

CITY OF CORRY

COUNCIL CHAMBERS

7:00 PM

FEBRUARY 17, 2020

Mayor Mitchell opened the meeting by leading the Pledge of Allegiance. The invocation was given by Chief Lathrop. Roll call found Council members Drake, Hamilton, Roche and Sproveri present, along with City Solicitor Carney, City Manager Biondi, City Business Manager Heil, Fire Chief Lathrop and Public Works Lead Operator Leofsky.

(1) Mr. Biondi announced an addendum to the agenda – adding a letter from Steve Baily under correspondence; AFSCME Collective Bargaining Agreement under unfinished business; and a correction to announcements that the executive session was held on February 13th not the 14th.

(2) Mayor Mitchell made a motion to approve the February 3, 2020 regular meeting minutes; Mrs. Hamilton seconded the motion which carried unanimously.

Hearing of the Public:

Mike and Pauline Grill of Construction Code Inspectors introduced themselves to Council. They stated they are looking forward to working with the City of Corry. They explained that they have hired another inspector. They have been appointed by Spartansburg, Waterford Borough, Union City and Union Township. They service 75 municipalities. They stated that anyone could call them at any time with questions regarding zoning and timeliness is very important. If anyone would have a problem with an inspector they are asked to contact the City Manager or Council.

(3) Mayor Mitchell made a motion to receive and file letter dated February 4, 2020 from Tommie Beebe rescinding his intent to retire; Mrs. Hamilton seconded the motion which carried unanimously.

(4) Mayor Mitchell made a motion to receive and file letter dated February 3, 2020 from the Erie County Housing Authority regarding ordinance #1500 and #1600; Mrs. Hamilton seconded the motion which carried unanimously.

(5) Mayor Mitchell made a motion to receive and file letter dated February 13, 2020 from the Corry Lawrence Airport Authority related to the filling of a vacancy on the board; Mr. Drake seconded the motion which carried unanimously. Solicitor Carney stated he assumes the letter is stating that the authority has made the appointment. This was an issue that had come up before with the Municipal Authority questioning if they themselves could fill a vacancy or if City Council did. Both Solicitor Carney and Attorney Russ Warner researched it at that time on behalf of the Municipal Authority. This is the same issue. The conclusion is that it is not the Municipal Authority ability but it is City Council that has the ability/responsibility to make the appointment. To explain how the conclusion was made, Solicitor Carney cited the Municipality Authorities Act which is the State Law that regulates authorities. The Act states who can start an authority which would be City Council, who can appoint the original members and who appoints a successor. This is where the confusion comes in. He read the section: If a vacancy shall occur by reason of the death, disqualification, resignation, or removal of a member, the municipal authorities shall appoint a successor to fill his unexpired term. The publication of Municipal Authorities in Pennsylvania from the Governor's Office that explains this in more detail. He read the vacancies section: If a vacancy occurs on the board due to death, disqualification, resignation, or removal of a member, the municipal governing body making the original appointment, not the authority board, appoints a successor to fill the unexpired term. That statement makes it very clear that it is the governing body's responsibility. To take it a step further Russ Warner's opinion was requested because he has an interest because he is with our other authority and what precedent is set here could affect that board as well. Attorney Warner researched again and tailored his opinion toward the Airport Authority.

ROLL CALL

AMEND AGENDA

APPROVE
MINUTES

HEARING OF THE
PUBLIC

CONTRUCITON
CODE INSPECTORS

T BEEBE RESCIND
RETIREMENT

ERIE COUNTY
HOUSING LETTER

AIRPORT
AUTHORITY FILL
VACANCY LETTER

His Opinion read: The Airport Authority of the City of Corry is a Pennsylvania Authority under the Pennsylvania Municipality Authorities Act. The Airport Authority of the City of Corry was created solely by the City of Corry, and is not a joint municipal authority created by more than one municipality. As such, the Airport Authority Board members are appointed by the governing body of the municipality meaning the Corry City Council. The governing body of the municipality (Corry City Council) also fills any vacancy on the Airport Authority Board by appointing a successor to fill the remainder of the unexpired term. It is clear that under state law, the Corry City Council, not the Airport Authority Board itself, appoints the successor to fill out the remainder of the term for any vacant seat on the Board. Solicitor Carney stated that is his opinion and it is a dangerous precedent to set because they are violating the law.

(6) Mrs. Hamilton made a motion to receive and file letter of resignation dated February 13, 2020 from Steve Bailey; Mr. Sproveri seconded the motion which carried unanimously.

Mr. Roche made a motion to set an advisory board by the end of March and to advertise for the position. After discussion, Mr. Carney stated it is out of order and the resignation needs to be accepted prior to moving forward with another matter. Mr. Roche strongly suggested to put it on the agenda for the next planning meeting.

Mrs. Hamilton made a motion to accept the resignation of Steve Bailey from the golf course effective March 6, 2020; Mr. Sproveri seconded the motion which carried unanimously. Mayor Mitchell stated it is with regret that they accept this resignation. All of Council thanked Mr. Bailey for all of the good work over the years.

Mrs. Hamilton requested an executive session to be held immediately after tonight's regular meeting regarding this personnel issue; Mr. Roche seconded that request.

(7) Mayor Mitchell made a motion to receive and file the January 2020 District Judge Report; Mr. Sproveri seconded the motion which carried unanimously.

(8) Mr. Sproveri made a motion to receive and file the January 2020 Fire Report; Mrs. Hamilton seconded the motion which carried unanimously.

(9) Mayor Mitchell made a motion to receive and file the January 2020 Police Report; Mr. Drake seconded the motion which carried unanimously.

(10) Mr. Roche made a motion to receive and file the January 2020 New Vendor List; Mr. Drake seconded the motion which carried unanimously.

(11) Mrs. Hamilton made a motion to approve a municipal annual membership for the Erie to Pittsburgh Trail Association in the amount of \$100; Mr. Roche seconded the motion which carried unanimously.

(12) Mr. Drake made a motion to approve the changes to the Non-Uniform Collective Bargaining Agreement as presented to Council in the Tentative Agreement to take effect January 1, 2020 and be in effect until December 31, 2022; Mr. Sproveri seconded the motion which carried unanimously.

(13) Mayor Mitchell made a motion to approve a cooperation agreement between the Corry Redevelopment Authority, CAIDC, and the City of Corry related to the expansion of Enterprise Place; Mr. Roche seconded the motion which carried unanimously.

**S BAILEY
RESIGNATION**

**EXECUTIVE
SESSION
REQUESTED**

REPORTS

**- DIST JUDGE
- FIRE
- POLICE
- NEW VENDOR**

**MEMBERSHIP
TRAIL ASSOC.**

**APPROVE NON-
UNIFORM CBA**

**AGREEMENT
CRA, CAIDC, CITY
EXPANSION OF
ENTERPRISE
PLACE**

AGREEMENT
CRA, CIBA, CITY
GREENWAY
JUNCTION PARK

CREMA RADIO
SYSTEM

BILL LIST

SAFETY
DIRECTOR
COMMENTS

PW COMMENTS

CITY HALL
HOURS

BUSINESS MGR
COMMENTS

HEARING OF
PUBLIC

MEETINGS
SCHEDULE

ADJOURN

(14) Mayor Mitchell made a motion to approve a cooperation agreement between the Corry Redevelopment Authority, CIBA, and the City of Corry related to the Creation of the Greenway Junction Park; Mr. Sproveri seconded the motion which carried unanimously.

(15) Mr. Sproveri made a motion to approve the installation of the radio system and charging stations in the Council Chambers which are owned and operated by CREMA at no cost to the city; Mrs. Hamilton seconded the motion which carried unanimously.

(16) Mr. Roche made a motion for the approval of the payment of the bill list when funds are available and vouchers are signed; Mr. Drake seconded the motion which carried unanimously.

(17) Mr. Sproveri stated that engine #2 is back in service. There is scheduled two groups of four for training on the ladder truck in March. He thanked the Water Department and LB Water for the training on repairing and rebuilding the hydrants.

(18) Mr. Leofsky appreciated the article in the newspaper regarding the snow removal on the sidewalks. Mr. Heil stated the map of the sidewalk plow route is on the City's website. Mr. Biondi stated that the surveillance program at the WWTP has started.

(19) Mr. Biondi announced beginning Monday, February 24, 2020 the City Building will be closed daily from 1:00-2:00 pm. The City Building will continue to open at 8:30 am and close at 4:30 pm.

(20) Mr. Heil thanked everyone involved for working the STMP interviews. He stated that a meeting was held with DEP related to recycling toters and that the toters would qualify for a grant. He noted that "trash" toters would not qualify for the grant. He stated that the audit will begin next week and thanked the City Treasurer Huffman and City Clerk Smith for putting in a lot of work to prepare for the audit.

Hearing of the Public:

Mr. Roche stated the forestry meeting has been cancelled for this Wednesday.

Marie Petko asked who the garbage contract was granted to. Mr. Biondi stated Advanced Disposal.

(21)

Announcement of meetings:

- An executive session will be held immediately following this meeting regarding personnel
- February 13, 2020, an executive session was held regarding personnel
- Thursday, February 27, 2020, 4 pm – planning session
- Monday, March 2, 2020, 7 pm – regular meeting
- Thursday, March 12, 2020, 4 pm – planning session
- Monday, March 16, 2020, 7 pm – regular meeting

(22) Mayor Mitchell adjourned the meeting at 7:35 pm.

Respectfully submitted,

Joanne M. Smith
City Clerk