

**MINUTES**  
**UNION CITY BOROUGH COUNCIL MEETING**  
**MARCH 9<sup>TH</sup>, 2010**

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, Hoban, McCrillis, Steadman and Tubbs.

Officials present were Borough Manager Cheryl Capela, Mayor Bill Hinkle, Police Chief Kevin Jones, Solicitor Timothy Wachter and Street Supervisor Paul Maynard.

Visitors present were Dustin Kolaja, Dave Pfister, Leo Pfister, Terry ShROUT Union City Municipal Authority Manager, Gloria Still, Bob Wolf, David Pernice, Alice Jane Ross, George Ainsworth and Roy Hanks.

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

**MOTION ON MINUTES:** It was moved by Councillor Tubbs and seconded by Councillor Bowes that all Councillors having read the Council Meeting held February 9<sup>th</sup>, 2010, Public Hearing held February 23<sup>rd</sup>, 2010 and the Work Session held February 23<sup>rd</sup>, 2010, 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.

**UNION CITY VOLUNTEER FIRE DEPARTMENT REPORT:** Fire Chief Bob Wolf said he is here this evening to present their 2009 Annual Report to members of Borough Council.

He said they had a total of 158 calls. He said out of the 158 calls, 90 of those calls were in the Borough.

He said the total fire loss in the Borough was estimated at \$156,100.

He said the firefighters completed 1,540.62 man hours for calls in the Borough.

He said they recently had their 1987 autocar tanker repaired.

He said in 2009 the Fire Company began to be dispatched by Erie County. He said for the most part, things have been running smoothly.

He said he also compiled information on what it would cost to outfit one firefighter. He said the total cost is \$7,580.00.

**TIME WARNER CABLE:** Mayor Bill Hinkle read a letter from Time Warner Cable in regards to channel changes.

**MAYOR REPORTS ON COG:** Mayor Bill Hinkle said at the last COG meeting, discussion was held in regards to the gambling monies.

He said with the table games the County is predicting to receive an additional 1.5 million dollars. He said that the County Executive wants to use the gambling monies for a Community College.

He said it was also talked about that the gambling funds be put aside for municipalities to borrow from at a reduced interest rate.

**PENNSYLVANIA BOROUGH MAGAZINE:** The Borough Manager said she needs a motion from Borough Council to approve subscribing to the Pennsylvania Boroughs Magazine at a cost of \$12.00 per subscription.

**MOTION TO APPROVE SUBSCRIBING TO THE PENNSYLVANIA BOROUGHS MAGAZINE AT A COST OF \$12.00 PER SUBSCRIPTION:** It was moved by Councillor Bowes and seconded by Councillor Hoban to approve subscribing to the Pennsylvania Boroughs Magazine at a cost of \$12.00 per subscription. Motion carried.

**COUNCIL TO APPROVE BIDS ON THE REMOVAL OF THE HOUSE ON 7 CONCORD STREET:** The Borough Manager said she received two bids for the demolition of the property known as 7 Concord Street.

She said the first bid is from Bengel Trucking, 6900 Route 97, Waterford, PA. 16441 for the removal, haul debris in dumpster to the landfill, remove two large pine trees, fill in the basement with gravel and grade property at a cost of \$7200.00.

She said the second bid is from Munsee Excavating, 927 West Smith Street, Corry, PA 16407 for the removal, haul debris in dumpster to the landfill, remove two large pine trees, break existing concrete floor and walls, cover and level to match existing grade with clean material at a cost of \$6,885.00.

Councillor Tubbs said he would like to know how is this going to be

paid.

The Borough Manager said under account number 400.800 Capital Outlay, we had budgeted an amount of \$13,000.00. She said she would take the monies out of this account.

**MOTION TO APPROVE BID FROM MUNSEE EXCAVATING FOR THE REMOVAL OF THE HOUSE KNOWN AS 7 CONCORD STREET:** It was moved by Councillor Bowes and seconded by Councillor Hoban to approve the bid from Munsee Excavating on the removal of the house known as 7 Concord Street at the cost of \$6,885.00. Councillor Tubbs, Steadman, Hoban, Bowes and Brumagin voted yea. Councillor McCrillis voted nay. Motion carried.

**COUNCIL TO APPROVE A RESOLUTION PERTAINING TO THE OPERATION OF ADULT ENTERTAINMENT AND ADULT-ORIENTED ESTABLISHMENTS AND THE NEGATIVE SECONDARY EFFECTS CAUSED THEREBY:** Solicitor Timothy Wachter presented a Resolution pertaining to the operation of adult entertainment and adult-oriented establishments and the negative secondary effects caused thereby.

**MOTION TO APPROVE A RESOLUTION PERTAINING TO THE OPERATION OF ADULT ENTERTAINMENT AND ADULT-ORIENTED ESTABLISHMENTS AND THE NEGATIVE SECONDARY EFFECTS CAUSED THEREBY:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to approve the Resolution pertaining to the operation of adult entertainment and adult-oriented establishments and the negative secondary effects caused thereby. A roll call vote was taken. Councillor Tubbs, Steadman, Hoban, Bowes and Brumagin voted yea. Councillor McCrillis voted nay. Motion carried.

**UNION CITY WATER AUTHORITY:** Solicitor Timothy Wachter said that DEP is requiring the Water Authority to do a smoke and dye testing

to see where and whether yard drains are going into the sanitary sewer system.

He said Borough Council will need to update their sewer use ordinance. He said he would like approval from Borough Council for him to proceed with providing Borough Council with an amended sewer use ordinance.

**MOTION TO APPROVE THE BOROUGH SOLICITOR TO PROCEED IN AMENDING THE BOROUGH'S SEWER USE ORDINANCE:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to approve the Borough Solicitor to proceed in providing Borough Council with an amended sewer use ordinance. Motion carried.

**MOTION TO ADOPT AN ORDINANCE REPEALING ORDINANCE NUMBER 1018, ENTITLED PUBLIC INDECENCY, OF THE BOROUGH OF UNION CITY, PERTAINING TO THE PROHIBITION OF CERTAIN CONDUCT IN PUBLIC PLACES, AND SUBSTITUTING A NEW ORDINANCE TO BE TITLED PUBLIC INDECENCY, PROHIBITING CERTAIN UNLAWFUL ACTS IN PUBLIC PLACES, PROVIDING DEFINITIONS RELATING THERETO, AND PROVIDING RESTRICTIONS ON THE OPERATION, CONDUCT AND LOCATION FOR ADULT ENTERTAINMENT OR ADULT-ORIENTED ESTABLISHMENTS OPERATING WITHIN THE BOROUGH OF UNION CITY, ERIE COUNTY, PROVIDING PENALTIES FOR THE VIOLATORS THEREOF, INCLUDING FINES, IMPRISONMENT AND DECLARATION OF PUBLIC NUISANCE, AS APPROPRIATE:** It was moved by Councillor Bowes and seconded by Councillor Hoban to approve adopting an Ordinance repealing Ordinance Number 1018, entitled Public Indecency, of the Borough of Union City, pertaining to the prohibition of certain conduct in public places, and substituting a new ordinance to be titled Public Indecency, prohibiting certain unlawful acts in public places, providing definitions relating thereto, and providing restrictions on the operation, conduct and location for adult entertainment or adult-oriented establishments operating within the Borough of

Union City, Erie County, providing penalties for the violators thereof, including fines, imprisonment and declaration of public nuisance, as appropriate. A roll call vote was taken. All Councillors voted yea. Motion carried.

**ZONING HEARING BOARD:** It was moved by Councillor Bowes to appoint Frank Balog to the Zoning Hearing Board. Motion died due to lack of a second.

**MOTION TO TABLE THE APPOINTMENT TO THE ZONING HEARING BOARD:** It was moved by Councilor Tubbs and seconded by Councillor McCrillis to table the appointment to the Zoning Hearing Board. Motion carried.

**PARKS AND RECREATION COMMISSION:** Councillor McCrillis said the Parks and Recreation Commission will be doing an Easter Egg Hunt on March 28<sup>th</sup> at 3:00 P.M. to be held in the Caflisch Park.

He said they have broken it down into three age groups and a grand prize will be given to each group.

He said they are looking to have the Summer Recreation Program the week of July 12<sup>th</sup> and July 19<sup>th</sup>.

**MOTION TO APPROVE HIRING DAVID PERNICE AS THE FULL-TIME POLICE OFFICER WITH THE BOROUGH OF UNION CITY:** It was moved by Councillor Tubbs and seconded by Councillor Bowes to approve hiring David Pernice as the full-time Police Officer with the Borough of Union City effective March 16<sup>th</sup>, 2010. Motion carried.

**MOTION TO APPROVE ADVERTISING FOR A CIVIL SERVICE LIST:** It was moved by Councillor Tubbs and seconded by Councillor Steadman to approve advertising for a Civil Service List. Motion carried.

**PARKING TICKET REPORT:** Councillor Tubbs said he spoke with Chief Jones about providing Borough Council with a more detailed report on Parking Tickets.

**PUBLIC WORKS DEPARTMENT:** Councillor Steadman said the street crew has been working on fixing things that were broken during the winter months.

**EXECUTIVE SESSION:** Councillor Steadman said he would like to have an Executive Session to discuss personnel issues.

**MOTION TO ADVERTISE THEIR INTENT TO ADOPT AN ORDINANCE AMENDING THE BOROUGH OF UNION CITY ZONING ORDINANCE NUMBER 910, OF THE BOROUGH OF UNION CITY, ERIE COUNTY, PENNSYLVANIA, BY PROVIDING FOR DEFINITIONS OF ADULT BOOKSTORE, ADULT DRIVE-IN MOVIE THEATER, ADULT ENTERTAINMENT, ADULT MINI-MOTION PICTURE THEATER, ADULT MOTION PICTURE THEATER, ADULT-ORIENTED ESTABLISHMENT, ADULT-ORIENTED MERCHANDISE, ADULT RETAIL USE ESTABLISHMENT, SPECIFIED ANATOMICAL AREAS, AND SPECIFIED SEXUAL ACTIVITIES; AND PROVIDING FOR A PERMITTED PRINCIPLE USE IN THE B-2 BUSINESS DISTRICT:** It was moved by Councillor Bowes and seconded by Councillor Hoban to approve advertising their intent to adopt an Ordinance amending the Borough of Union City Zoning Ordinance Number 910, of the Borough of Union City, Erie County, Pennsylvania, by providing for definitions of adult bookstore, adult drive-in movie theater, adult entertainment, adult mini-motion picture theater, adult motion picture theater, adult-oriented establishment, adult-oriented merchandise, adult retail use establishment, specified anatomical areas, and specified sexual activities; and providing for a permitted principle use in the B-2 Business District. Motion carried.

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

this meeting.

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

The meeting adjourned at 7:35 P.M.

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