

## SHARON CITY COUNCIL

**Purpose:** Regular Council Meeting  
**Date:** Thursday, January 21, 2010  
**Time:** 6:30 P.M.  
**Location:** Sharon Municipal Building Council Chambers

### MINUTES

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL - PRESENT:**

**TIME: 6:32 P.M.**

**Council:**

**President Donato**  
**Mr. Connelly**  
**Mr. Heutsche**

**Mr. Messina**  
**Mr. Palanski**

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**News Media:**

**Thomas Lavorini – City Manager**  
**Attorney Madden – City Solicitor**  
**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:**

**Carol Swartz**  
**Janet Thomas - Comm. Development**  
**Stephen Theiss**  
**Robert Thornburg**

**Dave Kepics**  
**Lt. Gerald Smith**  
**David U'Halie**

### PROCLAMATION

**1.) Sergeant James S. Masotto - Rotary Club "John Fabian Person of the Year"**

Proclamation presented by Council President Mike Donato.

### PUBLIC HEARING FOR ORDINANCES

**Public Hearing for Ordinance 24-09, introduced December 28, 2009 - SECOND AND FINAL READING**

An Ordinance continuing in 2010 the tax rate on earned income of both resident and non resident taxpayers and requiring the filing of quarterly returns and payment of estimated taxes in certain instances in addition to those already required.

Attorney Madden explained that this was recommended by Centax. It is aimed at people who do not have their wage tax withheld and will require them to file on a quarterly basis. Mr. Palanski inquired if the employer does not withhold the correct amount, is the person responsible for filing the difference quarterly. Attorney Madden advised that the responsibility falls on the employer to withhold the correct amount. Mr. Palanski inquired if Centax is reviewing violators. Mr. Lavorini advised that Centax is pursuing the matter. Mr. Connelly and Mr. Messina advised that their employers have advised them that they will only withhold 1% and that is all they are allowed by their own city's ordinance. Mr. Donato advised that this will change when the County takes over tax collection. Attorney Madden advised that our legislation only has jurisdiction within the City of Sharon. Courtney Anderson from the Herald inquired about who the Ordinance applies to, and if employees will have to file quarterly if their employer is not taking out the right amount. Attorney Madden deferred the question to Centax, since they requested that the City pass the Ordinance. Carol Swartz sought clarification over who the responsibility falls on. Attorney Madden advised that the taxpayer is responsible, that up until this date only employers were required to file quarterly; this will get payments to the City quicker (by self-employed individuals, etc.).

## WORKSHOP

### DISCUSSION OF AGENDA ITEMS BY COUNCIL:

**Resolution #8-10 - Change Order - Drew Excavating** - Mr. Palanski inquired about the reason for the deduct. Janet Thomas explained that the City removed some of the inlets from the list of work.

**Resolution #12-10 - Amend CDBG Action Plans** - Mr. Palanski inquired about the reason for the amendments. Janet Thomas explained that the unused funds are being re-allocated. Mr. Palanski asked why the money sat for so long (up to 10 years) without being used or re-allocated, and sought clarification that everything is correct as presented. Mrs. Thomas advised that the resolution is correct and that the money needs to be reallocated to street & alley improvements.

**Resolution #13-10 - Amend 2009 CDBG Action Plan** - Mr. Palanski inquired if an increase in funding was received. Mrs. Thomas explained that they received more money and that they are entitled to receive 20% of the funding for administrative costs.

**Ordinance 24-09** - Stephen Theiss discussed the difference in the dates required for the quarterly EIT returns and the state/federal date requirements. Suggested that they be put in line. Attorney Madden advised that the dates are set by statute, and that the City does not have the authority to change them.

**Resolution #14-10 - Appoint City Manager - MPO** - Mr. Connelly clarified that Mr. Lavorini wished to have the appointment on the agenda for consideration. Mr. Lavorini confirmed that he did request it for adoption.

## PUBLIC COMMENTS - AGENDA ITEMS

### PUBLIC COMMENTS - ANY ITEM ON THE AGENDA:

None.

## ORDINANCES

**MOTION** that Ordinance #24-09 entitled "An ORDINANCE of the Council of the City of Sharon, County of Mercer, Commonwealth of Pennsylvania, continuing in 2010 the tax rate on earned income of both resident and non resident taxpayers and requiring the filing of quarterly returns and payment of estimated taxes in certain instances in addition to those already required" **pass FINAL reading by title.**

**Motion: Mr. Palanski**

**Second: Mr. Connelly**

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

**Yes - Mr. Palanski  
Yes - Mr. Donato**

## RESOLUTIONS

**MOTION** that Resolution # 6-10 entitled "A RESOLUTION of the Council of the City of Sharon awarding the 2010 COG Bids under the Joint Municipal Purchasing Program" **be adopted.**

**Motion: Mr. Heutsche**

**Second: Mr. Messina**

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

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

**MOTION** that Resolution # 7-10 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 2010 through July 2011 for the purchase of up to 5,000 tons of salt" **be adopted.**

**Motion: Mr. Messina**

**Second: Mr. Heutsche**

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

**Yes - Mr. Palanski  
Yes - Mr. Donato**

**MOTION** that Resolution # 8-10 entitled "A RESOLUTION of the Council of the City of Sharon authorizing a Change Order in a deduct amount of \$10,560.18 in the contract between the City of Sharon and Drew Excavating, Inc. for the 2009 Public Facilities & Street Improvement Project - Contract 2009-02 - Storm Inlets" **be adopted.**

**Motion: Mr. Palanski**

**Second: Mr. Heutsche**

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

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

Resolution #9-10 removed from agenda.

**MOTION** that Resolution # 10-10 entitled "A RESOLUTION of the Council of the City of Sharon appointing the City Manager as Administrator/Trustee of the Police and Fire Pension Plans" **be adopted.**

**Motion: Mr. Connelly**

**Second: Mr. Messina**

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

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

<b><u>CONSENT AGENDA</u></b>
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*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 # 11-10 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 City Manager and Finance Director, or in the absence of a Finance Director, the Treasurer, to pay the bills on Schedule 'A' " **be adopted.**

**MOTION** that Resolution # 12-10 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, superceding Resolution #80-09 to approve the amended FY 2000, 2002, 2006, 2007, 2008 and 2009 CDBG Action Plans" **be adopted.**

<u>YEAR</u>	<u>ACTIVITY</u>	<u>CURRENT BUDGET</u>	<u>AMOUNT OF REALLOCATION</u>	<u>REVISED BUDGET</u>
2000	From:			
	Public Services:			
	Medical Recycling	\$ 900	(-\$ 900)	\$ -0-
	To:			
	Public Facilities and Improvements:			
	Street & Alley Improvements	\$ -0-	+\$ 900	\$ 900

<b>2002</b>	<b>From:</b>			
	New Housing Construction	\$12,525.16	(-\$12,525.16)	\$ -0-
	<b>To:</b>			
	Land Acquisition	\$ -0-	+\$12,525.16	\$12,525.16
<b>2006</b>	<b>From:</b>			
	Shenango Valley Community Library	\$ 444	(-\$ 444)	\$ -0-
	<b>To:</b>			
	Housing Rehabilitation	\$2,442.49	+\$ 444	\$ 2,886.49
<b>2007</b>	<b>From:</b>			
	Public Services:			
	Medical Recycling	\$ 900	(-\$ 900)	\$ -0-
	Camp Kids	\$2,500	(-\$2,500)	\$ -0-
	Code Enforcement Act.	\$724.82	(-\$724.82)	\$ -0-
	<b>To:</b>			
	Housing Rehabilitation	\$ -0-	+\$4,114.82	\$4,114.82
<b>2008</b>	<b>From:</b>			
	Housing Rehabilitation Paint Program	\$9,170	(-\$9,170)	\$ -0-
	<b>To:</b>			
	Land Acquisition	\$ -0-	+\$9,170	\$9,170
<b>2009</b>	<b>From:</b>			
	Public Facilities	\$89,318.50	(-\$20,000)	\$69,318.50
	Paint Program	\$30,000.00	(-\$30,000)	\$ -0-
	<b>To:</b>			
	Land Acquisition	\$ -0-	+\$20,000	\$20,000
	Clearance & Demo	\$34,500	+\$30,000	\$64,500

**MOTION** that Resolution # 13-10 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, authorizing an amendment to its FY 2009 CDBG Annual Action Plan Budget due to an increase in the allotment of funds from the U.S. Department of Housing and Urban Development (HUD)" **be adopted.**

<b><u>YEAR</u></b>	<b><u>ACTIVITY</u></b>	<b><u>CURRENT BUDGET</u></b>	<b><u>INCREASE</u></b>	<b><u>REVISED BUDGET</u></b>
2009	General Administration	\$147,910	+\$2,401	\$150,311
2009	Land Acquisition	-0-	+\$9,604	\$ 9,604

**MOTION** that Resolution #14-10 entitled "A RESOLUTION of the Council of the City of Sharon, Pennsylvania, appointing the City Manager as voting delegate to the Mercer County Metropolitan Planning Organization (MPO)" **be adopted.**

**MOTION** to approve the minutes from the December 17, 2009, Regular Council Meeting, December 28, 2009, Special Council Meeting, and January 4, 2010, Reorganization Meeting" **be adopted.**

**Motion to approve items on the Consent Agenda:**

**Motion: Mr. Heutsche**

**Second: Mr. Connelly**

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

**Yes - Mr. Palanski  
Yes - Mr. Donato**

<b><u>COMMENTS:</u></b>
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**NEWS MEDIA:**

**Courtney Anderson - The Herald** - Inquired about the CDBG Reallocations and asked if the paint program was cut out entirely. Mrs. Thomas advised that the program has been cut for now for the exterior painting program. Ms. Anderson inquired if the officer had been hired in the Police Department under the C.O.P.S. grant. Mr. Donato advised that while City Council had approved the grant, due to the financial picture of the City they are holding off on the hiring. Ms. Anderson inquired how long the City has to use the grant. Chief Menster advised that he applied for an extension and that the grant is for three years. Ms. Anderson inquired if the hiring process had been started and if the Police Department is at full complement. Chief Menster advised that they are short one due to a resignation. Mr. Donato advised that they want a better handle on the financial picture of the City before they commit to hiring a police officer. Ms. Anderson inquired how much the City would have to pay for the grant. Chief Menster explained that the grant pays for three years' salary and benefits, then the City must cover the fourth year. Ms. Anderson inquired to Mr. Lavorini if there have been any personnel changes made this year. Mr. Lavorini advised that not as of present time.

**CITIZENS:**

**Dave Kepics** - Inquired about the C.O.P.S. grant and why the City does not take advantage of it. Mr. Lavorini explained that there are other requirements for the grant, such as maintaining a personnel complement in the police department. He stated that they need time to examine the City's financial condition before making that type of commitment. Mr. Kepics inquired if the SAFER grant was utilized. Chief Whalen advised that it was used to hire part-time firefighters. Mr. Kepics commented that the City took advantage of grants for the fire department but not for the police department. Mr. Lavorini stated that he made the decision not to hire at present time for the C.O.P.S. grant.

**David U'Halie** - Discussed the newly-formed "Shenango Valley Democrats" and advised that he is a member. Invited City representatives to a winter picnic being held at the Senior Center in Hermitage and to bring project(s) they would like to showcase for the City of Sharon for citizens to view. He advised that Farrell, Hermitage and Sharpsville are also participating.

**MR. LAVORINI:**

None.

**MR. HEUTSCHE:**

Advised that he has received complaints from citizens about the condition of the footbridge at the Freeway by S. Myers Ave. Has already spoken with Mr. Maurice about it. Mr. Lavorini advised that he will look into it. Commended John Cave and the street department on snow removal and advised that he heard several compliments from residents as well.

**MR. PALANSKI**

Suggested that at the February Workshop meeting, Council thinks about priorities to help Mr. Lavorini focus. Inquired about the complaint received regarding the Budd/Lorain St. intersection. Mr. Lavorini advised that he spoke to the resident after reviewing the situation, but that the problem is due to the freeway construction. Mr. Heutsche commented on the poor condition of the sidewalks in the area.

**MR. MESSINA:**

Discussed landlord/tenant registration. Requested an update on the code issue on Lorain St. Carol Swartz thanked everyone for their assistance who responded to the situation, and said she hopes it is resolved soon. Extended her appreciation to David George, Code Officer, and John Cave, Street Department Supervisor.

**MR. CONNELLY:**

None

**MR. DONATO:**

Discussed the closing of the freeway by PennDot, and stated that he was under the impression that it would not be closed until the other section was reopened. Chief Menster advised that he understood that the plan was to close Budd Street at Irvine Ave., but that it would create a lot of problems with traffic. PennDOT was asked to post signs, and that it would take some time for people to get used to the new traffic pattern. Mr. Lavorini advised that he is looking into when the other section of the freeway will be re-opened.

**ADJOURNMENT:**

**Meeting adjourned at 7:13 P.M.**

**Motion: Mr. Heutsche**

**Second: Mr. Palanski**

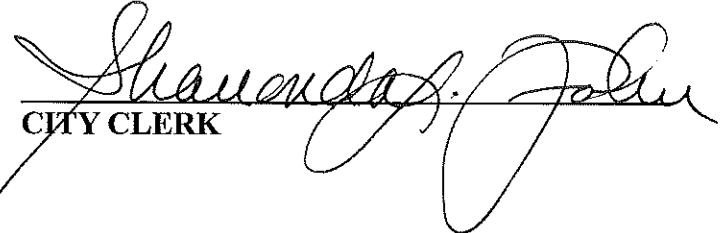
**Vote: Yes - Mr. Palanski  
Yes - Mr. Messina  
Yes - Mr. Connelly**

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

**EXECUTIVE SESSION HELD FOLLOWING THE COUNCIL MEETING TO DISCUSS PERSONNEL ISSUE.**

  
COUNCIL PRESIDENT

ATTEST:

  
CITY CLERK

