

**MINUTES**  
**UNION CITY BOROUGH COUNCIL**  
**DECEMBER 9<sup>TH</sup>, 2008**

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 7:00 P.M. by President Brumagin. The meeting was held at the Union City Area High School Large Group Instruction Room.

Councillors present were Brumagin, Bowes, Hinkle, Hoban, Steadman and Tubbs.

Officials present were Borough Manager Cheryl Capela, Mayor Paul Capela, Street Supervisor Paul Maynard and Solicitor Timothy Wachter.

Visitors present were Leo Pfister, Dave Pfister, Shirley Lafferty, George Ainsworth, Alice Jane Ross, Janice Craumer and Larry Miller.

**APPROVAL OF AGENDA:** It was moved by Councillor Steadman and seconded by Councillor Tubbs to adopt the agenda as amended. Motion carried.

**MOTION ON MINUTES:** It was moved by Councillor Bowes and seconded by Councillor Hoban that all Councillors having read the Council Meeting held November 11<sup>th</sup>, 2008, Special Meeting held November 18<sup>th</sup>, 2008 and the Work Session held November 18<sup>th</sup>, 2008, be approved. Motion carried.

**MOTION ON SECRETARY’S REPORT:** It was moved by Councillor Hoban and seconded by Councillor Steadman that the Secretary’s Report be accepted and made a part of the minutes of this meeting. Motion carried.

**MOTION ON BILLS:** It was moved by Councilor Hoban and seconded by Councilor Steadman that the unpaid bills be ordered paid and those paid be approved. Motion carried.

**JANICE CRAUMER OF MILES STREET COMPLAINS ABOUT THE SNOW**

**EMERGENCY ROUTE ORDINANCE:** Janice Craumer said she lives at 9 Miles Street. She said she is here tonight because there have been many times that she cannot get into her driveway and has to park in the street. She said with this new Snow Route Emergency Ordinance that Borough Council adopted gives her no place to park if she cannot get into her driveway.

She said when she cannot get into her driveway, she would like to know where she can park.

President Brumagin said Borough Council will take what you have to say under advisement and review your situation.

**TIME WARNER CABLE:** Mayor Paul Capela said he received a letter from Time Warner Cable on cable channels that will be eliminated.

He said he would also like to wish everyone a Merry Christmas.

**COUNCIL TO APPROVE DAVE AND SUSAN AIKENS SUBDIVISION:** The Borough Manager said last month Borough Council tabled approving the subdivision from Dave and Susan Aikens. She said Solicitor Timothy Wachter has some information on this subdivision.

Solicitor Timothy Wachter said the Union City Subdivision Ordinance specifically states that land that is subject to flooding, shall not be plotted for residential occupancy.

He said the Borough Zoning Ordinance gives permitted uses in a flood zone district and a residential building is not one of them.

He said his legal recommendation based on the terms of the Boroughs Subdivision Ordinance and Zoning Ordinance is that subdivision for residential use is not appropriate. He said however, there are other approved use within the F-1 Flood Zone.

He said if the property owner still wants to have his property subdivided, he would recommend approving the subdivision contingent upon the property cannot be used for residential use.

**MOITON TO DENY SUBDIVISION:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to deny the subdivision of Dave and Susan Aikens on East High Street. Councillor Tubbs , Steadman, Hoban, Bowes and Brumagin voted yea. Councillor Hinkle voted nay. Motion carried.

**RESOLUTION APPOINTING MONAHAN AND MONAHAN AUDITORS FOR THE YEAR 2009 WAS READ BY THE BOROUGH MANAGER:** The Resolution appointing the accounting firm of Monahan and Monahan auditors for the year 2009 was read by the Borough Manager.

**MOTION TO APPROVE THE RESOLUTION APPOINTING MONAHAN AND MONAHAN AUDITORS FOR THE YEAR 2009:** It was moved by Councillor Tubbs and seconded by Councillor Steadman to appoint the accounting firm of Monahan and Monahan for the year 2009. A roll call vote was taken. All Councillors voted yea. Motion carried.

**RESOLUTION ELIMINATING POLICE OFFICERS CONTRIBUTIONS TO THE POLICE PENSION FUND WAS READ BY THE BOROUGH MANAGER:** The Resolution eliminating Police Officers contributions to the Police Pension Fund for the year 2009 was read by the Borough Manager.

**MOTION TO APPROVE THE RESOLUTION ELIMINATING POLICE OFFICERS**

**CONTRIBUTIONS TO THE POLICE PENSION FUND:** It was moved by Councillor Steadman and seconded by Councillor Tubbs to approve the Resolution eliminating Police Officers contributions to the Police Pension Fund for the year 2009. A roll call vote was taken. All Councillors voted yea. Motion carried.

**MOTION TO TABLE GIVING SEED MONEY IN 2009 IN THE AMOUNT OF \$2500 TO UNION CITY PRIDE FOR THE PURCHASE OF ABANDONED PROPERTIES WITHIN THE BOROUGH OF UNION CITY:**

It was moved by Councillor Bowes and seconded by Councillor Hoban to table giving seed money in 2009 in the amount of \$2500 to Union City Pride for the purchase of abandoned properties within the Borough of Union City. Motion carried.

**NEW LAW ENACTED:** Solicitor Timothy Wachter said there was a new law that was passed that allows boroughs and interested parties to go to the Court of Common Pleas to have a conservator appointed for the purpose of cleaning up blighted properties.

He said he will get more information out to Borough Council.

**COUNCIL TO APPOINT OFFICIALS TO THE FOLLOWING BOARDS AND COMMISSIONS:**

**MUNICIPAL AUTHORITY BOARD:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to appoint Thelma Morgan to the Municipal Authority Board to serve until December 31<sup>st</sup>, 2013. Councillor Hinkle, Tubbs, Steadman, Hoban and Bowes voted yea. Councillor Brumagin abstained. Motion carried.

**ZONING HEARING BOARD:** It was moved by Councillor Hoban and seconded by Councillor Steadman to appoint Leo Pfister to the Zoning Hearing

Board to serve until December 31<sup>st</sup>, 2011. Motion carried.

**LIBRARY BOARD:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to appoint Wendy Mangol and Yvonne Stauffer to the Library Board to serve until December 31<sup>st</sup>, 2011. Motion carried.

**PARKS AND RECREATION:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to appoint Cathy Bowes to the Parks and Recreation Commission to serve until December 31<sup>st</sup>, 2013. Motion carried.

It was moved by Councillor Bowes and seconded by Councillor Hoban to appoint Ramona Gilson and Samantha Hawley to the Parks and Recreation Commission to serve until December 31<sup>st</sup>, 2009. Motion carried.

**CIVIL SERVICE COMMISSION:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to appoint Bob Ferringer to the Civil Service Commission to serve until December 31<sup>st</sup>, 2011. Motion carried.

**VACANCY BOARD:** It was moved by Councillor Bowes and seconded by Councillor Hoban to appoint Mike Wienczkowski to the Vacancy Board to serve until December 31<sup>st</sup>, 2009. Motion carried.

**PARKS AND RECREATION:** Councillor Hinkle said the Parks and Recreation Commission will be displaying a tree at the Festival of Trees to be held December 13<sup>th</sup> and 14<sup>th</sup>, 2008 at the Elementary School.

He said the Parks and Recreation Commission will be sponsoring "Santa Claus is coming to town" on December 21<sup>st</sup>, 2008.

**MOTION TO ADOPT AN ORDINANCE OF THE BOROUGH OF UNION CITY AMENDING ORDINANCE NO: 877 WHICH REESTABLISHED THE POLICE PENSION PLAN FOR THE BOROUGH OF UNION CITY SUCH AMENDMENT BEING MADE TO**

**CLARIFY THE PURPOSE OF THE POLICE PENSION PLAN PURSUANT TO ACT 92 OF 2008:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to

adopt an Ordinance amending Ordinance No: 877 which reestablished the Police Pension Plan for the Borough of Union City such amendment being made to clarify the purpose of the Police Pension Plan pursuant to Act 92 of 2008. A roll call vote was taken. All Councillors voted yea. Motion carried.

**MOTION TO TABLE ADVERTISING THEIR INTENT TO ADOPT AN ORDINANCE RELATING TO THE RECOVERY OF COSTS ASSOCIATED WITH THE PROVISION OF EMERGENCY SERVICES WITHIN THE BOROUGH OF UNION CITY BY EMERGENCY SERVICE PROVIDERS; ESTABLISHING FEES FOR FIRE SUPPRESSION, AUTOMOBILE ACCIDENTS, SPECIALTY RESCUE, HAZARDOUS MATERIAL RESPONSE, MITIGATION AND ABATEMENT, TRAINING, INSPECTION SERVICES AND FIRE DRILLS, AND PROVIDING FOR THE PAYMENT OF FEES FOR COSTS ASSOCIATED WITH UNLOCKING OR ATTEMPTING TO UNLOCK DOORS FROM PRIVATE PROPERTY OWNERS OR TENANTS, REQUIRING EQUAL RESPONSE EFFORTS; PROVIDING FOR SEVERABILITY; A REPEALER AND AN EFFECTIVE DATE:**

It was moved by Councillor Tubbs and seconded by Councillor Hoban to table advertising their intent to adopt an Ordinance relating to the recovery of costs associated with the provisions of emergency services within the Borough of Union City by emergency service providers; establishing fees for fire suppression, automobile accidents, specialty rescue, hazardous material response, mitigation and abatement, training, inspection services and fire drills, and providing for the payment of fees for costs associated with unlocking or attempting to unlock doors from private property owners or tenants, requiring equal response efforts; providing for severability; a repealer and an effective date. Motion carried.

**MOTION TO ADVERTISE THEIR INTENT TO ADOPT AN ORDINANCE OF THE BOROUGH OF UNION CITY, ERIE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 1049, ENTITLED AN ORDINANCE OF THE BOROUGH OF**

**UNION CITY, ERIE COUNTY, PENNSYLVANIA REGULATING THE PARKING OF VEHICLES UPON THE PUBLIC STREETS AND IN THE MUNICIPAL PARKING LOTS OF THE BOROUGH OF UNION CITY, ERIE COUNTY, PENNSYLVANIA, UNDER THE AUTHORITY OF THE PENNSYLVANIA LEGISLATURE, ACT OF APRIL 29, 1959, P.L. 58, AS AMENDED, AMENDING SCHEDULE V, INSERTING A NEW SCHEDULE VI; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE:** It was moved by

Councillor Tubbs and seconded by Councillor Bowes to advertise their intent to adopt an Ordinance of the Borough of Union City, Erie County, Pennsylvania, amending Ordinance Number 1049, entitled an Ordinance of the Borough of Union City, Erie County, Pennsylvania regulating the parking of vehicles upon the public streets and in the municipal parking lots of the Borough of Union City, Erie County, Pennsylvania, under the authority of the Pennsylvania Legislature, Act of April 29, 1959, P.L. 58, as amended, amending Schedule V, inserting a new Schedule VI, providing for severability and for an effective date. Motion carried.

**COUNCIL TO ADVERTISE THEIR INTENT TO ADOPT AN ORDINANCE OF THE BOROUGH OF UNION CITY, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2009:** The Ordinance

fixing the tax rate for the year 2009 was read by the Borough Manager.

**MOTION TO ADVERTISE THEIR INTENT TO ADOPT AN ORDINANCE OF THE BOROUGH OF UNION CITY, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2009:** It was moved

by Councillor Hoban and seconded by Councillor Bowes to advertise their intent to adopt an Ordinance fixing the tax rate for the year 2009. Motion carried.

**COUNCIL TO ADVERTISE THEIR INTENT TO ADOPT THE 2009 BUDGET:** The

Borough Manager said the total Revenue for 2009 Budget is \$956,318. She said the total expenditures for 2009 is \$938,672 leaving the Borough with \$17,646 of unexpended dollars.

She said some of the expenditures in the budget are as follows; Liability Insurance \$54,154, salt and anti-skid \$15,000, gravel \$10,000, utilities \$56,287, gasoline and diesel \$20,000, legal services \$30,000, hospitalization insurance \$35,460, paving projects \$130,000, sluice pipes and catch basins \$17,000, capital outlay \$30,000 and rental of a backhoe \$10,000.

**MOTION TO ADVERTISE THEIR INTENT TO ADOPT THE 2009 BUDGET:** It was moved by Councillor Hoban and seconded by Councillor Bowes to advertise their intent to adopt the 2009 Budget. Motion carried.

**COUNCIL TO SET DATE AND TIME TO HOLD SPECIAL MEETING TO ADOPT BUDGET AND TAX ORDINANCE:** Councillor Hoban said Borough Council needs to set a date and time to hold a Special Meeting to adopt the Budget and Tax Ordinance.

Borough Council agreed to hold Special Meeting on Tuesday, December 30<sup>th</sup>, 2008 at 6:30 P.M. at the City Building.

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

**EXECUTIVE SESSSION:** President Brumagin called for an Executive Session at 7:49 P.M. to discuss personnel matters. Council reconvened at 9:01 P.M.

**ADJOURNMENT:** It was moved by Councillor Tubbs and seconded by Councillor Steadman that the meeting be adjourned. Motion carried.

The meeting adjourned at 9: 02 P.M.

ATTEST: \_\_\_\_\_