

**Borough of Edinboro
Council Meeting Minutes
May 13, 2019**

CALL TO ORDER:

Monday, May 13, 2019 the regularly scheduled meeting was called to order by Deputy Mayor Jim Kiley at 6:27 PM.

Pledge of Allegiance

ROLL CALL:

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

Other officials present were Solicitor Tim Wachter, Borough Manager Kevin Opple, and Finance Director Jason Spangenberg. Citizens present were Cal Robinson, Alex Topor, Sam Comfort, and Mary Schenck.

MINUTES:

Mary Ann Horne moved to approve the April 8, 2019 regular meeting minutes as presented. Pat Davis seconded, and the motion passed 6-0.

PUBLIC PARTICIPATION:

No speakers were present.

COMMITTEE REPORTS:

Finance Committee:

Mary Ann Horne moved to approve bills paid April 22, 2019 totaling \$64,916.87; and bills paid May 13, 2019 totaling \$70,360.55. Pat Davis seconded, and the motion passed 6-0.

Mary Ann Horne moved to approve payroll paid April 12, 2019 totaling \$78,962.84; payroll paid April 26, 2019 totaling \$74,624.19; and payroll paid May 10, 2019 totaling \$76,456.11. Fred Langill seconded, and the motion passed 6-0.

Ordinance Review Committee:

Alyssa Dobson moved to approve Ordinance 617:

*BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance No. 617*

AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA, ESTABLISHING A VOLUNTEER SERVICE CREDIT PROGRAM; AMENDING CHAPTER 24 OF THE BOROUGH CODE TO CREATE A NEW PART 10 ENTITLED VOLUNTEER SERVICE CREDIT PROGRAM; ENACTING TAX CREDITS FOR VOLUNTEER MEMBERS OF VOLUNTEER FIRE COMPANIES AND NONPROFIT EMERGENCY MEDICAL SERVICE AGENCY; ESTABLISHING ADMINISTRATIVE AND APPEALS PROCEDURES; PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Commonwealth of Pennsylvania adopted Act 172 of 2016 creating opportunities for municipalities to adopt incentives for municipal volunteers of fire companies and nonprofit emergency medical service agencies; and

WHEREAS, the Borough Council of 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 24 of the Code to establish a new Part 10, entitled "Volunteer Service Credit Program" to provide certain tax credits to volunteer firefighters and nonprofit volunteer emergency medical service agencies serving the Borough; and

WHEREAS, the Borough Council has the power and duty to enact ordinances to promote the health, safety, and general welfare of Borough residents and visitors and finds that the adoption of this ordinance to be in the best interests of Borough residents and visitors.

NOW THEREFORE, on this _____ day of _____, 2019, 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 10 of Chapter 24 as follows:*

Part 10
Volunteer Service Credit Program

§ 24-1001 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

QUALIFYING VOLUNTEER

A volunteer for a volunteer fire company or nonprofit emergency medical service agency listed under Section 24-1002(D) who has complied with, and is certified under, the Volunteer Service Credit Program.

EARNED INCOME TAX

A tax on earned income and net profits levied under Chapter 3 of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

ELIGIBILITY PERIOD

The timeframe when volunteers may earn credit under the Volunteer Service Credit Program.

EMERGENCY RESPONDER

A volunteer who responds to an emergency call with one of the entities listed under Section 24-1002 (E).

EMERGENCY RESPONSE CALL

Any emergency call to which a volunteer responds, including travel directly from and to a volunteer's home, place of business or other place where he/she shall have been when the call was received.

VOLUNTEER

An unpaid member of the Borough of Edinboro Volunteer Company or a nonprofit emergency medical service agency.

§24-1002 VOLUNTEER SERVICE CREDIT PROGRAM.

A) **Establishment.** The Home Rule Borough of Edinboro hereby establishes a Volunteer Service Credit Program. The goal of the program is to encourage membership and service in the community's volunteer fire companies and nonprofit emergency medical service agencies.

B) **Program Criteria.** The criteria that must be met annually to qualify for credits under the program based upon the volunteer's participation in the activities of the Eligible Entities identified in 24-1002 (E), below.

C) **Qualifying Activities.** The following activities shall be considered when determining Qualifying Volunteers:

- (1) The number of emergency response calls to which a volunteer responds (1 point per hour).
- (2) The number of non-emergency activities attended, including but not limited to special event traffic control (1 point per hour).
- (3) The level/amount of training and participation in formal training and drills for a volunteer (1 point per hour).
- (4) The total amount of time expended by a volunteer on administrative and other support services, including but not limited to:

- (i) fundraising/recruiting events (1/2 point per hour)
- (ii) providing facility or equipment maintenance (1 point per hour)
- (iii) administration and financial bookkeeping (1 point per hour)
- (iv) on-duty (volunteer) shift coverage (1 point per hour, not to exceed 100 points)

(5) The Qualifying Activities and associated points awarded may be revised by Borough Council Resolution at the sole discretion of Borough Council.

D) **Qualifying Volunteer.** In order to meet the minimum criteria of the Volunteer Service Credit Program, a Qualifying Volunteer shall have earned an annual participation score of 250 points or greater based upon the above-listed activities and considerations during the eligibility period. This total was determined by taking 20% of the average number of emergency calls for the Edinboro Volunteer Fire Department during a calendar year.

(1) The Qualifying Volunteer participation score requirements may be revised by Borough Council Resolution at the sole discretion of Borough Council.

E) **Eligible Entities.** The Volunteer Service Credit Program is available to residents of the Borough of Edinboro who are volunteers of the following volunteer fire companies and nonprofit emergency medical service agencies that provide service to the Borough of Edinboro:

- (1) Edinboro Volunteer Fire Department

F) **Eligibility Period.** A volunteer must meet the minimum criteria, set by resolution under this section, during the eligibility period to qualify for the tax credits established under Section 3.

(1) For the 2019 tax year, and each subsequent tax year thereafter, the eligibility period shall run from January 1 until December 31 of each year.

G) **Recordkeeping.** The chief of each volunteer fire company or the supervisor of the nonprofit emergency medical service agency listed under Section 24-1002 (E) shall keep specific records of each volunteer's activities in a service log to establish credits under the Volunteer Service Credit Program. Service logs shall be subject to review by the Borough Manager, the State Fire Commissioner, and the State Auditor General. The chief, or

supervisor, shall annually transmit to the Borough Manager a notarized eligibility list of all volunteers that have met the minimum criteria for the Volunteer Service Credit Program. The notarized eligibility list shall be transmitted no later than March 1 of each year. The chief or supervisor shall post the notarized eligibility list in an accessible area of the volunteer agency's facilities.

H) **Application.** *Volunteers that have met the minimum criteria of the Volunteer Service Credit Program shall sign and submit an application for certification to their chief or supervisor. The chief or supervisor shall sign the application if the volunteer has met the minimum criteria of the Volunteer Service Credit Program, and forward it to the Borough Manager. Applications shall not be accepted by the Borough Manager after April 1st of each year (i.e., to be eligible for a tax credit for the 2019 tax year, an eligible volunteer must submit their application no later than April 1, 2020).*

I) **Municipal Review.** *The Borough Manager shall review the applications for credit under the Volunteer Service Credit Program and shall cross reference them with the notarized eligibility list. The Borough Manager shall approve all applicants that are on the notarized eligibility list. All applicants approved by the Borough Manager shall be issued a tax credit certificate by the Earned Income Tax Collector of the Borough of Edinboro.*

J) **Official Tax Credit Register.** *The Borough Manager shall keep an official Tax Credit Register of all Qualifying Volunteers that were issued tax credit certificates. The Borough Manager shall issue updates, as needed, of the official Tax Credit Register to the following:*

- (1) Chief of the volunteer fire company(ies);*
- (2) Chief or supervisor of the nonprofit emergency medical services agency(ies);*
- (3) Earned Income Tax Collector of the Borough of Edinboro*

K) **Injured Volunteers.**

- (1) An emergency responder that is injured during an emergency response call may be eligible for future tax credits. The injury must have occurred while responding to, participating in, or returning from an emergency response call with one of the entities listed under Section 24-1002(E).*
- (2) An injured emergency responder shall provide documentation from a licensed physician with the application required under Section 24-1002 stating that their injury prevents them from performing duties to qualify as a Qualifying Volunteer. In such a case, the injured emergency responder shall be deemed a Qualifying Volunteer for that tax year.*
- (3) An injured emergency responder shall annually submit the application required under Section 2, along with updated documentation from a licensed physician stating that the injury still exists and prevents them from qualifying as a Qualifying Volunteer. The injured emergency responder shall again be deemed a Qualifying Volunteer for that tax year. An injured emergency responder shall only be deemed a Qualifying Volunteer for a maximum of five consecutive tax years.*

§24 -1003 EARNED INCOME TAX CREDIT.

A) **Tax Credit.** *Each Qualifying Volunteer who has been certified under the Borough of Edinboro Volunteer Service Credit Program shall be eligible to receive a non-refundable tax credit of up to \$1,000.00 against the Earned Income Tax levied by the Borough of Edinboro. When a Qualifying Volunteer's earned income tax liability is less than the amount of the tax credit, the tax credit shall equal the individual's tax liability.*

B) **Claim.** *A Qualifying Volunteer with a tax credit certificate may file a claim for the tax credit on their Borough of Edinboro Earned Income Tax liability. The Claim shall be filed in accordance with the procedure established by the Earned Income Tax Collector of the Borough of Edinboro.*

C) **Rejection of Tax Credit Claim.**

- (1) *The tax officer shall reject a claim for a tax credit if the taxpayer is not on the official Tax Credit Register issued by the Borough Manager.*
- (2) *If the tax officer rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for the rejection and provide the method of appealing the decision pursuant to Section 24-1005.*
- (3) *Taxpayers shall have 30 days to appeal the decision of the tax officer.*

§24-1004 APPEALS.

A) Earned Income Tax Credit Appeals.

- (1) *Any taxpayer aggrieved by a decision under Section 24-1003 shall have a right to appeal said decision.*
- (2) *A taxpayer shall have 30 days to appeal a decision or rejection of claim.*
- (3) *All appeals of decisions under Section 24-1003 shall follow the provisions of the Act of May 5, 1998, P.L.301, No. 50, known as the Local Taxpayers Bill of Rights.*

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 seconded, and the motion passed by 6-0 roll call vote: Alyssa Dobson, yes; Fred Langill, yes; Nathan Latimer, yes; Mary Ann Horne, yes; Pat Davis, yes; and Jim Kiley, yes.

MANAGEMENT REPORTS:

Manager Oppe presented his report. The ECGRA Façade Committee has met and decided on criteria for this year's awards. The maximum amount for a project will be \$5,000. The procedure will mirror last year's procedure, with the exception that sides of buildings will also be eligible this time as well as signs and ADA access from outside. If the \$15,000 budgeted for this year haven't been allocated by 1 July, businesses will be allowed to apply for the rear sides of businesses if they can be seen by adjacent public ways.

The Police Sergeant promotion exam will be held on 29 May and the Corporal exam will be on 5 June. Oral exams are scheduled for 13 June for Sergeant and 10 July for Corporal. New hire's physical and written testing will occur at the consortium in August.

The July 3 fireworks committee has done a great job of raising money so far. As of Friday, they had already raised \$6,750, much of it through returning slips that were mailed with the latest utility bills.

Chris Motter and Manager Oppe, along with representatives from Goodell Gardens, visited the MillFair composting site to investigate a potential project to compost our leaves instead of dumping them. There is promise in working with Goodell and possibly the university to produce leave compost that could then be sold by Goodell and reduce the environmental impact. This is very early stages.

We offered the Lakeside vendor spaces to vendors located in the Borough first, and then opened it up to any vendor. The response so far has not been impressive.

Manager Oppe leaves for the state conference of municipal managers (APMM) tomorrow. The conference is at Spooky Nook complex near Manheim. He will be a panel speaker. Directly after that conference he will be attending the ITGA Conference in State College with Pat and Chuck Scalise, Director of the Edinboro University Foundation. He will then be in White Mills/Hawley for the annual Route 6 Alliance meeting. Allan Montgomery from the Edinboro Area Historical Society is a speaker at that event. He will be back at work on 28 May, the day after Memorial Day.

EACOG held their annual meeting last Thursday with the topic of "Exploring the Erie Region: Nature, History and Tourism". Presentations were given regarding rare wildlife, historical sites, and the impact of tourism in our County.

Triathlon organizers Lauren and Josh have done well organizing the event and we have a final planning meeting on Tuesday the 28th of May. They are finalizing a letter to be delivered to all nearby residents impacted by the event.

Jim Kiley stated for the record that something needs to be done to improve the appearance of the Verizon building downtown. Manager Oppe replied that an ugly appearance is not against the code, but he hopes that continued downtown improvements will pressure them into updating their building.

Fred Langill said that he was very impressed with the presentations at the EACOG meeting, with many impressive things existing in our County, historically and naturally.

Police:

Mary Ann Horne moved to approve Resolution 14-2019:

**BOROUGH OF EDINBORO
RESOLUTION NO. 14-2019**

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

WHEREAS, the Civil Service Commission of the Borough of Edinboro has passed resolutions 5-2019 through 10-2019 for the purposes of making the following appointments for the new hire process: background investigations, psychological examinations, medical examinations, oral examinations, written examinations, and physical agility examinations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough Council, that the Home Rule Borough of Edinboro approves of the above actions made by the Civil Service Commission, in accordance with the attached Civil Service Resolutions.

ADOPTED this 13th day of May, 2019.

Pat Davis seconded the motion. Kevin Ople explained that this resolution was for Council to concur with the appointments made by the Civil Service Commission for the police new hire process for background investigations, psychological examinations, medical examinations, oral examinations, written examinations, and physical agility examinations. The motion passed by 6-0 roll call vote: Pat Davis, yes; Jim Kiley, yes; Fred Langill, yes; Nathan Latimer, yes; Mary Ann Horne, yes; and Alyssa Dobson, yes.

Public Works:

The following bids were received for seal coat work, bid through the EACOG:

<u>Name</u>	<u>Address</u>	<u>Bid Amount</u>
Suit-Kote Corp.	10965 McHenry Street, Meadville, 16335	\$26,052.78
Russel Standard Corp.	P.O. Box 86, Union City, 16438	\$33,164.30

Manager Ople recommended awarding the contract to Suit-Kote as low bidder. Mary Ann Horne moved to award to Suit-Kote, Pat Davis seconded, and the motion passed 6-0.

Recreation:

Mary Ann Horne moved to approve the firework permit for July 3 on EU campus (or July 6 rain date), waiving the permit fee and allowing use of Borough insurance for the event. Pat Davis seconded, and the motion passed 6-0.

Mary Ann Horne moved to approve the road closings for the EU soccer tournaments on May 24-27, June 1-2, June 14-16, and June 21-23. Pat Davis seconded, and the motion passed 6-0.

Alyssa Dobson (phone) was disconnected from the meeting at this point.

NEW BUSINESS:

Fred Langill said that he hopes the community will support the local newspaper with subscriptions now that it will no longer be free, since it is an important community resource.

Nathan Latimer mentioned that he had been contacted about installing a sunscreen dispenser near the beach on Lakeside. Manager Opple said that the Parks Committee will need to discuss the topic. Mr. Latimer added that the cost was quoted at \$250 for the equipment and \$150 per 600 pumps of sunscreen, although the cost may be covered by other parties.


Mr. Latimer asked about the procedure for reducing the speed limit on Rt. 99 from town to Giant Eagle to 35 mph. Manager Opple said that the topic can be discussed, but if we ask PennDOT to make the change, we would have to pay for a traffic study and any other costs.

Mary Ann Horne moved to give a \$500 donation from the Borough for the July 3 fireworks and Pat Davis seconded. Mr. Langill said that this is a great opportunity for the Borough, Edinboro University, and the community. The motion passed 5-0.

ADJOURNMENT:

Mary Ann Horne moved for adjournment, and the meeting was adjourned at 7:02 PM.

ATTEST:



Manager Kevin Opple



Mayor Aaron Gast