

**Home Rule Borough of Edinboro
COUNCIL MEETING MINUTES
February 13, 2017**

CALL TO ORDER:

Monday, February 13, 2017 the regularly scheduled meeting was called to order by Mayor Mary Ann Horne at 6:33 p.m.

It was noted that Council met in Executive Session on Monday, January 23, 2017 at 6:30 p.m. to discuss a personnel matter.

Pledge of Allegiance

ROLL CALL:

Council members present were Jim Kiley (via phone), Aaron Gast, Mary Ann Horne, Nathan Latimer, and Stephen O'Neill. Absent were Pat Davis and Brenda Cannell.

Also present were Solicitor Tim Wachter, Interim Manager Jason Spangenberg, Andrew Jarvi, Bill Felege, Mary Ann Schenck, Nathan Hirth, Alyssa Dobson, Lorie Bearfield, Michael Feikles, Cal Robinson, and Bridget Jeffery.

Following roll call, Stephen O'Neill moved to go into Executive Session at 6:34 for a personnel matter. Council returned from Executive Session at 7:00.

MINUTES:

Stephen O'Neill moved to approve the January 2, 2017 reorganizational meeting and regular meeting minutes as presented. Aaron Gast seconded, and the motion passed 5-0.

PUBLIC PARTICIPATION:

Mayor Horne opened Public Participation.

Lorie Bearfield, P.O. Box 542, Edinboro. Ms. Bearfield stated that she wanted to know if there was an update regarding the piece of property on Harrison Drive that the Borough is looking to sell. She also asked why the residents and taxpayers do not get an opportunity to meet and ask questions of the final Borough Manager candidates, as was the case with the hiring process of the Edinboro University President. She said that the

process should be more open since the Manager decision will impact the residents and tax payers. Interim Manager Spangenberg replied that there is no update on the Harrison Drive property because he has been too busy with the year-end process and audit to look into it. Mayor Horne added that this is not the best time of year to sell real estate. Ms. Bearfield said that the property has been off the tax rolls for almost two years and something should be done with it.

Cal Robinson, 320 Meadville Street. Mr. Robinson stated that he is also concerned with the process for hiring the Manager. He asked for clarification if the statement in the newspaper that there were three finalists was accurate, and asked if the other applicants were then notified that they were not selected. Aaron Gast replied that the process is still very active and ongoing, stating that no final decisions have been made.

Bill Felege, 9147 Francis Road, Girard. Mr. Felege stated that he was at the meeting representing the West Erie County Emergency Management Agency and would answer any questions that Council may have. Mayor Horne thanked him for coming.

With no further speakers, Mayor Horne closed Public Participation.

COMMITTEE REPORTS:

Finance Committee:

Aaron Gast moved to approve bills paid December 30, 2016 totaling \$128,329.29; bills paid January 9, 2017 totaling \$14,394.94; bills paid January 23, 2017 totaling \$28,925.20; and bills paid February 13, 2017 totaling \$264,247.78. Stephen O'Neill seconded, and the motion passed 5-0.

Aaron Gast moved to approve payroll ending December 31, 2016 and paid January 6, 2017 totaling \$79,985.96; payroll ending January 14, 2017 and paid January 20, 2017 totaling \$68,023.09; and payroll ending January 28, 2017 and paid February 3, 2017 totaling \$83,206.34. Stephen O'Neill seconded, and the motion passed 5-0.

Personnel Committee:

Mayor Horne stated that Barb Baron had resigned from the Zoning Hearing Board and made a motion to promote R. Joseph Bufalino from an alternate to a ZHB member. Aaron Gast seconded the motion and asked how long Mr. Bufalino has been an alternate. Interim Manager Spangenberg replied that it has been a few years. The motion passed 5-0.

Mayor Horne also stated that Greg Lessig has resigned from the Municipal and Water Authority Boards. She thanked him for his many years of service.

Aaron Gast stated for the record that the Manager hiring process is still ongoing and no decisions have been made. He said that all applications and correspondence regarding the process should be sent to Brenda Cannell, chair of the Committee.

MANAGEMENT REPORTS:

Interim Manager Spangenberg presented his report to Council. The Shelhamer Drive sewage lift station project work is substantially complete. Work commenced in December. He said that the final lift station project will be completed this year.

Docks on Edinboro Lake are in need of major repair or replacement. Mr. Spangenberg said that the total cost to replace all of the docks would be over \$300,000. He said that a public forum meeting will be held in June to allow all dock users the opportunity to express their opinion about the future of the docks.

The year-end financial audit was completed the week on January 30. Mr. Spangenberg said that the audit was as clean and smooth as ever, and the full audit report will be available in March.

Regarding the open case of Damon Huston v. the Zoning Hearing Board, Mr. Spangenberg attended a mediation session on January 13 where the two sides attempted to come to a settlement. He said that a second mediation session will be scheduled with hopes of not needing to go back for a second hearing.

Mr. Spangenberg stated that, as per Council's vote at the previous meeting, he has ended the Borough's agreement with CGI Communications and removed their video from the Borough website. He said that the video has been replaced by the PBS "Our Town" special on Edinboro.

The PENNVEST Board approved the Water Authority's application for a \$7 million loan at their meeting on January 25. The Water Authority Board met this evening and voted to accept the loan. At any point within the next six months, the Authority can decide to reduce the amount of the loan if desired.

Mr. Spangenberg spoke with a representative regarding the customized bike racks that were first discussed in 2016. She informed him that they are awaiting a quote from the manufacturer so they can determine how many racks the Borough will receive. She also said that the racks must be installed by the end of May as part of the agreement to provide them to the Borough at no cost.

Mr. Spangenberg said that Edinboro Community Night with the Erie Seawolves has been scheduled for Friday, July 14. He said that he plans to have flyers distributed to the local businesses, and also said that the Seawolves will allow for suggestions for people to throw out the first pitch or sing the national anthem.

Finance:

Mayor Horne noted that the 2017 County Liquid Fuels budget has been received, and Interim Manager Spangenberg stated that the Borough's portion has increased by about \$2,000 for 2017. This is due to the increase in the state-wide tax on gasoline.

Emergency Management:

Mr. Spangenberg asked Solicitor Wachter to discuss the process required for appointing Andrew Jarvi and the West Erie County Emergency Management Agency (WECEMA) as the Borough's Emergency Management Coordinator (EMC). Solicitor Wachter explained that Council would need to pass an ordinance, a resolution, and approve an Intergovernmental Cooperation Agreement and an Independent Contractor Agreement. He said that the ultimate appointment is made by the Governor, so Council would be recommending the appointment of Andrew Jarvi and the WECEMA to the Governor. Solicitor Wachter continued, stating that the EMC position now requires a greater amount of knowledge and comes with a greater amount of sophistication than it used to, so municipalities are tending more and more to appoint third party organizations such as the WECEMA for this important duty. He also said that joining the WECEMA will allow for the sharing of equipment in emergency situations between the Borough and the other member municipalities. Stephen O'Neill moved to approve Ordinance 605, approve Resolution 6-2017, and approve the signing of the Intergovernmental Cooperation Agreement and the Independent Contractor Agreement all at once. The full documents are shown below:

**BOROUGH OF EDINBORO
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 605**

**AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY,
PENNSYLVANIA, PROVIDING FOR ENTERING INTO AN INTERGOVERNMENTAL
COOPERATION AGREEMENT WITH THE EXISTING WEST ERIE COUNTY
EMERGENCY MANAGEMENT AGENCY COUNCIL OF GOVERNMENTS AND ANY
OTHER INTERESTED MUNICIPALITIES WHO MAY WISH TO JOIN LOCATED
WITHIN ERIE COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF ESTABLISHING
ONE JOINT EMERGENCY OPERATIONS PLAN FOR THOSE PARTICIPATING
MUNICIPALITIES.**

WHEREAS, various municipalities located within Erie County, Pennsylvania desire to enter into an Intergovernmental Cooperation Agreement to form a Council of Governments (COG) and to adopt a Joint Emergency Operations Plan as their municipal operations plan; and

WHEREAS, said municipalities, for the purpose of carrying the provisions of the Intergovernmental Cooperation Act into effect, deem it appropriate to enter into such agreement; and

WHEREAS, said municipalities have determined that the residents of each municipality will be best served by adopting the Joint Emergency Operations plan as their own plan rather than having separate emergency operations plan in each of the respective municipalities;

NOW, THEREFORE, by the authority of and pursuant to the provisions of 53 Pa. C.S.A., Chapter 23, and pursuant to the authority and the provisions of the Emergency Management Services Code, 35 Pa. C.S. 7101-7707, as amended, The Borough of Edinboro hereby ordains:

- Parties and Purpose

The Borough of Edinboro hereby resolves to enter into an intergovernmental cooperation agreement with the other municipalities of the existing COG and such other municipalities as would desire to enter into an intergovernmental cooperation agreement in the future, and hereby agree that the Joint Emergency Operations Plan will serve as the emergency operations plan for each municipality that signs the intergovernmental cooperation agreement.

- Conditions of Agreement

The conditions of the intergovernmental cooperation agreement to be entered into between the participating municipalities and the county are described as follows:

The municipalities agree that they shall adopt and declare the Joint Emergency Operations Plan to be the emergency operations plan of each of their municipalities for the purpose of fulfilling the requirement in subsection 7503(1) of the emergency management services code to prepare, maintain, and keep current a disaster emergency management plan for each of their municipalities.

Each municipality shall annually review the Joint Emergency Operation Plan and recommend changes, improvements or additional information to the plan in order to ensure that the plan adequately addresses the public safety and welfare needs of each municipality's residents.

Section 3 – Duration of Agreement

The Agreement shall be for an indefinite terms. Any municipality can withdraw from the Agreement upon sixty (60) days notice.

Section 4 – Purpose and Objective of Agreement

The purpose and objectives of the Agreement are to carry out all powers and duties as set forth in the Emergency Management Services Code, 35 Pa. C.S. §7503 as may be amended from time to time.

Section 5 – Organizational Structure

The organizational structure shall be governed and controlled by the terms and conditions of the Agreement as set forth in Section III of the Agreement as may be amended from time to time.

Section 6 – Real and Personal Property

Personal property may be acquired by the participatory municipalities subject to the review and approval of each. No acquisition of real property is authorized.

Section 7 - Benefits

There is no authority to hire employees; therefore, the entity created has no power to enter into contracts for group insurance or unemployment benefits.

Section 8 - Repeal of Inconsistent Resolutions and Ordinances

All resolutions and ordinances, or parts of either, which are inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 9 - Invalidity

The invalidity of any part of this Ordinance shall not affect the validity of any other party of this Ordinance.

Section 10 - Registration with County

A copy of this Ordinance shall be filed with the Erie County Emergency Management Agency and shall remain in effect unless amended. Any amendments shall also be filed with the Erie County Emergency Management Coordinator.

Section 11 - Effective Date

This Ordinance shall become effective five days following enactment by the Borough of Edinboro.

**HOME RULE BOROUGH OF EDINBORO
ERIE COUNTY, PENNSYLVANIA
RESOLUTION NO. 6-2017**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO PURSUANT TO THE PENNSYLVANIA EMERGENCY MANAGEMENT SERVICES CODE, 35 PA.C.S. §7101 ET SEQ., 35 PA.C.S. §7501, ET SEQ, RECOMMENDING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR TO THE GOVERNOR.

WHEREAS, the Emergency Management Services Code, 35 Pa.C.S. §7502(a), requires that municipalities have an Emergency Management Coordinator who is responsible for the planning, administration and operation of the emergency management operations of the Borough; and

WHEREAS, the Emergency Management Services Code requires that the Emergency Management Coordinator be appointed by the Governor upon the recommendation of the Borough Council, 35 Pa.C.S. §7502(c); and

WHEREAS, the Borough Council desires to recommend to the Governor Andrew Jarvi of the West Erie County Emergency Management Agency for appointment to serve as the Borough's Emergency Management Coordinator pursuant to the Emergency Management Services Code.

NOW, THEREFORE, pursuant to Section 7502(c) of the Emergency Management Services Code, 35 P.S. §7502(c), be it hereby RESOLVED by the Borough Council of the Home Rule Borough of Edinboro as follows:

1. The Borough Council of the Home Rule Borough of Edinboro hereby recommends Andrew Jarvi of the West Erie County Emergency Management Agency to serve as the Borough's Emergency Management Coordinator.

2. That the Interim Borough Manager is directed to forward a copy of this Resolution, and any other necessary paperwork, to the Emergency Management Coordinator for Erie County, who shall forward the appointment recommendation to the Governor.

This Resolution Number 6-2017 is duly adopted this 13th day of February, 2017, by the Borough Council of the Home Rule Borough of Edinboro, Erie County, Pennsylvania, in a lawful session duly assembled.

EDINBORO BOROUGH ERIE COUNTY, PA

INTERGOVERNMENTAL COOPERATION AGREEMENT JOINT EMERGENCY OPERATIONS PLAN

This Intergovernmental Cooperation Agreement dated as of the 13th day of February, 2017 by and among Edinboro Borough and the municipalities of the West Erie County Emergency Management Agency Council of Governments (hereinafter referred to as "Agency" or "COG", all located in Erie County Pennsylvania (hereinafter referred to as the "Participating Municipalities").

Section I. Authority

The Emergency Management Services Code, 35 Pa. C.S., Section 7101 et seq. (hereinafter the "Code"), authorizes and encourages municipalities to enter into intergovernmental cooperative agreements for the purpose of establishing a local emergency management organization with responsibility for merging management, response and recovery within the territorial units of the participating municipalities.

Section II. Participation in Agreement

All Participating Municipalities shall approve the Joint Emergency Operations Plan and are authorized and directed to enter into this Intergovernmental Cooperation Agreement.

Section III. Organization

The Agency is created and existing under and by virtue of the authority of the Code and this Agency shall be comprised of representatives of the Participating Municipalities. The participation of each municipality in this Agency shall be governed and controlled by the terms and conditions of this Agreement, as duly amended; the provisions of the applicable Pennsylvania laws and regulations: by-laws that may be adopted by the Participating Municipalities; and such other policies as may be duly adopted by the Agency in accordance with this Agreement.

Section IV. Finances

The Agency and its activities shall be operated with funds provided by the Participating Municipalities and such other grants or funding as may be available.

Section V. Term

The Agency and the Agreement governing it shall be for an indefinite term and dependent upon the continued participation of the various member municipalities. The Participating Municipalities can withdraw from the Agency upon sixty (60) days notice.

Section VI. Municipality Participation

- A. The governing body of each Participating Municipalities shall appoint such persons or representatives as shall be necessary to serve on the Agency.
- B. The governing body of each Participating Municipality shall authorize, budget, appropriate and pay in a timely manner such initial and annual fees and other necessary charges to provide the Agency with fiscal resources for its operational requirements.

- C. Municipal Officials and employees of the Participating Municipality shall cooperate fully with the Agency to accomplish the goals and objectives of the Agency.

Section VII. Agency Powers and Duties

The powers and duties of the Agency, its officials, employees and representatives, shall include the following:

- A. The Agency shall recommend the appointment of an individual to serve in an independent contractor status as the Emergency Management Coordinator ("EMC") for the territorial limits of the Participating Municipalities with responsibility for operational control of emergency response operations within the territorial limits of the Agency. The EMC will work as an independent contractor in accordance with the terms and provisions of an Independent Contractor Agreement signed by the EMC and the Agency.
- B. Subject to review and approval of each of the Participating Municipalities, the Agency shall prepare and maintain a Joint Emergency Operations Plan that can be implemented for response to emergencies affecting the Participating Municipalities.
- C. Subject to review and approval of each of the Participating Municipalities, the Agency shall be responsible for planning and resource development for emergency operations within the territorial limits of the Participating Municipalities.
- D. Subject to review and approval of each of the Participating Municipalities, the Agency shall carry out all other powers and duties of the Participating Municipalities as set forth in the Code, at 36 Pa. C.S. § 7503 as may be amended from time to time.

Section VIII. Property

Subject to review and approval of each of the Participating Municipalities, the Agency may acquire, manage, or dispose of property. No acquisition of real property or real estate is authorized.

Section IX. Agency Employees

There is no current authority for Agency employees. Service in the Agency is on a voluntary basis by the Participating Municipalities.

Section X. Severability

Should any section, part or provision of this Agreement be declared by an appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and part hereof shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

EDINBORO BOROUGH

Independent Contractor Agreement
(Emergency Management Coordinator)

Edinboro Borough, with offices located at 124 Meadville Street, Edinboro, PA 16412, is entering into an agreement this 13th day of February, 2017 with participating municipalities that have, by Ordinance, entered into the Intergovernmental Cooperation Agreement for a Joint Emergency Operations Plan (collectively, the "Municipalities") and Andrew Jarvi, the Emergency Management Coordinator.

Mr. Jarvi will abide by the specifications set forth on the agreement of June 13, 2016 signed by West Erie County EMA President, Bill Felege and Mr. Jarvi.

Aaron Gast seconded the motion to approve all items presented, and the motion passed by 5-0 roll call vote: Nathan Latimer, yes; Aaron Gast, yes; Jim Kiley, yes; Pat Davis, absent; Brenda Cannell, absent; Stephen O'Neill, yes; Mary Ann Horne, yes.

Police:

Mayor Horne stated that letters were received commending Officers Eaglen and Silva, and asked that these letters be placed in their employment files as recognition of their good work.

COMMUNITY LIAISONS:

Municipal & Water Authority:

Aaron Gast stated that the Authority board meeting this evening was very productive and very engaging, and said that the projects underway are going to be top notch.

EVFD:

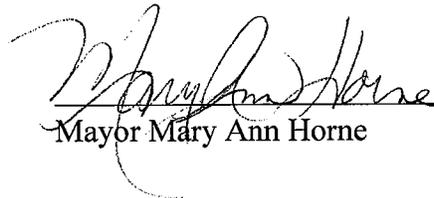
Mayor Horne said that the most recent EVFD board meeting was cancelled, so she did not have an update to provide regarding the EMS plans.

ADJOURNMENT:

Aaron Gast moved for adjournment, and the meeting was adjourned at 7:25 p.m.

ATTEST:


Interim Manager Jason Spangenberg


Mayor Mary Ann Horne