

**Borough of Edinboro
Council Meeting Minutes
January 6, 2020**

CALL TO ORDER:

Monday, January 6, 2020 the regularly scheduled meeting was called to order by Mayor Aaron Gast at 6:45 PM.

Pledge of Allegiance

ROLL CALL:

Council members present were Jim Kiley, Aaron Gast, Fred Langill, Mark Eisert, Mary Ann Horne, and Pat Davis. Absent was Alyssa Dobson.

Other officials present were Borough Manager Kevin Oppe, Solicitor Chris Sennett, and Finance Director Jason Spangenberg. Citizens present were Sam Comfort, Rick Chernicky, Mary Schenck, Curtis Hals, Eric Cunningham, Jeff Pepper, and Garth Watson.

MINUTES:

Jim Kiley moved to approve the December 9, 2019 regular meeting minutes as presented. Mary Ann Horne seconded, and the motion passed 6-0.

PUBLIC PARTICIPATION:

Two representatives from Watson Diesel, Inc. were present and provided Council with their company's information for consideration in future projects.

Curtis Hals, 136 Maple Drive. Mr. Hals spoke on behalf of the Edinboro Market, reporting some information about the Market's impact. The Market has been open for just over two years and has put over \$240,000 into the local economy in that time, with sales up 9% from 2018 to 2019. They have helped local producers refine their products as well as introduce new products. Council thanked him and congratulated him on the Market's success.

COMMITTEE REPORTS:

Finance Committee:

Mary Ann Horne moved to approve bills paid December 20, 2019 totaling \$69,012.48; and paid December 31, 2019 totaling \$24,483.27. Jim Kiley seconded, and the motion passed 6-0.

Mary Ann Horne moved to approve payroll paid December 20, 2019 totaling \$78,921.60; and paid January 3, 2020 totaling \$81,649.84. Jim Kiley seconded, and the motion passed 6-0.

Ordinance Review Committee:

Mayor Gast briefly explained Ordinance 619, which would clean up a few minor items in the code at the request of BIU. He moved to approve Ordinance 619 and include the change recommended by Erie County to change any instances of “Retail Services” in the ordinance to “Retail Business.” The full Ordinance is shown below:

*BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance No. 619*

AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA AMENDING PART 2 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED DEFINITIONS, AMENDING AND PROVIDING FOR DEFINITIONS OF AWNINGS, PROFESSIONAL SERVICES, AND RETAIL BUSINESS; AMENDING PART 3 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED DISTRICT REGULATIONS, AMENDING AND PROVIDING FOR ACCESSORY BUILDINGS AS A PERMITTED USE IN A C-2 DISTRICT; AMENDING PART 5 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED ADMINISTRATION, ENFORCEMENT, AND APPEALS, PROVIDING FOR AN EXPIRATION FOR ZONING CERTIFICATES AND ZONING PERMITS; AND PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Home Rule Borough of Edinboro (the “Borough”) has previously codified enacted ordinances as the Borough Code (the “Code”); and

WHEREAS, the Borough desires to amend Chapter 27 of the Code, known as the Zoning Ordinance, specifically to amend Part 2 to include definitions of “awnings,” “professional services” and “retail business”; and

WHEREAS, the Borough desires to amend Chapter 27 of the Code, specifically to amend Part 3 to include “accessory buildings” as a permitted use in the C-2 Periphery Business District; and

WHEREAS, the Borough desires to amend Chapter 27 of the Code, specifically to amend Part 5 to include an expiration period for Zoning Permits and Zoning Certificates; and

WHEREAS, the Borough has the power and duty to enact ordinances to promote the health, safety, and general welfare of Borough residents and visitors; and

WHEREAS, the Home Rule Borough of Edinboro hereby ordains and enacts the following:

Section 1. *That Section 202 of Part 2 of Chapter 27 of the Code be amended through the inclusion of the underlined terms as follows:*

§27-202 Specific Terms . . .

APPLICATION FOR DEVELOPMENT

Every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development, including, but not limited, to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AWNING

A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use . . .

PROFESSIONAL OFFICE

The office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation.

PROFESSIONAL SERVICES

Those services provided by a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation. . .

RESTAURANT, DRIVE THROUGH

Restaurants specializing in fast food with drive-through facilities.

RETAIL BUSINESS

A business establishment or office engaged in selling goods or merchandise to the general public for personal or household consumption and rendering retail services incidental to the sale of such goods.

Section 2. *That Section 306 of Part 3 of Chapter 27 of the Code be amended through the inclusion of underlined terms as follows:*

§27-306 Permitted Uses, Conditional Uses and Special Exceptions . . .

C-2 Periphery Business District

Permitted Uses

Retail Business

Professional Services

Eating and Drinking Places (Not Drive-Through)

Theaters

Accessory Uses

Accessory Buildings

Essential Services

Home Occupations

Banks and Financial Institutions

Section 3. *That Section 503 of Part 5 of Chapter 27 of the Code be amended through the inclusion of the underlined terms as follows:*

§27-503 Permits and Certificates

1. *Zoning Permits. In order to be approved, an application for a zoning permit must show compliance with this and other appropriate Borough ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. A zoning permit shall be valid for two (2) years from the date of issuance after which time it shall become null and void. After the expiration of two (2) years, an application must be filed for another permit as though the permit had never been issued. . .*

3. *Zoning Certificate. The zoning certificate shall be issued upon request to confirm that the use of land or building with the Borough is in compliance with this chapter. The exact form of the certificate and fees charged shall be determined by the Borough. Individuals wishing to register legal nonconforming uses or nonconforming structures can do so by requesting a zoning certificate. The Zoning Officer shall issue same when he can clearly determine that such use or structure meets the criteria (see Part 2, "Definitions") set forth by this chapter. If such a request does not meet such criteria, or if the Zoning Office is unable to determine same, then he shall deny the request. A zoning certificate shall be valid for two (2) years from*

the date of issuance after which time it shall become null and void. After the expiration of two (2) years, an application must be filed for another certificate as through the certificate had never been issued . . .

Section 4. Repealer

Any ordinances, rules or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby repealed.

Section 5. Severability

The provisions of this Ordinance are severable. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Directions to Borough Manager

The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book and take all such actions as are required by the Home Rule Charter of the Borough and to amend the Borough Code as may be necessary.

Section 7. Effective Date.

This Ordinance shall be effective on the tenth (10th) day following the enactment of this Ordinance, as indicated below.

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO on the date first indicated above.

Mary Ann Horne seconded, and the motion passed by 6-0 roll call vote: Mark Eisert, yes; Jim Kiley, yes; Mary Ann Horne, yes; Pat Davis, yes; Fred Langill, yes; and Aaron Gast, yes.

MANAGEMENT REPORTS:

Manager Oppe presented his monthly report. He is still working with Randalee Gross at the library and they have scheduled times where we will have computers available to the public to record their census information. The dates are scheduled for Monday 23 March Edinboro Library 2-8 PM, Tuesday 24 March Edinboro Borough Hall 2-8 PM, Wednesday 8 April Edinboro Library 1-5 PM, and Thursday 9 April Edinboro Borough Hall 2-8 PM. The university is also looking to support census-taking but haven't solidified plans yet.

The ECED's committee for ECGRA façade grants is deliberating on the criteria for the next round of façade grants. They are discussing allowing improvements on sides of the buildings that are not adjacent to the street but can be seen from the street. The Borough still plans to refurbish the downtown street light poles and lamps as part of the grant, hoping to bid out the contracts in February or March.

The Borough has been awarded a \$25,000 parks grant from ECGRA to purchase playground equipment for Thompson Park as a part of the revitalization of the courts that is scheduled to occur in the summer, using CDBG money for court renovations as our match. We will still need to pay ~\$4,000, but would get a nice playground set including a swing set, slide, and a couple of climbing items for the money. It also includes the mulch and border for safety.

Manager Oppe will be attending the Census 2020 Ambassadors training on Thursday at the Blasco Library.

Finance:

Mary Ann Horne moved to approve Resolution 5-2020:

**BOROUGH OF EDINBORO
RESOLUTION NO. 5-2020**

WHEREAS, by virtue of Resolution No. 12-2001, adopted October 8, 2001, the Home Rule Borough of Edinboro, Erie County, Pennsylvania declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and,

WHEREAS, the Municipal Records Manual was updated and approved on December 16, 2008 and amended on July 23, 2009, and Edinboro Borough Council intends to follow the most up-to-date version, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFOR, BE IT RESOLVED by Council of Home Rule Borough of Edinboro, Erie County, Pennsylvania, assembled this 6th day of January, 2020 in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Prior 2013 – records requiring 7 year retention:

<i>Insurance claims and policies</i>	<i>Public Utility Realty Reports</i>	
<i>Treasurer Bond Certificates</i>	<i>Job Announcements</i>	
<i>Workers Compensation records</i>	<i>Realty Transfer records</i>	
<i>Civil Service examination records and answer sheets</i>		
<i>Recommendations of Civil Service Applicants for appointments</i>		
<i>Earned Income Tax ledgers/journals/forms/receipts</i>		
<i>Bills/invoices</i>	<i>Accounts payable files & ledgers</i>	
<i>Cancelled checks</i>	<i>Employee expense reports</i>	
<i>Purchase Order files</i>	<i>Any other records require 7yrs</i>	
<i>Accounts Receivable files & ledgers</i>	<i>Cancelled notes</i>	<i>Rental permits</i>
<i>Daily Cash Records</i>	<i>Deposit slips</i>	<i>Soliciting permits</i>
<i>Surplus property sales files</i>	<i>Utility and Paid Service Receipts</i>	
<i>Voucher files</i>	<i>Bank statements</i>	
<i>Bank reconciliations</i>	<i>Check registers</i>	

Prior 2015 – records requiring 5 year retention:

Ethics Commission Statements of Financial Interest
Delinquent Tax Remittance - any other items requiring 5 years
CSC appeals, removal, eligibility lists, examinations
CSC recommendations records
HRA records

Prior 2010 – records requiring 10 year retention: *Proof of publications* *Press releases*

NEW BUSINESS:

Mayor Gast welcomed new Council member Mark Eisert.

Fred Langill discussed the importance of Council members attending a meeting at Washington Township on January 22 for the purpose of evaluating a way to help the local volunteer fire departments overcome challenges with declining volunteerism and increasing costs. He stressed the critical nature of the issue and noted the importance of all local entities working together for a solution.

ADJOURNMENT:

Mary Ann Horne moved for adjournment, and the meeting was adjourned at 7:03 PM.

ATTEST:



Manager Kevin Oppe



Mayor Aaron Gast