

MINUTES

NORTH EAST BOROUGH COUNCIL

Monthly Meeting November 7, 2022

BOROUGH COUNCIL MEMBERS PRESENT:

Denise McCumber, President
Bill Beardsley, Vice President
Todd Luke, President Pro Tem
Heather Jones
Ryan McGregor
Amber Belson

OTHERS PRESENT:

Jon Triana, Mayor
Patrick Gehrlein, Borough Manager
Dan Miller, Solicitor
Rebecca Bliss, Administrative Assistant
John Kowalski, Police Lieutenant
Julio Pazmino, Waste Water Supervisor
Terry Daughenbaugh, Water Supervisor
Mark Hamman, Streets Assistant Supervisor
Raymond Beldon
Joseph Schneider
Nancy Schneider
David Hirtzel
Randy Anderson
Nancy Anderson
Tom Huber
Ann Schaff
Ray Schaff
Greg Henning
Frank Desantis
Betty Truby
Jerry Weinheimer
Deb Wurst
Robert Behrens, Jr.
Jackie King
Denny Belknap, Jr.
Jeff Stritzinger
Julie Reynolds
Ethelynn Cunningham
Mason Bennett
Boy Scout Troop 82
Steve Gregory
Tim Krug
Robert Hamman
Others present, not signed in

PUBLIC HEARING:

The Public Hearing for Ordinance No. 921: Domestic Animals and Fowl Ordinance began at 6:00 p.m. Borough Council President D. McCumber asked for public comment regarding the proposed ordinance.

R. Belton, 9 Bank Street, requested that individual problems with chickens be addressed instead of getting rid of all chickens in the Borough. He also stated that the inspection portion of the proposed ordinance would require search warrants for entry to his property. He stated that issues with landlords should be addressed first.

N. Schneider, 64 Eaton Drive, stated her support for the proposed ordinance. She commended current chicken owners who are following the rules and taking care of their animals but stated that the residential communities of the Borough are not farmland as the lots are not large enough. She referenced several written complaints from her neighborhood. She also referenced the costs of raising chickens as compared to the egg cost savings they provide. She also referenced several local food sources, stating that raising chickens for their egg production is not necessary for food provision. She also stated the need for pest and waste control.

S. Post, 90 East Division Street, stated that he has had chickens for over ten years with no problems with his neighbors. He stated that waste is used for garden compost. He stated his chickens are pets loved by children and grandchildren, make less noise than neighborhood dogs, and are not causing any problems.

J. Stritzinger, 55 South Washington Street, referenced the current regulations that state chicken coops must be at least 35' from all property lines which eliminates most lots in the Borough due to size. He stated that he does not feel the proposed ordinance is necessary.

J. Schneider, 64 Eaton Drive, stated that the proposed ordinance covers more than chickens. He stated that he has had problems with his neighbors and is in favor of the proposed ordinance. He said that, as a previous member of Borough Council, he was surprised to see current council members posting opinions on social media, quoting online posts. He stated that the online comments create a conflict of interest and that those members of council should abstain from the vote.

G. Henning, 25 North Pearl Street, asked if the current ordinance has been enforced. P. Gehrlein stated that there are several active cases over the last few months but that the current ordinance lacks appropriate enforcement protocols, which would be solved through the proposed ordinance to address current and future problems.

R. Behrens, 97 Wall Street, asked how emotional support animals/pets would fit into the proposed ordinance. P. Gehrlein stated that enforcement would be ADA compliant and handled on a case-by-case basis. R. Belton stated that people cannot be legally questioned regarding emotional support animals.

J. Reynolds, 4319 Creekside Drive, expressed her support for chickens as pets and emotional support animals. She referenced egg price increases and the need for chickens to help address poverty within the community. She stated that chickens are sustainable and provide economic benefit to the community.

T. Krug, 26 Town Street, expressed his disapproval of the proposed ordinance, stating that cats roaming the neighborhoods are a greater problem than chickens.

J. Nagle, 179 Concord Drive, said that he has enjoyed having chickens and has neighborhood support and involvement in feeding and egg sharing. He stated that chickens are not a problem if they are kept clean and penned.

D. Henry, Boy Scout Troop 82, stated that chickens should be allowed because they eat ticks and small rodents, and they provide food.

E. Bostek, Boy Scout Troop 82, stated that his cousin used to bring them eggs from their chickens, and they helped with cooking.

W. Reed, Boy Scout Troop 82, said his neighbors share the eggs from their chickens and he likes to help take care of them. He also stated that the chickens help eat bugs out of their yard.

H. Jones stated that her Facebook post asked for the involvement of the community and did not share an opinion. She also stated that her opinion is not a conflict of interest because she does not own chickens.

J. Triana stated that he can remove himself from the voting, if necessary, but also shares the opinion that cats are more of an issue in the Borough than chickens.

R. McGregor stated that social media forums allow for the expression of ideas and opinions on a variety of issues. He also stated that his opinion is not a conflict of interest because he does not own chickens.

D. Miller, Solicitor, stated that sharing opinions on social media is allowable but often falls within a gray area. He stated that the Sunshine Act prohibits deliberating, but that the presented concern is not a violation of the Ethics Act.

The Public Hearing concluded at 6:30 p.m.

The regular monthly meeting of North East Borough Council was held Monday, November 7, 2022, in Council Chambers following the Public Hearing.

CALL TO ORDER:

Borough Council President D. McCumber called the meeting to order at 6:30 p.m., at which time the Pledge of Allegiance was recited.

MINUTES:

A. Belson motioned to approve the October 3, 2022, minutes as presented. B. Beardsley seconded. The motion carried unanimously.

B. Beardsley motioned to approve the October 17, 2022, minutes as presented. T. Luke seconded. The motion carried unanimously.

ACCOUNTS PAYABLE:

R. McGregor asked what "Cody Systems" is as listed on the Expense Approval Report. J. Kowalski stated that it is the Police Department's record management system. T. Luke motioned to approve the Expense Approval Report as presented. R. McGregor seconded. The motion carried unanimously.

PUBLIC COMMENTS:

S. Gregory, 7 Eagle Street, invited council and community members to attend the Veteran's Day ceremony on Friday.

R. Behrens, 97 Wall Street, asked if the budget was set for the next year. D. McCumber stated that it is in progress and will likely be advertised in December.

UNFINISHED BUSINESS:

R. McGregor motioned to vote regarding Ordinance No. 921: Domestic Animals and Fowl Ordinance as presented. B. Beardsley seconded. After a roll call vote, the proposed ordinance did not pass by a vote of 4-2. The vote was as follows:

Heather Jones	<u>No</u>	Ryan McGregor	<u>No</u>
Todd Luke	<u>No</u>	Denise McCumber	<u>Yes</u>
Bill Beardsley	<u>Yes</u>	Amber Belson	<u>No</u>

D. McCumber asked P. Gehrlein to make a plan of action for the enforcement of the current regulations regarding chickens in the Borough.

NEW BUSINESS:

Resolution 11072022-1: Application for Strategic Management Planning Grant Program through PADCED

Terri Cunkle, Local Government Policy Specialist from DCED, detailed the proposed grant application through the presented resolution. She stated that this would allow for planning of up to five years' worth of grants, Phase 1 of which would include a financial review, management review, and departmental review that would then result in recommendations. She stated that the grant limit is up to \$200,000 every round. P. Gehrlein stated that a previous Borough Council approved this process but did not ultimately pursue its completion. P. Gehrlein also stated that the approval of the proposed resolution will be helpful with financial projections. A. Belson motioned to approve Resolution 11072022-1: Application for Strategic Management Planning Grant Program through PADCED. H. Jones seconded. The motion carried unanimously.

Resolution 11072022-2: Application for PA Small Water and Sewer Grant through the Commonwealth Financing Authority

P. Gehrlein stated that the proposed resolution and funding will be used for a sewer line replacement project on West Main Street from Mill Street to West Street. T. Luke motioned to approve Resolution 11072022-2: Application for PA Small Water and Sewer Grant through the Commonwealth Financing Authority as presented. H. Jones seconded. The motion carried unanimously.

Resolution 11072022-3: Application for a Multimodal Transportation Fund Grant through PennDOT

P. Gehrlein stated that the proposed resolution would provide for a large-scale streetscape and underpass improvement project that would include sidewalks, driveway aprons, conduit, fiber, widening lanes, pedestrian walkways and stairway improvements, and lighting. R. McGregor asked if the grant required a local match. P. Gehrlein stated that Erie County will help match a portion of the amount, which would then cover the whole project. B. Beardsley motioned to approve Resolution 11072022-3: Application for a Multimodal Transportation Fund Grant through PennDOT as presented. R. McGregor seconded. The motion carried unanimously.

Non-Uniform Collective Bargaining Agreement 2023-2024

D. McCumber stated that the Non-Uniform Collective Bargaining Agreement 2023-2024 will be tabled until the finance committee can meet.

State Aid Excess Allocation: \$1,182.86 (Motion)

P. Gehrlein stated that the Borough receives an allocation from the state toward pensions. There is currently an excess of \$1,182.86 in additional revenue from the Commonwealth that Council should consider splitting between the Uniform and Non-Uniform pension plans. T. Luke motioned to split the State Aid Excess Allocation of \$1,182.86 between the Uniform and Non-Uniform pension plans. H. Jones seconded. After a roll call vote, the motion carried unanimously. The vote was as follows:

Heather Jones	<u>Yes</u>	Ryan McGregor	<u>Yes</u>
Todd Luke	<u>Yes</u>	Denise McCumber	<u>Yes</u>
Bill Beardsley	<u>Yes</u>	Amber Belson	<u>Yes</u>

Second Monthly Meeting – November 21, 2022

CORRESPONDENCE

- Police Chief Report
- Code Enforcement Report
- Departmental Report
- Commissions and Authorities

ANNOUNCEMENTS:

D. McCumber encouraged community members to vote in the elections on November 8, 2022.

P. Gehrlein thanked Boy Scout Troop 82 for attending the meeting and participating in the local government process.

PUBLIC COMMENTS:

R. Hamman, Commander: American Legion Post 105, stated that he was informed of several state grants that the Borough and Township are able to apply for on behalf of veterans. P. Gehrlein and D. McCumber stated that they will look into what is available. R. Hamman also asked the community to participate in the Veteran’s Day Ceremony on Friday.

S. Gregory, 7 Eagle Street, asked about progress being made regarding the rental ordinance. P. Gehrlein stated that the proposed draft will be presented in January, which will include short-term rental regulations. H. Jones stated the need to work with landlords, not against them. D. McCumber stated that the focus is on safety.

R. Behrens, 97 Wall Street, expressed his frustration that permits are still not displayed at Haynes House. P. Gehrlein stated that building code is handled by the North East Area Code Administration through the township. H. Jones stated that she spoke with NEACA regarding this project and that permits were not necessary for the type of work being completed at this time.

D. Belknap stated that he is a new resident in North East and has previously been involved in rental inspections in the City of Erie. He stated that property inspections were always scheduled in advance.

J. Weinheimer thanked the Borough Manager and Streets Department for addressing the condition of the bandstand in Heard Park.

T. Krug, 26 Town Street, said he was glad to see the Christmas Tree being put up in Heard Park.

A. Belson and B. Truby discussed the possibility of partnering with local organizations to raise funds for the purchase of a star for the Christmas tree in Heard Park.

ADJOURNMENT:

At 7:06 p.m. B. Beardsley motioned to adjourn. T. Luke seconded. The motion carried unanimously.