

MINUTES NORTH EAST BOROUGH COUNCIL

Monthly Meeting July 3, 2023

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
Sean Lam, Police Chief
Wayne Yokom, Streets Supervisor
Rosan Adkins
Kathy Tau
Kim Malone
Mike Funk
Ann Kreider
Daniel Kreider
Nancy Anderson
Randy Anderson
Robert Behrens
Ray Schaff
Angela Sanfilippo
Rachel Sanfilippo
Vicki Stetson

Marilyn Belson
Bob Belson
Frank Artise
Bobby Jo Morey
Deb Wurst
Melissa Galbraith
Paul Crowe
Robert Hoyt
Joseph Schneider
Nancy Schneider
Bradley Reed
Edith Reed
Steve Gregory
Betsy Sceiford
Judy Stokes
Tim Krug
Chris Skrekla
Kayla Skrekla
Others present, not signed in

PUBLIC HEARING:

The public hearing for Ordinance No. 929 – Administrative Search Warrant and Ordinance No. 930 – Robinson Street Alley Vacation Plan began at 6:00 p.m. Borough Council President D. McCumber asked for public comment regarding the proposed Ordinance Nos. 929 and 930.

T. Krug, 26 Town Street, asked what provisions would allow the defendant to defend themselves or be informed. P. Gehrlein stated that there would be advanced notification of the process and court documentation. T. Krug suggested that the Council not pass Ordinance No. 929.

B. Sceiford, 2 Gibson Street, asked if the warrants could be brought by anyone. D. McCumber said no.

R. Behrens, 97 Wall Street, stated his concern regarding neighbors fighting with each other and causing lawsuits that the taxpayers will have to pay. He also stated that other ordinances already in existence should be enough

without a new ordinance needed. P. Gehrlein stated that the proposed warrants would allow for inspection that previous ordinances did not legally support. R. Behrens stated that the Borough should not have that kind of power.

R. Hoyt, 9310 West Main Road, asked for the process to be explained. P. Gehrlein stated that once a Code Enforcement complaint is received and founded, a notice of violation is sent. If not corrected, a second notice is sent, then followed by a non-traffic citation to the District Justice. The Borough would be required to provide evidence for the District Justice to determine next steps. He stated that many steps are taken before a case would be sent to the District Justice.

N. Anderson, 95 Tannery Street, stated that those entering the building would only be allowed to look at what the search warrant details.

M. Funk, 159 South Lake Street, asked about the complaint procedure if someone doesn't like something and files an unfounded complaint. D. McCumber stated that the current Code Enforcement process allows for the property owners to respond. M Funk stated his concern that some entities may use the proposed warrant process as a way to profit through fines and taxes.

D. Kreider, 172 Oakmont Drive, asked why this is an issue. D. Miller stated that previous ordinances allowed for inspections, whereas the proposed Ordinance No. 929 is intended to address issues of refusal.

M. Funk, 159 South Lake Street, asked who will serve warrants and if they will be accompanied by law enforcement. D. Miller stated that law enforcement will not be needed if the person is compliant.

D. Kreider, 172 Oakmont Drive, stated that this is a law enforcement issue. S. Lam stated threats to Borough personnel is a separate issue from the Code Enforcement issue being addressed by the warrant. D. McCumber stated that they would work hand-in-hand where necessary.

F. Artise, 94 East Division Street, asked who would be paying for the warrants and why it would be necessary to go into someone's home. T. Luke stated that taxpayers would pay for the warrants. P. Gehrlein stated that in order to bring action, the Borough would need to file the charges and pay upfront, and that the costs are typically reimbursed through fines, if founded.

R. Adkins, 80 Wellington Street, asked what would be done about empty houses. She stated that there are many things going on in her neighborhood that would surprise people. S. Lam stated that he'd be happy to talk with her after the meeting to get information.

T. Krug, 26 Town Street, stated that the process for recouping funds sounds like it gives the Borough an incentive to fine more people. D. McCumber stated that reimbursement is not profit.

F. Gregg, 23 East Division Street, stated that coming into someone's house is serious and that you need proof. He said that people should be fined every day, rather than get a search warrant.

M. Funk, 159 South Lake Street, asked if a person is informed of who filed a complaint against them. W. Yokom said that information is not typically shared unless it results in court proceedings. D. McCumber cited fear of retaliation.

R. Behrens, 97 Wall Street, stated his concern for community fighting and asked if code enforcement was done only based on complaints or by what is seen by Borough employees. W. Yokom stated that both methods are used.

B. Morey, 137 East Main Street, asked if Borough employees would be accompanied in serving the search warrants. P. Gehrlein stated that it would depend on the situation and reaction of the individual. B. Morey asked if police accompanying Borough employees would blur the lines with law enforcement. H. Jones stated that if a warrant was met with threats and therefore police accompaniment, what would happen if other illegal activities were seen. S. Lam stated that the administrative search warrant would end, and a police warrant would be required to proceed.

H. Jones stated that people are worried administrative search warrants will be used for other purposes.

R. Hoyt, 9310 West Main Road, stated that the Constable often accompanies landlords during the eviction process, which might be an option for the Borough to consider.

A. Belson listed several questions from the community. She asked what would happen if false accusations were made. S. Lam stated that criminal penalties are outlined for false accusations. A. Belson asked what happens once they are inside. D. Miller stated that Code Enforcement Officers would assess the situation and determine if any ordinances were in violation. A. Belson asked how many warrants were predicted. P. Gehrlein stated he anticipates that only one to two per year would ever escalate to a level that would require a warrant. A. Belson also stated her concern for Borough employees possibly being in danger.

E. Reed, 36 Lowry Lane, stated that there are other agencies within the county that should be able to address concerns without a warrant.

B. Reed, 36 Lowry Lane, asked what percentage of complaints are legitimate problems. W. Yokom stated that most complaints are about outside issues.

A. Cramer, 131 Orchard Beach Rd, asked if a specific incident has occurred to prompt this proposed action. He stated that there have always been issues, but that the town is not what it used to be.

There were no public comments regarding Ordinance No. 930 – Robinson Street Alley Vacation Plan.

The regular monthly meeting of North East Borough Council will be held Monday, July 3, 2023, at 6:00 p.m. in Council Chambers.

CALL TO ORDER:

Borough Council President D. McCumber called the meeting to order at 6:59 p.m., at which time the Pledge of Allegiance was recited.

INVOCATION:

Borough Council President D. McCumber asked if anyone would like to give the invocation. There was no response.

MINUTES:

A. Belson motioned to approve the June 5, 2023, minutes 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>

A. Belson motioned to approve the June 15, 2023 – Special Meeting minutes as presented. 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>

EXPENSE REPORT:

B. Beardsley motioned to approve the Expense Approval Report as presented. R. 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>

CITIZENS TO BE HEARD:

Kim Malone, GECAC – North East Senior Center

Kim Malone, director of Center Services at GECAC, stated her desire to give an overview of what the North East Senior Center does, as well as encourage the community to visit, as the Borough considers the future of the building currently being utilized by GECAC. K. Malone detailed information regarding the number of seniors served, meals provided, and programs offered, including but not limited to classes about cooking, health, computers, and safe driving. She also detailed the benefits to the seniors of the North East community through socialization and shared activities. She stated her desire for the Borough to understand GECAC’s missions and programs as they consider options and future plans.

Vicki Stetson, 4NINE Thrift Store – North East Senior Center

Vicki Stetson, 4NINE Thrift Store, detailed some of the volunteer efforts of her organization and thanked the seniors of North East for their service in various programs. She stated her appreciation for the North East Senior Center and the programs and services they provide to the community. V. Stetson provided handouts to Council members detailing programs and calendar information. She stated that the North East Senior Center uses the building approximately 24 hours per week, which leaves approximately 74 hours per week that the building would be available for other programming if shared with other organizations. She stated that several

community programs occur throughout the North East area and that they would benefit from sharing the space through negotiated schedules.

K. Malone, GECAC, stated that an avenue for sharing the building already exists through GECAC.

V. Stetson stated that she does not want to push out the Senior Center, but that she is interested in finding ways that more of the community could benefit from the use of the building. V. Stetson also detailed community services and volunteerism in coordination with the Lions Club, North East Community Foundation, the North East Senior Center Quilting Group, and others.

REPORTS FROM ELECTED OFFICERS:

Heather Jones: Erie County EMS Proposal Discussion

H. Jones stated that Erie County is interested in creating its own EMS Authority, which would be funded through a tax. She stated that she believes any proposed tax for EMS services should stay within the North East community, not be sent to the county. A. Belson stated her agreement with H. Jones' concerns regarding Mr. Davis and the County's proposed plan. R. McGregor stated that Erie County is considering options for regional EMS service or a county-wide authority, citing a pilot regional program in Lancaster County.

R. Hoyt, 9310 West Main Road, stated that Crescent Hose does not reliably answer calls and would therefore need improvement if Council chooses to reject the County's proposal. D. McCumber stated that more information would be gathered before a vote is taken.

REPORTS FROM APPOINTED OFFICERS:

REPORTS FROM STANDING COMMITTEES:

REPORTS FROM SPECIAL COMMITTEES:

Amber Belson: Erie County Land Bank – Proposals for 57/61 West Main Street

A. Belson stated that the committee met with representatives from the Erie County Land Bank and reviewed proposals for the property at 57/61 West Main Street. She stated that the Erie County Land Bank has full control of the project and proposal selection, but that she is confident they will seek the best interest of the North East community.

Todd Luke: Residential/Commercial Rental Inspection Program

T. Luke stated that the committee has been working on drafting a revised Residential/Commercial Rental Inspection Program for the last two months. He stated that the process will be complaint-based. He also stated that a public meeting will be held to gather community input.

UNFINISHED BUSINESS:

Ordinance No. 929 – Administrative Search Warrant

R. McGregor motioned to approve Ordinance No. 929 – Administrative Search Warrant as presented. B. Beardsley seconded. A roll call vote resulted in a tie vote, with the Mayor voting to approve Ordinance No. 929 – Administrative Search Warrant as presented. The final vote was 3-4. The vote was as follows:

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

Ordinance No. 930 – Robinson Street Alley Vacation Plan

B. Beardsley motioned to approve Ordinance No. 930 – Robinson Street Alley Vacation 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>

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

Mayor J. Triana stated that Ptlm. Spencer Cornelius has successfully completed eighteen (18) months of consecutive service and is eligible for promotion to Patrolman Third Class. He stated that Ptlm. Cornelius is a valuable asset to the community, participates in community outreach events, and has demonstrated exemplary service and dedication. J. Triana also expressed personal approval for the promotion of Ptlm. Cornelius. T. Luke motioned to approve the Request for Promotion of Ptlm. Spencer C. Cornelius to Patrolman Third Class as presented. 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>

NEW BUSINESS:

North East Community Foundation – Grant Application Submitted by VFW for Police Protective Gear

P. Gehrlein stated that the VFW has submitted a grant application to the North East Community Foundation on behalf of the North East Police Department for police protective gear. P. Gehrlein stated that this is a one-time funding request. A. Belson motioned to approve the support letter to the North East Community Foundation—Grant Application Submitted by VFW for Police Protective Gear 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>

Resolution 07032023-1: Application to Commonwealth Financing Authority – Multimodal Transportation Grant

P. Gehrlein stated that the proposed resolution will approve the application to the Commonwealth Financing Authority for a streetscape improvement project, which will provide additional funding to cover phases two and three of the project. B. Beardsley motioned to approve Resolution 07032023-1: Application to Commonwealth Financing Authority – Multimodal Transportation Grant as presented. A. Belson 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>

Resurfacing Contract Liquid Fuels – Liberty and Bothel Streets

P. Gehrlein stated that the liquid fuels allocation, after reviewing assessments of need, will be used to resurface Liberty Street and Bothel Street. The bids were collected through Greenman-Pedersen, Inc, and Cross Paving was awarded the bid for \$60,107.24. P. Gehrlein stated that the project will be completed this summer/fall. B. Beardsley motioned to approve the Resurfacing Contract Liquid Fuels – Liberty and Bothel Streets 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>

Ordinance No. 927 – Comprehensive Parking Ordinance, revised

P. Gehrlein stated that the proposed Ordinance No. 927 – Comprehensive Parking Ordinance was revised based on the comments and suggestions received at the public hearing on June 5, 2023, as well as those received throughout the advertised period. P. Gehrlein stated that all proposed changes were included in the revised draft as presented. A. Belson motioned to advertise Ordinance No. 927 – Comprehensive Parking Ordinance, revised, as presented. 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>

Gibson Park: The Skunk and Goat Tavern – Gibson Park Cornhole League (July 10, 17, 24, Aug 7, 14, 21)

T. Luke motioned to approve the request for Gibson Park: The Skunk and Goat Tavern – Gibson Park Cornhole League as presented. 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>

Heard Park: North East Recreation Commission – Flag Football (Tuesdays/Thursdays: July 25– September 14)

B. Beardsley motioned to approve the request for Heard Park: North East Recreation Commission – Flag Football 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>

Second Monthly Meeting – July 17, 2023, if needed

P. Gehrlein stated that there will not be a second monthly meeting on July 17, 2023.

CORRESPONDENCE:

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

ANNOUNCEMENTS:

Residential/Commercial Rental Inspection Program: Public Meeting July 24, 2023, at 6:00 p.m. at Borough Hall

PUBLIC COMMENTS:

T. Krug, 26 Town Street, expressed his disapproval for the proposed changes to Ordinance No. 927.

C. Skrekla, 78 Isabella Street, suggested that the Council be cautious regarding reports they receive regarding the Erie County EMS proposal, asking questions to ensure proper understanding.

B. Sceiford, 2 Gibson Street, stated that the News-Journal reported the removal of H. Jones from the June council meeting as an illegal action, asking for an apology as disagreement and discussion should be permitted. D. McCumber stated that she felt the interactions were not respectful.

R. Behrens, 97 Wall Street, asked who would be enforcing the new parking ordinance. J. Triana stated that the police would be enforcing parking regulations.

S. Gregory, 7 Eagle Street, stated that Council should consider the high cost of advertising ordinances multiple times. R. Hoyt stated that nothing should be rushed but done correctly the first time.

A. Belson reminded the community of the North East Cherry Festival, Wednesday, July 5 – Saturday, July 8, encouraging attendance.

EXECUTIVE SESSION:

The executive session convened at 7:58 p.m. regarding Real Estate Transactions and ended at 8:31 p.m., with no action.

ADJOURNMENT:

At 8:31 p.m. T. Luke motioned to adjourn. A. Belson 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>

Rebecca Bliss (July 5, 2023)

Patrick Gehrlein, Borough Manager