

**Home Rule Borough of Edinboro
COUNCIL MEETING MINUTES
March 12, 2018**

CALL TO ORDER:

Monday, March 12, 2018 the regularly scheduled meeting was called to order by Mayor Aaron Gast at 6:33 P.M.

Pledge of Allegiance

ROLL CALL:

Council members present were Jim Kiley (via phone), Aaron Gast, Pat Davis, Alyssa Dobson, Mary Ann Horne, Nathan Latimer, and Fred Langill.

Also present were Solicitor Tim Wachter, Manager Kevin Opple, Finance Director Jason Spangenberg, Maryann Mook, Cal Robinson, Pat Koloskee, Carol Yankovich, and Carole Amross.

MINUTES:

Mary Ann Horne moved to approve the February 26, 2018 regular meeting minutes as presented. Pat Davis seconded, and the motion passed 7-0.

PUBLIC PARTICIPATION:

No speakers were present.

COMMITTEE REPORTS:

Finance Committee:

Mary Ann Horne moved to approve bills paid March 12, 2018 totaling \$121,350.29. Alyssa Dobson seconded, and the motion passed 7-0.

Mary Ann Horne moved to approve payroll ending February 24 and paid March 2, 2018 totaling \$94,738.69. Pat Davis seconded, and the motion passed 7-0.

Personnel Committee:

Mayor Gast moved to approve the updated Management Handbook. Mary Ann Horne seconded. Manager Opple explained that this was mostly to bring the Handbook in line with the recently approved Non-Uniform Agreement. The motion passed 7-0.

Mayor Gast moved to approve the Employee Drug and Alcohol Policy. Mary Ann Horne seconded. Manager Opple stated that this policy just puts into writing what we already do regarding employee testing. It outlines situations which allow us to test an employee for drugs or alcohol. We already test automatically when an accident occurs. We cannot legally randomly test all employees; only those with a CDL. The motion passed 7-0.

MANAGEMENT REPORTS:

Manager Opple presented his report to Council. The interior of the new water building is into the final stages. No issues have arisen, and the project is on pace to be completed before mid-summer. The brick laying on the outside of the building may delay completion slightly. Manager Opple showed the building to Fred Langill and he reminded Council that they are all welcome to go inside.

The Adams Street sewage lift station is operational; only final touches remain.

The EU wastewater certification courses have been certified by the DEP and will start this fall. The University's marketing department is preparing a promotional brochure, which Butch and Rob will be able to take and distribute at the PA Rural Water conference next week.

A meeting was held on March 5 for business owners to receive information about the ECGRA Façade Grant application process. We anticipate receiving plenty of applications.

Manager Opple will be attending the PELRAS conference in State College this week.

The March Town & Gown meeting was canceled by the University. Manager Opple let them know of our disappointment.

Nathan Latimer asked about the work being done on Harrison Drive. Manager Opple said that it is prep work for the new water line to be installed.

Mary Ann Horne asked for an update on Perkins. Manager Opple replied that he did not have a new update, but we have been told that they plan to reopen in late spring.

Manager Opple discussed EU Spring Fest, an event planned for April 26 by Tim Thompson. The event will be at the same location as the fall block party and will feature music, games, and potentially beer tasting. The EU Foundation is applying to the LCB for a permit.

Fred Langill moved to approve the road closing for Spring Fest. Mary Ann Horne seconded, and the motion passed 7-0.

Manager Oppe explained Ordinance 609, which was up for approval. The ordinance is a required part of the process for PENNDOT to perform rehabilitation to the Erie/Chestnut Street bridge over the dam. This ordinance allows intergovernmental cooperation with PENNDOT and approves expense reimbursement. Mary Ann Horne moved to approve the ordinance. Mayor Gast seconded, and the motion passed by 7-0 roll call vote: Alyssa Dobson, yes; Fred Langill, yes; Nathan Latimer, yes; Mary Ann Horne, yes; Pat Davis, yes; Jim Kiley, yes; and Aaron Gast, yes.

Finance:

Real Estate Tax Collector Rhonda Walker submitted a request to Council to pass an ordinance that would allow her to collect fees for out-of-pocket expenses including tax certifications, NSF check fees, and duplicate tax bills. Solicitor Wachter stated that Council would need to pass an ordinance to approve this. Fred Langill asked if there was already an ordinance in place to address this. Solicitor Wachter said that there was not. Mr. Langill asked if the fees could be billed through the Borough. Solicitor Wachter said that they could not since the money never hits the Borough books. He suggested that we ask Ms. Walker for a sample ordinance. Mary Ann Horne moved to request a sample ordinance and allow Solicitor Wachter to draft an ordinance for our situation. Aaron Gast seconded, and the motion passed 7-0.

Emergency Management:

Jason Spangenberg explained that a motion was needed to appoint Chuck Kanarr as our Emergency Management Coordinator, replacing Andrew Jarvi. He said that Mr. Jarvi had resigned and Mr. Kanarr had already been appointed as his replacement by the WECEMA board. Mary Ann Horne moved to appoint Chuck Kanarr as our EMC. Pat Davis seconded, and the motion passed 7-0.

OTHER OLD BUSINESS:

Mary Ann Horne moved to approve Resolution 7-2018, shown below:

*BOROUGH OF EDINBORO
RESOLUTION No. 7-2018
ADOPTING RULES OF BOARD PROCEDURE*

Whereas, The Borough of Edinboro adopted a Home Rule Charter on or about May 21, 1974 (the "Charter"); and

Whereas, Article VI of the Charter provides for certain provisions pertaining to the Operations and Proceedings of Borough Council; and

Whereas, Section 606 of the Charter provides that the “[m]eetings of the Borough Council shall be open to the public and shall be conducted according to the rules of procedure that shall be adopted from time to time by the Council. Such rules shall be designed to assure full and equal participation in the deliberations of Council by all of its members,” and

Whereas, the Borough Council desires to adopt such rules of Board Procedure as set forth in this Resolution.

NOW, THEREFORE, this 12th day of March, 2018, be it hereby RESOLVED by the Borough Council of the Borough of Edinboro, the following:

Robert’s Rules. *In the absence of any special rule contained herein or within the Home Rule Charter, as may be amended, Robert’s Rules of Order Newly Revised, shall be considered authority on parliamentary law.*

Call to Order. *A quorum being present, the Mayor shall take the chair and call the members to order. Once the meeting is called to order, and except for personal privilege, no member shall leave before the close of the session without the permission of the Mayor.*

Mayor Serves as Chair. *The Mayor shall serve as Chair and Parliamentarian of the Board. The Mayor may consult with, or, at the Mayor’s discretion, defer to the Solicitor on any items pertaining to parliamentary procedure or these Rules of Board Procedure.*

Agenda and Order of Business. *The Mayor shall be responsible to determine the contents of the agenda and the order of business prior to each regular and special meeting. Any member of Council who wishes to bring up a new item of business shall submit a copy of said item, with appropriate explanation where necessary, to the Borough Manager and Mayor at least ten (10) days prior to the meeting. The Mayor shall determine whether the item shall be incorporated into the New Business of the meeting. At any regular or special meeting of the Council after a member of Council submitted an agenda item and it was rejected by the Mayor, a 2/3’s majority of Council may, by motion, override the decision by the Mayor to not incorporate an item into the New Business of any meeting. Such a motion is in order if taken during the New Business portion of the agenda. If it the decision of the Mayor is so overridden, the agenda item is to be incorporated into the New Business portion of the agenda for the current meeting.*

Motions.

Debatable Motion. *No motion shall be subject to debate until it has been seconded and stated by the Mayor or the Deputy Mayor.*

Appeals. *The Mayor shall decide all question of order. In case of appeal, the question shall be: “Shall the decision of the Mayor be sustained?”, and until it is decided, all debate on the pending question shall be suspended.*

Withdrawing Motions.

When a motion has been made and seconded the same may be withdrawn by the mover, with the consent of the second, before final action has been reached, provided no one objects.

If objection is made, leave to withdraw may be granted by a majority vote of the Board on a motion to that effect moved by another member.

Motions Entertained.

When a motion is before the Board, no other motion shall be entertained except to adjourn, to recess, to lay on the table, to close debate, to refer, to postpone indefinitely, to postpone to a certain time, or to amend, and the motions shall take precedence in the order above named.

A motion to adjourn, to recess, to lay on the table, or to close debate shall be decided without debate.

All motions require a majority vote to pass, except a motion to close debate which requires a two-thirds vote.

Any member may call for a division of the question when the content of the question would permit a division.

Close Debate.

When the Board has decided to close debate, the vote shall be taken first on the amendments, then on the main question.

Debate is closed when a member states, "I move the previous question", "I call the question," or "I move that we close debate and vote immediately on the pending question." Such a motion is not debatable and requires a 2/3 vote to be adopted.

Reconsideration.

The reconsideration of a vote may be moved at the same session at which the vote is taken, or at the next regular session, by any member who voted with the majority, and a matter thus finally decided shall not be acted upon again within a period of three months, unless by consent of six members of the Board.

A motion to reconsider requires a 2/3 vote to be adopted.

A motion to reconsider cannot be applied to the vote on any motion, except a prior motion to reconsider, where the provisions have been partly carried out, or where the vote on the motion has caused something to be done that is impossible to undo.

Speaking on the Question. *When a member is about to speak on any question, he/she shall confine himself/herself to the question in debate and shall avoid personalities.*

Limit of Discussion. *No member shall speak more than five minutes on any motion or resolution under discussion, and no member shall speak more than twice (ten minutes total) on the same question, without the consent of the Board.*

No Interruptions. *No member shall be interrupted when speaking except by a call to order, or for the purpose of correcting mistakes or misrepresentations. If a member be called to order he/she shall immediately cease speaking until the point is decided by the Mayor.*

Voting.

Members Shall Vote. *All members shall vote on every question, provided, however, that the member shall refrain from voting as may be required by the Ethics Act or any other law. In all Roll Call votes the Mayor's vote shall be cast after all other members have voted.*

Demand Vote. The ayes and nays shall be called and entered on the minutes whenever required by law or demanded by any member of the Board.

No Proxy. No proxy votes are permitted.

Delayed Vote Not Allowed. No member shall be allowed to postpone his/her vote or to cast his/her vote on any question after the result has been announced by the Mayor.

Vote on Separate Item. Whenever a member of the Board requests a vote on a particular item separate and apart from other items, such request shall be granted by the Mayor without a debate.

This Resolution Number 7-2018 is duly adopted this 12th day of March, 2018, by the Borough Council of the Home Rule Borough of Edinboro, Erie County, Pennsylvania, in a lawful session duly assembled.

Fred Langill seconded, and the motion passed by 7-0 roll call vote: Pat Davis, yes; Jim Kiley, yes; Fred Langill, yes; Nathan Latimer, yes; Mary Ann Horne, yes; Alyssa Dobson, yes; and Aaron Gast, yes. Mr. Langill stated his appreciation for Council considering his suggested edit to the resolution.

COMMUNITY LIAISONS:

Watershed Association:

Mary Ann Horne stated that the Watershed Association was set to receive \$5,000 from the PA Environmental Council in recognition of the rain garden project at General McLane. She thanked Steve Halmi and Brian Zimmerman for their work.

EVFD:

Mary Ann Horne stated that the paid EMS service allowed the EVFD to have only three dropped calls in February. Mobilcom will be installing the new County radio system; the old system will be kept as a backup. The Installation of Officers Dinner is scheduled for March 24. The social club is progressing although there is not yet an anticipated opening date. Fred Langill said that it will be a fabulous facility. Ms. Horne added that the EVFD Board is discussing asking municipalities for a tax incentive for volunteers.

Triathlon:

Pat Davis said that there will not a be a Triathlon this year, but a new management team has come forward, and they are planning to bring it back in 2019.

NEW BUSINESS:

Fred Langill said that he would like there to be a public meeting with Borough management, Council, and citizens present for people to express their opinions. Council Member Horn stated that that is the purpose of a Council meeting. Manager Opple concurred and added that the Pennsylvania Open Meetings Act (Sunshine Law) is in place to protect citizens from legislative bodies making law outside of a public forum. Mr. Langill replied that he would like there to be a less formal meeting. Solicitor Wachter explained that the Sunshine Law does not allow a meeting with a quorum of Council present to be so informal, because all dialog for the purpose of forming an opinion for official action must be kept in meeting minutes.

A citizen in attendance asked who is responsible for tree branches approaching a power line. Manager Opple said that Penelec is responsible and does not allow us to touch such branches. Solicitor Wachter said that the citizen should contact the Public Utility Commission with any concerns.

Another citizen asked about a noise ordinance. Manager Opple said that we could provide her with such information after the meeting.

ADJOURNMENT:

Mary Ann Horne moved for adjournment, and the meeting was adjourned at 7:15 p.m.

ATTEST:



Manager Kevin Opple



Mayor Aaron Gast