

CITY MANAGER'S REPORT

Mr. Andrejchak reported that the Budget is completed and he intends to distribute it to Council on Monday and at this time there is no increases in taxes or any cuts to service workers and it should be on the new website next week sometime.

PUBLIC COMMENTS - AGENDA ITEMS

PUBLIC COMMENTS - ANY ITEM ON THE AGENDA:

Mr. Heutsche wanted to talk about Aqua PA and their current projects. Mr. Heutsche started with the concern of Smith Ave. and how there was no access which he felt Council needed to address this issue with these streets being completely closed down. Also, Mr. Heutsche explained another situation on N. Oakland Ave. where there was a huge pit approximately 5' deep that had no cones or signs prior to driving up to it and when Mr. Heutsche was closer he noticed the top of a hard hat inside and realized someone was in there working with no warning to drivers or safety precautions. Mr. Heutsche added that some of the larger equipment is being left on the streets and causing traffic interference. Mr. Heutsche does not feel that these contractors are not following Penn DOT regulations and would like to issue a stop work order to Aqua until it can be resolved. Mr. Andrejchak wanted to add that 12' is their lane size but should be centerline to curb when they do their final restoration. Mr. Andrejchak had an issue on Prospect St. with the contractor closing both lanes to traffic and this is an issue because if both lanes are blocked then they are going against the permit which states that 2 way traffic is maintained and if it is not then it is a violation. Mr. Andrejchak felt that Council could make changes to the Ordinance and it concerns Mr. Andrejchak because Aqua PA has more projects scheduled for next year and the construction manager explained to Mr. Andrejchak that they spend most of their time in Sharon. Mr. Andrejchak added that it is the end of the season now and there are not a lot of open projects going on. Mr. Heutsche feels that the contractors are rushing and the most bothersome thing with all of this is the lack of safety and that they are closing complete streets with no access to them at all and if someone on the street that is closed has an emergency Mr. Heutsche cannot see how an ambulance can get through to assist someone or even fire or police because they have whole intersections blocked with large excavators and large dump trucks plus Mr. Heutsche does not think it is fair to the residents in these neighborhoods that they cannot get in or out or even have company visit them. Mr. Heutsche wanted to know how Council felt about this and felt that a stop work order should be issued until Aqua PA can come in and made aware of the issues and what is expected when they are working in the City. Mr. Heutsche asked Mr. Palanski what his opinion was and Mr. Palanski added that he agrees with Mr. Heutsche but also to think about the practicality of a stop work order and what that would mean if these contractors stopped and did nothing else until the Spring. Mr. Palanski also said that when the amendment was passed in 2010 or 2011 it did work well for about a month and then inch by inch it has been taken advantage of. Mr. Heutsche agreed with Mr. Palanski along with taking advantage of the safety aspects of the projects. Mr. Palanski also added that he questioned some of the back fill operations and mentioned that Mr. James also questioned them because they are supposed to meet certain specifications. Mr. James commented that Aqua and the contractors have taken on the attitude that they do not care and Mr. James had problems in front of his business and they virtually shut the business down for a week and tried to call and email them which the only response Mr. James was given was "too bad" which is pretty much what they were saying. Mr.

Heutsche wanted to let Mr. James know that he received the phone number for the construction manager from Mr. Andrejchak and tried to call twice and the message said that the voice mail was not set up. Mr. Heutsche added that if there was an emergency then he does not know what someone should do. Mr. James asked if there was any repercussion to what they are doing like fines. Mr. Andrejchak answered that there are fines for violating the Ordinance but R-2 strategies under the Ordinance are to stop work or issue a citation or denial of future permits until the old issues are corrected. Mr. Burke wanted to add that he agrees with the safety aspect of the situation because he lives on Shady Ave. and he was not aware that any of that was going on but Mr. Burke did find out about a concrete wall that was placed at the end of Smith Ave. with no lights or signs when he attempted to turn North onto Smith Ave. Mr. Andrejchak added that the water company or construction companies are not giving public safety any notice prior to these projects starting. Mr. Burke asked if these companies have to go through some sort of orientation but Mr. Andrejchak explained that he has met with them and they are well aware of the rules and regulations but just are not following them. Mr. Palanski compared the situation to "Shermans March to Sea" and stated that they have the project set up and they are going to do it come hell or high water. Mr. Palanski said if it is not practical to shut them down because of all the openings this time of year then they should be cited and fined under the terms of the Ordinance. Mr. James asked with all the safety issues maybe they should be documented and then call OSHA who has more power than anybody. Mr. Andrejchak thought that was a good idea and Mr. Burke used N. Oakland as an example where that worker was down in that pit with no safety precautions at all. Mr. Andrejchak did want to add that he met with Aqua and Frank Smeraglia last week and made it clear to them that with the amended Ordinance there should be no work started that cannot be properly completed before winter. Aqua was supposed to start a project on Madison and Oak Way but Mr. Andrejchak explained to them that he would not issue any permits for those projects because it is too late in the year and also outside the Penn DOT 408 for paving season as well. Mr. Andrejchak stated that the current jobs that are open are the only jobs that there will be until next year. Mr. Heutsche told Mr. Palanski he understood and appreciates his comment about what repercussions the City has to issue a stop work order and Mr. Heutsche wanted to suggest an alternative to give the Police Department and the Fire Department the authority to stop a project on the street if in the opinion of that department they are not following proper safety set up or if the street is completely blocked off. Mr. Heutsche added that if the City was not going to issue a stop work order tomorrow then the safety forces should be given the authority to monitor the situations. Mr. Burke wanted to add that he asked the Chief and he asked if they were notified that the streets would be closed down and they were not notified. Mr. Andrejchak added that there was situation on Prospect St. with a special needs child and there was a problem with services getting to and from the property and Mr. Andrejchak also added that in the Ordinance there are conditions that these contractors cannot block the driveways and there was definitely a situation with that happening on Prospect St. for 2 days. Mr. Heutsche asked Mr. Andrejchak to contact Aqua tomorrow and set up a meeting by Monday and Mr. Heutsche would like to see assurances from Aqua that they will remedy the problems and if they do not then a stop work order should be issued. Mr. Menster wanted to add that the contractors have been inconsistent in notifying emergency services and with these areas blocked off a Fire Truck or Ambulance cannot get through and lose time finding an alternate route. Mr. Cave added that it is a lack of communication with Aqua and all summer when Mr. Cave was inspecting these jobs the contractors would respond to the complaints but Mr. Cave feels that you should not have to complain to begin with. Mr. Heutsche asked all of Council if they had any issues with authorizing the Fire and Police Departments to monitor these projects and shut project down if they feel there are any violations especially safety. Mr. Madden explained that the Ordinance states that Council could designate someone to authorize this action and that Council cannot do that by Resolution so Mr. Andrejchak said he would issue a memo to the Police and Fire Chief Friday authorizing them to act on this decision. Carol Swartz from Lorain Street asked if the construction companies are supposed to pave the streets when the work is complete and Mr. Heutsche explained that when they work on one side of the road they

are supposed to pave to center of road but they are only fixing 12' of the street by their terms.

RESOLUTIONS

MOTION that Resolution #67-13 entitled “A RESOLUTION of the Council of the City of Sharon approving the City of Sharon’s FY 2014 Annual Action Plan. **be adopted.**

Motion: Mr. Palanski

Second: Mr. Burke

**Vote: Yes Mr. Burke
Yes Mr. Palanski
_____ Mr. Connelly**

**Yes Mr. James
Yes Mr. Heutsche**

MOTION that Resolution #68-13 entitled “A RESOLUTION of the Council of the City of Sharon authorizing the proper City Officials to approve a request for Pay Estimate #3 in the amount of \$92,700.00 to Carl Walker Construction, Inc. for the Parking Garage Project. **be adopted.**

Motion: Mr. Burke

Second: Mr. James

**Vote: Yes Mr. James
Yes Mr. Burke
Yes Palanski**

**_____ Mr. Connelly
Yes Mr. Heutsche**

MOTION that Resolution #69-13 entitled “A RESOLUTION of the Council of the City of Sharon authorizing the proper City Officials to approve a request for Pay Estimate #11 in the amount of \$117,299.09 to SET, Inc. for the Sharon Streetscape Project-Phase I. **be adopted.**

Motion: Mr. Palanski

Second: Mr. James

**Vote: _____ Mr. Connelly
Yes Mr. James
Yes Mr. Burke**

**Yes Mr. Palanski
Yes Mr. Heutsche**

Mr. Palanski asked if there would be more payments and Mr. Andrejchak answered yes probably one more.

MOTION that Resolution #70-13 entitled “A RESOLUTION of the Council of the City of Sharon authorizing the proper City Officials to authorize a letter of agreement between Western Reserve Transit Authority, Trumbull County Transit Board and City of Sharon (on behalf of Shenango Valley

Shuttle Service). **be adopted.**

Motion: Mr. James

Second: Mr. Palanski

Vote: **Yes Mr. Palanski**
 ___ Mr. Connelly
 Yes Mr. James

Yes Mr. Burke
Yes Mr. Heutsche

MOTION that Resolution #71-13 entitled “A RESOLUTION of the Council of the City of Sharon accepting the 2014 Minimum Municipal Pension Plan Financial Requirements and Minimum Municipal Obligations and thus rescinding all previous resolutions concerning the 2014 MMO. **be adopted.**

Motion: Mr. James

Second: Mr. Palanski

Vote: **Yes Mr. Burke**
 Yes Mr. Palanski
 ___ Mr. Connelly

Yes Mr. James
Yes Mr. Heutsche

MOTION that Resolution #72-13 entitled “A RESOLUTION of the Council of the City of Sharon authorizing the proper City Officials to enter into a two (2) year agreement with Bruce & Merrilees Electric Company for Traffic Signal Maintenance effective January 1, 2014. **be adopted.**

Motion: Mr. Burke

Second: Mr. Palanski

Vote: **Yes Mr. James**
 Yes Mr. Burke
 Yes Mr. Palanski

___ Mr. Connelly
Yes Mr. Heutsche

MOTION that Resolution #75-13 entitled “A RESOLUTION of the Council of the City of Sharon authorizing the proper City Officials to approve a request for Pay Estimate #1 in the amount of \$40,935.56 to Becdel Controls for the Parking Garage Project. **be adopted.**

Motion: Mr. Palanski

Second: Mr. Burke

Vote: **___ Mr. Connelly**
 Yes Mr. James
 Yes Mr. Burke

Yes Mr. Palanski
Yes Mr. Heutsche

Mr. James asked if the project was complete and Mr. Andrejchak answered no then Mr. James asked what the pay estimate was for. Mr. Andrejchak explained that it was for the generator and lights being delivered.

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 #73-13 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, or in the absence of the City Manager, the Tax Collector, to pay the bills submitted on Schedule A to Council" **be adopted.**

MOTION that Resolution #74-13 entitled "A RESOLUTION of the Council of the City of Sharon, Mercer County, Pennsylvania, setting the 2013 Halloween Trick or Treat Hours for Thursday October 31, 2013 from 4:00 p.m. to 6:00 p.m. **be adopted.**

MOTION that Resolution #76-13 entitled "A RESOLUTION of the Council of the City of Sharon, authorizing appointments for certain committees, boards and authorities **be adopted.**

Zoning Board of Appeals-
Tony Merolillo

MOTION to approve the minutes from the September 19, 2013 Regular Council Meeting **be adopted.**

Motion: Mr. James

Second: Mr. Palanski

Vote: **Yes Mr. Palanski**
 _____ Mr. Connelly
 Yes Mr. James

Yes Mr. Burke
Yes Mr. Heutsche

COMMENTS:

MR. PALANSKI: None

MR. BURKE: Wanted to commend the Fire Department for a rescue they did on September 26th at NMLK Derferco, Sharon Steel where he works and the fire department responded to a real life medical emergency organized for staff medevac to come down and do the training with Farrell Fire Department and McGonigle Ambulance and the crane operator had a heart attack and there was a lot of positive feedback not only everyone from NMLK but from the Russians who were impressed with that too.

MR. JAMES: Wanted to publically thank the whole Water Fire organization and they did a wonderful job. Mr. James added how nice it was to see all the people in downtown Sharon again.

MR. HEUTSCHE: Wanted to echo Mr. James's comments

MR. ANDREJCHAK: Smith Avenue is complete and Bicentennial Park is completed with the new lighting and it will be replicated on Dock St. and Vine Ave.

MEDIA: Mr. Wiercinski asked Mr. Heutsche in regards to the meeting that Mr. Andrejchak will be setting up next week with Aqua who would be attending. Mr. Andrejchak replied that he spoke with the construction manager of Aqua yesterday and they have a meeting scheduled next week anyway so we can discuss these other issues at that time. Mr. Andrejchak added that attending this meeting would be himself the construction manager along with City staff and any councilman or Aqua employees that would like to join them. Mr. Wiercinski asked which intersections was Mr. Heutsche referring to on Smith Avenue that were completely blocked and Mr. Heutsche replied that this morning it was Griswold St. and Smith and Smith and the freeway. Mr. Wiercinski also asked about the pit on N. Oakland and whether there was a cross street which Mr. Heutsche replied that there was an alley nearby which was Fullerton Place. Mr. Wiercinski wanted to make it clear that there was a worker there but Mr. Heutsche did not feel that there were safety measures involved. Mr. Wiercinski also asked about Prospect St. and somebody being denied access there and Mr. Andrejchak replied that the street was closed yesterday and the day before but Mr. Andrejchak spoke with a resident there and thought that there was some access today but there were some folks that could not get their cars out. Mr. Wiercinski asked if Mr. Andrejchak had more than one complaint on Prospect St. and he replied no only the one complaint from that area. Mr. Wiercinski wanted to understand the Ordinance clearly where the authority that was given to the Police and Fire Chief to issue a stop work order and asked if Council could explain that again. Mr. Heutsche explained that the authority is to just tell the contractor or Aqua to stop working on the street and get off the street. Mr. Wiercinski asked what would trigger that for example blocking an intersection. Mr. Heutsche replied yes blocking an intersection or a street completely shut down which Mr. Andrejchak added that it would violate the permit Mr. Heutsche agreed and added that the Permit requires for these companies to allow 2 way traffic among other things. Mr. Wiercinski asked if in the opinion of Mr. Andrejchak or the Police and Fire Chief the companies are violating the permit than the project can be shut down. Mr. Andrejchak answered yes and explained that the Ordinance gives the City Manager or the designee the ability to make the judgement. Mr. Wiercinski asked besides adequate traffic what else would cause a stop work order and Mr. Andrejchak replied that safety would be another factor and offered a copy of the Ordinance to Mr. Wiercinski.

CITIZENS: Ron Maurice-Street Department wanted to thank Council and Mr. Andrejchak for purchasing two new salt trucks for the Street Department and Mr. Maurice brought one of the trucks to the meeting if anyone wanted to go look at them. Mr. Maurice added that they are both good trucks and they will serve the Street Department a long time.

<u>ADJOURNMENT:</u>

Meeting adjourned at 7:33 P.M.

Motion: Mr. James

Second: Mr. Palanski

Vote: Yes Mr. Burke
 Yes Mr. Palanski
 ___ Mr. Connelly

Yes Mr. James
Yes Mr. Heutsche