy hasn't.

Ms. Detar stated she would rather turn tax dollars over to those cops and firefighters than Council.

Mr. Nystrom invited others to make comments.

Police Chief Gary Thomas thanked Council for the time they put in. He stated the City is a service oriented business. He highlighted officers that have been recently killed and a City Police Officer that currently has a bullet in his back in service of the City 17 years ago. Chief Thomas stated if we go down to less officers than we have now it is a serious safety issue for the officers and if you don't have safe officers how can you have safe people? Chief Thomas questioned who is going to back the officers up? He went on to say the City needs the young officers and has spent money on training them. Chief Thomas mentioned bringing CDBG funds back in house. He stated Council has been presented with viable options possibly early retirements. Chief Thomas had a document in hand from the FOP on officer safety issues for the Solicitor's review. He stated he loves this town and there has got to be a way. Chief Thomas closed with a statement "Don't let the headlines say Council chooses paving over public safety."

Officer Pete Peterson stated he is not a City taxpayer but he has as much interest in the City because he works here. Officer Peterson had rhetorical questions; has any one ever been killed by an unsafe street or killed when they called 911 and no one was there for them? He stated he sees things differently because of the nature of his job and mentioned CDBG funds.

Mrs. Hull stated CDBG money is regulated through the government and is very restricted funding. The City does with it what we can when we can. It's not just sitting there being wasted. She went on to say that she asked every person in the City to take a 10% pay cut so the City did not lose one person and not one person stood up.

Officer Peterson asked Mrs. Hull if she was willing to step back three years.

Mrs. Hull stated in her financial situation she has stepped back ten.

Officer Aaron Madden, 408 Centerville, stated he was born and raised here and has done all he can to be a role model and gain the trust of kids and be a good example. He went on to say he has traveled a decade with wrestling and every time he was announced as hailing from Titusville Pennsylvania. Officer Madden says he loves he town and he always wants to his town. He stated he came back to Titusville to start a family even though there were better places he could have gone. He stated he feels like he is being betrayed. He has invested his life here. He is the bread winner in his house and he is scared. He stated he and Officer LeGoullon are

the future of this town.

Joe Hartshorne, 202 E Spruce St, stated he feels safer knowing Officer Madden and LeGoullon are here. They are young outstanding people.

Mrs. Hull stated it is not a personal issue.

Mr. Reese stated it comes down to the dollars. Mr. Reese stated Officer Madden has been with the City for four years and can service for 16 more years. He went on to say if you ever bought a \$1,000 a week for life ticket and thought about how that would be that's about given the current situation by the time he gets to be 40 years old or whatever what the City would pay him per year until he passes away. Mr. Reese said the City can't afford that. That is the problem. The wage issue is the issue. The City would love to have 12 police officers making \$200,000 a year but the taxpayers need to be making \$300,000 per year and that is not happening. Our City employees are making more money than the people that are paying taxes and its getting out of hand. Mr. Reese stated that is the reasoning behind his position. The money is not there and if we raise taxes it is not going to grow the City it is going to make it smaller. Mr. Reese offered to discuss his position further over tea with Ms. Detar but stated we need to move the meeting forward.

Tammy Champion, 418 W Main St, Titusville, stated she is a homeowner that means she pays taxes she is not a renter. She went on to say if her husband was faced with losing 10% of his salary or not having a job perhaps we would have chosen a 10% pay cut or perhaps we would have come back to our employers and said how about 5% or at least bargained. Everyone who is complaining can sort of look at each other on their own work forces and say perhaps there is some other way this could have rolled.

Jamie Beechey, 230 W Elm St, Titusville, would like to implore Council to forgo paving this year and possibly next year until the situation settles down. She went on to say she knows the City has invested a lot of money and there is a paving plan in place, but now is not the time for that. Ms. Beechey stated as a taxpayer she is ok with the streets for now but not with losing the services she pays tax dollars for.

William Dilley, not a taxpayer, but is a Police Officer in the City stated he has an article from Hawaii that says we are like the meth capital. He went on to say he made comments before that we can have nice City streets but they won't be safe for anybody to be on. If we lose personnel we are going to lose safety for the police officers and for the citizens. He stated just recently when the City was on a hiring freeze they hired someone at City Hall. He stated he believes that is unnecessary. He stated he believes they don't need to have a

position to help the City Manager. He stated paving is substantial well over \$100,000.

Mrs. Smith stated the paving budget is 2.5 mills of the 3 mills of the tax increase of 2 years ago. She went on to say that she doesn't have a problem with raising taxes if she is telling people that it is to pay a wage, but when she comes to the table and says she is increasing taxes 3 mills for paving it is going to be for paving.

Mr. Dilley asked if Council could turn around and ask the people the same thing if we raised 3 mills and we didn't use 3 mills for paving and used it to keep you safe could we do that. All employees were asked to take a 10% pay cut, he asked if Council members were willing to take 10% of their pay and donate it to the City as well.

Mr. Reese stated he is already giving 5% with his real estate taxes and went on to say that this is not personal. He appreciates police and fire service.

Ms. Maclean stated 2.5 mills total \$174,015.

Mr. Dilley stated \$174,015 away from the \$250,000 that we are missing brings you down to about \$80,000.

Mrs. Smith said that was still an increase in taxes that we told the people 2 years ago was for paving and at what point do we quit lying to the folks out there that are paying the taxes.

Ms. Detar stated let us taxpayers make the decision on what we want our money used for.

Mr. Dilley stated that situations change from day to day, year to year. If Council lets it go a year to two years it may get better. The economy may turn around. Life may get better. He stated we know that life is going to go down hill if we loose firemen and policemen. We know that the safety of the City is going to decrease.

Joe Hartshorne stated there are bricks under all the streets that are beautiful and would attract people to town. He stated there are 25 mph speed limits in town. He lives on a street with no stop signs where people go 50-60 mph. Officers need to be out there doing their jobs and they are short as it is and he doesn't see how you can cut them back.

Mayor Nystrom closed the Public Hearing.

REPORTS

It was *moved* by Mrs. Hull, *seconded* by Mrs. Smith, and *carried unanimously* to accept the Operational Reports; Building Inspector, Fire, Police, Public Works, and Treasurer for the month of October, 2010 and place on file.

Police Department

City Manager Pennie Maclean stated that there is a notation in the Police report in regards to Sergeant Root completing grant paid CPR and AED training. He has completed training for all City workers.

Treasurer

Mr. Reese questioned the closed 2006 savings account for \$9,000 on page 1 of 5.

Treasurer Doug Thompson stated this is an Earned Income Tax account. They only keep it open for so long then they close it. It is sort of like an unclaimed savings account.

**MINUTES OF
BOARDS & COMMITTEES**

Housing Authority - It was *moved* by Mrs. Hull, *seconded* by Mr. Reese, and *carried unanimously* to accept the minutes of the Housing Authority dated 10/19/10 and place on file.

Mr. Reese commented the Housing Authority was rated very highly listed as a high performer.

BILL LISTING

It was *moved* by Mrs. Smith, *seconded* by Mr. Cartney, and *carried unanimously* to ratify the bill listing warrants dated 10/22/10, 10/27/10, 11/4/10, & 11/10/10.

Mr. Nystrom stated Council receives emails of bill listings each week and review them and ask questions then they come before Council to be approved.

Mr. Reese questioned the warrant dated 10/22/2010; American Test Center for \$555.00 payment.

Chief Crotty stated this was required certification testing for the aerial device.

Mr. Reese questioned the warrant dated 11/4/2010; Tires for Truck #20 and if this was a bid process or a discretionary choice.

Ms. Maclean stated it is at the discretion.

Public Works Director Randy Nebel stated the tires were for the water department truck. Two of them were in pretty bad shape and are usually purchased from that outfit.

It was *moved* by Mr. Smith, *seconded* by Mr. Cartney, and *carried unanimously* to table Council Bill No. 2 of 2010 on second reading.

OLD BUSINESS

Council Bill 2 of 2010

COUNCIL BILL NO. 2 OF 2010 - 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".

Ms. Maclean stated this is the second reading of what has become know as the Sheetz project.

Solicitor Richard Winkler stated that as of today all three property owners have signed amendments to the original sales agreements which will require each of those owners to execute in escrow a deed to the City to convey that piece of the street should the Sheetz project not come to completion. This would avoid the need of the City to take back the street by Eminent Domain procedure.

Mr. Nystrom stated if Council votes on it tonight there is still time period before it will go in to effect. If we vacate and it goes in to effect 20 days from today the street would be closed when the 20 days was up.

Mrs. Hull stated she guesses that would get them used to it.

Mr. Reese stated he was waiting on seeing some plans and other things. He doesn't want to hold up development in the City but he wants to do what is right. He would make a motion to table this for now. He uses the street from his part of town, Council is getting in a hurry, and the City loses whatever negotiating position it has once the plans are there.

Mr. Nystrom stated they have given us tentative plans but have not given us some studies that needed to be done.

Mrs. Hull questioned if Council tables it now can they take a second vote or will they have to start all over?

Solicitor Winkler stated it would have to be advertised but we could vote again later.

Mrs. Hull questioned if there was a timeline of when they are thinking of getting started.

Solicitor Winkler stated no. They have done some environmental testing.

Mrs. Smith stated she doesn't have a problem tabling it because we don't have any idea of when its going to take place.

Mr. Nystrom stated this late in the fall it would be spring before they would do any construction during which time we could still use that street.

Ms. Maclean questioned the one year time element in the agreement.

Solicitor Winkler stated there is a one year period that the closing would not have to be for a year.

Mr. Nystrom stated this year basically says they are not in a terrible

rush to do things.

Mr. Reese asked that we let the developer know we are ready to take it to a vote at a moments notice.

Solicitor Winkler stated he will convey the message.

It was *moved* by Mrs. Smith, *seconded* by Mr. Reese, and *carried unanimously* to introduce Council Bill No. 4 of 2010 on first reading.

NEW BUSINESS
Council Bill No. 4 of 2010

COUNCIL BILL NO. 4 OF 2010 - AN ORDINANCE OF THE CITY OF TITUSVILLE, CRAWFORD COUNTY, PENNSYLVANIA, FIXING THE REAL PROPERTY TAX RATE FOR ALL CITY PURPOSES FOR THE YEAR 2011 AT 20.713 MILLS ON BUILDINGS AND 71.25 MILLS ON LAND; ALSO DELINEATING THAT PORTION OF THE REAL PROPERTY TAX TO BE USED FOR RECREATIONAL PURPOSES, FOR PENSION RECOVERY PURPOSES, FOR LIBRARY PURPOSES, AND FOR SHADE TREE PURPOSES, FOR THE CALENDAR AND FISCAL YEAR 2011.

Ms. Maclean stated this does reflect no tax increase and briefly outlined each mill rate for each segment.

GENERAL CITY PURPOSES - 13.361 mills or \$1.3361 on each \$100.00 of assessed valuation of all buildings and 63.898 mills or \$6.3898 on each \$100.00 of assessed valuation of all land.

RECREATIONAL PURPOSES - 1.774 mills or \$.1774 on each \$100.00 of assessed valuation of all buildings and land.

PENSION PURPOSES - 5.401 mills or \$.5401 on each \$100.00 of assessed valuation of all buildings and land.

LIBRARY PURPOSES - .077 mills or \$.0077 on each \$100.00 of assessed valuation of all buildings and land.

SHADE TREE PURPOSES - .10 mills or \$.010 on each \$100.00 of assessed valuation of all buildings and land.

Mr. Nystrom commented this is setting the tax rate in the first reading. The next bill introduces the budget. If Council would like to make changes Council can recess this meeting and reschedule it in a couple of date to take a second look.

Mrs. Smith stated she is fine with it the way it is.

Mr. Reese stated he is fine with the tax rates with no tax increase and the ability to move within a certain percentage.

Council Bill No. 5 of 2010

It was *moved* by Mr. Reese, *seconded* by Mrs. Smith to introduce Council Bill No. 5 of 2010 on first reading.

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

COUNCIL BILL NO. 5 OF 2010 - AN ORDINANCE OF THE CITY OF TITUSVILLE, CRAWFORD COUNTY, PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE CITY GOVERNMENT, CITY OF TITUSVILLE, HEREINAFTER SET FORTH, DURING THE YEAR 2011 AND FOR FIXING THE SALARIES OF CERTAIN OFFICES, OFFICERS, AND EMPLOYEES OF THE CITY OF TITUSVILLE FOR AND DURING THE TERM FOR WHICH THEY ARE RESPECTIVELY ELECTED OR CHOSEN FOR APPOINTMENT.

Ms. Maclean highlighted the General Fund Budget Revenue (by total category amounts) for a total General Fund Budget Revenue of \$3,273,928 and the General Fund Budget Expenses (by total category amounts) for a total General Fund Budget Expenses amount of Revenue of \$3,273,928. (Copy attached).

Mr. Reese stated he believes between now and the second reading there is a percentage of leeway that Council is allowed to adjust.

Solicitor Winkler stated he thinks it is 25% on line items and 10% on the total budget.

Resolution No. 22 of 2010

It was *moved* by Mrs. Hull, *seconded* by Mr. Cartney, and *carried unanimously* to adopt Resolution No. 22 of 2010 in memory of J Michael Allyn.

Mr. Nystrom stated he brought to the table last week that Council should recognize Mike Allyn for his contributions to the City over the years.

Mr. Reese stated he would third it and it was very well written.

Mr. Nystrom requested a copy that he could deliver to the family.

Ms. Maclean stated the resolution was written by Diana. Diana stated TRA helped write the resolution as well.

Resolution No. 23 of 2010

It was *moved* by Mrs. Smith, *seconded* by Mr. Reese, and *carried unanimously* to adopt Resolution No. 23 of 2010 authorizing the City Manager to accept Service Authorization No. 10 with Gannett Fleming for the Brown St CSO Meter Engineering Evaluation.

Public Works Director spoke in regards to the Consent Order & Agreement entered in to by the City on October 25, 2010 that requires the evaluation of the Brown St CSO within 90 days of the acceptance of the CO & A. Dates of Service November 10, 2010 through January, 2011 and reiterated the sense of urgency and need to satisfy DEP.

Mr. Reese questioned if Randy was ok with the \$10,000 cost of

estimated fees. Mr. Reese questioned if this is an actual estimate of cost or a safe number?

Public Works Director Randy Nebel stated it is a safe number and Gannett Fleming has repeatedly come in under their cost.

Appointment to the Titusville Industrial Development Authority

It was *moved* by Mrs. Smith, *seconded* by Mr. Cartney, and *carried unanimously* to appoint Russelline Rice, 140 White Oak Dr., Titusville to the Titusville Industrial Development Authority Board.

Mr. Nystrom stated this came up a couple of months ago and there is some activity that the Board needs to function. It has not been functioning for some time. Russelline Rice was just appointed to the Titusville Redevelopment Authority and the two work together.

Mrs. Hull questioned if Mike was the person being replaced. She asked if the Board had met previously.

Mr. Nystrom stated they had met and added the Board will only function for a couple of months then it will disband after the proper papers have been assigned.

PUBLIC PARTICIPATION

Keith Morrison, 110 Overlook Dr, Titusville, stated the budget problems go back to previous administrations. The changes suggested will balance it this time but will in now way fix the problem. He stated the pensions are severely under-funded. He went on to say that this situation is not unique to Titusville and is not going to get better. He stated he would not want to be sitting behind the table in the next 1-3 years and has no suggestion on how to fix it either.

COMMENTS BY MAYOR/COUNCIL

Mr. Reese corrected his statement on the percentage of his income given to the City as 3% instead of 5%.

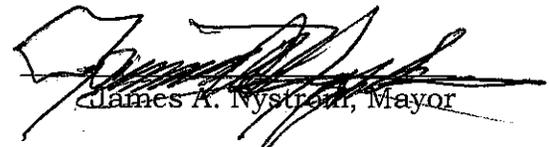
Mr. Nystrom stated the Budget would be available at City Hall, the Library, and on the City's Website. Mr. Nystrom thanked everyone for coming.

ADJOURNMENT

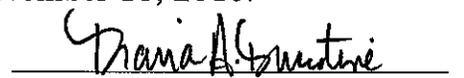
It was *moved* by Mrs. Hull, *seconded* by Mrs. Smith, and *carried unanimously* to adjourn the meeting at 7:10 p.m. to an executive session followed by adjournment.

APPROVED BY COUNCIL

THIS 21st DAY OF December, 2010


James A. Nystrom, Mayor

I hereby certify the foregoing to be a true and correct copy of the minutes of the Council Meeting of November 16, 2010.


Diana A. Durstine
Recording Secretary