

**Home Rule Borough of Edinboro**  
**COUNCIL MEETING MINUTES**  
**November 13, 2017**

**CALL TO ORDER:**

Monday, November 13, 2017 the regularly scheduled meeting was called to order by Mayor Mary Ann Horne at 6:31 p.m.

**Pledge of Allegiance**

**ROLL CALL:**

Council members present were Jim Kiley, Mary Ann Horne, Brenda Cannell, Aaron Gast, Pat Davis, and Stephen O'Neill. Absent was Nathan Latimer.

Also present were Manager Kevin Opple, Finance Director Jason Spangenberg, Solicitor Tim Wachter, Cal Robinson, Lindsay Bauman, Debbie McElroy, and Dave Hunt.

**MINUTES:**

Jim Kiley moved to approve the October 9, 2017 CDBG hearing and regular meeting minutes, as well as the October 11 and 25, 2017 budget workshop minutes, as presented. Pat Davis seconded, and the motion passed 6-0.

**PUBLIC PARTICIPATION:**

Debbie McElroy, 113 Maple Drive. Ms. McElroy stated her concern about speeding on Maple Drive. She asked about the current location of the speed sign and about the possibility of removable speed bumps. She also asked if the Council committee meetings are open to the public and how citizens are to know about such meetings. Jason Spangenberg replied that the meetings are open to the public and that she can contact the office to find out when the meetings will take place. She then asked how those in attendance are to know what Council is discussing and voting on. Mr. Spangenberg said that any official documents are read aloud before approval and the full documents are listed in the minutes. Mayor Horne said that the minutes cannot be viewed until approved and Mr. Spangenberg clarified that the October minutes which were just approved will be put on the website tomorrow. Manager Opple said that the speed sign has been put away for the year because it cannot be outside in freezing weather. Ms. McElroy said that people drive at least 45 mph on Maple Drive and she feels bad for the workers currently cutting down trees on the street. Manager Opple said that he believed the speed bumps would be \$7,000 for two and they could only be in use from April through October, but the streets committee could discuss them. Jim Kiley said that she

should contact the state representative and senator to push for the approval of a current bill allowing the use of radar by local police.

Cal Robinson, 320 Meadville Street. Mr. Robinson said that the speeding is not just on Maple Drive, and that he sees it a lot in front of his house. He said that we need to follow the example of Cambridge Springs, where speed limits are strictly enforced.

With no further speakers, Mayor Horne closed public participation.

## **COMMITTEE REPORTS:**

### **Finance Committee:**

Jim Kiley moved to approve bills paid October 23, 2017 totaling \$447,629.96; and bills paid November 13, 2017 totaling \$179,156.58. Brenda Cannell seconded, and the motion passed 6-0.

Jim Kiley moved to approve payroll ending October 7 and paid October 13, 2017 totaling \$85,553.20; payroll ending October 21 and paid October 27, 2017 totaling \$76,599.19; and payroll ending November 4 and paid November 10, 2017 totaling \$88,236.67. Pat Davis seconded, and the motion passed 6-0.

### **Ordinance Review Committee:**

Stephen O'Neill moved to approve the 2018 Tax Levy Ordinance 608, which he read aloud:

### ***HOME RULE BOROUGH OF EDINBORO TAX LEVY ORDINANCE No. 608***

*AN ORDINANCE OF THE Home Rule Borough of Edinboro, County of Erie, Commonwealth of Pennsylvania, fixing the tax rate for the year 2018.*

***BE IT ORDAINED AND ENACTED**, and it is hereby ordained and enacted by the Council of the Home Rule Borough of Edinboro that a tax be and the same is hereby levied on all real property within the Borough as follows: Tax rate for general purposes, the sum of 4.50 mills on each dollar of assessed valuation. Also, the Homestead Act enacted by Ordinance 555 shall be in effect for the year 2018 as it has been from 2008 through 2017.*

*The same being summarized in tabular form as follows:*

	<i>Mills on Each Dollar of Assessed Valuation</i>
<i>Tax Rate for General Purposes</i>	<i>4.50 Mills</i>

*That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.*

***ADOPTED THIS 13<sup>th</sup> DAY OF NOVEMBER, 2017***

Brenda Cannell seconded the motion. Jason Spangenberg stated that this is the same tax rate as 2017 and this will be the 10<sup>th</sup> straight year without a tax increase. The motion passed by 6-0 roll call vote: Nathan Latimer, absent; Aaron Gast, yes; Jim Kiley, yes; Pat Davis, yes; Brenda Cannell, yes; Stephen O'Neill, yes; and Mary Ann Horne, yes.

**SOLICITOR'S REPORT:**

Solicitor Wachter discussed the Huston v. Zoning Hearing Board decision which had been appealed to the Court of Common Pleas. He said that Judge Domitrovich ruled in favor of Mr. Huston, and that the Borough has until December 8 to appeal the decision to the Commonwealth Court.

**MANAGEMENT REPORTS:**

Manager Opplé presented his report to Council. The foundation of the new water building is complete. We should see trusses being placed for the front 2/3 of the building in the coming week. The rest of the trusses cannot be placed until Penelec moves the electric lines behind the property, which may not be for a few weeks.

The Adams Street lift station bid opening was on Thursday. There were five bidders. The apparent low bidder was LeBoeuf Industries out of Waterford for \$69,005.00, which he recommended we accept. This price is comparable to that of other lift station projects in the past. We have not worked with this contractor on this sort of project before, but the engineer recommended approval.

Customized bike racks have been refinished with a 1" safety rail around the rack. We will place them around the city in the spring. Brenda Cannell asked if the rail that was placed around the racks had a color. Manager Opplé said that they were just the color of the steel. Aaron Gast asked if the color matches that of the steel of the rack, to which Manager Opplé replied it does.

Regarding the Beau Drive storm sewer issue, the vault has been fabricated. Installation will be completed by Brian Daley once the water is not a factor, which is expected to be Thursday of this week.

Regarding the Huston zoning case, Judge Domitrovich has ruled to overturn the Zoning Hearing Board. Our legal counsel and the counsel for the Zoning Hearing Board both agree that her ruling is not based on legal merits and that it is likely to be overturned on appeal to the Commonwealth Court. The precedent set by not appealing would be according to Judge Domitrovich's ruling that there would be no reason for residents of lakeside to apply for variances for building within the set-off distances. Brenda Cannell asked if a vote was needed to appeal to the Commonwealth Court. Solicitor Wachter replied that a vote was not needed based on the Manager-Council form of government unless it were a vote to direct the Manager to not move forward. Council members Kiley and Cannell stated they would not be in favor of restricting the Manager's decision in this. No Council member wished to vote to not go ahead with the appeal. Solicitor Wachter said that there are 16 Commonwealth Court case decisions that support the stance of the Borough. The Zoning Hearing Board does not have the ability to appeal the Common Pleas decision, but the Borough can on their behalf.

The University is deciding when the wastewater certification course will begin. It is likely that the kick-off will be in the April/May timeframe. We will help EU get the word out about the new course offering using our professional contacts. Mayor Horne stated that Jason Spangenberg initiated the process for creating this new course at EU. Pat Davis asked about the extent of the coursework. Manager Oppele said that it is a 180 hour course over two semesters. He said that the next step would be to create a water certification course in addition.

The judge in the bankruptcy case for the owners of the former Perkins property has authorized the auction of the property in December. The initial bid was for \$2.9M for all of the 30 restaurants, so the judge approved an auction since that was such a low number.

The ECGRA façade grant meeting will be held this Wednesday at 5:15 in the Council Chambers for business and building owners. We have invited two speakers to give their experiences in revitalizing the Little Italy District of Erie (Rose Graham) & North East Downtown district (Charlene Kerr). They will discuss how to revitalize town and get interest from the business owners.

At the wishes of the non-uniform employees, they have decertified their union, International Union of Operating Engineers #66, as of November 8.

**Finance:**

Mayor Horne read aloud Resolution 13-2017 for the approval of the 2018 budget:

**HOME RULE BOROUGH OF EDINBORO**  
**RESOLUTION NO 13-2017**

*A RESOLUTION OF THE Home Rule Borough of Edinboro in the County of Erie, Commonwealth of Pennsylvania, appropriating sums estimated to be required for the purposes of the municipal government, hereinafter set forth, during the year 2018.*

***BE IT RESOLVED AND ENACTED**, and it is hereby resolved by the Council of the Home Rule Borough of Edinboro, County of Erie, Commonwealth of Pennsylvania:*

***SECTION 1.** That for the expenditures and expenses of the fiscal year 2018 the following amounts are hereby appropriated from income for the year 2018 for the purposes set forth on the following pages.*

***SECTION 2.** That any Resolution conflicting with this Resolution be and the same is hereby repealed insofar as the same affects this Resolution.*

<i>Total Revenues</i>	<i>5,503,560</i>
<i>Total Expenditures</i>	<i>5,504,062</i>

**BE IT RESOLVED AND ENACTED THIS 13<sup>th</sup> DAY OF NOVEMBER, 2017.**

Jim Kiley moved to approve the resolution, Brenda Cannell seconded, and the motion passed by 6-0 roll call vote: Stephen O'Neill, yes; Brenda Cannell, yes; Nathan Latimer, absent; Aaron Gast, yes; Pat Davis, yes; Jim Kiley, yes; and Mary Ann Horne, yes.

**Sewer:**

Mayor Horne asked for a motion to award the Adams Street lift station contract, previously discussed by Manager Opple, to LeBoeuf Industries as low bidder. The following bids were received:

<u>Name</u>	<u>Address</u>	<u>Bid Amount</u>
LeBoeuf Industries	11329 Rt. 19N, Waterford, 16441	\$69,005.00
Chivers Construction	6700 Tow Road, Fairview, PA	\$75,263.00
McLallen Construction	8349 Edinboro Road, Erie, 16509	\$78,500.00
Klingensmith Enterprises	P.O. Box 5135, Conneaut Lake, 16316	\$165,400.00

Konzel Construction

1921 Powell Avenue, Erie, 16505

\$175,000.00

Jim Kiley moved to award the contract to LeBoeuf Industries as low bidder. Brenda Cannell seconded, and the motion passed 6-0.

**NEW BUSINESS:**

Mayor Horne asked for a motion to allow the Manager to negotiate with Philip Blumer to determine the amount that will be paid to the Borough for damage done by Mr. Blumer cutting down a large amount of trees on Borough property. Jim Kiley made the motion and Aaron Gast seconded. Manager Opple stated that an independent arborist was brought in to determine the value of the trees that were cut down. Mr. Blumer will be asked to pay the amount determined by the arborist and the amount needed to pay for the land to be cleaned up. The motion passed 5-1, with Stephen O'Neill opposed.

Pat Davis moved to authorize the 2018 Council meeting dates and times and Brenda Cannell seconded. Mayor Horne explained that the dates will be the same schedule as 2017 and previous years. The motion passed 6-0.

Manager Opple stated that a motion was needed to authorize a raise in 2018 for Jason Spangenberg of \$3,500 over the standard 3% raise he would have normally received, as discussed by the Personnel Committee. Jim Kiley moved to approve the salary adjustment as described by Manager Opple. Brenda Cannell seconded, and the motion passed 6-0.

**ADJOURNMENT:**

Aaron Gast moved for adjournment, and the meeting was adjourned at 7:14 p.m.

ATTEST:

  
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Manager Kevin Opple

  
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Mayor Mary Ann Horne