

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

**CALL TO ORDER:**

Monday, April 9, 2018 the regularly scheduled meeting was called to order by Mayor Aaron Gast at 6:30 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 Oppe, Finance Director Jason Spangenberg, Daniel Mullis, Pat Koloskee, Maryann Mook, Desiree McChesney, Raven Motes, Mikaela Sibbald, Casey Ponsoll, Debbie McElroy, Mary Schenck, John Ponsoll, Murray Steinberg, Lindsay Bauman, Michael Fiekles, Zach Leonard, Cal Robinson, Bridget Jeffrey, Anna S., and Zeila Hobson.

**MINUTES:**

Mary Ann Horne moved to approve the March 12, 2018 regular meeting minutes as presented. Pat Davis seconded, and the motion passed 7-0.

**PUBLIC PARTICIPATION:**

Casey Ponsoll, 5850 Sherrod Hill Road. Mr. Ponsoll stated that he was present to discuss the Borough signage code. He said that Ponsoll properties have received citations and have had to remove their custom-made signs. He said that they take pride in the appearance of their buildings, which is why those nice signs were made. Mr. Ponsoll said that the signs have been in place for 15+ years. He asked that Council look into adjusting the signage code to allow for nice signs such as those, rather than the less professional temporary signs which are currently allowed.

Debbie McElroy, 113 Maple Drive. Ms. McElroy requested that the speed sign be placed on Maple Drive and she discussed the speeding that takes place on Maple Drive. She also requested that crosswalks in town be painted, which may help reduce the number of pedestrians who walk outside of the crosswalks. Manager Oppe stated that the temperature must hold

steady over 50 degrees and have dry weather before the lines can be painted. He added that the speed sign also requires warmer temperatures for the battery to perform properly. The speed sign will have a set schedule for use this year.

Fred Langill asked about the expected start date for PENNDOT's paving of Erie/Meadville Street, stating that the crosswalks should not be painted until the road has been repaved, so as to not waste paint. Manager Opple said that the PENNDOT contract let date is May 24.

Murray Steinberg, 102 Davis Drive. Mr. Steinberg asked about the schedule for the replacement of the water line on Davis Drive and what accommodations would be provided for residents to access their homes. Manager Opple said that the work on Davis Drive will begin once the contractor has completed the work on 99, which should be in the coming weeks. The contractor will work with the individual residents regarding accessibility. He said that the road will also be paved, shortly following the water line replacement. The sewer lines are believed to be in good condition.

## **COMMITTEE REPORTS:**

### **Finance Committee:**

Mary Ann Horne moved to approve bills paid March 26, 2018 totaling \$69,209.77; and bills paid April 9, 2018 totaling \$47,500.78. Alyssa Dobson seconded, and the motion passed 7-0.

Mary Ann Horne moved to approve payroll ending March 10 and paid March 16, 2018 totaling \$86,754.20; and payroll ending March 24 and paid March 30, 2018 totaling \$79,609.93. Alyssa Dobson seconded, and the motion passed 7-0.

Ms. Horne said that the auditors presented the final 2017 audit report to the Finance Committee and it was a clean report. The auditors said that it was very easy to work with Jason Spangenberg, and Ms. Horne thanked Mr. Spangenberg.

### **Personnel Committee:**

Mayor Gast moved to appoint Dave Smith to the Planning Commission, Dave Storch as an alternate to the Planning Commission (removing him from the Civil Service Commission), and Dan Foulkrod as an alternate to the Zoning Hearing Board. Mary Ann Horne seconded, and the motion passed 7-0.

## **MANAGEMENT REPORTS:**

Manager Opple presented his report to Council. Brick work is in progress on the new water building. No issues have arisen, and the project is on track to be finished mid-summer. The water line on 99 is nearly complete. The last water lines will then be replaced, on Raspberry/Cove/Davis Drives. The new water tank on Dundon Road will be built in the spring.

The EU wastewater certification courses will begin in September. Superintendent Rob Kennerknecht distributed brochures at the PRWA conference in State College, and there was a good deal of interest.

The ECGRA façade grant design committee will meet on April 11 and 18 to review a third application and also to answer questions from others interested in applying.

The customized bike racks will be placed in Billings Park and downtown in the coming weeks. Good weather is needed before concrete can be poured.

Mayor Gast asked if the ECGRA façade grant application info was online. Manager Opple said that the paperwork is all available on our website, and applications were handed out in person to most business owners.

Plans are underway for EU's new Boro Fest event on April 26, featuring a cornhole tournament, 3v3 basketball tournament, best wings competition, and more. We have met with the planners several times; more details need to be ironed out, but plans are moving forward. We will provide port-o-johns.

Mayer Brothers has been awarded the PENNDOT contract to mill and pave Route 99 from the Crawford County line through the intersection with 6N. Work should begin at the end of May, starting at this end. We will replace about 30 feet of curbing beforehand.

Manager Opple recommended moving the May Council meeting to the alternate date of May 30. He will be attending a conference during the normal meeting date and Jason Spangenberg will be off work following his wedding. Fred Langill moved to hold the May meeting on Wednesday, May 30. Mary Ann Horne seconded, and the motion passed 7-0.

Fred Langill thanked those in attendance for coming to the meeting. He then commended Manager Opple on the great job he has done over the past year to get acquainted with the Borough and for being so accessible. Mr. Langill encouraged the residents to visit the Borough building at any time with their questions or concerns.

## **Finance:**

Real Estate Tax Collector Rhonda Walker had 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 drafted such an ordinance, printed in full below:

*BOROUGH OF EDINBORO  
Erie County, Pennsylvania  
Ordinance No. 610*

***AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA  
ESTABLISHING CERTAIN FEES WHICH MAY BE CHARGED AND COLLECTED BY THE LOCALLY  
ELECTED TAX COLLECTOR***

*WHEREAS, the Local Tax Collection Law limits the compensation of a Borough Tax Collector, 72 Pa.C.S.A. §5511.35, and does not grant the locally elected Tax Collector the power to charge usual and necessary fees to cover the cost of doing business; rather, that power is maintained by the Borough Council; and*

*WHEREAS, the Locally Elected Tax Collector has requested that the Borough Council adopt certain fees related to tax certifications, bank costs relating to the return of checks for nonsufficient funds and for the preparation of "in lieu of bills" or duplicate tax bills; and*

*WHEREAS, the Borough Council finds it to be reasonable for the Tax Collector to charge such fees and recognizes that it must adopt such fees as the Tax Collector does not have the power to do so.*

***NOW, THEREFORE, this 9<sup>th</sup> day of April, 2018, the Borough of Edinboro hereby ordains and enacts as follows:***

***Section 1. Recitals.*** *That the above recitals are incorporated as if more fully set forth herein.*

***Tax Collector Fees Authorized.*** *That the locally elected tax collector is authorized to collect actual out of pocket expenses incurred during the process of tax collection as follows:*

- A. \$10.00 service charge for providing tax certifications upon request
- B. \$35.00 service charge for checks returned from the bank as a result of non-sufficient funds being maintained in the checking account to cash the check
- C. \$10.00 service charge for "in lieu of" bills or additional duplicate tax bills.

***Retention of Expenses.*** *The tax collector shall retain these expenses and they shall not be paid or remitted to the Borough.*

***Compensation Limitation.*** *In no event shall the collection of these service charges by the tax collector be considered compensation or salary for the office of tax collector.*

***Resolution.*** *That the Borough Council is specifically authorized to amend these fees from time to time by Resolution.*

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

***Severability.***

- A. *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.*

B. *In the event that the collection of these service charges by the tax collector is determined to be compensation or salary for the office of elected tax collector by a court of competent jurisdiction, this Ordinance shall be determined to be null and void.*

**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 of Edinboro and to amend the Borough Code as may be necessary.*

**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 610. Pat Davis 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.

**Zoning:**

A subdivision at 206 Willow Street was on the table for approval. Manager Opple explained that two owners of three parcels would like to subdivide them into just two parcels, to align the parcels with the two houses. He added that he recommended approval, as did the Planning Commission. Solicitor Wachter noted that the action would be to transfer the properties as well as complete the subdivision. Mary Ann Horne moved to approve the 206 Willow Street subdivision. Alyssa Dobson seconded, and the motion passed 7-0.

**COMMUNITY LIAISONS:**

**PSAB:**

Mary Ann Horne moved to authorize Mayor Gast to attend the annual PSAB conference, as he does each year. Alyssa Dobson seconded, and the motion passed 7-0.

**NEW BUSINESS:**

Mary Ann Horne moved to approve the annual 3v3 basketball tournament, this year to be held June 11-28. Mayor Gast seconded, and the motion passed 7-0.

**ADJOURNMENT:**

Mary Ann Horne moved for adjournment, and the meeting was adjourned at 6:59 p.m.

ATTEST:

  
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Manager Kevin Oppe

  
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Mayor Aaron Gast