

MINUTES NORTH EAST BOROUGH COUNCIL

Monthly Meeting June 5, 2023

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Patrick Gehrlein, Borough Manager
Dan Miller, Solicitor
Rebecca Bliss, Administrative Assistant
Sean Lam, Police Chief
Julio Pazmino, Waste Water Supervisor
Wayne Yokom, Streets Supervisor
Bill Swan
Jeff Stritzinger
Peggy Blair
Robert Behrens
Allen Dalrymple
Randy Anderson
Nancy Anderson
Denise Pekelnicky
Tom Huber
Bobbi Jo Morey
Steve Gregory
Betty Truby
Ray Schaaf
Ann Schaaf

Kenneth Snyder
Tim Krug
David Hirtzel
Deb Wurst
Susan Snair
Don Wagner
BJ Bucholtz
Jake Jones
Angela Sanfilippo
Amanda Steeneck
Tom Herring
Ann Kreider
Lori Snyder
Liz Bittner
Ronald Klepadlo
Michael Minns
Christina Guentin
Jessica Minns
Others present, not signed in

PUBLIC HEARING:

The Public Hearing for Ordinance No. 927 – Comprehensive Parking Ordinance and Ordinance No. 928 – Repeal of Ordinance No. 916 Establishing a Residential Rental Inspection Program began at 6:00 p.m. Borough Council President D. McCumber asked for public comment regarding the proposed Ordinances Nos. 927 and 928.

P. Gehrlein stated that the proposed Ordinance No. 927 was created in an effort to combine the current sixty-eight (68) ordinances into a comprehensive parking plan for the Borough. He stated that the proposed ordinance is still in need of revision and asked for public input.

T. Krug, 26 Town Street, stated that odd/even parking does not make sense, stating his concern for elderly residents and those whose sleep schedules would be inconvenienced. He stated that “no parking” on Clay Street was unreasonable. He also expressed concern regarding Smedley Street and the customers of 4NINE

Thrift Store, South Lake Street and those visiting the funeral homes, as well as general concerns for handicapped parking accessibility.

R. Behrens, 97 Wall Street, stated that there should be more odd/even parking throughout the town and also questioned the 8 a.m. to noon time restrictions. He also stated that there are several streets and neighborhoods not included in the ordinance, that the ordinance needs to be reconstructed, and that he would volunteer his time to participate in a committee meeting to make corrections to the proposed ordinance.

E. Bittner, Clinton/S. Mill Streets, stated her concern about parking restrictions since there are several houses within the Borough without private driveways.

B. Truby, 37 South Pearl Street, stated that South Pearl Street has never been odd/even parking and that it shouldn't change now. She stated that odd/even parking would cause a hardship for Fuller Hose fire trucks and events at the church.

C. Guentin, Valley Village, stated that her parents live on Liberty Street and that the proposed changes are too limited. She stated that parking should be odd/even and that it is excessive to have to move cars all the time.

T. Herring, 41 West Street, expressed disapproval of the proposed parking changes on West Street.

K. Snyder, 53 Clay Street, asked why parking was being restricted on Clay Street, stating that it should be odd/even parking.

S. Snair, 24 Park Street, stated that she has a shared driveway and does not want the proposed odd/even parking. She stated that she wants the current parking regulations left as is.

R. Behrens, 97 Wall Street, asked why Ordinance No. 928 is being presented for a vote when the new committee had asked for sixty (60) days. P. Gehrlein stated that Ordinance No. 928 is the repeal of Ordinance No. 916, which is separate from the rental ordinance that the committee is working on.

D. Pekelnicky, 36 West Main Street, stated that the committee meetings have made good progress in creating a new ordinance to solve rental inspections.

The Public Hearing concluded at 6:18 p.m.

The regular monthly meeting of North East Borough Council was held Monday, June 5, 2023, at 6:00 p.m. in Council Chambers.

CALL TO ORDER:

Borough Council President D. McCumber called the meeting to order at 6:18 p.m., at which time the Pledge of Allegiance was recited.

MINUTES:

A. Belson motioned to approve the May 1, 2023, minutes as presented. B. Beardsley seconded. The motion carried unanimously.

ACCOUNTS PAYABLE:

R. McGregor motioned to approve the Expense Approval Report as presented. H. Jones seconded. The motion carried unanimously.

SPECIAL PRESENTATION:

Annual Audit Presentation: Bryant Sapone – Buseck, Barger & Bleil – To be presented

Bryant Sapone, of Buseck, Barger & Bleil, presented the audit. He reviewed the balance sheet and statement of revenues and expenditures, stating a clean opinion. R. McGregor asked for clarification on the comments for improvement. B. Sapone said they found positive follow-up from the previous year, stating no major issues. He stated that the improvements in the new software have been beneficial. T. Luke motioned to approve the Annual Audit Presentation: Bryant Sapone – Buseck, Barger & Bleil as presented. B. Beardsley 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>	Bill Beardsley	<u>Yes</u>
Amber Belson	<u>Yes</u>	Denise McCumber	<u>Yes</u>

PUBLIC COMMENTS:

Borough Council President D. McCumber reviewed the Borough Council Bylaws for procedures regarding public comments, citizens to be heard, and interactions with the Council.

T. Huber, 196 Eastwood Drive, expressed his concern that a previous issue of the North East News-Journal stated a member of the public requested to be on the agenda for a Borough Council meeting and was denied. P. Gehrlein stated that he was not aware of anyone requesting to be on a meeting agenda, but that the only restriction might have been the timing of the request, as agendas are set twenty-four (24) hours prior to each meeting in accordance with the Sunshine Act.

R. Behrens, 97 Wall Street, asked if the kiosk in the park was a television, stating that it is not on. P. Gehrlein stated that the informational kiosk acts as a television that is controlled through a website. He said he would check on it, as it possibly needed to be restarted. R. Behrens also stated that the white flashing emergency lights on the stoplights should be added to the new poles. W. Yokom stated that the lights exist, but that they require upgrades with the police and fire department programs. S. Lam, Police Chief, stated that he will look into the matter.

S. Reed, 1700 North Pearl Street, asked that signage be added at Eaton Reservoir requiring dogs to be leashed. She also asked about the location of the proposed restroom. P. Gehrlein stated that the new restrooms will be on the New York side of the reservoir.

T. Krug, 26 Town Street, thanked the Borough for clearing the brush at the railroad crossings.

B. Morey, 137 East Main Street, asked for an update on the railroad. P. Gehrlein stated that all paperwork had been completed and that a dynamic envelope would be painted as planned for June 7, 2023. He stated that Norfolk Southern gave the necessary approval, but that CSX has been unavailable.

K. Lafferty, 88 South Washington Street, asked if a sidewalk could be installed across the railroad tracks. P. Gehrlein stated that it would be a great idea, but the railroad would likely not allow it.

UNFINISHED BUSINESS:

Ordinance No. 927 – Comprehensive Parking Ordinance

A. Belson motioned to table Ordinance No. 927 - Comprehensive Parking Ordinance. T. Luke 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>	Bill Beardsley	<u>Yes</u>
Amber Belson	<u>Yes</u>	Denise McCumber	<u>Yes</u>

Ordinance No. 928 – Repeal of Ordinance No. 916 Establishing a Residential Rental Inspection Program

H. Jones motioned to approve Ordinance No. 928 – Repeal of Ordinance No. 916 Establishing a Residential Rental Inspection Program as presented. T. Luke seconded. A roll call vote resulted in a tie vote. The mayor was not present at the meeting. Due to a tie vote, Ordinance No. 928 – Repeal of Ordinance No. 916 Establishing a Residential Rental Inspection Program was tabled to a special meeting for the Mayor to cast a tie-breaking vote. The vote was as follows:

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

Resolution 05012023-1: Erie County Hazard Mitigation Plan

A. Belson motioned to approve Resolution 05012023-1: Erie County Hazard Mitigation Plan as presented. T. Luke 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>	Bill Beardsley	<u>Yes</u>
Amber Belson	<u>Yes</u>	Denise McCumber	<u>Yes</u>

NEW BUSINESS:

Ordinance No. 929 – Administrative Search Warrant

P. Gehrlein stated that the proposed Ordinance No. 929 – Administrative Search Warrant would provide ways in which Code Enforcement could legally enter residences to address code enforcement issues that would not involve the police. He stated that the process would require evidence and approval through the District Justice. H. Jones asked if this should wait until the new rental ordinance is established. P. Gehrlein stated that this ordinance would stand alone, as it would be applicable to rental and non-rental properties. B. Beardsley motioned to advertise Ordinance No. 929 – Administrative Search Warrant as presented. R. McGregor seconded. After a roll call vote, the motion passed 4 to 2. The vote was as follows:

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

Ordinance No. 930 – Robinson Street Alley Vacation Plan

P. Gehrlein detailed a proposed replot submitted by John Tedesco, owner of 10 Robinson Street, regarding the alleyway abutting his property. In the proposed replot, the alleyway, sixteen (16) feet to the north and eight

(8) feet to the east, would be added to 10 Robinson Street. The remaining alleyway would be split between the adjoining properties along Robinson and south Pearl Streets. Eight (8) feet would be added to the rear of each abutting property along Robinson and South Pearl Streets. A. Belson motioned to advertise Ordinance No. 930 – Robinson Street Alley Vacation Plan as presented. H. Jones seconded. The motion carried unanimously.

Request Promotion of Ptlm. Spencer C. Cornelius to Patrolman Third Class

Chief Lam stated that the Request for Promotion of Ptlm. Spencer C. Cornelius to Patrolman Third Class will have to be tabled due to the mayor's absence. R. McGregor motioned to table the Request for Promotion of Ptlm. Spencer C. Cornelius to Patrolman Third Class. B. Beardsley seconded. The motion to table carried unanimously.

Request to Accept the Retirement of Ptlm. Daniel J. Romba

B. Beardsley motioned to approve the Request to Accept the Retirement of Ptlm. Daniel J. Romba as presented. T. Luke seconded. The motion carried unanimously. A. Belson expressed thanks for Ptlm. Romba's years of service to the North East community.

Request to Abolish Current Civil Service Eligibility List

Chief Lam stated that the Civil Service Eligibility List can be abolished when less than three (3) candidates are listed. He stated that the current list has one (1) candidate, therefore abolishing the current Civil Service Eligibility List would allow for a new pool of candidates to be considered. B. Beardsley asked how many officers are currently employed by the North East Borough, and referenced the proposed legislation that would eliminate the need for Civil Service if the police force employed less than ten (10) officers. Chief Lam stated that there are currently 7 full-time police officers for 8 full-time positions, and that he would not recommend abolishing the Civil Service Commission. H. Jones motioned to approve the Request to Abolish the Current Civil Service Eligibility List as presented. T. Luke seconded. The motion carried unanimously.

Request to Accept and Adopt the "Preliminary Eligibility Examination for Police Officers" Intergovernmental Agreement with Lawrence Park Township and Wesleyville Borough

Chief Lam stated that the number of applicants available through the Northwest PA Police Consortium has significantly decreased. The proposed Intergovernmental Agreement with Lawrence Park and Wesleyville would allow for a new pool of candidates who want to work specifically within the three municipalities, not the City of Erie or Millcreek. T. Luke motioned to approve and adopt the "Preliminary Eligibility Examination for Police Officers" Intergovernmental Agreement with Lawrence Park Township and Wesleyville Borough as presented. R. McGregor seconded. The motion carried unanimously.

Request to Approve and Adopt North East Civil Service Rules and Regulations as Amended

Chief Lam requested the approval and adoption of the North East Civil Service Rules and Regulations as Amended. A. Belson motioned to approve and adopt the North East Civil Service Rules and Regulations as Amended as presented. T. Luke seconded. The motion carried unanimously.

MOU: North East Police Department and North East Fire Department

Chief Lam stated that the North East Fire Department requested security services during Cherry Festival. He stated that Lawrence Park and Wesleyville police departments would assist in providing services and that there would be no additional charges above the regular overtime rates. H. Jones motioned to approve MOU: North East Police Department and North East Fire Department as presented. T. Luke seconded. The motion carried unanimously.

Request to Approve Cherry Festival Lease Agreement

Chief Lam stated that the proposed lease agreement would allow Heard Park to be considered private property during the duration of the lease. Under that agreement, the Fire Department would have private

control over the festival grounds for increased security. B. Beardsley motioned to approve the Cherry Festival Lease Agreement as presented. A. Belson seconded. The motion carried unanimously.

MOU: North East, Wesleyville, Lawrence Park Police Departments

Chief Lam stated that the proposed Memorandum of Understanding would allow Wesleyville and Lawrence Park Police Departments jurisdiction during the Cherry Festival, as they will be aiding with security during the event. H. Jones motioned to approve the MOU: North East, Wesleyville, Lawrence Park Police Departments as presented. T. Luke seconded. The motion carried unanimously.

Proclamation – ECGRA’s Fifteen (15) Years of Service

A. Belson read the Prolamation—ECGRA’s Fifteen (15) Years of Service. R. McGregor motioned to approve the Proclamation – ECGRA’s Fifteen (15) Years of Service as presented. B. Beardsley seconded. The motion carried unanimously.

Gibson Park: North East Community Foundation – Erie Philharmonic Concerts (June 28, July 12, August 2, 2023)

B. Beardsley motioned to approve Gibson Park: North East Community Foundation – Erie Philharmonic concerts (June 28, July 12, August 2, 2023) request as presented. R. McGregor seconded. The motion carried unanimously.

Heard Park: 4 Neighbors in North East: Yoga Classes (Mondays/Wednesdays, June 1—October 1, 2023)

H. Jones motioned to approve the Heard Park: 4 Neighbors in North East: Yoga Classes (Mondays/Wednesdays, June 1—October 1, 2023) request as presented. B. Beardsley seconded. The motion carried unanimously.

Gibson Park: NE Chamber/Enjoy NE – Small Town Car Cruisin (June 22, July 27, August 24)

T. Luke motioned to approve the Gibson Park: NE Chamber/Enjoy NE – Small Town Car Cruisin (June 22, July 27, August 24) request as presented. B. Beardsley seconded. The motion carried unanimously.

Gibson Park: North East Cross Country – O’Neal Memorial Cherry Festival 5K Run/Walk (July 8, 2023)

A. Belson motioned to approve the Gibson Park: North East Cross Country – O’Neal Memorial Cherry Festival 5K Run/Walk (July 8, 2023) request as presented. H. Jones seconded. The motion carried unanimously.

Eaton Reservoir: Pennsylvania Dog Sled Club – Two-Day Dryland Sled Dog Race (November 17-19, 2023)

A. Belson motioned to approve the Eaton Reservoir: Pennsylvania Dog Sled Club – Two-Day Dryland Sled Dog Race (November 17-19, 2023) request as presented. T. Luke seconded. The motion carried unanimously.

1st Quarter 2023 Water Shut Off List – To be presented

A. Belson motioned to approve the 1st Quarter 2023 Water Shut Off List as presented. B. Beardsley 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>	Bill Beardsley	<u>Yes</u>
Amber Belson	<u>Yes</u>	Denise McCumber	<u>Yes</u>

Second Monthly Meeting – June 19, 2023, if needed

P. Gehrlein stated that the second monthly meeting is necessary.

CORRESPONDENCE:

- Police Chief Report
- Code Enforcement Report
- Commissions and Authorities
- Fuller Hose Company #1 – 2023 Report of Expenses

D. McCumber asked T. Luke for an update on the landlord group that has been meeting regarding the proposed rental inspection program revisions. T. Luke stated that the committee has been discussing moving forward with complaint-based inspections and that more meetings will be scheduled.

D. McCumber asked R. McGregor for an update on the North East Recreation Commission. R. McGregor stated that the NE Rec Commission will not be having a Summer Rec program this year due to a lack of an available facility, but that other separate events will be scheduled throughout the season. R. McGregor also stated that a new website has been created which will allow for online registration for programs.

ANNOUNCEMENTS:

D. McCumber stated that two new committees will be formed. The first committee, called the Housing and Community Development Committee, will address development efforts in the downtown, enhance streetscapes, rehabilitate buildings, and seek to attract and retain businesses in North East. It will also work with the Erie County Landbank to determine the development and direction of all Borough-acquired properties. D. McCumber appointed A. Belson and B. Beardsley to the Housing and Community Development Committee.

D. McCumber stated that the second committee will work with the Senior Center/Community Center to work with community members to determine possible programming for the property. D. McCumber appointed herself to the Senior Center/Community Center Committee based on prior relationships with those involved.

H. Jones asked about the paperwork requirement for the new committees. P. Gehrlein stated that the new committees are ad hoc committees that would appoint Borough representatives to meet with other agencies in the community.

H. Jones asked why the safety committee was previously challenged. D. McCumber stated that the safety committee was an intergovernmental committee, whereas the two new committees are only within the Borough and would facilitate community conversations that would be reported back to Council. H. Jones stated that the safety committee would not be making decisions but would be a group of people gathering information for their respective boards. She stated that the safety committee was challenged at every turn.

H. Jones stated that she was frustrated by the lack of communication. She stated that committees should not make decisions but should gather information for the entire council to decide upon. H. Jones stated that she and A. Belson have addressed several problems and that things should be done correctly. She stated that personnel business regarding the separation agreement is community business because it involves funding.

Borough Council president D. McCumber hit the gavel as several council and community members were speaking at the same time. H. Jones stated that D. McCumber should have called "point of order," instead of, "done," when gaveling. After continued interaction, D. McCumber asked Chief Lam to remove H. Jones from the meeting room.

H. Jones left the meeting room.

PUBLIC COMMENTS:

T. Krug, 26 Town Street, asked if there was any new information regarding the former Mercyhurst property. D. McCumber said there was no new information.

T. Huber, 196 Eastwood Drive, asked R. McGregor if the North East Rec Commission would be staffing lifeguards at Freeport Beach. R. McGregor stated that they are anticipating being able to staff the beach with at least two lifeguards for a few days per week.

D. Pekelnicky, 36 West Main Street, asked who would be attending the Zone Three meeting at the North East Township building regarding county EMS services. D. Pekelnicky thanked the Borough for installing new crosswalk signs but stated that flashing lights would be more appropriate. She also stated that she'd be willing to share contact information regarding the upgrade of the white emergency lights at intersections. D. Pekelnicky stated that the Sunshine Act requires that the severance package be addressed to the community because it is not a personnel issue regarding an individual employee.

E. Bittner, Clinton/S. Mill Streets, expressed her frustration regarding drug use in the neighborhood. She stated that the focus of the Borough should be to address drug problems, not inspecting properties. Chief Lam said that the police department responds to calls accordingly but that the rulings are made by the courts.

R. Behrens, 97 Wall Street, asked why discussion cannot happen during meetings when ordinances are being formed. D. McCumber stated the need to keep order during public meetings. R. Behrens also asked who would be paying for the proposed search warrants. P. Gehrlein stated that the Borough will have to pay for warrants they request.

EXECUTIVE SESSION:

The executive session convened at 7:31 p.m. regarding personnel matters and ended at 8:04 p.m., with action to follow. H. Jones returned to the meeting room to participate in the executive session.

B. Beardsley motioned to ratify the early separation agreement, extending it from February 10, 2023, to June 16, 2023. R. McGregor 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>	Bill Beardsley	<u>Yes</u>
Amber Belson	<u>Yes</u>	Denise McCumber	<u>Yes</u>

A. Belson motioned to offer the Interim Superintendent Assistant position (Water Department) to Bill Swan with approval of up to \$35.50 per hour. R. McGregor 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>	Bill Beardsley	<u>Yes</u>
Amber Belson	<u>Yes</u>	Denise McCumber	<u>Yes</u>

ADJOURNMENT:

At 8:06 p.m. A. Belson motioned to adjourn. B. Beardsley seconded. The motion carried unanimously.

Rebecca Bliss (June 6, 2023)

Patrick Gehrlein, Borough Manager