



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 Philip Taylor.

PLEDGE OF ALLEGIANCE

Led by Mayor Nystrom.

ROLL CALL

Members Present: Mayor James Nystrom, Deputy Mayor Esther Smith, Councilman Pat Cartney, Councilwoman Bonnie Hull, Councilman Jay Reese.

Solicitor Richard Winkler. Mary Hill represented The Titusville Herald.

NOTICE OF EXECUTIVE SESSIONS

Mr. Nystrom stated Council held a couple of executive sessions since their last meeting for legal and personnel matters.

ADOPTION OF AGENDA

It was *moved* by Mrs. Smith, *seconded* by Mrs. Hull, and *carried unanimously* to adopt the meeting Agenda as corrected/amended.

Agenda item 12 D. modified as follows: Appraisal Services for 3 City properties; K-8-7A, A-7-8-11, A-3-22. Remove C-5-20-38, B-5-30-85, Tract D.

Add Agenda item I – Appointment to Redevelopment Authority

APPROVAL OF MINUTES

It was *moved* by Mrs. Smith, *seconded* by Mr. Reese, and *carried unanimously* to accept the minutes of the regular meeting of February 15, 2011 as submitted and place on file.

Mrs. Smith questioned if the pension transfer from the back page of the minutes has been completed.

Mr. Reese stated everyone was at the meeting on the 24th with agreement that the money would be transferred. Mr. Reese will confirm and get back to Mrs. Smith.

PUBLIC PARTICIPATION PERTAINING TO AGENDA ITEMS

None

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 February 2011 as submitted and place on file.

Police Department

Mr. Reese commented that it is good to have Officer Peterson healthy and smiling again.

Public Works

Mr. Reese asked Mr. Nebel to give an update on the Waste Water

Treatment Plant upgrades.

Mr. Nebel stated the number 3 tank had been disengaged approximately 14 months ago and it is now up and running under the new aeration/fine bubbler system and the quality of the effluent shows as you can tell the difference in the color on those tanks. It is finally getting to the point where it has enough feed to process well. Number two is in failure and it has been vacuumed out and is ready for the new aeration equipment. Everything is moving as well as it can be with the weather restrictions they have had.

Mrs. Smith questioned when we would start discussing financing for the waste treatment plant. She wants to start discussing it as soon as we can.

Mr. Nebel stated the discussion on what we would have to borrow at this juncture would depend on the outcome of the USDA application. As soon as we get some sort of a commitment from the USDA on the grant/loan combination and hear from DEP requirements in regards to the Act 537, at that point in time is when we can start discussing how we will acquire the balance of the monies. We have allocated enough money for design and permits to keep moving at this time.

BILL LISTINGS

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to ratify the bill listing warrants dated 2/10/2011, 2/16/2011, 2/24/2011, 3/3/2011, 3/11/2001.

Warrant Dated 2/10/2011 - \$70,076.39

Mr. Reese stated he asked to have the Gannett Fleming bills sent to Council. They were detailed and were for December business on different items.

Mr. Nystrom asked Mr. Nebel how many different projects the engineers were working on right now. Mr. Nebel stated they have the Consent Order and Agreement, quarterly reports under the CO & A, Hatch Mott MacDonald is in charge of the pretreatment program, the aeration project, outstanding issues with the Water Works project, the Brown St CSO Report, and the Chapter 94 report due by March 31st.

Mrs. Smith asked Mr. Nebel if he ever questions their billing.

Mr. Nebel stated he looks at every bill. He stated he is required to be signatory on any bill over \$100 before it goes up to Finance. He stated he goes over the ones that are \$9.10 as well. There are very fine items that Gannett Fleming works on, on a regular basis. There is an hourly rate for services rendered under the master service agreement.

Mr. Reese stated when he looked in to it, it looks like engineer on the 20th of January went back and decided it was time to send us a bill. He

would rather see engineering not billed all at once.

Warrant Dated 2/16/2011 - \$69,177.54

Mr. Reese questioned the difference between National Fuel Resources and National Fuel Gas.

Mr. Nebel stated for Public Works, National Fuel Resources is the bulk rate for gas that we have ordered for the Water and Waste Water Treatment Plant. National Fuel Gas is the transmission fee.

Warrant Dated 2/24/2011 - \$42,628.54

Mrs. Smith questioned the invoice for ATS \$1,127. Mr. Nebel stated this is for traffic signal repair by Anderson Technical Services.

Warrant Dated 3/03/2011 - \$22,081.98 – no questions

Warrant Dated 3/10/2011 - \$68,506.46

Mrs. Smith questioned the amount for Titusville Leisure Services \$6,250.

Mr. Nystrom stated this is one fourth of the City's contribution.

OLD BUSINESS

None

NEW BUSINESS

Resolution No. 6 of 2011
CDBG

It was *moved* by Mrs. Hull, *seconded* by Mr. Reese, and *carried unanimously* to adopt Resolution No. 6 of 2011 authorizing the filing of funds with the DCED under the FY 2011 Community Development Block Grant Program (CDBG).

Mr. Nystrom stated Council went through the motions in their last meeting and this is the formal resolution that council must pass for submission to the DCED.

Mr. Reese confirmed that in the event of an emergency there are changes that can be made.

Mr. Nystrom stated he received an income survey from TRA today conveying on that they are going through the process that it fits in.

Resolution No. 7 of 2011
Backhoe Purchase

It was *moved* by Mrs. Smith, *seconded* by Mr. Cartney, and *carried unanimously* to adopt Resolution No. 7 of 2011 – authorizing and directing the purchase of one JCB Model 3CX-14 center-mount backhoe for a purchase price not to exceed \$80,706.

Mr. Reese requested information for the number of hours from the existing backhoe.

Resolution No. 8 of 2011
Backhoe Financing

Mr. Nebel stated 20 hours per week in the summer months; 15,000 total hours expended.

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adopt Resolution No. 8 of 2011 authorizing non-electoral debt by issuance of a general obligation note in the amount of \$ _____ to finance the purchase of a JCB Model 3CX-14 backhoe.

Mrs. Smith questioned the amount in Capital.

Mr. Nystrom stated it is approximately \$100,000. \$20,000 was budgeted for this purchase out of the Water Department. Mr. Nystrom stated there are sufficient funds to pay for it if it is elected to go that way, but it would use up a fair amount of the capital available at this time.

Mrs. Smith asked for the amount of interest we would be paying.

Mr. Reese stated his question is in indebtedness of the City and possibly paying more than the backhoe itself in interest for something in the future.

Mr. Nystrom stated the debt the City will be incurring will be the interest and his point is taking down the capital account for \$80,000 which we only budgeted \$20,000 for is not a smart move at this time. Mr. Nystrom stated if the City enters in to the note and wants to pay it off early there is penalty.

Mr. Winkler stated he didn't think there could be a prepayment penalty. Mr. Winkler stated he will follow up on it because he doesn't think the Local Government Unit Debt Act allows it.

Mrs. Smith questioned if purchasing would be held up if we wait.

Mrs. Hull, Mr. Reese, and Mr. Nystrom agreed it would not because the City has the down payment. There was discussion on tabling or rescinding the original motion.

Mr. Nystrom stated we can authorize the note or pay for it out of capital.

Mr. Winkler stated the Resolution could be revoked at a later date.

Authorization for vacant City
property appraisal services

It was moved by Mr. Cartney, seconded by Mr. Reese, and carried unanimously to authorize the appraisal of the following City Properties:

K-8-7A

Property near the skating rink: A wooded lot 200' x 80' located at route 27 near the City line and adjacent to the skating rink.

A-7-8-11

Wooded area east of S. Franklin St. near the City and Cherrytree line. Approximately 1.5 acres. Also included with the lot is a small piece at Smock Blvd. and Dutch Hill Road.

A-3-22

Corner lot at St. John and Franklin next to A-3-24. Currently used by Strawbridge Pools for parking. Next to Oil Creek.

Mr. Cartney stated he would like the other properties that were on list put on the next work session for discussion.

Mrs. Smith stated she appreciated all the work Pat put in to this.

Approval-Settlement Agreement & Release

It was *moved* by Mrs. Hull, *seconded* by Mr. Reese, and *carried unanimously* to authorize the proper City officials to enter into a Settlement Agreement and Release with former City employee Kevin Griffin.

Mr. Winkler stated this was a dispute with a former City employee.

Mr. Reese thanked Mr. Winkler for his work on this.

Approval-Agreement for Services with Interim City Manager

It was *moved* by Mrs. Hull, *seconded* by Mr. Cartney, and *carried unanimously* to authorize the proper City officials to enter into an Agreement for Interim City Manager Services with Gary L. Thomas.

Mr. Nystrom stated when Gary took the position as Interim, Council did not set any salary, compensation, or any other instructions for services he was to render. This agreement basically outlines what services he will be providing for the City in the Interim space. The agreement authorizes that he will be paid in addition to his regular salary \$1,000 per month.

Mr. Reese confirmed this is on top of his other salary and will not affect his pension.

Mr. Nystrom stated this is retroactive back to when he started and will continue until a new City Manager is appointed.

Appointment to Airport Authority

It was *moved* by Mrs. Smith, *seconded* by Mr. Reese, and *carried unanimously* to appoint Ken Hartley, 1733 Buxton Rd, Titusville, PA to the Airport Authority to a 5 year term expiring 1/1/2016.

Mr. Nystrom stated Mr. Hartley owns a hangar at the Airport and does spend a lot of time at the Airport and has been contributing volunteer services to the Airport Authority and comes highly recommended by people at the Airport.

Resignation from
Redevelopment Authority

It was moved by Mrs. Hull, seconded by Mr. Nystrom, and carried unanimously to accept the resignation of Russeline Rice from the Redevelopment Authority.

Mr. Reese stated it is unfortunate that it did not work out for her. He went on to say he hopes that everyone on Council reads her letter and keeps that in the back of their heads and move forward. He believes she put in a lot of time and should be commended.

Appointment to
Redevelopment Authority

Mr. Nystrom appointed Jim Come to the Redevelopment Authority. He stated Mr. Come was interviewed by Council at the same time that Russeline was. Mr. Nystrom received a call from Mr. Come that he would be willing to serve in that position.

PUBLIC PARTICIPATION

Dan Hardy – Pastor of the Titusville Wesleyan Methodist Church

Read the attached prepared statement in regards to the proposed amendment to the open container ordinance brought before Council. Mrs. Smith and Mr. Cartney thanked Pastor Hardy for his comments.

Joe Kozaczki – 513 N Washington St

Stated he is very concerned about the open container party the City has allowed in the street for a couple of years now. He stated he believes it negatively affects our children. He stated he believes that Oil Heritage is a family oriented event and we need to consider not allowing this to happen. He stated if this person wants to make a few extra dollars on having a party, have them find a parking lot out by Cytemp somewhere, pitch up a tent and have their own party out there away from the public. Mrs. Smith and Mr. Cartney thanked Mr. Kozaczki for his comments.

Tammy Champion – 418 W Main St, Titusville

Questioned the Settlement and Agreement with Kevin Griffin. She wanted to know if there was some sort of legality with this and if a settlement means that money was paid to this individual by the City and the reason that nothing else can be said. Mr. Winkler stated this was a dispute over retiree health benefits and there was a lawsuit on it resolved on the basis of a reduced amount that is payable over time. There was also a waiver of any immediate cash payment for the past which was another issue.

**COMMENTS BY
MAYOR/COUNCIL**

Mrs. Smith stated she took a trip around town to do a survey on the open container ordinance amendment last Friday. She talked to many individuals including those coming in to her place of business. She went on to say that she spoke to maybe 80 individuals and only one was for it. She stated a lot of people expressed their concern against this. Even the one individual that was for it had designated area stipulations. 99.9% of them said please don't do it.

Mr. Reese stated he stands as the .1%. He went on to say he appreciates and will take the great comments to heart. He comes here from Spartansburg where such events have been very successful in bringing in people from outside the community in to the community. Mr. Reese states it's a little different dynamic here with the downtown and what we have here and he will consider this strongly and appreciated the written remarks.

ADJOURNMENT

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adjourn the meeting at 6:55 p.m. to an executive session on a personnel matter.

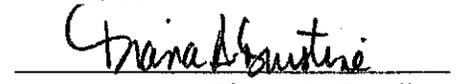
APPROVED BY COUNCIL

THIS 19th DAY OF April, 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 March 15, 2011.



Diana A. Durstine
Recording Secretary