

**City of Salem  
Regular Council Meeting  
July 12, 2005**

**Present:** Patricia Price, Councilwoman  
Grady Lamb, Councilman  
Daniel Daquilante, Councilman  
Fredette Leda, Councilwoman  
James Plaughner, Councilman  
Derika Sutton, Councilwoman  
Eric Wolford, Mayor  
Jackie Ritter, City Recorder

**Absent:** None

The Salem City Council met on Tuesday July 12, 2005 for its regularly scheduled meeting. Mayor Wolford called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance and Prayer:**

Mayor Wolford opened the meeting with the Pledge of Allegiance and Fredette Leda offered prayer.

**2. Review and Approval of Minutes:**

The minutes for the June 28, 2005 were reviewed. The City Recorder reported Roberts Rules of Order allow for the minutes to be approved without motions. Councilman Lamb made a motion to post the minutes as a matter of public record but without official approval of council and based on the stipulation previous council members present for that meeting review for corrections. Councilman Plaughner seconded the motion. Failed 1/6 with Councilman Lamb as the sole approving councilperson. The City Attorney has been asked to research this legal point and will be present later in the meeting. Councilman Daquilante made a motion to table the minutes until after the city attorney's report. Councilman Plaughner seconded the motion. Carried 6/0/1 with Councilman Lamb abstaining.

**3. Petition of Joyce Bates:**

Ms. Bates was not present.

**4. Petition of Jean Baker:**

Ms. Baker was not present.

**OLD BUSINESS**

**5. Demolition of Condemned Properties Report:**

Building Inspector Vince Smith was present and provided summary of the current status of the demolition of condemned properties. The approved contractor, Mountainview, is awaiting a notice to proceed from the City Manager to proceed with the asbestos removal and demolition of four of the seven condemned properties. There was discussion of the condemnation procedure and process including the process with which to attach a lien. Councilman Daquilante made a motion to authorize the building inspector to consult with the city attorney to obtain updated title search and deed certification of the seven properties so that the project can move forward with the issuance of the notice to proceed to the contractor. Councilman Plaughter seconded the motion. Carried 7/0. There was discussion of the previously discussed properties on Water Street that could possibly be torn down with UDAG monies. The building inspector recommends proceeding and completing original seven condemned properties first.

**6. Courtesy Letter:**

There was review of the sample notice of violation courtesy letter to be sent to violators of the obnoxious weeds and abandoned vehicles and junk ordinances as well as the downspouts and gutters issue in reference to the sewer dept. I & I (Infiltration and Inflow) problem. City office employees will track the letters and then send notification to the police department of continued violators to have tickets issued. Councilwoman Leda made a motion to approve the courtesy letter with spelling checks and removal of reference to fine amounts. Councilman Lamb seconded the motion. Carried 7/0.

**NEW BUSINESS**

**7. Acting City Manager:**

There was review of a resolution appointing Sherry Lovett as acting city manager. Councilman Daquilante made a motion to approve the resolution appointing City Clerk Sherry Lovett as acting city manager. Councilman Lamb seconded the motion. Carried 6/1 with Mayor Welford opposing. There was discussion of the fact that the City Manager is responsible for the supervision of city employees. A citizen from the audience asked for the council to consider an audit prior to hiring of a new city manager. Councilman Lamb made a motion requesting the mayor contact the State Auditor to complete an audit and submit names of accounting firms with which to have an audit completed and report back to council at the next meeting. Councilman Plaughter seconded the motion. Carried 7/0.

**8. Posting for New City Manager:**

There was review of the proposed job posting for City Manager's position. There was discussion of how long to be posted and where it is to be posted. It will be advertised in the Clarksburg Exponent but the state register, professional journals, and websites were suggested. There was discussion of possibly adding master's level education to the job posting in addition to bachelor's degree. The posting indicated the council was a seven-member council and may need changed to a six-member council. The city attorney suggested adding the sentence regarding the city being an equal opportunity employer. Councilman Lamb made a motion to approve the job posting for City Manager with the noted changes. Councilwoman Leda seconded the motion. Carried 7/0. Councilman Daquilante made a motion to advertise the posting for 2 weeks and immediately following have a special council meeting (executive session) to make a decision. Councilman Lamb seconded the motion. Carried 7/0.

**9. Deputy Mayor:**

A deputy mayor is needed to lead the meetings in the absence of the Mayor and carry out his duties if he is unavailable. Councilman Plaughter made a motion to nominate Councilman Lamb as the deputy mayor. Councilwoman Sutton seconded the motion. Carried 7/0.

**10. Select Signatories:**

Bank signatories are needed to sign city checks. It was decided the Acting City Manager, Sherry Lovett, the Mayor, Eric Wolford, and the Deputy Mayor, Councilman Grady Lamb be the city signatories. Councilman Plaughter made a motion to accept these three names as city signatories. Councilwoman Leda seconded the motion. Carried 6/0/1 with Councilman Lamb abstaining.

**11. City Attorney's Report:**

The City Attorney, Rick Gallagher, provided report on the three major legal issues currently in process with the City as well as mention of other current lawsuits pending. The three major legal issues are as follows:

- A. The City of Salem sewer department is under pending consent order with the DEP regarding I & I (Infiltration and Inflow) problems within the wastewater treatment plant. The city is to provide a plan of action to bring the sewer plant into compliance and to be able to find funding to pay for the problems. This involves the inappropriate discharge of storm water by city residents into the sewer system and other storm water drainage

- B. systems within the city. An extension has been granted until August 1, 2005. The city is under threat of fines as well as additional attorney fees if this is not resolved as soon as possible. The city has reviewed several drafts and the city manager has been working with the attorney handling this case, Rob Lanham. The most recent issues centered around the time line needed to complete the necessary dye testing and line inspections as well as the need to request all fines be removed from the final consent decree. The DEP was asking for a timeline that was not feasible for the city employees to complete and the sewer fund could not afford any fines.
- C. The Lakeview Terrace PSC complaint and administrative order providing for a bladder tank system for residents that request it to address low water pressure problems and the current water system upgrade were the second major legal items before the city. Some residents have received the bladder tank system; however, the water system upgrade will resolve this issue for Lakeview Terrace. The water system upgrade is awaiting PSC approval by issuance of a certificate of convenience and necessity to proceed. This is a multi-million dollar project also initiated under a DEP administrative order to provide for certain upgrades that would bring the water treatment system and plant into compliance. The attorney working on this issue is Bill Porth. The City Attorney states the Mayor needs to work closely with this attorney. The PSC has been requesting further information on this request for the certificate and the attorney has been providing this information as well as the HNTB engineers.
- D. Annexation of city owned properties, Upper and Lower Dog Run Reservoirs as well as the property in and around the water treatment plant, was the third major issue. This was proceeding specifically for at least the plant area. There was discussion of the attorney costs for this project.

There are several other lesser items such as other PSC utility complaints that are either in the process or should be resolved in the near future. The City Attorney recommends the city council provide direction as to whether to proceed with any of these issues as he had been instructed to cease work on all issues until new council is in place. Councilman Lamb made a motion to approve the attorney begin work again on the Sewer Consent order and the Certificate of Convenience for the water system upgrade project. Councilman Daquilante seconded the motion. Carried 7/0. There was further discussion of the need to also proceed with the annexation issue as well as the annexation procedure and process. The need for annexation including the option to expand and develop in the long term future as well as the need to provide a secure area for the city's water supply and the ability to allow the city police to have jurisdiction was noted. The upcoming construction to be done under the water system upgrade will also provide a source of B & O revenue for the city. There are no plans to annex any other areas and the current proposed annexation was for city owned properties only.

Freeholders around the city property have to be notified, however, do not have to give approval. The Chamber of Commerce is in favor of this issue. Councilman Daquilante made a motion to approve the attorney begin work again on the annexation issue. Councilwoman Leda seconded the motion. Failed 2/4/1 with Councilman Lamb abstaining after it was suggested an ethical issue could be involved due to his association with the Salem Rifle and Gun Club.

**12. Water Meters:**

The Public Works Director advised of needed water meters for the water dept. and there was review of estimates for the needed items. This would have to be funded by the water dept. Councilman Lamb made a motion to approve the bid for 50 meters with 15 to be purchased first and the remainder, as funding is available. Councilwoman Sutton seconded the motion. Carried 7/0. The Public Works Director also advised of an injector tube for the soda ash feeder needed at the water treatment plant including the clutch assembly. This would have to be funded by the water dept. Councilman Daquilante made a motion to approve the purchase of the needed items for the injector tube for \$1066 if water funding is available. Councilwoman Leda seconded the motion. Carried 7/0. The Public Works Director offered a tour of the water and sewer treatment plants for new council members.

**13. Garbage Truck Part:**

The Public Works Director reported needed parts for the garbage truck. It has already been sent for repair due to safety concerns. Councilman Daquilante made a motion to approve the purchase of the needed items and parts for the garbage truck for \$453.66. Councilwoman Sutton seconded the motion. Carried 7/0. There was discussion of the need for new dumpsters for the garbage dept. Councilman Lamb made a motion to approve the purchase of a 6 yard dumpster for \$875. Councilman Daquilante seconded the motion. Carried 7/0.

**14. Billing for Cutting of Obnoxious Weeds:**

There was review of the current work being done by the prisoners at private properties. Councilman Daquilante made a motion to submit bills to the property owners for work already done based on the current ordinance. Councilman Lamb seconded the motion. Carried 7/0.

\*\*The City Attorney advised that state statute allows for the current council to approve the previous minutes for June 28, 2005 even though they were not present. Councilman Lamb made a motion to table the minutes until the next meeting. Councilman Plaugher seconded the motion. Carried 6/0/1 with Councilman Daquilante abstaining.

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\*\*Councilwoman Leda reported on an up-coming Chamber of Commerce program at the Depot on July 18th with the Harrison County Development Authority at 7:00 p.m.

\*\*Councilman Lamb requested the tables in the council meeting room be changed to allow the audience better hearing.

\*\*It was noted the billing clerk needs a new printer and an estimate was provided, the Acting City Manager will address.

\*\*The Mayor will assess the status of the citizen complaint, Bill Ayers, regarding construction of a garage. He will contact the Zoning Board of Appeals and address at the next council meeting.

\*\*At 9:26 p.m. Councilman Lamb made a motion to move to executive session to discuss personnel matters. Councilman Daquilante seconded the motion. Carried 7/0.

**EXECUTIVE SESSION**

**15. Personnel Matters**

\*\*At 9:55 p.m. Councilman Daquilante made motion to return to regular session. Councilwoman Leda seconded the motion. Carried 7/0.

\*\*Councilman Daquilante requested tabled issues to be returned to the meeting agendas. He also reminded council that many city boards and committees need member appointments including the Park Board.

\*\*At 10:10 Councilman Daquilante made a motion to adjourn. Councilman Lamb seconded the motion. Carried 7/0.

**TABLED BUSINESS**

1. Policy outlining guidelines for WTP backwash, filter treatment, and WTP Discharges to WWTP.
2. Policy restricting the addition of water customers above a certain elevation and distance from the WTP.
3. Parking Lot Lease Agreement
4. Allegheny Power Street Lighting Agreement
5. Actions on Sponsor Grant Agreements
6. Internet Service
7. Award FEMA RPA George Street Repairs Water Line Stabilization
8. Consideration of Purchasing a Gate and Fencing for Water Dept.
9. Lakeview Terrace Pump Tank Installations

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10. 2004-2005 Budget Digest Request Basketball Court
11. Annexation of City Owned Properties
12. Consideration of Purchase of Power Washer
13. Completion of E-911 Mapping County Project
14. Workshop Committee Meeting Safety Committee and Safety Director (Workplace Violence Policy, Public Health Security and Bioterrorism Preparedness and Response Act of 2002 Emergency Preparedness)
15. Workshop Committee Meeting Personnel Committee (Personnel Handbook and Grievance Procedures)
16. Workshop Committee Meeting Police Committee (Police Dept. Rules and Regulations Operational Manual)
17. Attorney Annual Report
18. Review of Storm Water and Street Repair Complaint Trainer and Traugh Streets

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Mayor

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Recorder