

Borough of Edinboro
COUNCIL MEETING MINUTES
December 10, 2018

CALL TO ORDER:

Monday, December 10, 2018 the regularly scheduled meeting was called to order by Mayor Aaron Gast at 6:30 PM.

Pledge of Allegiance

ROLL CALL:

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

Other officials present were Solicitor Tim Wachter, Borough Manager Kevin Opplé, and Finance Director Jason Spangenberg. Citizens present were Maryann Mook, Curtis Hals, Kate Zahorchak, Lindsay Bauman, Mary Ann Schenck, Vic Kwiatkowski, Renee Thayer-Allison, James Hill, Cal Robinson, Alex Topor, Amber Wellington, Tanya Flynn, Jackie Rhen, Nick Hanna, Michael Feikles, John Ponsoll, and Pat Koloskee.

MINUTES:

Aaron Gast moved to approve the November 12, 2018 budget hearing, ordinance hearing, and regular meeting minutes as presented. Jim Kiley seconded, and the motion passed 6-0.

PUBLIC PARTICIPATION:

Lorie Bearfield, owner of multiple properties. Ms. Bearfield stated that, at an ordinance review committee meeting recently, Manager Opplé suggested getting rid of the student rental designation altogether. She agreed with this suggestion and asked if any data has been collected to show the value of having the student designation, adding that there used to be just one rental permit, which was not confusing. Ms. Bearfield asked that Council evaluate which rules and ordinances are necessary for 2019, including the student rental permit. She listed two examples that showed the downside of the student rental permit. She suggested that Council form a community committee to evaluate all of the ordinances, rules, policies, and procedures so changes could be made using common sense. She thanked Council for working to make a better community.

Renee Thayer-Allison, manager of multiple properties. Ms. Thayer-Allison thanked Council for reviewing the student rental ordinance. She expressed two concerns with the proposed ordinance. First, the requirement that renters remain students for the entirety of their

lease is contrary to the leases her renters sign, which are non-discriminatory. Second, the ordinance does not make clear what exactly establishes a violation that will cause the loss of a rental license, and she asked that this be more specific. She requested that Council evaluate all sides of the issue and come to a compromise.

With no further speakers, Mayor Gast closed public participation.

COMMITTEE REPORTS:

Finance Committee:

Jim Kiley moved to approve bills paid November 26, 2018 totaling \$80,317.81; and bills paid December 10, 2018 totaling \$177,083.22. Alyssa Dobson seconded, and the motion passed 6-0.

Jim Kiley moved to approve payroll ending November 17 and paid November 23, 2018 totaling \$73,550.64; and payroll ending December 1 and paid December 7, 2018 totaling \$85,522.77. Alyssa Dobson seconded, and the motion passed 6-0.

Jim Kiley moved to approve bills and payroll through year-end. Pat Davis seconded, and the motion passed 6-0.

Ordinance Review Committee:

Alyssa Dobson mentioned that the next hearing regarding ordinance 613 would be January 7 at 6 PM.

Personnel Committee:

Pat Davis moved to make the following appointments to the Civil Service Commission: Todd Jay and Rosemary Baker as primary members, Rob Kennerknecht and Paul Hagerty as alternates, and accept the resignation of Robert Cogan. Mayor Gast seconded, and the motion passed 6-0.

Other Old Business:

Fred Langill moved for Council to have an advertised meeting with the community for open discussion, to get the community more integrated and engaged. Alyssa Dobson seconded and suggested using the second meeting date in January, the 28th at 6:30 PM, for this purpose. The motion passed 6-0.

MANAGEMENT REPORTS:

Manager Oppe presented his report. DEP conducted final inspection of the new water building. We need to purchase a few small pieces of equipment but will be certified after we send pictures of them being installed. Once we put the new plant on line, we will be able to

finish filling the tower on Dundon and then certify it as well. The demo permit is being processed for the old tank at Dundon for when the new tank comes on line. We have accepted the proposal for the more aesthetically pleasing fence from the sub-contractor and are awaiting their plans for installation.

Commonwealth Court in Pittsburgh heard our appeal in the Huston v. ZHB case on Monday, 15 October and upheld the front set-back decision by Domitrovich, but ruled that she should have included the side-setback in her ruling, which she inappropriately omitted, so it will be remanded to her to review a second time.

The Personnel Committee has made their appointments to the Civil Service Commission. Once legal review of our proposed changed rules is complete, the Commission will review them.

We met with EVFD officials to discuss the proposed ordinance for a volunteer firefighter tax credit and are awaiting their input before finalizing.

PennDOT will be holding a public hearing on January 8 at 6 PM to discuss options for improving the 6N and Rt. 99 intersection.

With the termination of Zoning Officer Fitzsimmons, the Borough must appoint third parties to conduct the roles that she was authorized to do in the past. Manager Opplé recommended appointing BIU of Erie to be the Building Code Officer, Zoning Officer, and Property Maintenance Administrator for the Borough for permits going forward. For projects in which a plan review or building permit has already been issued, he recommended appointing current inspector John Prosek of Jamestown, PA to be the Building Code Officer.

Police contract negotiations are complete, and the contract has been signed. Manager Opplé said that there are no major changes and negotiations went smoothly. He said that they will receive a 3.75% annual raise, and the pension plan will be reviewed if state regulations change to allow for defined contribution plans. Mayor Gast moved to approve the contract, Alyssa Dobson seconded, and the motion passed 6-0.

Finance:

Mayor Gast moved to approve Resolution 14-2018:

***HOME RULE BOROUGH OF EDINBORO
RESOLUTION NO. 14-2018***

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

WHEREAS, the Home Rule Borough of Edinboro (Borough) wishes to become a member of the Erie Area Council of Governments (EACOG); and

WHEREAS, the EACOG is accepting new member governments; and

WHEREAS, the Borough has determined that membership in the EACOG will be beneficial to the community through increased access to all EACOG programs, projects and services; and

WHEREAS, the Borough accepts that annual membership dues will be assessed; and

WHEREAS, the Borough understands that the EACOG is governed by a set of approved By-Laws, a copy of which has been provided.

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough Council, that the Home Rule Borough of Edinboro, Erie County, Pennsylvania requests to become a member of the EACOG.

ADOPTED this 10th day of December, 2018.

Jason Spangenberg stated that we have been paying the EACOG about \$800 per year for joint bidding, and dues for joining will be about \$1,100, which will include the joint bidding. Manager Oppe explained some recent benefits which encouraged us to join the EACOG. Alyssa Dobson seconded, and the motion passed 6-0 by roll call vote: Alyssa Dobson, yes; Fred Langill, yes; Nathan Latimer, yes; Pat Davis, yes; Jim Kiley, yes; and Aaron Gast, yes.

Mayor Gast moved to approve Resolution 15-2018:

***Home Rule Borough of Edinboro
GASB # 54 Fund Balance Requirements Resolution
Resolution 15-2018***

Background. *GASB #54 requires the governing bodies of school districts, townships, boroughs, and cities to set up procedures for the components of the fund balance in five categories, nonspendable, restricted, committed, assigned, and unassigned as needed by resolution prior to year-end.*

- 1. Nonspendable fund balance: cannot be ever be spent and is legally or contractually required to be maintained intact. (ex. Long-term receivables)*
- 2. Restricted: Constraints on purpose/circumstances of spending that are legally enforceable by outside parties such as creditors, grantors, contributors, law, or regulations of other governments, or constitutional provisions such as enabling legislation. Stabilization funds (15% of expense): Resources that can be spent only if certain specific circumstances occur reported in general fund as restricted.*
- 3. Committed: Constraints on purpose and circumstances of spending imposed by government itself by formal action and is binding unless removed in the same manner. Action must be taken before the end of the reporting period but amount can be determined at a later date. These include prepaid items, accounts payables, and encumbrances.*
- 4. Assigned: Intent to use resources for a specific purpose by governing body.*
- 5. Unassigned: Residual balance reported in general fund.*

Also to designate what Funds will be classified by fund type:

- 1. Special Revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.*
- 2. Capital Projects funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays including the acquisition or construction of capital facilities and other capital assets.*
- 3. General Fund is to account for all financial resources except those to be reported in another fund.*

RESOLVED, by the governing body of the Home Rule Borough of Edinboro, that the following funds have been established:

1. General Fund #01: General Fund assigned funds toward equipment, infrastructure, & capital projects
2. CDBG Fund #04: Special Revenue Fund which is restricted by the grantor as well as for grant match obligations.
3. Water Fund #06, Sewer Fund #08, and Refuse Fund #09: Proprietary Funds with assigned funds toward equipment and infrastructure.
4. Capital Projects Fund #18: Capital Projects fund assigned to fund IT equipment replacement, storm sewers, facilities (municipal building), and paving or maintaining roads and parking lots.
5. Highway/State Aid #35: Special Revenue Fund which is restricted by the state.

NOW, THEREFOR, BE IT RESOLVED by Council of Home Rule Borough of Edinboro, Erie County, Pennsylvania, assembled this 10th day of December, 2018, authorizes the Manager and the Finance Director each year to assign:

1. (15% of expenses) percentage of fund balances for stabilization of accounts which may be used each year in place of a tax anticipation note or in case of emergencies; and
2. Funds available after short term liabilities (prepaid, payables, and encumbrances) to be assigned to equipment replacement (vehicle replacement), IT equipment, infrastructure (dam, storm sewers, reclamation, roads, etc.), municipal building improvements, public safety, recreation, or to pensions; and
3. Restrict match funds for grants.

Jason Spangenberg explained that this is an annual resolution required to state what the year-end fund balances will be used for. Jim Kiley seconded, and the motion passed by 6-0 roll call vote: Pat Davis, yes; Jim Kiley, yes; Fred Langill, yes; Nathan Latimer, yes; Alyssa Dobson, yes; and Aaron Gast, yes.

Zoning:

Manager Oppe explained two subdivisions that were up for approval. First was 506 Erie Street, which has had three houses on two parcels, and the subdivision would create a third parcel. Second was a land swap between Goodell Gardens and the cemetery. He said that the Planning Commission recommended approval of both. Mayor Gast moved to approve both subdivisions, Pat Davis seconded, and the motion passed 6-0.

Mayor Gast moved to approve Resolution 16-2018:

HOME RULE BOROUGH OF EDINBORO RESOLUTION NO. 16-2018

WHEREAS, the Home Rule Borough of Edinboro, Erie County, Pennsylvania (the Borough) Planning & Code Enforcement Officer position is vacant; and,

WHEREAS, a certified Building Code Official (BCO) acting on behalf of the Borough is required for various inspections and execution of permits and paperwork; and,

WHEREAS, the Borough Manager recommends appointing Building Inspection Underwriters (BIU) of Erie, Pennsylvania to act as the BCO for the Borough as well as for performance of plan reviews and required inspections; and

WHEREAS, the Borough agrees to the fee schedule for services provided by BIU.

BE IT RESOLVED, by authority of the Council of Home Rule Borough of Edinboro, Erie County, Pennsylvania, assembled this 10th day of December, 2018, that the Borough Manager be authorized and directed to sign the proposed agreement with Building Inspection Underwriters to appoint BIU as the BCO, Zoning Officer, and Property Maintenance Administrator, on its behalf.

Jim Kiley seconded the motion. Manager Oppl explained that BIU does similar work for Erie, Harborcreek, and Fairview currently. They would act as our BCO, Zoning Officer, and Property Maintenance Administrator on any new permit applications, also performing plan reviews and inspections. Alyssa Dobson asked if this would be in the interim or if this would be the long-term solution. Manager Oppl replied that it may take months to find a qualified full-time employee, but the hope is to return to having this performed in-house. He said that he talked to one other company about taking on this responsibility, but they were not interested, and there are no other companies around that could do this work. The motion passed 6-0 by roll call vote: Jim Kiley, yes; Fred Langill, yes; Nathan Latimer, yes; Alyssa Dobson, yes; Pat Davis, yes; and Aaron Gast, yes.

Mayor Gast moved to approve Resolution 17-2018:

**HOME RULE BOROUGH OF EDINBORO
RESOLUTION NO. 17-2018**

WHEREAS, the Home Rule Borough of Edinboro, Erie County, Pennsylvania (the Borough) Planning & Code Enforcement Officer position is vacant; and,

WHEREAS, a certified Building Code Official (BCO) acting on behalf of the Borough is required for various inspections and execution of permits and paperwork; and,

WHEREAS, Prosek's Inspections of Jamestown, Pennsylvania has been performing inspections for the Borough for multiple years and is qualified to act as a BCO; and

WHEREAS, the Borough Manager recommends appointing Prosek's Inspections to act as the BCO for the Borough for select properties which currently have active projects and/or permit applications; and

WHEREAS, the Borough agrees to the fee schedule for services provided by Prosek.

BE IT RESOLVED, by authority of the Council of Home Rule Borough of Edinboro, Erie County, Pennsylvania, assembled this 10th day of December, 2018, that Prosek's Inspections be authorized to act as BCO on behalf of the Borough for these select properties.

Jim Kiley seconded the motion. Fred Langill asked if this would be appointing an interim Zoning Officer in place of Ms. Fitzsimmons. Manager Oppl replied that it would not be doing so; only appointing John Prosek to act as the BCO for currently active permits because BIU would not sign off on permits that they did not initially process. Manager Oppl added that BIU will be overseeing our rental inspection program in the interim, and he discussed the difficulty of finding a qualified candidate for full-time employment. The motion passed 6-0 by

roll call vote: Pat Davis, yes; Alyssa Dobson, yes; Nathan Latimer, yes; Jim Kiley, yes; Fred Langill, yes; and Aaron Gast, yes.

Alyssa Dobson left the meeting at this time.

NEW BUSINESS:

Jim Kiley asked about PennDOT's plans for the 6N and Rt. 99 intersection. Manager Oppe replied that they have already allocated about \$300,000 to come up with a plan for the intersection, and they have scheduled a public meeting at 6 PM on January 8 to openly discuss alternatives for the intersection.

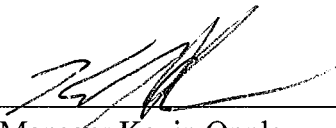
Mayor Gast moved to approve the 2019 meeting dates, Jim Kiley seconded, and the motion passed 5-0.

Fred Langill said that he created a suggestion box for people to submit their ideas for improving the Borough, to promote community involvement.

ADJOURNMENT:

Nathan Latimer moved for adjournment, and the meeting was adjourned at 7:15 PM.

ATTEST:



Manager Kevin Oppe



Mayor Aaron Gast