

MINUTES
UNION CITY BOROUGH
August 9th, 2016

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 6:59 P.M. by President McCrillis. The meeting was held at the Union City Area High School Large Group Instruction Room.

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

Officials present were Mayor Bob King, Solicitor Timothy Wachter, Streets Department Supervisor Paul Maynard.

Visitors present: Cindy Wells, taking minutes and see attached sign-in sheet.

APPROVAL OF AGENDA: It was moved by Councilor Brumagin and seconded by Councilor Hoban to adopt the agenda as amended. Motion carried.

MOTION ON MINUTES: It was moved by Councilor Hoban and seconded by Councilor Kolaja that all Councilors having read the minutes held July 12th, 2016, and minutes held July 26th, 2016 be approved. Motion Carried

MOTION ON SECRETARY'S REPORT: It was moved by Councilor Hoban and seconded by Councilor Brumagin that the Secretary's Report be accepted and made part of the minutes of this meeting. Motion Carried.

MOTION ON BILLS: It was moved by Councilor Hoban and seconded by Councilor Conklin that the unpaid bills be ordered paid and those paid be approved. Motion carried.

THEFT OF BATTERY'S AND GAS CAN AT UNION STREET: Ken Calfo, Sr. stated that there had

been a theft from his garage. There has been other activity during the hours of 2:00 AM-3:00 AM. He had reported it to the Police Chief. Complaining also of a white van, what he suspected to be drugs, near the Cherry Hill property. He wants to defend himself with a gun. Solicitor Wachter told him to contact his own attorney. Was told he could put up "No Trespass" signs. President McCrillis stated he would follow up with Chief Pernice and have him call him. Councilor Brumagin did mention that police can't be everywhere and that is why 10-15 years ago his neighborhood around the Avenues had organized something similar to a "neighborhood watch" where neighbors would get out and walk, especially when they saw suspicious activity. It solved the short term issues that they were having. Councilor Hoban said it was only neighbors talking to each other and not mandated by Council or the Police Department.

ZONING ORDINANCE FINE: Gerry Mercer wanted to know how to clear up the shed variance

issue he had. Solicitor Wachter stated that there had been a hearing and DJ Nichols awarded the fine, not the Borough. Once the fine is paid, it is over. Gerry stated DJ Nichols said he could have a year to pay the fine but the agreement was drawn up for six months. Council stated they are okay with giving him a year. Solicitor Wachter gave them an agreement for 12 months to pay. The Mercers wanted to know how many variances have been approved over the last five years. Also, where did the \$275 that was paid go. Solicitor Wachter said it was part of the cost for filing an appeal and stated we would have to look into it. Councilor Brumagin stated that they needed to file an "Open Records Request to get the previous year's information. Mercers stated they already had and the Solicitor told them to submit it again.

OPEN FIRES: Ken Calfo, Sr. questioned if you are permitted to have fires in the back yard. He

was told yes if it is in a contained unit. President McCrillis stated he would look into it.

GARBAGE BID: Nick Kasinski said that the owner for Racoon Refuse was at last month's

meeting and requested a copy of the bid for garbage. He wanted to know if it was available yet? It should be ready in September.

FALL FEST: After the Fall Fest the Fire Department will be having kids games, music, and dinner.

GARAGE/YARD SALE SIGNS: Mayor King said these signs are not being removed and then they are blowing into the street. President McCrillis stated there is a Borough Ordinance that covers the issue. It was stated that the Police Department needs to follow-up and address the issue.

COUNCIL TO APPROVE A RESOLUTION FOR THE APPOINTMENT OF BOROUGH SECRETARY:

President McCrillis read the Resolution.

MOTION TO APPROVE A RESOLUTION TO APPOINT CINDY WELLS TO THE POSITION OF BOROUGH SECRETARY:

A motion was made by Councilor Hoban to appoint Cindy Wells as Borough Secretary and seconded by Councilor Brumagin. Questions were asked if

interviews were done, if the position was advertised for, the answer was no because the Committee is just recommending that this position is for a 90 day period. There is no requirement to advertise for the position. There was concern that the Committee hadn't presented it to Council until now. Councilor Brumagin stated that it was presented at the Work Session on July 26, 2016 and agreed that it would be presented at the next Council meeting, which is this meeting. The Solicitor stated that the Borough is required to have a Borough Secretary to certify Resolutions to certify the contract with Berkheimer and other Resolutions to be considered tonight.

Councilor Hoban amended the Resolution was to be for a 90 interim. Councilor Brumagin agreed to the amendment.

A roll call vote was taken: Conklin - yes, Kolaja - yes, Steadman - no, Hoban - yes, Brumagin - yes, McCrillis - no. Resolution passes.

COUNCIL TO APPROVE A RESOLUTION FOR THE APPOINTMENT OF BOROUGH TREASURER:

President McCrillis read the Resolution.

MOTION TO APPROVE A RESOLUTION TO APPOINT CINDY WELLS TO THE POSITION OF BOROUGH SECRETARY FOR A 90 DAY INTERIM:

A motion was made by Councilor Brumagin to

appoint Cindy Wells as Borough Treasurer and seconded by Councilor Hoban.

A roll-call vote was taken: Conklin - no, Kolaja - abstain, Steadman - no, Hoban - yes,

Brumagin - yes, McCrillis - no. Resolution fails.

Solicitor Wachter stated that since the Resolution failed the Borough does not have a treasurer and there is no one to make deposits or pay bills.

Paul Maynard volunteered to help out for whatever period Council wants. He was asked if he could be bonded and he stated he could. It was also stated that Cindy Wells could be bonded too. It was stressed that this is only for a 90 interim. Solicitor Wachter said the Committee was advised that it should consider what needed to be done to keep the Borough running and consider what form of government was needed moving forward and to utilize the PSAB. Also, to consider which direction Council wanted to go and how they wanted to hire for those positions long term. Councilor Brumagin contacted the PSAB and was told for a small Borough it isn't necessary to fill the position of Borough Manager.

MOTION TO SUSPEND THE RULES TO RECONSIDER THE RESOLUTION TO APPOINT A BOROUGH TREASURER:

Councilor Conklin made a motion to suspend the rules and seconded

by Councilor Hoban. Conklin, Kolaja, Steadman, Hoban and Brumagin voted yes, McCrillis voted no.

MOTION TO APPROVE A RESOLUTION TO APPOINT PAUL MAYNARD TO THE POSITION OF BOROUGH TREASURER FOR A 90 DAY INTERIM:

Councilor Conklin made a motion to appoint

Paul Maynard as Borough Treasurer and seconded by Councilor Steadman.

A roll-call vote was taken: Conklin - yes, Kolaja - no, Steadman - yes, Hoban - yes, Brumagin - yes, McCrillis - yes. Resolution passes.

COUNCIL TO APPROVE A RESOLUTION FOR THE APPOINTMENT OF OPEN RECORDS OFFICER: .

President McCrillis read the Resolution.

MOTION TO APPROVE A RESOLUTION TO APPOINT CINDY WELLS TO THE POSITION OF OPEN RECORDS OFFICER FOR:

Councilor Conklin made a motion to appoint Cindy Wells as Open Records Officer and seconded by Councilor Steadman.

A roll-call vote was taken: Conklin - yes, Kolaja - yes, Steadman - yes, Hoban - yes, Brumagin - yes, McCrillis - yes. Resolution passes.

COUNCIL TO APPROVE A RESOLUTION APPOINTING BERKHEIMER AS THE LOCAL SERVICE TAX COLLECTOR AND APPROVE THE AGREEMENT BETWEEN THE BOROUGH OF UNION CITY AND BERKHEIMER.

Solicitor Wachter read the resolution. He stated he had reviewed the agreement and had no comments.

MOTION TO APPROVE A RESOLUTION APPOINTING BERKHEIMER AS THE LOCAL SERVICE TAX COLLECTOR AND APPROVE THE AGREEMENT BETWEEN THE BOROUGH OF UNION CITY AND BERKHEIMER.

Councilor Brumagin made a motion to approve the Resolution and seconded by

Councilor Kolaja.

A roll-call vote was taken: Conklin - yes, Kolaja - yes, Steadman - yes, Hoban - yes, Brumagin - yes, McCrillis - yes. Resolution passes.

COUNCIL TO APPROVE A RESOLUTION APPOINTING BERKHEIMER AS THE LST HEARING OFFICER.

Solicitor Wachter read the resolution.

MOTION TO APPROVE A RESOLUTION APPOINTING BERKHEIMER AS LST HEARING OFFICER.

Councilor Hoban made a motion to approve the Resolution and seconded by Councilor Brumagin.

A roll-call vote was taken: Conklin - yes, Kolaja - yes, Steadman - yes, Hoban - yes, Brumagin - yes, McCrillis - yes. Resolution passes.

COUNCIL TO APPROVE A RESOLUTION AUTHORIZING AND EMPOWERING BERKHEIMER, AS LST COLLECTOR, TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT TAXES.

Solicitor Wachter read the Resolution. There is a Schedule of Collection Costs to be imposed and added to Delinquent Tax.

MOTION TO APPROVE THE RESOLUTION AUTHORIZING AND EMPOWERING BERKHEIMER, AS LST COLLECTOR, TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT TAXES.

Councilor Brumagin made a motion to approve the Resolution and seconded by Councilor Conklin.

A roll-call vote was taken: Conklin - yes, Kolaja - yes, Steadman - yes, Hoban - yes, Brumagin - yes, McCrillis - yes. Resolution passes.

COUNCIL TO APPROVE A RESOLUTION APPOINTING A LIASON BETWEEN IT AND BERKHEIMER FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE BOROUGH FOR OFFICIAL PURPOSES. Solicitor Wachter read the Resolution.

MOTION TO APPROVE THE RESOLUTION APPOINTING BOROUGH TREASURER, PAUL MAYNARD, AND BOROUGH SECRETARY, CINDY WELLS, AS THE LIASONS BETWEEN IT AND BERKHEIMER FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE BOROUGH FOR OFFICIAL PURPOSES. Councilor Hoban made a motion to approve

the Resolution and seconded by Councilor Conklin.

A roll-call vote was taken: Conklin - yes, Kolaja - yes, Steadman - yes, Hoban - yes, Brumagin - yes, McCrillis - yes. Resolution passes.

Solicitor Wachter stated he has two letters that President McCrillis will need to sign that notify the State System of Higher Education and the Bureau of Financial Management that Berkheimer has been appointed as the LST tax collector.

COUNCIL TO APPROVE A RESOLUTION APPOINTING DAN BRUMAGIN AS PRIMARY VOTING DELEGATE TO THE ERIE COUNTY TAX COLLECTION COMMITTEE. President McCrillis read the Resolution.

MOTION TO APPROVE THE RESOLUTION APPOINTING DAN BRUMAGIN AS PRIMARY VOTING DELEGATE TO THE ERIE COUNTY TAX COLLECTION COMMITTEE. Councilor Steadman made a motion to approve the Resolution and seconded by Councilor Kolaja.

A roll-call vote was taken: Conklin - yes, Kolaja - yes, Steadman - yes, Hoban - yes, Brumagin - abstain, McCrillis - yes. Resolution passes.

COUNCIL TO APPROVE THE APPOINTMENT OF BRADEN MCCRILLIS AS BOROUGH REPRESENTATIVE TO PA ASSOCIATION OF BOROUGHES.

President McCrillis read the Resolution.

MOTION TO APPROVE THE APPOINTMENT OF BRADEN MCCRILLIS AS BOROUGH REPRESENTATIVE TO PA ASSOCIATION OF BOROUGHES.

Councilor Kolaja made a motion to approve the Resolution, seconded by Councilor Steadman.

A roll-call vote was taken: Conklin - yes, Kolaja - yes, Steadman - yes, Hoban - yes, Brumagin - yes, McCrillis - abstain. Resolution passes.

COUNCIL TO APPROVE THE CONTRACT AGREEMENT BETWEEN THE BOROUGH AND GERALD MERCER FOR UPTO ONE YEAR TO PAY THE FINES IMPOSED BY THE COURT.

MOTION TO APPROVE THE CONTRACT AGREEMENT BETWEEN THE BOROUGH AND GERALD MERCER FOR UPTO ONE YEAR TO PAY THE FINES IMPOSED BY THE COURT. Councilor

Steadman made a motion to approve the contract, seconded by Councilor Conklin. Motion carried.

COUNCIL TO APPROVE PAYING 50% (\$35.00) OF THE MEMBERSHIP APPLICATION FOR KIMBERLY UBER TO THE PA STATE TAX COLLECTORS ASSOCIATION.

MOTION TO APPROVE PAYING 50% (\$35.00) OF THE MEMBERSHIP APPLICATION FOR KIMBERLY UBER TO THE PA STATE TAX COLLECTORS ASSOCIATION. Councilor Kolaja made a

motion to approve and seconded by Councilor Hoban. Motion carried.

COUNCIL TO AMMEND THE JUNE 16, 2016 MEETING MINUTES. CHIEF PERNICE WAS LISTED AS AN ATTENDEE AT THE MEETING AND HE WAS NOT PRESENT.

MOTION TO AMMEND THE JUNE 16, 2016 MEETING MINUTES. CHIEF PERNICE WAS LISTED AS AN ATTENDEE AT THE MEETING AND HE WAS NOT PRESENT. Councilor Brumagin made a

motion to approve and seconded by Councilor Hoban. Motion Carried.

UNION CITY PLANNING COMMISSION. The Union City Planning Commission met and will be

reviewing the Zoning Laws and Land Use. They may possibly be updating the Comprehensive Plan. The Borough Zoning Laws have some loop holes and they are asking that Union Township and the Union City Borough review the template provided by the Erie County Department of Planning so the laws can be updated.

COUNCIL TO APPROVE A FORMULATION FOR DISTRIBUTION OF SURPLUS FROM THE BENECON HEALTH INSURANCE PLAN. Solicitor Wachter stated this formulation had already

been approved at the July 12, 2016 Council meeting. Solicitor Wachter said the intention for tonight was to determine the actual amount to be distributed. Councilor Brumagin stated that at this time we are waiting to determine the amount for 2015 before making the distribution.

Councilor Brumagin made a motion to table this until the September meeting and seconded by Councilor Conklin. Motion carried.

COUNCIL TO REVIEW THE PROPOSED CIVIL SERVICE RULES AND REGULATIONS. The

Commission has not reviewed them. Councilor Conklin made a motion to table and seconded by Councilor Kolaja. Motion carried.

ZITO BUSINESS FIBER OPTIC SERVICE. President McCrillis asked Secretary Wells of the status.

Secretary Wells stated that the wiring was run into the Borough Building Garage and they will be completing in the next week or two. She also stated that she and Councilor Brumagin had a conference call with them yesterday. Councilor Brumagin stated that Zito Business has expressed the desire to install a HUB in the Borough building. They would give free fiber optic services to the Borough to compensate them for that space.

PARKS AND RECREATION

The Park Beautification crew participated in a cleanup at the First Avenue park.

COUNCIL TO CONSIDER INCREASING THE PAVILION RENTAL FEES AND REQUIRE A SECURITY DEPOSIT.

It has been suggested that the Borough increase the pavilion rental fees and require

a security deposit. Solicitor Wachter also suggested having an Indemnification Provision to hold the Borough harmless if anything occurs.

MOTION TO APPROVE THE INCREASE OF PAVILION RENTAL FEES TO \$50 AND REQUIRE A SECURITY DEPOSIT OF \$40 AND A SIGNED AGREEMENT WITH AN INDEMNIFICATION CLAUSE AND DIRECT SOLICITOR WACHTER TO WRITE THE INDEMNIFICATION CLAUSE.

Councilor

Brumagin made a motion and seconded by Councilor Steadman.

Motion carried.

Anyone who has currently paid for 2017 will not be required to pay the added fee. A letter will be sent to anyone who has made reservations for 2017 and not paid, notifying them of the increase and security deposit requirement.

PUBLIC SAFTEY

Councilor Kolaja wants to thank Cindy, David, Paul, his crew, for National Night Out. It

was very well put together.

PUBLIC WORKS

Streets Supervisor Paul Maynard stated that all the tar and chip, and paving projects, last years and this years, are complete. He wants to look at some streets for next year. Some pot holes need fixed and some tar and chip may need a third coat in the next year.

Councilor Hoban stated he talked to Paul Maynard concerning the contracts for salt and brine for next year. Paul will talk to some contacts that he has regarding this.

FINANCE

COUNCIL TO APPROVE THE TRANSFER OF \$1,423.29 FROM THE LEGISLATIVE GRANT FUND TO THE GENERAL FUND TO COVER NATIONAL NIGHT OUT EXPENSES.

MOTION TO APPROVE THE TRANSFER OF \$1,423.29 FROM THE LEGISLATIVE GRANT FUND TO THE GENERAL FUND TO COVER NATIONAL NIGHT OUT EXPENSES.

Councilor Kolaja made a motion to authorize the transfer, second by Councilor Hoban. Motion carried.

This money is money that came from local business donations.

LIQUID FUELS REIMBURSEMENT: The \$9,998.47 to be reimbursed back to PennDOT for Liquid Fuels may not need to be paid back. Mary Amon from PennDOT will be meeting with the Borough Secretary to determine if there are other expenses that could be used against this. After this meeting it will be determined if it needs to be paid back.

CORRECTION TO THE FINANCIAL REPORT: Councilor Kolaja asked that on page 5 of the "Expenses by Vendor Detail - Paid Bills" be changed to Union City Volunteer Fire Department not Union City Ambulance Service.

Solicitor Wachter suggested that a report be provided that shows actual expense year-to-date vs budget.

PERSONNEL & PLANNING

MOTION TO ACCEPT THE RESIGNATION OF BRET SMITH FROM CIVIL SERVICE COMMISSION.

Councilor Hoban made a motion that the resignation letter of Bret Smith be accepted and second by Councilor Brumagin. Motion carried.

There is an opening on the Civil Service Commission with the resignation of Bret Smith.

MOTION TO SUSPEND THE RULES TO DISCUSS THE HOURLY RATE FOR THE POSITIONS OF BOROUGH SECRETARY AND OPEN RECORDS CLERK.

Councilor Hoban made a motion to suspend the rules and seconded by Councilor Brumagin. Motion carried.

MOTION TO ESTABLISH THE HOURLY RATE FOR THE POSITIONS OF BOROUGH SECRETARY AND OPEN RECORDS CLERK.

Councilor Conklin made the motion to set the rate at the \$15.00 standard as established at the Work Session on July 26, 2016 for the interim duties that were performed previously, and seconded by Councilor Kolaja. Motion carried.

There was concern about the rate for Street Supervisor Paul Maynard. They asked that Paul stay within his 40 hour work week until it is determined if it is compliance with the Fair Labor Law. Solicitor Wachter will check with Labor Law Attorney.

STREETS AND SIDEWALK ORDINANCE: President McCrillis stated that the Streets and Sidewalks Ordinance will be discussed at the next work-session.

INFORMATIONAL SUMMARY:

If there is no objection, the Informational Summary will stand approved as presented. Councilor Hoban made a motion and second by Councilor Conklin. Motion carried.

ADJOURNMENT: It was moved by Councilor Conklin and seconded by Councilor Brumagin that the meeting be adjourned.

The meeting adjourned at 9:15 pm.

ATTEST: _____
Borough Secretary