

**Home Rule Borough of Edinboro
COUNCIL MEETING MINUTES
July 9, 2018**

CALL TO ORDER:

Monday, July 9, 2018 the regularly scheduled meeting was called to order by Mayor Aaron Gast at 6:31 P.M.

Pledge of Allegiance

ROLL CALL:

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

Also present were Solicitor Tim Wachter, Manager Kevin Opple, Finance Director Jason Spangenberg, Eric Hammill, Maryann Mook, E.R. McFadden, Franklin May, Dennis Porto, Mark Eisert, Greg Lucas, Candice Leslie, AJ Leslie, Wayne Bradford, Jack Corey, Kip Allen, Cheryl Allen, David Mussett, Gina Mussett, Robin Craft, Jeff Craft, George Roberts, Carrie Crow, Kevin Hayes, Todd Jay, Andy Schulz, Lorri Schulz, Dave Baney, Brian Schulz, Sarah Schulz, Stacey Donahue, Renee Austin, Pat Koloskee, Pat Hargest, Debbie McElroy, Mary Schenck, Cal Robinson, and Bill Sellers.

MINUTES:

Mary Ann Horne moved to approve the June 11, 2018 regular meeting minutes as presented. Fred Langill seconded, and the motion passed 4-0.

PUBLIC PARTICIPATION:

Greg Lucas, 100 Sherrod Hill Rd. Mr. Lucas stated his appreciation for the retiring Police Chief Jeff Craft and also stated his displeasure with that fact that current Sergeant Al Donahue was not directly promoted to be the next Chief. He noted that the money spent on advertising for the opening could have been saved, and the apparent lack of an Acting Chief concerned him. He explained why he felt there was no better candidate than Al Donahue and asked that Council appoint Mr. Donahue as Police Chief.

David Mussett, 305 Lakeside Dr. Mr. Mussett thanked Council for the opportunity to speak and he described various positive experiences that he has had with Mr. Donahue. He said that he has heard the other police officers speak highly of Mr. Donahue and that Chief Craft

recommended Mr. Donahue to be his replacement. Mr. Mussett said that Al Donahue exemplifies what a police officer should be and he urged Manager Oppe and Council to select Mr. Donahue as Police Chief.

Kip Allen, 123 Maple Dr. Mr. Allen said that he has known the past six police chiefs and was involved with the hiring of three of them. He discussed Mr. Donahue's qualifications for the position. He explained his experience with evaluating and working with police officers and said that nobody is more qualified than Mr. Donahue. Mr. Allen noted that outsiders often don't fit in, and Al Donahue is a part of this community, as the Chief should be. He added that Mr. Donahue has built a high level a trust, and asked that Council hire him as Police Chief.

Carrie Crow, 5341 Rt. 6N, Washington Township. Ms. Crow said that she is on the General McLane school board and was involved in the recent hiring of the School Resource Officer, noting this position's importance in today's society. She said that Mr. Donahue was their first choice for the position, but he declined, likely due to his commitment to the Borough PD. She asked that Council make him their first choice as well.

Mayor Gast asked those in attendance to stand up if they were attending in support of Al Donahue and the vast majority of attendees stood.

Others who briefly spoke in support of Mr. Donahue were: Cheryl Allen, 123 Maple Dr.; George Roberts, 115 Valley View Dr.; AJ Leslie, 99 Beau Dr.; Dan Bushell, 4530 Crane Rd.; and Todd Jay, 303 Shelhamer Cr.

Mayor Gast thanked everyone for their comments. He noted that three of the hiring committee members were present, and the comments would be taken into consideration. He then said that progress is being made on items requested at previous meetings, including the creation of a dock policy and discussions regarding revising the signage and student rental regulations.

Kip Allen then presented a token of appreciation to Jeff Craft for his service as Chief.

With no further speakers, Mayor Gast closed public participation.

COMMITTEE REPORTS:

Finance Committee:

Mary Ann Horne moved to approve bills paid June 25, 2018 totaling \$85,871.43; and July 9, 2018 totaling \$36,491.19. Fred Langill seconded, and the motion passed 4-0.

Mary Ann Horne moved to approve payroll ending June 16 and paid June 22, 2018 totaling \$90,769.47; and payroll ending June 30 and paid July 6, 2018 totaling \$100,442.92. Fred Langill seconded, and the motion passed 4-0.

Ordinance Review Committee:

Mayor Gast stated that two ordinances that had been discussed at previous meeting were up for approval. Manager Oppe explained Ordinance 611, shown below:

*BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance No. 611*

AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA AMENDING A SECTION OF ORDINANCE 545, ADOPTED NOVEMBER 24, 2008, WHICH WAS CODIFIED AS SECTION 407 OF PART 4 OF CHAPTER 15 OF THE BOROUGH CODE TO AMEND THE PARKING PENALTY PROVISIONS; PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, on or about November 24, 2008, the Borough of Edinboro (the "Borough") previously adopted Ordinance 545 which regulated parking within the Borough; and

WHEREAS, the provisions of Ordinance 545 were codified as the Borough Code (the "Code"); and

WHEREAS, the Borough desires to amend Section 407 of Part 4 of Chapter 15 of the Code to amend the penalty provisions;

WHEREAS, the Borough has the power and duty to enact ordinances to regulate parking and traffic within the Borough and 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 407 of Part 4 of Chapter 15 of the Borough Code be amended through the deletion of the struck out terms and the inclusion of the underlined terms as follows:

§15-407 Penalties.

Any person who violates any provision of this Part shall, ~~upon conviction, be sentenced to pay a fine of not more than \$15 and costs; be guilty of a summary violation, the penalties of which are as follows: (a) a fine of twenty dollars (\$20.00) for a parking violation, if such fine is paid within five (5) days; (b) a fine of thirty dollars (\$30.00) for a parking violation if such fine is paid after five (5) days and prior to the issuance of a citation by a Borough Police Officer; (c) if illegally parked in a handicapped zone, a fine of fifty dollars (\$50.00), if such fine is paid within five (5) days; and (d) if illegally parked in a handicapped zone, a fine of one hundred dollars (\$100.00), if such fine is paid after five (5) days and prior to the issuance of a citation by a Borough Police Officer.~~ Provided: it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate official all violations of any provision of this Part, indicating, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum identified above in the period identified above within five (5) days of the citation, of \$ _____ within hours after the time of the notice, or if payment is made after five (5) days but prior to citation, he will place the appropriate sum identified above by placing the payment of \$ _____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this section.

Section 2. Repealer.

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

Section 3. 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 4. Direction 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 to 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 5. Effective Date.

This Ordinance shall be effective on the tenth 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 moved to approve Ordinance 611, Mayor Gast seconded, and the motion passed by 4-0 roll call vote: Fred Langill, yes; Mary Ann Horne, yes; Jim Kiley, yes; and Aaron Gast, yes.

Manager Oppe explained Ordinance 612, shown below:

*BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance No. 612*

AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA AMENDING CHAPTER 13 OF THE BOROUGH CODE TO CREATE A NEW PART 8 ENTITLED EVENT PERMIT; PROVIDING FOR DEFINITIONS; ESTABLISHING AN EVENT PERMIT, THE APPLICATION PROCEDURES FOR AN EVENT PERMIT, FEES WHICH MAY BE CHARGED AND COLLECTED FOR AN EVENT PERMIT, INSURANCE REQUIREMENTS FOR EVENTS, CONDITIONS FOR EVENT PERMITS, REASONS FOR DENIAL OR REVOCATION OF A PERMIT, PENALTIES, AND AN APPEAL PROCESS, AMENDING CHAPTER 13 OF THE BOROUGH CODE TO CREATE A NEW PART 9 ENTITLED ROAD CLOSURE PERMIT; PROVIDING FOR DEFINITIONS, ESTABLISHING A ROAD CLOSURE PERMIT, THE APPLICATION PROCEDURES FOR A ROAD CLOSURE PERMIT, FEES WHICH MAY BE CHARGED AND COLLECTED FOR A ROAD CLOSURE PERMIT, INSURANCE REQUIREMENTS FOR ROAD CLOSURES, CONDITIONS FOR ROAD CLOSURES, REASONS FOR DENIAL OR REVOCATION OF A PERMIT; PROVIDING FOR PENALTIES AND AN APPEAL PROCESS; 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 13 of the Code to establish a new Part 8, entitled "Event Permit" to be applied for and issued for certain events held within the Borough; and

WHEREAS, the Borough desires to amend Chapter 13 of the Code to establish a new Part 9, entitled "Road Closure Permit" to be applied for and issued for road closures undertaken within the Borough; 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 the Borough Code be amended through the creation of a new Part 8 as follows:

Part 8

Event Permit

§13-801 Definitions.

As used in this Part, the following terms shall have the meanings indicated:

BOROUGH

The Borough of Edinboro.

BOROUGH COUNCIL

The Borough Council of the Borough of Edinboro

BOROUGH MANAGER

The Borough Manager of the Borough of Edinboro

CHIEF OF POLICE

The Chief of Police of the Borough of Edinboro Police Department.

EVENT

Any parade, march, ceremony, show, exhibition, block party, carnival, pageant, procession or gathering of any kind or any similar display in or upon any street, park, or public place in the Borough, any gathering in or upon which the streets are occupied for the purpose of a march, show, procession or demonstration. Gatherings on sidewalks that do not block the sidewalk are not to be considered as events.

EVENT PERMIT

A permit as required by this Part.

PERSON

Any individual or group of individuals, firm, partnership, association, corporation, company, or legal entity of any kind.

PROCESSION

A group of individuals moving along in an orderly or disorderly way in a manner other than for normal pedestrian or vehicular traffic.

§13-802 Permit Required.

No Event shall be conducted by any person upon any street in the Borough without first obtaining an Event Permit from the Borough Council through the Borough Manager, or designee. No person shall participate in an Event prior to complying fully with the provisions of this chapter. The Borough Manager shall inform the Borough Council of the granting and issuance, denial or revocation of any Event Permit. The granting of an Event Permit shall not constitute an endorsement of the applicant by the Borough.

§13-803 Exceptions to Event Permit Requirement.

This chapter shall not apply to:

1. *Funeral processions.*
2. *Wedding processions.*
3. *Events sponsored or held by the Borough.*

§13-804 Permit Application.

1. *A person seeking issuance of an Event Permit shall file an application with the Borough Manager, or designee, on a form provided by the Borough.*
2. *An application for an Event Permit shall be filed with the Borough Manager, or designee, no less than twenty-eight (28) days in advance of the proposed event date. Where good cause is shown, the Borough Manager, or designee, shall have the authority to consider any application hereunder and/or any revision to a previously submitted application which is filed less than twenty-eight (28) days in advance of the proposed event date.*
3. *The following information shall be included on an Event Permit application:*
 - A. *Name, address, and telephone number of the person seeking to conduct such Event and requesting the Event Permit.*
 - B. *If the Event is proposed to be conducted for, on behalf of or by any organization, the name, address, and telephone number of the headquarters of the organization and the names of the individuals responsible for the organization.*
 - C. *The date when the Event is to be conducted and the hours when such Event will start and terminate.*
 - D. *The route to be traveled, the starting point and the termination point, including a map depicting the course of travel, if applicable.*
 - E. *A statement as to whether the Event will occupy all or only a portion of the width of the streets or public lands proposed to be occupied.*
 - F. *A list of all vendors who will be present at and/or participate in the event.*
 - G. *A Certificate of Insurance, naming the Borough as an additional insured.*
 - H. *If the event will include the serving of alcoholic beverages, an appropriate permit from the Pennsylvania Liquor Control Board evidencing the person and/or vendor(s) legal authorization to sell alcoholic beverages during the event.*

- I. *Any additional information which the Borough Manager shall find reasonably necessary in order to make a fair determination as to whether an Event Permit should be issued.*

§13-805 Limitations on Permit.

No Event Permit issued hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of the citizens of the Borough or render the Borough liable whatsoever for any damage committed and/or caused by any organization in receipt of an Event Permit.

§13-806 Permit Fee.

The Borough Council shall have the express authority to pass a Resolution which shall set the fee for issuance of an Event Permit. The Borough Council shall have the express authority and sole discretion to waive said fee for any events that are held for a charitable purpose.

§13-807 Insurance.

Each person filing an application for an Event Permit shall provide the Borough with a Certificate of Insurance, from an insurance company authorized to do business in the Commonwealth of Pennsylvania, evidencing that said person maintains insurance for personal injury claims, including accidental death, as well as claims for property damages which may arise from the conduct of the event. The Certificate of Insurance shall name the Borough as an additional insured. The minimum coverage of such insurance required for each Event Permit applicant shall be determined by the Borough Manager, or designee, on a case-by-case basis.

§13-808 Conditions.

1. *The Borough Manager, or designee, shall have the authority to propose an alternate date, time, duration, or course for any event upon any street or public area for which an Event Permit is requested. This authority shall be exercised to accommodate competing demands on the use of public streets.*
2. *The Chief of Police, or designee, shall have the authority to determine the necessary personnel, supplies, and equipment for any parade. Acceptance of the Event Permit by the applicant shall constitute acceptance of all Event Permit conditions proposed by the Borough.*

§13-809 Denial or Revocation of Permit.

1. *The Borough Manager shall have the authority to deny the issuance of an Event Permit for any of the following reasons:*
 - A. *The application for Event Permit is not fully completed and executed.*
 - B. *The applicant has not tendered the required Certificate of Insurance.*
 - C. *The application for Event Permit contains a confirmed material falsehood or representation.*
 - D. *The applicant is legally unable to contract or to sue or be sued.*
 - E. *The applicant or the person on whose behalf the application for Event Permit was made has on prior occasions damaged property of the Borough or has outstanding and unpaid debts to the Borough.*
 - F. *An Event Permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy at the same time and location as a subsequent application.*

- G. *The proposed Event would conflict with previously planned programs organized and conducted by the Borough and previously scheduled for the same time and location.*
 - H. *The proposed Event is prohibited by or inconsistent with the classifications and uses of any street, park, or other public place in the Borough, or part thereof.*
 - I. *The proposed event would present an unreasonable danger to the health or safety of the citizens of the Borough.*
 - J. *The proposed Event is prohibited by law, by this Part or by the Code of the Borough.*
2. *If an Event Permit is denied by the Borough Manager, the denial shall clearly explain the reason for the denial and any steps necessary to remediate a future application.*
 3. *The Chief of Police, or designee, shall have the authority to withdraw permission to conduct any Event if they feel that, due to severe adverse weather and/or traffic conditions, the event would be unsafe for the citizens of the Borough.*
 4. *The Borough Manager, or Chief of Police, or their respective designees, may, at any time, revoke any Event Permit if there has been a breach of any of the terms and conditions under which the Event Permit was issued or a violation of the provisions of this Part has occurred. Said revocation shall become effective upon giving of a Notice of Revocation, in writing, to the person to whom the permit was issued. Said Notice of Revocation shall clearly state the reasoning for the revocation and the necessary steps, if any, that must be taken to correct the Notice of Revocation. The Borough Manager, or the Chief of Police, or their respective designees, may rescind a revocation and reinstate an Event Permit at any time.*

§13-810 Violations and Penalties.

Any violations of this Ordinance may result in action being brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine for such violations shall not be less than \$100.00 nor more than \$1,000 for each violation. A separate offense shall arise for each day in which a violation is found to exist. Any person found guilty of violating this Ordinance shall be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings brought in accordance with this Ordinance.

§13-811 Appeal from Denial or Revocation of Permit.

Any applicant for an Event Permit or renewal, who is aggrieved by the denial, refusal or revocation of a permit, may submit a written appeal to the Borough Council of the Borough of Edinboro within five (5) days from the date of the denial, refusal or revocation. After a reasonable opportunity for the appellant and the Borough to be heard, the Borough Council shall consider such appeal at the next regularly scheduled meeting of the Borough Council.

Section 2. *That Chapter 13 of the Borough Code be amended through the creation of a new Part 9 as follows:*

Part 9

Road Closure Permit

§13-901 Definitions.

As used in this Part, the following terms shall have the meaning indicated.

BARRICADE

Blockades and/or obstructions provided by the Borough for the purpose of closing roads.

BOROUGH

The Borough of Edinboro.

BOROUGH COUNCIL

The Borough Council of the Borough of Edinboro.

BOROUGH MANAGER

The Borough Manager of the Borough of Edinboro.

BOROUGH ROAD

A highway owned by the Borough of Edinboro.

CHIEF OF POLICE

The Chief of Police of the Borough of Edinboro.

COMMONWEALTH

The Commonwealth of Pennsylvania.

COMMONWEALTH ROAD

A highway owned by the Commonwealth of Pennsylvania.

FIRE CHIEF

The Chief of the Edinboro Volunteer Fire Department.

FIRE DEPARTMENT

The Edinboro Volunteer Fire Department.

HIGHWAY

A highway or bridge on the system of Commonwealth highways and bridges, including the entire width between right-of-way lines, over which the Commonwealth and/or the Borough has assumed or has been legislatively given jurisdiction.

ROAD

That portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the sidewalk or shoulder.

ROAD CLOSURE

The temporary closure of Borough and/or Commonwealth roads requested by persons other than the Borough or the Commonwealth.

ROAD CLOSURE PERMIT

A permit as required by this Part.

PERSON

Any individual or group of individuals, firm, partnership, association, corporation, company, or legal entity of any kind.

§13-902 Permit Required.

No Road Closure shall be conducted by any person upon any Borough Road or Commonwealth Road without first obtaining a Road Closure Permit from the Borough Council through the Borough Manager, or designee. The Borough Manager shall inform the Borough Council of the granting and issuance, denial, or revocation of any Road Closure Permit.

§13-903 Permit Application.

1. *A person seeking issuance of a Road Closure Permit for a Borough Road shall file an application with the Borough Manager, or designee, on a form provided by the Borough, including all required attachments. The applicant shall provide the application to the Borough Manager, or designee, at least forty-five (45) days prior to the desired Road Closure date.*
2. *A person seeking issuance of a Road Closure Permit for a Commonwealth Road shall file an application with the Borough Manager, or designee, on a form provided by the Borough, including all required attachments. The applicant shall provide the application to the Borough Manager, or designee, at least ninety (90) days prior to the desired Road Closure date.*
3. *The following information shall be included on a Road Closure Permit application:*
 - A. *Name, address, and telephone number of the person seeking the Road Closure and requesting the Road Closure Permit.*
 - B. *The purpose of the event for which the Road Closure is needed, the sponsor of the event, and the number of participants in the event.*
 - C. *The location of the roads to be closed in connection with the Road Closure Permit, including a road diagram depicting the location and orientation of each barricade required for the Road Closure.*
 - D. *The date on which the Road Closure will be necessary and the hours when the Road Closure will start and terminate.*
 - E. *The number of barricades required for the Road Closure and the name of the person(s) responsible for placing and removing the barricades.*
 - F. *A statement indicating whether Borough employees will be utilized to provide support for Road Closure and/or accompanying events.*
 - G. *A Certificate of Insurance, naming the Borough as an additional insured.*
 - H. *A barricade monitoring plan, including a diagram of the placement of the barricades, the names of individuals responsible for barricades, and appropriate security deposit.*
 - I. *A parking plan, including a diagram detailing all relevant parking places.*
 - J. *A traffic plan, including bypass routes.*

- K. *A detour plan, including a diagram indicating where traffic will be directed in lieu of passage over the road to be closed.*
- L. *A letter to surrounding persons, including business owners, indicating the date of the Road Closure, including the date that the letter will be sent. Letter must be reviewed by the Borough Council, at a public meeting, prior to Road Closure Permit approval*
- M. *A support agreement with the Fire Department.*
- N. *The signature of the Chief of Police, along with comments on the Road Closure, if any.*
- O. *The signature of the Fire Chief, along with comments on the Road Closure, if any.*
- P. *The signature of the Borough Manager, along with comments on the Road Closure, if any.*

§13-904 Limitations on Permit.

No Road Closure Permit issued hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of the citizens of the Borough or render the Borough liable whatsoever for any damage committed and/or caused by any person in receipt of a Road Closure Permit.

§13-905 Permit Fees.

1. *A filing fee of Twenty Dollars (\$20.00) is hereby established for Road Closure Permit applications for closures of Borough Roads. Said fee shall be required to be submitted at the time of application submission and shall be non-refundable. Acceptance of the fee is a partial reimbursement for time spent by Borough employees processing a Road Closure Permit application and acceptance of the filing fee is not a guarantee that the application will be approved by the Borough Council.*
2. *A filing fee of Sixty Dollars (\$60.00) is hereby established for Road Closure Permit applications for closures of Commonwealth Roads. Said fee shall be required to be submitted at the time of application submission and shall be non-refundable. Acceptance of the fee is a partial reimbursement for time spent by Borough employees processing a Road Closure Permit application and acceptance of the filing fee is not a guarantee that the application will be approved by the Borough Council.*
3. *Road Closure Permit applications that will require Borough employees to assist in the Road Closure and/or accompanying event shall provide an appropriate fee for the reimbursement of wages for Borough employees and equipment, prior to said applications approval by the Borough Council. Said fee shall be calculated and provided to the applicant by the Borough Manager, or designee, based upon the application.*

§13-906 Insurance

Each person filing an application for a Road Closure Permit shall provide the Borough with a Certificate of Insurance, from an insurance company authorized to do business in the Commonwealth of Pennsylvania, evidencing that said person maintains insurance for personal injury claims, including accidental death, as well as claims for property damages which may arise from the conduct of the Road Closure. The Certificate of Insurance shall name the Borough as an additional insured.

§13-907 Conditions of Application and Permit

1. *Parking plans submitted by applicants shall, at a minimum, include a parking location diagram for: (1) resident, (2) business, and (3) event parking for the Road Closure. The parking plan shall also include a written statement that specifically identifies the number of parking spaces available, in total, that will accommodate the Road Closure and/or accompanying event.*

2. *Prior to approving the issuance of a Road Closure Permit, the Borough Council wishes to ensure that citizens and property owners have had an opportunity to discuss potential issues with the Road Closure before the Borough Council. Therefore, applicants for a Road Closure Permit must present a written plan and notification letter, addressed all residents and property owners affected by the Road Closure, to the Borough Council. Said plan and letter shall be provided to the Borough Council at least (2) weeks before the Borough Council meeting during which the applicants Road Closure Permit request will be voted upon. The notification letter shall contain the name, mailing address, email address, and phone number of the individual or Borough employee who will field resident and business concerns regarding the potential Road Closure.*
3. *All applicants approved for a Road Closure Permit must use Borough barricades to block off closed highways. Persons holding a Road Closure Permit shall provide a security deposit of Twenty Dollars (\$20.00) for each barricade necessary for the Road Closure, to be provided upon submission of an application. Barricades shall be picked-up and returned to the Borough office by the applicant, at a reasonable time. Any lost, stolen, and/or damaged barricades will result in forfeiture of an appropriate portion of the submitted security deposit.*
4. *Barricades must be closely monitored by a qualified and properly equipped person, whose primary duty shall be to safely direct and/or redirect traffic that approaches barricades. Monitors shall be provided reflective road guard vests, flash lights, and other necessary equipment by holders of the Road Closure Permit.*
5. *The Borough Manager, or designee, shall have the authority to propose an alternate date, time, duration, or course for any road for which a Road Closure Permit is requested. This authority shall be exercised: (1) as a result of citizen and/or property owner complaints and/or (2) to accommodate competing demands on the use of public roads.*
6. *The Chief of Police, or designee, shall have the authority to determine the necessary personnel, supplies, and equipment for any Road Closure.*
7. *The Fire Chief, or designee, shall have the authority to determine the necessary personnel, supplies, and equipment for any Road Closure.*
8. *Acceptance of the Road Closure Permit by the applicant shall constitute acceptance of all conditions proposed by the Borough Manager, Chief of Police, and Fire Chief regarding the Road Closure.*

§13-908 Denial or Revocation of Permit.

1. *The Borough Manager shall have the authority to deny the issuance of an Event Permit for any of the following reasons:*
 - A. *The application for Road Closure Permit is not fully completed and executed.*
 - B. *The application for Road Closure Permit is lacking certain attachments, including a Barricade Monitoring Plan, Parking Plan, Detour Plan, and/or Letter to affected residents and property owners.*
 - C. *The applicant has not tendered the required Certificate of Insurance.*
 - D. *The application for Road Closure Permit contains a confirmed material falsehood or representation.*
 - E. *The applicant is legally unable to contract or to sue or be sued.*
 - F. *The applicant, or the person on whose behalf the application for Road Closure Permit was made, has on prior occasions damaged property of the Borough or has outstanding and unpaid debts to the Borough.*

- G. *A Road Closure Permit has been or will be granted to prior applicant authorizing a closure that does not reasonably permit two nearby roads to be closed at the same time and in the same general location.*
 - H. *The proposed Road Closure would conflict with previously planned events and/or Road Closures conducted by the Borough and previously scheduled for the same time and/or in the same general location.*
 - I. *The proposed Road Closure will significantly impair vehicular and/or pedestrian traffic in the area to an unreasonable degree.*
 - J. *The proposed Road Closure would present an unreasonable danger to the health or safety of the citizens of the Borough.*
 - K. *In the case of a Commonwealth Road, the Pennsylvania Department of Transportation, or similar government agency, has rejected the Road Closure.*
 - L. *The proposed Road Closure is prohibited by law, by this Part or by the Code of the Borough.*
2. *If a Road Closure Permit is denied by the Borough manager, the denial shall clearly explain the reason for the denial and any steps necessary to remediate a future application.*
 3. *The Chief of Police, or designee, shall have the authority to withdraw permission to conduct any Road Closure if they feel, due to severe adverse weather and/or traffic conditions, the Road Closure would be unsafe for the citizens of the Borough.*

The Borough Manager, or Chief of Police, or their respective designees, may, at any time, revoke any Road Closure Permit if there has been a breach of any of the terms and conditions under which the Road Closure Permit was issued or a violation of the provisions of this Part has occurred. Said revocation shall become effective upon giving of a Notice of Revocation, in writing, to the person to whom the permit was issued. Said Notice of Revocation shall clearly state the reasoning for the revocation and the necessary steps, if any, that must be taken to correct the Notice of Revocation. The Borough Manager, or the Chief of Police, or their respective designees, may rescind a revocation and reinstate a Road Closure Permit at any time.

§13-909 Violations and Penalties

Any violations of this Ordinance may result in action being brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine for such violations shall not be less than \$100.00 nor more than \$1,000 for each violation. A separate offense shall arise for each day in which a violation is found to exist. Any person found guilty of violating this Ordinance shall be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings brought in accordance with this Ordinance.

§13-910 Appeal from Denial or Revocation of Permit

Any applicant for a permit or renewal, who is aggrieved by the denial, refusal, or revocation of a Road Closure Permit, may submit a written appeal to the Borough Council of the Borough of Edinboro within five (5) days from the date of denial, refusal, or revocation. After a reasonable opportunity for the appellant and the Borough to be heard, the Borough Council shall consider such appeal at the next regularly scheduled meeting of the Borough Council.

Section 3. Repealer.

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

Section 4. 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 5. Direction 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 to 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 6. Effective Date.

This Ordinance shall be effective on the tenth 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 moved to approve Ordinance 612, Mayor Gast seconded, and the motion passed by 4-0 roll call vote: Jim Kiley, yes; Fred Langill, yes; Mary Ann Horne, yes; and Aaron Gast, yes.

Recreation Committee:

Mayor Gast stated that a formal Dock Policy had been drafted at the request of the dock renters. Manager Oppele stated that it formalizes the details included in the annual dock letter, while adding that non-renters are not allowed on the docks without the permission of a renter. The full Resolution 10-2018 to approve this Policy is shown below:

**HOME RULE BOROUGH OF EDINBORO
RESOLUTION NO. 10-2018**

A RESOLUTION, of the Home Rule Borough of Edinboro, Erie County, Pennsylvania.

WHEREAS, the Home Rule Borough of Edinboro (Borough) owns boat docks on Edinboro Lake and rents them to boat owners; and

WHEREAS, dock renters have expressed concerns regarding non-dock renters using the docks and causing problems; and

WHEREAS, a formal dock policy has not previously been approved by Borough Council;

WHEREAS, the attached dock policy document has been drafted at the request of the Parks and Recreation Committee of the Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough Council, that the Home Rule Borough of Edinboro approves the attached formal dock policy document.

ADOPTED this 9th day of July, 2018.

Home Rule Borough of Edinboro
Edinboro Lake Dock Policy

This document outlines the general rules for use of the Borough-owned boat docks on Edinboro Lake. The absence of a rule from this document does not negate said rule; this document merely intends to formalize the basic rules. Borough Council may amend this document from time to time via Council Resolution.

1. *Dock season begins on or around May 1 and ends on or around September 30. These dates will be adhered to as well as weather allows. Boats must be removed from the docks by October 1 to accommodate the company that installs and removes the docks.*
2. *Dock space is rented in 8' sections and the number of sections to be rented is determined by the length of the boat. Vessels exceeding 14' shall require three sections and vessels exceeding 22' shall require four sections, to allow for ample room between boats.*
3. *Dock renters will be given the right of first refusal for the same dock space from year to year. Letters with dock rental applications will be sent to current renters by March 10 each year. If an application, with payment, is not received at the Borough office by the first business day of April, the right of first refusal will be lost.*
4. *The right to rent the same dock space from year to year (right of first refusal) is transferrable only between spouses.*
5. *Once a renter has submitted a complete application with payment, the renter shall receive two stickers to be placed on the rear of the boat, one on each side, to identify the boat as belonging on the rented dock.*
6. *Dock renters are prohibited from attaching anything (aside from the boat) to the docks. This includes buoys, bumpers, boards, and so on. These items can be attached directly to the boat, but not to the dock.*
7. *Once a dock has been rented, it is no longer "public" property. Only dock renters and their guests may use or enter the dock. Non-renters who enter a dock without permission of a renter of that specific dock will be considered trespassers and will be subject to enforcement by the Borough of Edinboro Police Department.*
8. *Boats that moor to docks without a permit issued by the Borough will be charged by the Borough of Edinboro Police with unlawful mooring and assessed the fine incurred according to Chapter 16 of the Code of Ordinances.*
9. *Repairs to the docks for any damage caused by a dock renter or guest must be paid by the offending party.*
10. *Violation of any of the above rules may lead to a fine and/or the removal of dock rental privileges, as deemed to be necessary by the Borough Manager.*
11. *Where applicable, these rules shall also apply to the canoe/kayak racks owned and operated by the Borough. However, the canoe/kayak rack season begins on or around April 1 and ends on or around November 30.*

Mayor Gast moved to approve Resolution 10-2018, Mary Ann Horne seconded, and the motion passed by 4-0 roll call vote: Jim Kiley, yes; Fred Langill, yes; Mary Ann Horne, yes; and Aaron Gast, yes.

MANAGEMENT REPORTS:

Manager Opple presented his report to Council. There was an issue with the new underground 42" piping at the new water building, which has been fixed. The parking lot was paved July 6. We are planning for July 27 to be the opening of the new building. The new water tank on Dundon Road is progressing on schedule. Bison Construction continues to repair yards that were torn up while replacing water lines. The Cove/Raspberry/Davis neighborhood paving is planned for mid-August.

The ECGRA façade grant committee will meet again on Wednesday. Bud's Barber Shop has completed their work, and a few more applications are still in the works. A 501(c)(3) is being formed by Edinboro community members and business owners, and Manager Opple listed the individuals involved.

Police contract negotiations are still in process. We are waiting for the police to submit their counter proposal.

The outdoor movie series on campus kicked off last Thursday, but the movie had to be screened inside due to inclement weather. The 75-seat theater was near capacity. The next movie will be The Little Mermaid, this Thursday at 9 p.m.

PennDOT's Rt. 99 paving project should be finished in the next week. Curb ramps are near completion, and the final paving will be starting at the Crawford County line on Wednesday, moving north.

The top five candidates for the Police Chief opening will be interviewed tomorrow, including Al Donahue. Manager Opple, Mayor Gast, and Mary Ann Horne will be on the hiring committee, along with Meadville's City Manager and Police Chief. Manager Opple requested that the July 23 alternate meeting date be approved for the appointment of the selected candidate.

Our contract with refuse/recycling hauler Tri-County Industries is due for renewal. We have the mutual option to extend the contract through 2020, and we recommend approving this extension later in the meeting.

Mayor Gast moved to utilize the July 23 alternate meeting date for the purpose of voting on the next Police Chief. Mary Ann Horne seconded, and the motion passed 4-0.

Zoning:

Manager Opple explained the details of the rezoning request. The owner of 220 Waterford Street had requested to have the property rezoned from residential to commercial. It is currently a vacant lot immediately east of the trophy shop, with a residential house immediately to its east. The Planning Commission recommended approval of the rezoning, with the stipulation that the potential future building have a required 15-foot setback on the residential

side of the property. Mayor Gast moved to approve the rezoning request with the recommended stipulation and Jim Kiley seconded. Solicitor Wachter noted that the County Department of Planning stated that the rezoning wasn't consistent with the Borough's Multi-Municipal Comprehensive Plan, so the C.P. should be revised accordingly. He recommended delaying this vote until July 23 so there could be an agenda item at that meeting to modify the C.P. Manager Oppele stated that he would prefer to vote on the rezoning tonight and then look into modifying the C.P. at a later meeting. The rezoning vote then took place, and the motion passed 4-0.

Refuse/Recycling:

Mary Ann Horne moved to extend the Tri-County Industries contract through 2020 as recommended by Manager Oppele. Mayor Gast seconded. Fred Langill stated his approval of the job that Tri-County has done, especially compared to previous haulers. The motion passed 4-0.

COMMUNICATIONS:

Mayor Gast noted that a new event called Oars on the Shore will be held on Edinboro Lake on July 22.

Solicitor Wachter clarified his statement from earlier in the meeting regarding revisions to the Comprehensive Plan, stating that the County letter said that the rezoning "may not be consistent" with the Comprehensive Plan, not that it needed to be revised prior to approving the rezoning.

ADJOURNMENT:

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

ATTEST:



Manager Kevin Oppele



Mayor Aaron Gast