

MINUTES
UNION CITY BOROUGH
APRIL 11, 2017

Vision Statement: "The Union City area is a thriving rural community of families, businesses and organizations dedicated to encouraging growth while maintaining small town values."

The meeting of the Union City Borough Council was called to order at 7:00 P.M. by President Brumagin. The meeting was held at the Union City Fire Department Social Hall.

Councilors present were Brumagin, Conklin, Hoban, Steadman, Kolaja and McGuire.

Officials present were Mayor Bob King, Borough Secretary Cindy Wells, Solicitor Wachter, Police Chief Pernice, Street Supervisor Paul Maynard, Code Enforcement Shawn Tharp, Zoning Officer Dennis Ploss.

See the sign-in sheet for visitors present.

APPROVAL OF AGENDA: Littering Ordinance should be changed to Ordinance #838. Solicitor

Wachter requested an Executive Session be added to the agenda to discuss legal issues prior to any action being taken concerning the Engagement Letter under the Solicitor report. It was moved by Councilor Hoban and seconded by Councilor Kolaja to adopt the agenda as amended. Motion carried.

MOTION ON MINUTES: It was moved by Councilor Conklin and seconded by Councilor Hoban that all Councilors having read the minutes from the meeting held March 28, 2017, be approved. Motion carried.

MOTION ON SECRETARY'S REPORT: It was moved by Councilor Conklin and seconded by

Councilor Kolaja that the Secretary's Report be accepted and made a part of the minutes of this meeting. Motion carried.

MOTION ON BILLS: It was moved by Councilor Kolaja and seconded by Councilor

Steadman that the unpaid bills be ordered paid and those paid be approved. Motion carried.

ZONING OFFICER: Dennis Ploss said that the Borough Secretary had received a request from

the Elections Office at the Erie County Courthouse if the Borough has rules limiting the period political signs may be posted on private or public property, or any other rules regarding political signs. It had been discussed after the Planning Commission meeting and we do have an Ordinance that is old. Solicitor Wachter stated we have a 1975 Ordinance that regulates political signs and requires a \$100 Bond payment prior to the signs going up. It also limited the length of time the signs could be up. Since then it has been ruled un-constitutional. You are not allowed to limit posting of political signs any more than regular signs. Tim had talked to Cindy and a list should be started of Ordinances that need to be looked at and this is an Ordinance that needs to be taken out. Councilor Brumagin stated that Council needs to go back and review old Ordinances and possibly eliminate some or make changes to them. Dennis toured the Borough looking for old campaign/political signs and only saw a total of 12.

CODE ENFORCEMENT: Shawn Tharp said that he had been handing out flyers regarding the Tire

Recycling that will be held on June 3, 2017. He has received several complaints of accumulation of junk, trash, garbage, tires, etc. Anyone who has tires he has notified them of the tire collection and will give them until that time to get things cleaned up.

He also stated that he had the hearing for the residence of 8 Jackson Street for high grass in the past and the property owner never came to the hearing and will be fined.

MAYOR: Mayor King wanted to note that in looking at the Code Enforcement report from

Shawn Tharp it looks like he has been busy and he would like to thank him.

VACATING STREETS: Letters have been sent out to property owners concerning the streets

that are being vacated. There are only three property owners I don't have final answers from.

FINANCIAL INTEREST STATEMENTS: Statement of Financial Interests from some of Council still

have not been received.

ANNUAL AUDIT: The Annual Audit and Financial Statements are completed and provided in

your folders.

\$200,000 BLOCK GRANT: Joe Berdis from the County Planning Office contacted the Borough

Office and stated that there is a \$200,000 Block Grant for residents in the Borough of Union City. When the application period opens, it will be for single-family, owner-occupied homes that need improvements to meet HUD quality standards. All taxes must be current and Section 8 income limits will apply. The Family Support Center and Shawn Tharp have been notified that this grant will be available in the near future. President Brumagin also stated he had talked to Joe Berdis and Joe had inquired if there were any empty lots in town they are thinking of possibly building some veteran's housing, one or two houses. He also the CDBG money is proposed to eventually go away so for storm sewers and sanitary sewers it doesn't look like that money will be available.

ELECTRIC SUPPLIER: Information was received from the Manufacturer & Business Association

Energy Advisors for electric suppliers. They are offering a rate with WGL for \$0.05043. This is the lowest long term Fixed Electric Price Offer for a 31-month term. This would be the rate for the duration of the term and is inclusive of all supply cost components included Gross Receipts Tax. This rate is projected to save the Borough approximately 25% annually. This pricing would take effect May 2018. A membership to the Manufacturer & Business Association would be required at approximately \$269 per year. Council recommended signing an agreement with the Manufacturer & Business Association upon Solicitor Wachter approving the agreement.

EXECUTIVE SESSION: Council went into Executive Session from 7:18 - 7:22 PM to discuss legal matters.

MOTION TO APPROVE THE ENGAGEMENT LETTER FROM ATTORNEY SMITH TO REPRESENT THE UNION CITY BOROUGH RETIREMENT PLAN IN ANY PENSION MATTERS WITH RESPECT TO CHERYL CAPELA. It was moved by Councilor Kolaja and seconded by Councilor Conklin to approve the approve the Engagement Letter from Attorney Smith to represent the Union City Borough Retirement Plan in any Pension matters with respect to Cheryl Capela. Motion carried.

CHANGE DATE OF COUNCIL MEETING: The next Council Meeting is scheduled for April 25, 2017

is the same day as the Law Symposium. Also, the next meeting on May 9, 2017 the Borough Secretary will be at the PSAB Convention. It was agreed by Council to cancel the Council Meetings scheduled for April 25, 2017 and May 9, 2017 and reschedule them for May 2, 2017 at 7:00 PM. This will be advertised.

NEW BUSINESS INTEREST IN BOROUGH: President Brumagin stated there is a tire recycling

business that is interested in purchasing land previously occupied by Ethan Allan. President Brumagin and Cindy Wells met with the owners and realtor, Norm Troyer. The approximately 7 acre parcel is east of Miles Street to Concord Street. The company stores tires and would have a shredder located at the sight to shred the tires. They remove approximately 80% of the steel in the tires, shred them and then truck it to the land fill in Erie for cover. They also sell good used tires. They are from New York State and have done several tire clean ups for the state of PA and have been in business for several years. Prior to purchasing the property, they want to get feed-back from Council and community to determine that they have support. We will contact them to have them attend the next Council Meeting on May 2, 2017. Councilman McGuire has been trying to contact some businesses about locating in the Borough.

MOTION TO ADVERTISE THE PROPOSED AMENDMENT TO BURNING ORDINANCE #738: It was

moved by Councilor Conklin and Councilor Kolaja to advertise the proposed amendments to Burning Ordinance #738 and Council to consider the enactment at the Council Meeting on May 2, 2017. Motion carried.

MOTION TO ADVERTISE THE PROPOSED AMENDMENT TO LITTERING ORDINANCE #838: It was

moved by Councilor Conklin and Councilor Kolaja to advertise the proposed amendments to the Littering Ordinance #838 and Council to consider the enactment at the Council Meeting on May 2, 2017. Motion carried.

MOTION TO APPROVE THE ADOPTION OF ORDINANCE 1107 AMENDING THE GARBAGE AND RECYCLING ORDINANCE 987 SECTIONS I-VII: It was moved by Councilor Conklin and seconded by Councilor Kolaja to approve the adoption of Ordinance 1107 amending the Garbage and Recycling Ordinance 987, Sections I-VII which was advertised March 31, 2017. Motion carried.

MOTION TO PASS A RESOLUTION (2017-05) APPROVING AN AGREEMENT AMONG THE COUNTY OF ERIE TAX CLAIM BUREAU AND THE LAW FIRM OF MACDONALD, ILLIG, JONES & BRITTON AND APPROVE ARTICLE 5 OF THE AGREEMENT REGARDING THE COMPENSATION AND COST ADVANCES.

Solicitor Wachter stated that this was put out for bid through Erie County Council for a three-year agreement. Solicitor Wachter stated this has been done for the

last several years. It was moved by Councilor Conklin and Councilor Hoban to pass a Resolution (2017-05) approving an agreement among the County of Erie Tax Claim Bureau and the law firm of MacDonald, Illig, Jones & Britton and approve Article 5 of the Agreement regarding the compensation and cost advances. Motion carried.

RESOLUTION REQUEST FROM THE PSAB REGARDING LAW ENFORCEMENTS USE OF RADAR.

A MOTION TO PASS A RESOLUTION (2017-06) TO PETITION STATE REPRESENTATIVES AND SENATORS TO SUPPORT THE COALITION TO ELIMINATE THE PROHIBITION AGAINST MUNICIPAL POLICE USING RADAR. It was moved by Councilor Conklin and seconded by Councilor Hoban to pass the suggested Resolution from the PSAB to petition State Representatives and Senators to support the coalition to eliminate the prohibition against municipal police using radar and change Pennsylvania State Congress to Pennsylvania General Assembly. Motion carried.

RESOLUTION REQUEST FROM THE PSAB REGARDING CHANGING SMALL GAMES OF CHANCE.

A MOTION TO PASS A RESOLUTION (2017-07) TO PETITION STATE REPRESENTATIVES AND SENATORS TO SUPPORT CHANGES TO HOUSE BILL NO 290, SESSION OF 2013 IN THE GENERAL ASSEMBLY OF PA AND TO READ "(B) AGGREGATE PRIZE LIMIT. --THERE SHALL BE NO MONETARY LIMIT IN PRIZES AWARDED FROM GAMES OF CHANCE BY A LICENSED ELIGIBLE ORGANIZATION DURING ANY TIME PERIOD, SO LONG AS THE PROVISION OUTLINED IN SECTION 502(A), DISTRIBUTION OF PROCEEDS, IS NOT FOUND IN VIOLATION.". It was moved by Councilor

Steadman and seconded by Councilor Kolaja to pass a resolution (2017-07) to petition State Representatives and Senators to support changes to House Bill no 290, Session of 2013 in the general assembly of PA and to read "(b) aggregate prize limit.--there shall be no monetary limit in prizes awarded from games of chance by a licensed eligible organization during any time period, so long as the provision outlined in section 502(a), distribution of proceeds, is not found in violation.". Motion carried.

PLGIT INTEREST RATES: Current interest rates with PLGIT are at .53% on PLGIT class and .91%

on PLGIT Prime. Both are higher than the current rates we are receiving at Northwest Savings Bank which is .15%.

MOTION TO TRANSFER THE CURRENT BALANCE OF APPROXIMATELY \$106,000 IN THE PLGIT CLASS HIGHWAY AID FUND ACCOUNT TO A PLGIT PRIME ACCOUNT. It was moved by Councilor

Kolaja and seconded by Councilor Conklin to transfer the current balance of approximately \$106,000 in the PLGIT Class Highway Aid Fund Account to a PLGIT Prime Account. Motion carried.

MONEY RECEIVED FROM THE SURETY BOND COVERING A PORTION OF THE AMOUNT EXTORTED BY THE PREVIOUS BOROUGH MANAGER. Four checks were received from Travelers

Insurance totaling \$74,425.00 to cover a portion of the amount extorted by the previous Borough Manager. Council has agreed to invest the money in an account until it is determined how the money will be used.

MOTION TO DEPOSIT THE \$74,425.00 FROM TRAVELERS INSURANCE SURETY BOND INTO A PLGIT PRIME ACCOUNT. It was moved by Councilor Kolaja and seconded by Councilor Conklin

to deposit the \$74,425.00 from Travelers Insurance Surety Bond into a PLGIT Prime Account. Motion carried.

TAX EXONERATION FOR THE UNION CITY MUNICIPAL AUTHORITY. At the Council Meeting held

March 28, 2017 the decision for 2017 Tax Exoneration for the Union City Municipal Authority was tabled until information on what the laws are concerning the Tax Exoneration. Tax Exoneration has been applied for with Erie County and they will be making a decision concerning this. PA law is such that Municipal Authorities are tax exempt.

Consequently, the Exoneration will be given to the Municipal Authority taking affect January 1, 2018. The exoneration for 2017 must be decided and Borough Council questioned if it would be possible for the Municipal Authority to consider not charging UC Borough for any of its accounts with the Municipal Authority. The total amount was not known and the Municipal Authority Board would have to approve the decision. President Brumagin will present the information to the Municipal Authority Board at their next scheduled meeting. It was moved by Councilor Hoban and seconded by Councilman McGuire to table any further discussion regarding this matter until the next Borough Council meeting where the Municipal Authority Boards decision could be presented. Solicitor Wachter, President Brumagin, and Councilman Conklin abstained from any decision or discussion, other than presenting facts, regarding this matter stating a conflict of interest. Motion carried.

MOTION TO APPROVE LISTING CINDY WELLS, BOROUGH SECRETARY, AND DANIEL BRUMAGIN ON THE CONTACT RECORD AND PERMISSIONS FOR THE PGLIT ACCOUNTS, REMOVE CHERYL CAPELA'S NAME, AND APPROVE UPDATING THE SIGNERS FOR THE PGLIT ACCOUNT TO DANIEL BRUMAGIN, PHILLIP CONKLIN, DANIEL HOBAN, PAUL MAYNARD, AND CINDY WELLS. It was

moved by Councilor Conklin and seconded by Councilor Kolaja to approve listing Cindy Wells, Borough Secretary, and Daniel Brumagin on the Contact Record and Permissions for the PGLIT accounts, remove Cheryl Capela's name, and approve updating the signers for the PGLIT account to Daniel Brumagin, Phillip Conklin, Daniel Hoban, Paul Maynard, and Cindy Wells. Motion carried.

UNION CITY DOWNTOWN DEVELOPMENT. The information concerning Union City Downtown

Developments decision on banners, LED sign or Main Street lighting will be presented at the next Borough Council meeting. The next meeting with the Downtown Development will be April 18, 2017.

EXECUTIVE SESSION: Borough Council went into Executive Session to discuss personnel from
8:04 - 8:24 PM.

\$74,425.00 RECEIVED FROM TRAVELERS INSURANCE WAS THE RESULT OF THE GUILTY PLEA FROM THE FORMER BOROUGH MANAGER CHERYL CAPELA. Solicitor Wachter stated that

\$74,425.00 was received from Travelers Insurance for the Bond Insurance as a result of the charges filed and the guilty plea of the former Borough Manager Cheryl Capela.

PUBLIC SAFETY CLEAN-UP DAY. Chief Pernice announced the Police Department sponsored

clean-up day is scheduled for Saturday, May 13, 2017 from 10:00 - 1:00.

POLICE DEPARTMENT POLICIES: Chief Pernice has given Solicitor Wachter a USB drive with the

new suggested Police Polies to adopt. Solicitor Wachter has reviewed them and updated with suggested revisions. The information has been returned to Chief Pernice for review. After his review, he will present it to Borough Council for review.

PART-TIME HELP FOR THE STREETS DEPARTMENT. Street Supervisor Paul Maynard said he is

looking to hire some part-time help for the summer. If Council has any suggestions of anyone to let him know.

PUC \$15,00 PAYMENT FOR THE CLOSING OF THE RAILROAD CROSSINGS AT HEMLOCK AND LINCOLN STREET. Paul Maynard stated he had been in touch with the PUC regarding the final

payment of \$15,000 for the closing of the railroad crossings at Hemlock Street and Lincoln Street. The PUC stated they needed to

complete an environmental study and then would issue the check, hopefully by mid-May.

TREE REMOVAL: During the last wind storm there were several large limbs that were down and

a large tree with two splits at Devereaux park. Paul Maynard had J's Tree Service come in and remove the tree at the cost of \$100.00. Streets Department have been cleaning it up.

UNION CITY BOROUGH STREETS: Councilman Steadman and Street Supervisor Paul Maynard

toured the streets in the Borough. Paul is to meet with Mike Hammond from PennDOT to determine which streets should be paved or receive maintenance this summer. Pleasant Street tar and chip didn't hold up well and Paul will have Mike Hammond and Chris from Russell Standard look at it and determine what can be done.

YIELD SIGN FOR SECOND AVENUE: The Yield sign to be placed at the curve on Second Avenue

has been ordered.

CDBG 2015 FUNDS: Jeff Kordes from Hill Engineering notified Paul Maynard that there is

enough money to have more ramps completed from the 2015 CDBG funds to install ADA ramps. Jeff will try and determine if the ramps on Putnam and Main Street will need an HOB Permit from the State.

SIXTH AVENUE PROPERTY LINE. Paul Maynard would like to tar and chip Sixth Avenue from

approximately Atlantic Street to Odell Street. He talked to Union Township about it and it is trying to be determined if Union Township still owns half of Sixth Avenue or if it is all belongs to the Borough and who would receive the Liquid Fuels money for that portion.

ADJOURNMENT: It was moved by Councilor Conklin and seconded by Councilor

McGuire that the meeting be adjourned.

The meeting adjourned at 8:37 P.M.

ATTEST