

**MINUTES  
UNION CITY BOROUGH  
MARCH 14, 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 7:01 P.M. by Councilor Brumagin. The meeting was held at the Union City Fire Department Social Hall.

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

Officials Present were Borough Mayor Bob King, Solicitor Wachter, Secretary Cindy Wells, Police Chief David Pernice, Streets Supervisor Paul Maynard, and Zoning Officer Dennis Ploss.

See the attached sign-in sheet for visitors present.

**APPROVAL OF AGENDA:** It was moved by Councilor Conklin and seconded by  
by Councilor Kolaja that the agenda stands approved as presented.  
Motion carried.

**MOTION ON MINUTES:** It was moved by Councilor Kolaja and seconded by Councilor Conklin that all Councilors having read the minutes from the meeting held February 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 ON BILLS:** It was moved by Councilor Steadman and seconded by Councilor  
Kolaja that the unpaid bills be ordered paid and those paid be approved.

**HEARING OF THE VISITORS:** None of the visitors spoke.

**CODE ENFORCEMENT:** There were no questions.

**ZONING OFFICER:** There were no questions.

**MAYOR:** The Mayor stated again that when the weather changes the Yield sign needs posted on the curve of Second Avenue.

**EXECUTIVE SESSION:** Council went into Executive Session at 7:07 with Street Supervisor Paul Maynard and Police Chief David Pernice to discuss personnel matters. Council returned at 7:24.

**MOTION TO SUSPEND THE RULES:** It was moved by Councilor Kolaja and seconded by Councilor Steadman to suspend the rules. Motion carried.

**AMENDMENT TO THE AGENDA:** It was moved by Councilor Steadman and seconded by Councilor Kolaja to add two agenda items under Personnel and Planning. One for the termination of James Russell and a second to add an approval to elevate Officer Anthony Rekitt to full-time effective Wednesday, March 15, 2017. Motion carried.

**ECGRA GRANT:** The Mayor and Borough Secretary attended the awards ceremony for

the ECGRA Grant. The Borough received \$536.35 towards the fireworks at the French Creek Festival.

**PARKER HANNIFIN COMMUNITY SERVICE:** The dates that Parker Hannifin have set for

their employees to complete projects in the Borough were read. Paint supplies and brooms will be needed. Council agreed that these would be supplied.

**VACATING STREETS:** Letters have been sent out to property owners concerning the streets that are being vacated. Some have responded that they approve.

**CHARTER FRANCHISE AGREEMENT:** The Solicitor stated the agreement had been sent January 22, 2017 and there has been no response at this time but he would continue to follow-up on the agreement.

**HAGAN BUSINESS MACHINES:** Cindy Wells met with the Hagan representative concerning the

lease agreement on the copier. The current lease is up in May 2017. Hagan presented what the current copier/scanner/printer has cost us which is approximately \$185.18 per month. The new copier/scanner/printer that is comparable would cost approximately \$168.55 per month. Cindy Wells requested that the stapler feature would be added for an additional \$12.00 per month. It would still be a savings of approximately \$4.63 per month. The Solicitor stated that he would want to review the new lease agreement to make certain there is an appropriation clause.

**MOTION TO LEASE NEW COPIER/SCANNER/PRINTER:** It was moved by Councilor Conklin and seconded by Councilor Steadman that after review and approval of a new lease agreement by Solicitor Wachter for a new Toshiba Copier/Scanner/Printer, the agreement be signed. Motion carried.

**STATEMENT OF FINANCIAL INTEREST:** The Borough Secretary stated Statement of Financial Interest have not been received by all Councilman and the forms are included in their meeting information.

**ORDINANCE 1090 REQUIRING TENANT REGISTRATION:** Ordinance 1090 requiring Tenant registration was handed out. Solicitor Wachter stated this Ordinance was passed in 2013 to enhance the Boroughs ability to collect Earned Income Tax and the Per Capita Tax. The Borough Secretary asked how it was to be enforced. The Borough Secretary suggested that a letter regarding Ordinance 1090 and a letter regarding the amended Ordinance 987 (Garbage Ordinance), if passed, be sent to all Landlords notifying them of the requirements. Councilor Brumagin stated that the Municipal Authority has a list of the Landlords in the Borough that could be provided. Council agreed.

**MUNICIPAL AUTHORITY REQUEST FOR TAX EXONERATION:** Solicitor Wachter submitted a letter to the Borough Secretary on behalf of the Municipal Authority asking for the Tax Exoneration for the year 2017 on the property that was given to them by Northwest Savings Bank at 22 North Main Street. The Borough Secretary will email the letter with the attachments for Council to review and vote on at the next Council meeting.

**CONELWAY T-BALL & SOFTBALL:** Solicitor Wachter stated that regarding the questions had been previously asked have been addressed with the changes to the agreement.

**MOTION TO SIGN THE AGREEMENT WITH CONELWAY T-BALL & SOFTBALL LEAGUE:** It was moved by Councilor Kolaja and seconded by Councilor Conklin to sign the agreement with Conelway T-Ball & Softball League. Motion carried.

**MOTION TO PASS A RESOLUTION (#2017-047) GIVING AUTHORIZATION AND APPROVAL OF THE DISPOSITION OF THE AUDIO RECORDS OF EACH BOROUGH COUNCIL MEETING AFTER THE MINUTES HAVE BEEN DULY APPROVED:** It was moved by Councilor Kolaja and seconded by

Councilor McGuire to pass a Resolution giving Authorization and approval of the disposition of the audio records of each Borough Council meeting after the minutes have been duly approved. Motion carried.

**ORDINANCE #987 GARBAGE ORDINANCE:** Council to review Ordinance 987 Providing for the Regulating and Collection of Recycling and Garbage. Solicitor Wachter stated the changes that were previously discussed have been made.

**MOTION TO APPROVE ADVERTISING FOR THE ADOPTION OF THE AMENDED ORDINANCE #987 GARBAGE ORDINANCE:** It was moved by Councilor Kolaja and seconded by Councilor Conklin to approve advertising for the adoption of the amended ordinance #987 Garbage Ordinance. Motion carried.

**AGREEMENT BETWEEN BUILDING INSPECTION UNDERWRITERS (BIU) AND THE BOROUGH:**

BIU is the inspection firm for the Borough of Union City residents apply for a building permit. Under the old law the Borough could have the Zoning Officer look at houses, determine if they met the Zoning Guidelines and had the power to condemn properties. The new law does not allow that. This agreement, provided by them, would allow them to administer their services for the Borough. Union City also has a current Property Maintenance Code that property owners are supposed to follow, this agreement would also help in enforcing that Code for any violation. Solicitor Wachter stated that BIU would be acting as an agent for the Borough. Any records they create would become the property of the Borough. They perform services at the direction of the Governing Body of Borough of Union City. Council should consider appointing an employee to be the specific contact for BIU, otherwise they would have to wait until a Council meeting. It is also comforting for residents and Council to know that BIU is only completing inspections that are requested by the Borough. BIU would only be charging for properties they inspect that are requested by the Borough. Councilor Brumagin stated the Borough currently has a Code Enforcement Officer to enforce the Property Maintenance Code and a Zoning Officer to enforce the Zoning Ordinances. BIU would be used for extreme cases neither one of them can handle. Solicitor Wachter pointed out that this only a one year agreement and automatically renews in a year unless the Borough gives them 30 days written notice.

**MOTION TO APPROVE SIGNING OF THE AGREEMENT BETWEEN BUILDING INSPECTION UNDERWRITERS (BIU) AND THE BOROUGH:** It was moved by Councilor Conklin and seconded

by Councilor Steadman to sign the agreement between Building Inspection Underwriters (BIU) and the Borough. Motion carried.

**AMENDMENT OF ZONING ORDINANCE 910:** A Public Hearing was held on March 14, 2017 regarding this Ordinance with no objections.

**MOTION TO ADOPT (ORDINANCE 1106) THE AMENDMENT TO ZONING ORDINANCE 910:** It

was moved by Councilor Kolaja and seconded by Councilor Conklin to adopt (Ordinance 1106) the Amendment to Zoning Ordinance 910, by amending Section 202 and Section 512 to update the standards set forth regarding Manufactured or Mobile Homes, providing for a repealer, severability and an effective date. Motion carried.

**MOTION TO APPROVE A PAYMENT OF \$82.00 FOR SIDEWALL REPAIRS AT 1 ODELL STREET:** It

was moved by Councilor Conklin and seconded by Councilor Kolaja to approve a payment of \$82.00 from the Sidewalk Fund to Pat Russell and Bill Patts for sidewalk repair at 1 Odell Street. Street Supervisor approved the work. Motion carried.

**DISCUSS THE CLAIM RELEASE AND ASSIGNMENT IN THE AMOUNT OF \$74,425 WITH TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA.** Solicitor Wachter explained this

is the Bond payment as a result of the former Borough Manager having plead guilty to Mail Fraud. The bond was for up to \$25,000 for every year the bond was in effect. The losses and payment amounts are as follows:

Losses:	Claim:
2013 \$6,000	\$ 6,000 in 2013
2014 \$18,425	\$18,425 in 2014
2015 \$95,620.69	\$25,000 in 2015
2016 \$83,128.56	\$25,000 in 2016

This Claim Release and Assignment in the amount of \$74,425 notifies Travelers Casualty and Surety Company of America that we accept this as full payment and will not hold them responsible for any further payments under this particular claim, and we are giving them all rights to sue Cheryl Capela for any subrogation or the ability to get money back as the result of having paid this. He stated that he has reviewed the document and had extensive conversations with the bonding company and is comfortable with it and recommends to Council that it be signed.

**MOTION THAT THE BOROUGH COUNCIL APPROVE THE CLAIM RELEASE AND ASSIGNMENT IN THE AMOUNT OF \$74,425 WITH**

**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA AND AUTHORIZE BOROUGH COUNCIL PRESIDENT BRUMAGIN TO EXECUTE THE SAME.** It was

moved by Councilor Conklin and seconded by Councilor McGuire that the Borough Council approve the Claim Release and Assignment in the amount of \$74,425 with Travelers Casualty and Surety Company of America and authorize Borough Council President Brumagin to execute the same. Motion carried.

**INTEREST RATES:** Information was given on PLGIT and Northwest Savings Bank interest rates.

Council requested that the Borough Secretary check with Erie Bank on their current rates and report back at the next meeting. Councilor Brumagin stated that the \$74,425 should be kept in a separate account.

**MOTION TO APPROVE JANEL ZAHNER TO THE RECREATION COMMITTEE TO FILL THE VACANT TERM EXPIRING DECEMBER 31, 2021:** It was moved by Councilor Kolaja and seconded by

Councilor McGuire to approve Janel Zahner to the Recreation Committee to fill the vacant term expiring December 31, 2021. Motion carried.

**MOTION TO APPROVE THE HIRING OF ANTHONY REKITT AS A FULL-TIME POLICE OFFICER:** It

was moved by Councilor Conklin and seconded by Councilor Kolaja to Hire Anthony Rekitt as a full-time Police Officer. Motion carried.

**MOTION TO APPROVE THE TERMINATION OF JAMES RUSSELL** Councils consideration for this

was due to the failure to show up for work. It was moved by Councilor Steadman and seconded by Councilor Kolaja to terminate James Russell. Motion carried.

**MOTION TO APPROVE SPENDING THE 2017 COUNTY AID IN THE AMOUNT OF \$18,491.00 ON 2017 ROAD MAINTENANCE.** It was moved by Councilor Steadman and seconded by Councilor

Conklin to approve spending the 2017 County Aid in the amount of \$18,491.00 on 2017 Road Maintenance. Motion carried.

**WIND DAMAGE:** Councilor Steadman stated that last week during the high-wind storm there

was damage to the shingles on the shop roof. When weather improves Paul Maynard will investigate the damage.

**MOTION TO APPOINT BRETT SMITH TO THE CIVIL SERVICE COMMISSION TO FILL THE VACANCY LEFT BY THE RESIGNATION OF**

**ROBERT WOLF WHOSE TERM EXPIRES DECEMBER 31, 2018.** It was moved by Councilor Conklin and seconded by Councilor Steadman to appoint Brett

Smith to the Civil Service Commission to fill the vacancy left by the resignation of Robert Wolf whose term expires December 31, 2018. Motion carried.

**INFORMATIONAL SUMMARY:** There being no objection, the Informational Summary will stand approved and be made a part of the minutes of this meeting.

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

The meeting adjourned at 8:08 P.M.

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ATTEST