

**MINUTES**  
**UNION CITY BOROUGH COUNCIL**  
**FEBRUARY 10<sup>TH</sup>, 2009**

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 and Solicitor Timothy Wachter.

Visitors present were Dave Pfister, Leo Pfister, George Ainsworth, Joanne Ainsworth, John Scott, Alice Jane Ross, Dustin Kolaja, Sharon Syed, Ahmed Syed, Roy Hanks and Dave Aikens.

**APPROVAL OF AGENDA:** It was moved by Councillor Tubbs and seconded by Councillor Bowes 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 January 13<sup>th</sup>, 2009, Special Meeting held January 27<sup>th</sup>, 2009 and Work Session held January 27<sup>th</sup>, 2009, 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 Councillor Hoban and seconded by Councillor Bowes that the unpaid bills be ordered paid and those paid be approved. Motion carried.

**SIDEWALK COMMITTEE:** George Ainsworth said he would like to know who sits on the Sidewalk Committee.

The Borough Manager said they are Bob Phillips, Dave Himes and Braden McCrillis.

**AMBULANCE SERVICE:** Roy Hanks said the Ambulance Board has leased two EMT's.

**CITIZEN COMPLAINS ABOUT A STREET DEPARTMENT EMPLOYEE:** Alice Jane Ross said last month she complained about the snow that was pushed off the bridge onto her property. She said it has now been cleared and she appreciates it.

She said one of the city workers jumped her tenant in regards to the complaint that she had made at the last Borough Council Meeting.

She said she does not feel it is up to a city worker to do this.

President Brumagin said he would agree and he will have the Borough Manager talk to this employee.

**OPEN RECORDS LAW:** Solicitor Timothy Wachter said he was asked to check into whether emails between Council members are public information under the Open Records Law.

He said it depends on the email.

He said the definition of a record would include an email that documents a transaction or activity of an agency such as the Borough that is created, received and retained pursuant to the law.

He said if an email is speaking to purchases, contracts, adoption or rejection of ordinances or resolutions or policy of the Borough specifically with respect to their passage, they may be opened to disclosure pursuant to the Open Records Law.

He said however, any emails that he sends are covered under attorney client privilege and would not be disclosed.

**MOTION TO SUSPEND THE RULES:** It was moved by Councillor Tubbs and seconded by Councillor Hoban to suspend the rules. Motion carried.

**DAVE AIKENS SUBDIVISION:** President Brumagin said Dave Aikens is here tonight for Borough Council to reconsider approving the subdivision.

President Brumagin asked Dave Aikens if he had any questions.

Solicitor Timothy Wachter said he believes that the time limit to appeal Borough Council's decision has past.

He said action was taken over two months ago. He said at the last Council meeting, Borough Council anticipated that you were going to be at this meeting. He said the issue was raised again, but not for a vote.

He said Borough Council did not approve your subdivision and sent you correspondence on this. He said if you do not have any further information with respect to the Flood Plain or what you intend to do with the land then Borough Council's decision stands.

He said in order for you to bring it back to Borough Council for approval, you must make some sort of change. He said as it stands now, it is the same application.

Councillor Tubbs asked Dave Aikens what he wants to do with the land.

Dave Aikens said he wants to build a home on this property.

Councillor Tubbs said he does not understand what he wants Borough Council to do, when the subdivision ordinance clearly states that you cannot build in a Flood Plain.

Solicitor Timothy Wachter said when you had this property surveyed, the surveyor should of known that the property would be in a Flood Plain.

He said in the Zoning Ordinance, it does clearly state what you can build in a Flood Plain. He said that you can contact the Borough Manager to obtain this information.

**MOTION TO ADOPT AN ORDINANCE OF THE BOROUGH OF UNION CITY 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 Steadman to

adopt an ordinance of the Borough of Union City 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 or 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. A roll call vote was taken. Councillor Tubbs, Steadman, Hoban, Bowes and Brumagin voted yea. Councillor Hinkle voted nay. Motion carried.

**PUBLIC WORKS:** Councillor Steadman said he will meet with Alice Jane Ross after the meeting to hear what was being said to her tenant.

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

**EXECUTIVE SESSION:** President Brumagin said an Executive Session will be held immediately following this meeting to discuss potential litigation matters. He said no action will be taken.

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

The meeting adjourned at 7:29 P.M.

ATTEST: \_\_\_\_\_  
Borough Manager