

City of Salem
Regular Council Meeting
May 23, 2006

Present: Phyllis Plaughter, Councilwoman
Eric Wolford, Mayor
Jackie Ritter, City Recorder
Fredette Leda, Councilwoman
Dave Fisher, Councilman
Frank Robinette, City Manager
Grady Lamb, Councilman
Derika Sutton, Councilwoman
Richard Gallagher, City Attorney

Absent: James Plaughter, Councilman

The Salem City Council met on Tuesday May 23, 2006 for its regular council meeting. Mayor Wolford called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance and Prayer:

Mayor Lamb opened the meeting with the Pledge of Allegiance and Grady Lamb offered prayer.

2. Review and Approval of Minutes from Previous Meetings:

** Mayor Wolford entered the meeting.

The minutes for the May 9, 2006 special council meeting were reviewed. A typographical error was noted on pages 4. Councilman Lamb made a motion to approve the minutes with the noted correction. Councilwoman Plaughter seconded the motion. Carried 5/0.

**At 7:04 p.m. Councilwoman Leda entered the meeting.

**It was decided #6 on the agenda, Specifications for Dam Repairs, would be discussed at this time. Bill Keaton, HNTB engineer, reported on the Phase I Dam Repairs and the task order schedule. He provided copies of the plans to council. He hopes to have the bid openings, pre-construction conference, and contract awarding on the same day, July 14, 2006. The finish date for this phase is planned for Oct. 20, 2006. There was review of the repairs to be made to the dams to meet the administrative order. There was discussion of addressing the problems with the distribution lines after all other phases are complete. They are in the process of analyzing and prioritizing the problems, which are actually 15 projects rolled in to one. There was review of HNTB task order #15, which will address the distribution lines problems. Councilman Fisher made a motion to approve the signing of HNTB task order #15. Councilman Lamb seconded the motion. Carried 6/0.

OLD BUSINESS

3. 2nd and Final Reading and Public Input of State Building Code Ordinance:

Councilman Fisher made a motion to move to public hearing on the proposed ordinance. Councilwoman Sutton seconded the motion. Carried 6/0. A public hearing was held and there was no public input. Councilwoman Sutton made a motion to adjourn from the public hearing. Councilwoman Plaughner seconded the motion. Carried 6/0. Councilman Fisher made a motion to complete the second reading of the State Building Code Ordinance by title only. Councilwoman Sutton seconded the motion. Carried 6/0. Mayor Wolford completed the second reading of the State Building Code Ordinance by title only. Councilman Fisher made a motion to accept the second reading. Councilwoman Plaughner seconded the motion. Carried 6/0.

NEW BUSINESS

4. New Members to Planning Commission:

There was review of the proposed recommendations for the planning commission. Dr. Phyllis Freedman provided these recommendations. Councilman Lamb made a motion to approve the recommended members to the planning commission. Councilwoman Sutton seconded the motion. Carried 6/0.

5. New Members to Recreation Commission:

There was discussion of the need for members of the recreation commission.

6. Specifications for Dam Repairs - HNTB:

This item was discussed following item 2.

7. Date for Interviewing Attorneys for Sun Valley Project:

There was discussion of the need to schedule interviews for a Sun Valley PSAD connection water project attorney. There have been three responses to the ad; one is unable to work with the city due to a conflict of interest. Councilman Fisher made a motion to hold the interview for the two leading prospects for an attorney for the Sun Valley connection project as guided by Small Cities Block Grant protocol with the interview to take place prior to the next council meeting. The interviews will be arranged for June 13, 2006 starting at 5:00 p.m.

8. City Managers Report:

- A.** The City Manager reported part of the stone wall along the park has fallen and a large area has been restricted from parking along the wall.
- B.** The City Manager reported on the status of the \$25,000 DEP fine against the sewer department. The consent order has to be signed by May 31, 2006 or the City can receive additional fines of up to \$25,000 per day. They have offered a two-year payment plan but the sewer department cannot afford the monthly payment. The sewer department could currently make approximately \$400 per month payment on the fine. The HNTB engineer and the City Attorney, Rick Gallagher, report they have both spoken numerous times and at length with the

DEP representatives and they refuse to rescind the fine. There is no other avenue of appeal and the City Attorney feels there is no defense if it goes to litigation. The Public Works Director reported on an issue regarding the sewer plant operator and recent sewer department DEP violations. They are also insisting the backwash situation be eliminated. There was extensive discussion of the legality or appropriateness of the co-mingling of funds from the water and general funds to be able to make the sewer fine payment. The City Manager has received a verbal opinion from the Attorney General's Office regarding the inability to co-mingle funds. The HNTB engineer and the City Attorney explained the process if the fine payment cannot be met. The sewer department can be forced into bankruptcy and the DEP would take over the plant and system. Councilman Fisher made a motion to pay the fine levied by the DEP at \$1,000 per month as per DEP requirements as long as the city receives a written qualification from a responsible agent of DEP advising the city must co-mingle funds to meet their order. Councilman Lamb seconded the motion. Carried 6/0. Councilman Lamb made a motion that if the letter is not received from DEP that the city make the \$400 per month payment that the sewer department can afford. Councilman Fisher seconded the motion. Carried 6/0.

- C. The Public Works Director reports the core drilling has been done on George Street and hopefully Ross Street will be done tomorrow. Then the project will be re-bid with the needed project specifications.
- D. There was discussion of a water customer that lives outside city limits that is being charged the minimum sewer charge. It was the previous homeowner that obtained the tap but never connected. The City Attorney drew up a release for the property owner to sign to allow the city onto the property to find the sewer tap. The property owner refused to sign the release.
- E. The City Manager reports that due to computer problems, the water and sewer bills were not sent this month. Customers will get a double bill next month but have the option to coming into pay the same amount as last month for this month to avoid the double bill next month. The computers are working now.

**Councilman Lamb requested the financial reports for council to review. The City Manager reports they are not available yet but will have them completed for the next council meeting. Councilman Lamb also requested a status update on the employee handbook. The City Manager reported it is still being typed.

**Councilman Fisher reported the city is hoping to maintain a water line directly from the lower Dog Run dam for fire control after connection to Sun Valley PSD.

EXECUTIVE SESSION

None

**At 9:15 p.m. Councilman Lamb made a motion to adjourn. Councilwoman Sutton seconded the motion. Carried 6/0.

TABLED BUSINESS

1. Allegheny Power Street Light Agreement
2. Actions of Sponsor Grant Agreements
3. Consideration of Purchasing a Gate and Fencing for Water Dept.
4. Workshop Committee Meeting Safety Director

Mayor

Recorder