

**MINUTES  
UNION CITY BOROUGH  
FEBRUARY 28, 2023**

**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 Council Meeting for the Borough of Union City was called to order at 6:00 P.M. by Councilor Cross. The meeting was at the First United Methodist Church, 42 East High Street, Union City. The meeting opened with the Pledge of Allegiance and a moment of silence.

**COUNCILORS PRESENT:** were Cross, Joyce, Warner, Daggett, Fitch, and Osborn. Winkler was absent.

**OFFICIALS PRESENT:** Mayor, Natalie Wilmoth; Borough Manager, Cindy Wells; Police Chief, David Pernice; Code Enforcement, Terri Migliaccio.

**APPROVAL OF AGENDA:** Motion made by Councilor Joyce and seconded by Councilor Warner to adopt the agenda as amended by adding the acceptance of a Council resignation and an appointment of a Councilor. Motion carried unanimously.

**MOTION ON MINUTES:** Motion Made by Councilor Joyce and seconded by Councilor Warner that all Councilors, having read the minutes, approve minutes from the Council Meeting on February 14, 2023. (Cindy Wells told Council the copies of the minutes they were given did not include the information on the backhoe door. It has been added to the minutes.) Motion carried unanimously with the inclusion of the information on the backhoe door.

**HEARING OF THE VISITORS:** Jeff Hines, 9 Warden Street, stated that he and his wife Keisha had submitted an application to the landbank to purchase 13 Warden Street. They have lived at 9 Warden for 13 years. Their main goal is to build a garage and increase property values for everyone in the Warden Street area. They are active in the community and love the community. They purchased a home across the street and cleaned it up for family.

**CODE ENFORCEMENT:** Code Enforcement Officer Terri Migliaccio read a statement in response to a resident who spoke at the last Council meeting regarding Code Enforcement, Chicken Ordinance and Zoning. The statement is attached at the end as part of the minutes.

**POLICE CHIEF:** The Police Chief had no reports or recommendations.

**PUBLIC WORKS:** Museum sewer line was partially replaced and Kerstetter will complete the project into Main Street. He was going to come this week.

Paving Projects – Council reviewed the list of recommended paving projects. The list was emailed to Council for their review previously and it gave them an opportunity to look at the recommended streets. It was mentioned that Putnam Street was not ranked very high on the list. Council felt that it was traveled more than Miles Street between the hill to Concord Street.

**MOTION TO ADVERTISE A BID PACKAGE FOR 2023 PAVING PROJECTS TO INCLUDE THE FOLLOWING STREETS: PUTNAM STREET TOP OF HILL TO APPROXIMATELY 46 PUTNAM, JOHNSON STREET FROM GILLETTE STREET TO SR. CENTER DRIVEWAY, FIFTH AVENUE FROM SOUTH STREET TO WEST HIGH STREET, ALL AS THE BASE BID. OPTION 1 IS CHERRY STREET FROM ODELL TO NEW PATCH, OPTION 2 IS CENTER STREET FROM ROUTE 6 210' X 27' PATCH, OPTION 3 GRANT STREET FROM MILES TO LINCOLN.** Motion made by Councilor Joyce and seconded by Councilor Daggett. Motion carried unanimously.

**MAYOR:** The Mayor had no reports or recommendations.

**BOROUGH MANAGER:**

**MISCELLANEOUS UPDATES:**

An interview is set-up for March 7, 2023 through Adecco.

Statement of Financial Interest is still needed from some Council members.

Borough application for the Parks, Fields & Trail grant with ECGRA was approved for a \$50,000 grant in Devereaux Park. The Borough is already receiving approximately \$91,000 towards that project and additional funds of approximately \$40,000 are needed. The Borough is also submitting an application to the DCED for funds.

The March 13, 2023 meeting is on Monday. There is a Public Hearing at 5:30 for the proposed amendment to the Zoning Ordinance. Also, Council will consider the following ordinances: Amended Zoning Ordinance, Towing & Abandoned Vehicle Ordinance, Amendment to the Garbage Ordinance, and Street Storage and Waste Dumpsters Ordinance.

Fire, EMS & Municipal Leadership Seminar – Tuesday, March 14, 2023 at 5:00 PM at the Bayfront Convention Center. Reservations due by March 7, 2023. If you want Cindy to make them let her know.

**COMPLAINT ON WARDEN STREET** – Resident complained about heavy trucks and requested a temporary weight limit. Cindy discussed it with the Solicitor and he stated that the Borough would need an ordinance and a traffic and engineering study completed also. Council agreed not to proceed.

**MUNICIPAL LOT #2 – DUMPSTER** – Property owners Church & Fallon have a dumpster in the Borough lot for the apartments. There have been some issues of large items left. They asked about installing a fence. Council does not want to allow a fence to be installed.

**SELL MOWER AND OLD TRAFFIC SIGNAL POLES ON MUNCIBID** – Council approved selling the mower on Muncibid. They would like to sell the poles for scrap.

**ERIE COUNTY LAND BANK – 13 WARDEN** – The Landbank received an application from Jeff & Keisha Hines, 9 Warden Street to purchase 13 Warden Street and build a garage within the next 5 years.

**MOTION TO APPROVE THE APPLICATION TO ERIE COUNTY LANDBANK TO PURCHASE 13 WARDEN STREET WITH COMPLETION OF CONSTRUCTION OF THE GARAGE IN FIVE YEARS.** Motion made by Councilor Daggett and seconded by Councilor Warner. Motion carried unanimously.

**RESOLUTION FOR AUTHORIZED SIGNERS FOR BOROUGH PENSIONS:** Resolution needed to approve signers for the pension plans.

**MOTION TO APPROVE A RESOLUTION APPOINTING RILEY CROSS, COUNCIL PRESIDENT; MATTHEW JOYCE, COUNCIL VICE PRESIDENT; AND CINDY WELLS BOROUGH MANAGER AS THOSE AUTHORIZED TO SIGN FOR INSTRUCTIONS REGARDING THE ADMINISTRATION OF THE BOROUGH PENSION PLANS.**

Motion made by Councilor Warner and seconded by Councilor Fitch. Motion carried unanimously.

**GROUP INSURANCE BENEFITS:** Borough required to fill out a form listing the eligibility requirements for health and dental insurance benefits. Questions are what is the continuation provisions for leave policies? Also, are same sex spouses (legally married) eligible for coverage? The Municipal Authority and the Borough are required to have the same eligibility. There is no option for COBRA. Council discussed several different options and decided to table until the next meeting.

**MOTION TO TABLE THE DECISION ON CONTINUATION OF BENEFITS PROVISIONS FOR LEAVE POLICIES AND COVERAGE FOR LEGALLY MARRIED SAME SEX SPOUSES UNTIL THE MARCH 13, 2023 MEETING.**

Motion made by Councilor Joyce and seconded by Councilor Warner. Motion carried unanimously.

**AT-RISK-BRIDGE PROGRAM – WILLOW STREET BRIDGE:** Surveying is being completed. The grant for this is \$240,000. The Borough will provide the match of \$160,000. Requesting approval from Council to use \$160,000 of ARPA funds.

**MOTION TO APPROVE SPENDING \$160,000 OF ARPA FUNDS FOR THE MATCHING FUNDS FOR THE AT-RISK-BRIDGE PROGRAM REPLACING THE WILLOW STREET BRIDGE.** Motion made by Councilor Joyce and seconded by Councilor Fitch. Motion carried unanimously.

**ADMINISTRATION:** Discussion of wages for Code/Zoning Enforcement Assistant, Denny Ploss.

Councilor Cross stated that the job description was discussed at the previous Council meeting executive session. Council agreed to remove zoning from this position. They discussed reducing his pay by 2/3 of the current salary.

**MOTION TO REDUCE THE WAGES FOR DENNY PLOSS, CODE ENFORCEMENT ASSISTANT, TO 2/3 OF HIS CURRENT PAY.** Motion made by Councilor Warner and seconded by Councilor Daggett. Motion carried unanimously.

**RESIGNATION OF ROBERT FITCH:** Councilor Fitch read a letter of resignation (attached and made a part of the minutes) to take effect March 14, 2023.

**MOTION TO ACCEPT THE RESIGNATION OF COUNCILOR ROBERT FITCH EFFECTIVE MARCH 14, 2023.**

Motion by Councilor Osborn and seconded by Councilor Daggett. Motion carried unanimously.

**APPOINTMENT TO FILL VACANCY LEFT BY ROBERT FITCH:** President Cross stated that effective March

14, 2023, Charlie Steadman has agreed to full-fill the term of Robert Fitch, which ends December 31, 2023.

**MOTION TO APPOINT CHARLIE STEADMAN TO FILL THE REMAINING TERM OF ROBERT FITCH, WHICH WOULD END DECEMBER 31, 2023, EFFECTIVE MARCH 14, 2023.** Motion made by Councilor Joyce and seconded by Councilor Daggett. Motion carried unanimously.

**DEPARTMENT LIAISON REPORTS:** Department Liaisons had no reports or recommendations.

**ADJOURNMENT:** Motion made by Councilor Warner and seconded by Councilor Osborn that the meeting be adjourned. The meeting adjourned at 7:32 P.M. Motion carried unanimously.

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ATTEST

Statement read by Code Enforcement Officer, Terri Migliaccio at the February 28, 2023 Council Meeting.

Last meeting there was public comment given by [REDACTED]. I feel it is important to set the record straight. My job is to enforce ordinances put into place by Borough Council. That job is done by driving neighborhoods. I do not intentionally drive past any particular homes more than others. I do not harass nor have I been instructed to harass any citizen. I treat all citizens the same regardless of their stature, how much money they make, how much they pay in property taxes or what their property looks like. The job is the same for all. I have had to give notices and tickets to my friends, family, and clients.

The fact that someone has successfully violated a zoning ordinance about chickens for the past several years should not exempt them from being required to comply with borough ordinances.

Six residents were sent a copy of the chicken ordinance, an application, and instructions on the process. Four complied or removed their chickens. The two that did not, were sent a fine. Once they did comply, an inspection was completed. Due to [REDACTED] connection with borough council, I felt that borough council should make the decision on the coop's status. That information was presented to council on November 8<sup>th</sup> by Cindy because I work the election polls from 6 am – 8 pm and was not able to attend. A letter was then sent to [REDACTED] with councils requirements and asked them to contact me when completed.

This is the letter that was sent. (presented letter to council). As you can clearly see, they were not told that they had to increase the size of the box. They were told that the entire area was classified as the coop, as the box was not big enough to be classified as a coop. I mentioned to them that the chickens are to be kept in the pen as they were loose the day I was there. They were asked to put a cover on the front of the roosting box to give the chickens protection from the inclement weather. As for being vermin proof, regardless of whether they have had any issues in the past, we told them they needed to make it vermin proof as we have requirements for a reason.

The fact that you cannot see the coop from the road does not exclude it from requirements. The majority of the coops that were inspected could not be seen from the road either, but they have all complied. As for the finish of the coop, at the time of the first inspection, it was unfinished OSB board. What gives me the experience to say that? I worked at Ethan Allen for more than 6 years in the finishing department. My job was to stain, paint and seal chairs. I know what a finished and non-finished product is.

She mentioned that I don't enforce the ordinance regarding unregistered vehicles. That was a conversation that I had with Riley when he called me to ask about her chickens. We discussed it and he agreed that due to the time available for this job, that I would not give out notices for a vehicle unless that vehicle looked to be in disrepair.

Regarding her fence. Code enforcement never told them anything. Fences were discussed at a council meeting. I had a letter ready to give out the next day, but I drove by before mailing it to find that the fence pieces that were broken had been taken down.

This job is not easy. It requires time to go over all new issues as well as checking on compliance for all past issues. It takes time to write the notices and send them out. I do the best that I can with the time that I have.

Just because you see properties that look awful does not mean that we are not doing our job. People don't know what they don't know.

Lastly, I appreciate the efforts of Denny. His knowledge and expertise allow him to be thorough (sometimes too thorough. lol) and he is nonbiased. His work allows us to utilize our time to the best of our abilities while being good stewards of the council's money.