

SHARON CITY COUNCIL

Purpose: Regular Council Meeting
Date: Thursday, March 19, 2009
Time: 6:30 P.M.
Location: Sharon Municipal Building Council Chambers

MINUTES

NOTE: Executive Session held prior to Council Meeting to discuss Contract Issues with FOP

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL - PRESENT:

TIME: 7:10 P.M.

Council:

President Donato
Mr. Connelly
Mr. Heutsche

Mr. Flower
Mr. Messina

News Media:

Attorney Madden - City Solicitor
Mayor Robert J. Lucas
Sharronda Faber - City Clerk

Courtney Anderson - The Herald

Dept. Heads:

Terry Whalen - Fire Chief
Michael J. Menster - Chief of Police
John Cave - Street Dept.

Also Present:

Janet Thomas
Mathew McComb
Lizette Olsen
Todd Alexander
Lynn Alexander
Natalie Alexander
Nicholas Alexander
Dr. Kollar

Carol Swartz
Dave Kepics
Phillip Nespor
Carol Rombold
Gerald Smith
Tom Rookey
Ron Maurice
Jerry Young

PRESENTATION

MAYOR'S PROCLAMATION - Mayor Lucas presented a "Mayor's Proclamation" to Natalie Alexander, a 6th Grader at Case Avenue Elementary School, in honor of her being the Champion of the Herald Spelling Bee competition.

Friday, March 20, 2009, was proclaimed "Natalie Alexander Day" in her honor.

DISCUSSION

- 1. Earth Hour 2009 - Request by Mayor Lucas** - Mayor Lucas read a letter sent by Colleen Manning to recognize Earth Hour 2009 on March 28, 2009 from 8:30 to 9:30 pm in the City of Sharon. Everyone is encouraged to turn off their lights during this hour to promote Earth Hour 2009.

PUBLIC HEARING FOR ORDINANCES

Public Hearing for Ordinance 04-09, introduced February 19, 2009 - SECOND AND FINAL READING

An Ordinance authorizing a Collective Bargaining Agreement with AFSCME for a period beginning January 1, 2009, through December 31, 2010.

Mayor Lucas gave highlights of the terms of the agreement: Two year contract; 3.75 wage increase each year; health care premium sharing: \$32.50/pay - 2009; \$40.00/pay - 2010. Carol Swartz inquired why the AFSCME contract was two years when the Firefighter's contract had been for three years. Mayor Lucas advised that it was the City's goal to get all contracts in line, but with the incoming City Manager it was thought it would be best to not have the new City Manager have to deal with union contracts right away. The Mayor advised that the Firefighter's also got a longer contract due to concessions given. Mr. Maurice, AFSCME President, advised that the contract covers 15 employees. Ms. Swartz inquired about the number of City employees 4-5 years ago compared to now. Mr. Maurice advised that there used to be 58 employees (including library employees, sewer plant employees and crossing guards).

WORKSHOP

DISCUSSION OF AGENDA ITEMS BY COUNCIL:

Resolution #20-09 - Agreement with Pennsylvania Construction Inspection, Inc. - Mr. Connelly stated that he intended to table the Resolution to have time to gather more information.

Resolutions/Ordinances Added: Resolution #23-09 - Appoint Sanitary Authority agent for Industrial Pre-Treatment Agreement; Resolution #24-09 - Spending authorized up to \$2,000 for advertising for City Manager; Ordinance #07-09 - FOP Pension Addendum.

Resolution #22-09 - Budget Transfer in Police Department - Mr. Connelly inquired why this was being done in March. Chief Menster explained that the Police Dept. has been operating with 23 officers, but the complement is set for 28 officers (1 is on Light Duty and 1 is serving in Baghdad, Iraq). He advised that there has been a lot of overtime used to fill short shifts and that with summer and vacations coming, he anticipates a lot more overtime being used and predicts a shortage in the line item by year's end. He is requesting that the wages of the three unfilled positions for the first 6 pays of the year be transferred to the overtime line item. Mr. Messina inquired whether this transfer will become an issue when the officers are hired. Chief Menster advised that there is potential funding for the hiring of the three officers through a COPS grant. Mayor Lucas reminded Council that last fall when Chief Menster requested a budget transfer he was asked why he waited so long, so now he is requesting it early and keeping Council informed.

PUBLIC COMMENTS - AGENDA ITEMS

PUBLIC COMMENTS - ANY ITEM ON THE AGENDA:

NONE

ORDINANCES

MOTION that Ordinance #04-09 entitled "An ORDINANCE of the Council of the City of Sharon authorizing a Collective Bargaining Agreement with AFSCME for a period beginning January 1, 2009, through December 31, 2010" **pass FINAL reading by title.**

Motion: Mr. Connelly

Second: Mr. Heutsche

**Vote: Yes - Mr. Connelly
Yes - Mr. Heutsche
Yes - Mr. Flower**

**Yes - Mr. Messina
Yes - Mr. Donato**

MOTION that Ordinance #05-09 entitled "An ORDINANCE of the Council of the City of Sharon, Mercer County, Pennsylvania, amending the Codified Ordinances of the City of Sharon to amend the City of Sharon Firemen's Pension Plan effective January 1, 2009 to reflect the adoption of updated Internal Revenue Code Provisions and a New-Hires Addendum" **pass FIRST reading by title.**

Motion: Mr. Heutsche

Second: Mr. Messina

**Vote: Yes - Mr. Flower
Yes - Mr. Messina
Yes - Mr. Connelly**

**Yes - Mr. Heutsche
Yes - Mr. Donato**

MOTION that Ordinance #06-09 entitled "An ORDINANCE of the Council of the City of Sharon, Mercer County, Pennsylvania, repealing Chapter 254 of the Sharon Codified Ordinances; creating the Sharon Economic and Community Development Commission; setting forth its purpose; providing criteria for the appointment of board members; setting terms of office; providing for the filling of vacancies; setting forth powers and duties of the board; requiring cooperation by the executive branch; making provisions of the Ordinance severable; and providing for an effective date" **pass FIRST reading by title.**

Motion: Mr. Heutsche

Second: Mr. Connelly

**Vote: Yes - Mr. Messina
Yes - Mr. Flower
Yes - Mr. Heutsche**

**Yes - Mr. Connelly
Yes - Mr. Donato**

MOTION that Ordinance #07-09 entitled "An ORDINANCE of the Council of the City of Sharon, Mercer County, Pennsylvania, amending the Codified Ordinances of the City of Sharon to amend the City of Sharon Police Pension Plan effective January 1, 2009 to reflect the adoption of updated Internal Revenue Code Provisions and a New-Hires Addendum" **pass FIRST reading by title.**

Motion: Mr. Heutsche

Second: Mr. Flower

**Vote: Yes - Mr. Connelly
Yes - Mr. Messina
Yes - Mr. Flower**

**Yes - Mr. Heutsche
Yes - Mr. Donato**

RESOLUTIONS

MOTION that Resolution #20-09 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing the proper City Officials to sign and execute an agreement with Pennsylvania Construction Inspection, Inc. for UCC inspection services and enforcement" **be adopted.**

MOTION TO TABLE RESOLUTION #20-09:

Motion: Mr. Heutsche

Second: Mr. Flower

**Vote: Yes - Mr. Connelly
Yes - Mr. Heutsche
Yes - Mr. Flower**

**Yes - Mr. Messina
Yes - Mr. Donato**

****RESOLUTION #20-09 TABLED****

MOTION that Resolution #21-09 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing the proper City Officials to apply for funds through the Byrne Justice Assistance Grant Program (JAG), a component of the Recovery Act of 2009, in the amount of \$67,236 for funding of the "Nightlight Program" and Neighborhood Stabilization Policing Program" **be adopted.**

Motion: Mr. Messina

Second: Mr. Connelly

**Vote: Yes - Mr. Flower
Yes - Mr. Connelly
Yes - Mr. Messina**

**Yes - Mr. Heutsche
Yes - Mr. Donato**

MOTION that Resolution #22-09 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing a budget transfer in the amount of \$21,000.00 from Police Wages to Police Overtime in the Police Department" **be adopted.**

From Account #
Police Wages
410.00

To Account #
Police Overtime
410.31

Amount
\$21,000.00

Motion: Mr. Flower

Second: Mr. Connelly

**Vote: Yes - Mr. Heutsche
Yes - Mr. Flower
Yes - Mr. Connelly**

**Yes - Mr. Messina
Yes - Mr. Donato**

MOTION that Resolution #23-09 entitled "A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, designating the City of Sharon Sanitary Authority as its agent for the administration and enforcement of the City's Industrial Pre-Treatment Program as same was enacted in Ordinance 11-06 and as same may be from time to time amended" **be adopted.**

Motion: Mr. Flower

Second: Mr. Connelly

**Vote: Yes - Mr. Flower
Yes - Mr. Heutsche
Yes - Mr. Connelly**

**Yes - Mr. Messina
Yes - Mr. Donato**

MOTION that Resolution #24-09 entitled "A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing the expenditure of up to \$2,000.00 to advertise for the position of City Manager" **be adopted.**

Motion: Mr. Heutsche

Second: Mr. Connelly

**Vote: Yes - Mr. Messina
Yes - Mr. Flower
Yes - Mr. Heutsche**

**Yes - Mr. Connelly
Yes - Mr. Donato**

CONSENT AGENDA

THE FOLLOWING ITEMS ARE CONSIDERED BY CITY COUNCIL TO BE ROUTINE CITY BUSINESS AND WILL BE ENACTED BY ONE MOTION AND ONE ROLL CALL VOTE. ANY COUNCIL MEMBER, CITY OFFICIAL OR CITIZENS WISHING CLARIFICATION OF AN ITEM MAY ASK A QUESTION BY RAISING THEIR HAND AND IDENTIFYING THE ITEM BEFORE ADOPTION OF THE ITEM.

MOTION that Resolution #16-09 entitled "A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing, in accordance with Section 915 of the Home Rule Charter, the Mayor and Finance Director, or in the absence of a Finance Director, the Controller or Treasurer, to pay the bills on Schedule 'A' " **be adopted.**

MOTION that Resolution #17-09 entitled "A RESOLUTION of the Council of the City of Sharon, authorizing the proper City Officials to sign and execute a Salt Participation agreement with the PA Department of General Services for the period August 2009 through July 2010 for the purchase of up to 5,000 tons of salt" **be adopted.**

MOTION that Resolution #18-09 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing the filing of a proposal for funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania, for the Emergency Shelter Grant Program on behalf of AWARE, Inc." **be adopted.**

MOTION that Resolution #19-09 entitled "A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, authorizing the Council President to sign a Letter of Agreement on behalf of the Shenango Valley Shuttle Service to sub-allocate Federal Transit Administration (FTA) Title 49 U.S.C. Section 5307 and 5340 funds under the American Recovery and Reinvestment Act (ARRA) as apportioned to the Youngstown OH-PA Urbanized Area Formula Program between the Western Reserve Transit Authority (WRTA), City of Niles, and the City of Sharon" **be adopted.**

MOTION to approve the minutes from the February 19, 2009, Regular Council Meeting" **be adopted.**

Motion to approve items on the Consent Agenda:

Motion: Mr. Heutsche

Second: Mr. Flower

Vote: Yes - Mr. Messina

Yes - Mr. Flower

Yes - Mr. Connelly

Yes - Mr. Donato

Yes - Mr. Heutsche

COMMENTS:

NEWS MEDIA:

Courtney Anderson - The Herald - Inquired about the police pension issue and whether it clears up the legal "snag" that was preventing the City from hiring police officers. Mayor Lucas advised that they held first reading for the pension plan addendum and that the City will soon be advertising for police officers. He said there are still some issues to work out. Attorney Madden advised not to discuss while still negotiating. Ms. Anderson inquired if the changes were only for new hires. Mayor Lucas advised that they were. Ms. Anderson inquired about the amount paid out in police overtime for 2008. Mayor Lucas advised he would have to look at the figures and Chief Menster stated that he had to do a budget transfer to cover overtime in 2008. When asked about how the hiring would work since there is no longer a civil service process, Mayor Lucas discussed a previous resolution passed by Council which adopted a hiring process for the police department. Ms. Anderson asked when officers would be hired. Mayor Lucas advised that Council has to hold second reading of the pension ordinance first, but hopes to hire by summer. Ms. Anderson inquired about the JAG Grant. Chief Menster explained the grant and what the funds would be used for (Nightlight Program with juvenile probation and supplemental patrols through Neighborhood Stabilization Policing Program). She inquired about the Sharon Economic and Community Development Commission. Mr. Heutsche explained that under the old Administrative Code there was a Business and Industry Commission; it has not been active and the Home Rule Transition Committee decided to revive it and rename it. Mr. John Evans has been appointed by Council to chair the committee and the purpose of the committee is to bring businesses into the City.

CITIZENS:

Carol Swartz - Informed Council that it is difficult to hear if they do not speak directly into the microphones. Inquired about Ordinances concerning the pension issues and asked about the number of employees in police/fire departments. Mayor Lucas advised that three years ago there were 35 police officers and 19 firefighters; currently there are 25 police officers and 17 firefighters. Ms. Swartz commended Chief Menster for addressing an issue of abandoned vehicles in her neighborhood and also thanked the code office.

Dave Kepics - Inquired to Mr. Heutsche about something brought up at the previous month's meeting about something the auditors missed. Mr. Heutsche explained that it has come to light that the City owes wage tax money to other municipalities from years past and that Council believes the auditors should have picked up on it. Mayor Lucas advised that it is mostly wage tax money from 2006 that is still outstanding. He advised that the City's audit refers to "unpaid wage tax from prior years" and that the City did not realize the amount of it. He advised that they are continuing to work with the auditors on the issue. He also stated that in 2012 all wage taxes will be handled by the County. Mr. Kepics inquired how the City got so far behind on wage tax payments. Mayor Lucas advised that he was not ready to discuss the matter publicly yet. Ms. Anderson sought clarification on the amount owed. Mayor Lucas advised that the amount is budgeted and commented that other municipalities also owe the City.

MAYOR LUCAS:

Mayor Lucas turned the floor over to Chief Menster to discuss a funding opportunity. Chief Menster stated that recently announced by the federal government is an opportunity for funding via the Recovery Act of 2009 which would pay the benefits and salaries for years for police officers. He advised that the catch is that after the three years the City must agree to retain the officer(s) for 12 months following the expiration of the grant. Chief Menster requested permission from Council to apply for the grant and stated that the deadline is 4/14/09. After discussion and advisement from Atty. Madden, Mayor Lucas stated that the City will apply for the grant, and if awarded will bring to Council to approve. Mayor Lucas read a letter from Code Officer David George requesting that the City hire part time code officers to help with some of the code work. Mayor Lucas advised that the fire department has secured a SAFER Grant, to put on two additional firefighters, but added that when the grant was written the fire department had a complement of 18; it now has a complement of 16. He stated that Council has budgeted \$30,000 for part-time firefighters and stated that he was approached by the fire department to entertain hiring code officers that would be part-time firefighters. He stated that the City needs more code officers and they have a grant to hire firefighters; he will send an email to lay out the costs to City Council. Announced that the Chiefs and Mayors met with EMS, PDs, FDs, and ambulance services to deal with the shut-down of the freeway in April. He stated that traffic will be redirected but that there will be a problem when a train passes through and cuts off accessibility of emergency vehicles to certain parts of the City. He is setting up a policy for emergencies, and stated that Norfolk Southern has not been very cooperative throughout the process. He stated that the news media and the public will be alerted and that speed will be highly enforced on the redirected routes.

MR. HEUTSCHE:

Advised that he was contacted by a college student who is organizing a carnival for autistic kids and requested a monetary donation from the City. Mayor Lucas requested a breakdown of the costs, and suggested that perhaps the City can find a way to help cut costs and that they get donations.

MR. FLOWER:

None

MR. MESSINA:

Commented about a house on Silver Street that needs put on the demolition list. Congratulated Mr. Teague and Mr. Moss for their achievements at the state wrestling tournament.

MR. CONNELLY:

None

MR. DONATO:

None

ADJOURNMENT:

Meeting adjourned at 7:52 P.M.

Motion: Mr. Heutsche

Second: Mr. Flower

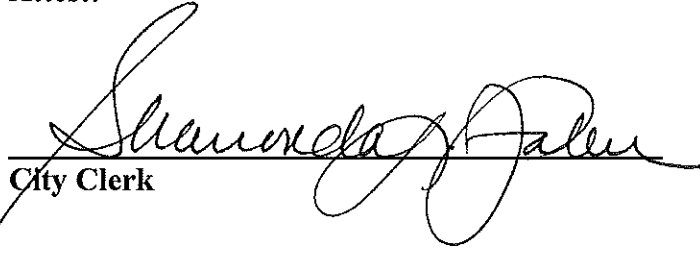
**Vote: Mr. Flower
Mr. Messina
Mr. Connelly**

**Mr. Heutsche
Mr. Donato**



Council President

Attest:


City Clerk