

**Borough of Edinboro
Council Meeting Minutes
October 10, 2022**

CALL TO ORDER:

Monday, October 10, 2022 the regularly scheduled meeting was called to order by Mayor Aaron Gast at 6:30 PM.

Pledge of Allegiance

ROLL CALL:

Council members present were Jim Kiley, Amanda Frantz-Mamani, Pat Davis, Aaron Gast, Spencer Larson, and Mary Ann Horne. Absent was Mark Eisert.

Other officials present were Solicitor Tim Wachter and Borough Manager Jason Spangenberg. Citizens present were Mary Ann Mook, Stephen Skaines, MJ Campbell, Curtis Hals, Mary Schenck, John Stachowiak, Janet Stachowiak, Steve O'Neill, and Helen Bamberga.

MINUTES:

Mary Ann Horne moved to approve the minutes of the September 12 regular meeting as presented. Jim Kiley seconded, and the motion passed 6-0.

PUBLIC PARTICIPATION:

Bill Correll, owner of Charlie's Pizza and Fat Willie's. Mr. Correll provided his thoughts on the proposed food truck ordinance. He discussed ways that brick-and-mortar restaurants contribute to the community that food trucks don't, including through taxes and donations, and mentioned the difficult nature of running a restaurant. He suggested that the ordinance include a stipulation about how close food trucks would be allowed to set up to restaurants, and that food trucks not be allowed during peak times like Edinboro Homecoming. Mayor Gast asked if there was a distance from restaurants suggested, and Mr. Correll stated 200 yards.

Steve O'Neill, 124 Waterford Street. Mr. O'Neill thanked Council for the new leaf vacuum truck. He then discussed a concern regarding the increase in number of feral and stray cats on Waterford Street, mentioning the personal expense and effort spent trying to trap and neuter cats. He asked that Council look into having a trap, neuter, and release program.

Helen Bamberga, 128 Waterford Street. Ms. Bamberga echoed Mr. O'Neill concerns, while mentioning that she has had the cats getting into her basement and has had to spend money to prevent their access to the basement.

Stephen Skaines, 103 Moray Drive. Mr. Skaines thanked Council for fixing the pedestrian crossing signals in town.

COMMITTEE REPORTS:

Finance Committee:

Mary Ann Horne moved to approve bills paid September 26 totaling \$95,266.59; and paid October 10 totaling \$247,730.53. Pat Davis seconded, and the motion passed 6-0. Manager Spangenberg noted that the large amount for October 10 included \$150,000 as the pass-through payment from the EUSGA to the EMTA.

Mary Ann Horne moved to approve payroll paid September 22 totaling \$78,383.32; and paid October 6 totaling \$84,419.28. Pat Davis seconded, and the motion passed 6-0.

Ordinance Review Committee:

Ordinance 625 regarding food truck permits was on the agenda for consideration. Mayor Gast moved to approve the ordinance with the addition of a 200-yard distance requirement from existing restaurants, as suggested by Bill Correll. No Council members seconded the motion. Jim Kiley moved to approve the ordinance as written, and Mary Ann Horne seconded the motion. After brief discussion, Mayor Gast moved to table the ordinance again. Mary Ann Horne seconded the motion to table, and the motion passed by 5-1 vote with Jim Kiley opposed. Mayor Gast directed Manager Spangenberg to look into a distance requirement from existing restaurants and a time limit for daily food truck setup.

MANAGEMENT REPORTS:

Manager Spangenberg presented his monthly report. We have been awarded a \$420,000 grant to fund a sidewalk on 6N to the Post Office and main entrance to EU campus. On September 28 we met with PennDOT and Steve Halmi to discuss preliminary plans.

Leaf collection with the new vacuum truck began last week.

The annual Edinboro Homecoming celebration took place October 7 & 8. It was a great weekend with nice weather and no reported issues.

The employment contract for our police department is up for renewal later on tonight's agenda. We are proposing essentially a renewal of the prior contract with minimal changes.

We are due this year for replacement of our office computers. Plans are still being finalized, but we are likely going to make a move to cloud-based software and virtual computers.

We are still awaiting final quotes, but we may be changing providers for Borough employee health insurance and Borough property/liability/workers comp insurance due to expected increases from the current providers. Final proposals will be ready for the budget approval next month.

2023 budget workshops are coming up on October 19 and 26 at 4 PM, and these meetings are open to the public.

Manager Spangenberg is taking part in discussions with Giant Eagle and the company that owns the building regarding plans moving forward. Giant Eagle is going to maintain the Pharmacy in that plaza, and he is pushing for them to sell grocery essentials at the Pharmacy as well. Giant Eagle is

planning to offer a grocery delivery or drop-off service to Edinboro from their Millcreek location, with those details still being determined. The company that owns the building is not opposed to leasing the space to another grocery chain.

On September 28 he met with Washington Township Manager Norm Willow and engineer Steve Halmi to discuss the repairs needed at the edge of Cherry Street. While the land in question is located in Washington Township, we are willing to work together as it impacts our roadway. Cost estimates are being prepared for different options we may have.

Finance:

Resolution 19-2022 regarding the establishment of food truck permit fees remained tabled until Ordinance 625 is acted upon.

Mayor Gast moved to approve Resolution 21-2022:

BOROUGH OF EDINBORO

RESOLUTION 21-2022

WHEREAS, Act 57 of 2022 provides the failure to receive a tax notice shall not relieve any taxpayer from payment of the taxes imposed by any tax district and such taxpayer shall be charged with their taxes as though the tax notice was received; and

WHEREAS, Act 57 of 2022 requires all taxing districts in the Commonwealth of Pennsylvania to pass a resolution directing their tax collector/s to waive additional charges for real estate taxes if/when a taxpayer does certain things, enumerated below, beginning in the first year after the effective date of Act 57 (which is October 9, 2022).

AND NOW, on this 10th day of October, 2022, with this Resolution, the Borough of Edinboro is hereby directing all of its tax collectors – which shall include delinquent tax collectors, the tax claim bureau or an alternative collector of taxes as provided in Pennsylvania’s Real Estate Tax Sale Law, employees, agents or assignees authorized to collect real estate taxes, a purchaser of claim for the real estate tax or any other person authorized by law or contract to secure the collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax – to do the following:

- 1. The tax collectors shall waive additional charges for real estate taxes if the taxpayer does all of the following:*
 - a. Provides a waiver request of additional charges to the tax collector in possession of the claim within twelve months of a “qualifying event.”*
 - 1) An “additional charge” means any interest, fee, penalty or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.*
 - 2) A “qualifying event” means (i) for purposes of real property, the date of transfer of ownership; (ii) for purposes of manufactured or mobile homes, the date of transfer of ownership or the date is lease agreement commences for the original location or relocation of a mobile or manufactured home on a parcel of land not owned by the owner of the mobile or manufactured home. The term does not include the renewal of a lease for the same location.*
 - b. Attests that the tax notice was not received.*
 - c. Provides the tax collector in possession of the claim with one of the following:*
 - 1) A copy of the deed showing the date of real property transfer; or*

2) *A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences.*

d. *Pays the face value amount of the tax notice for the real estate tax with the waiver request.*

2. *The tax collectors shall utilize the form created by the Department of Community and Economic Development by which a taxpayer may request a waiver of additional charges, which form will include a space for attestation by the taxpayer.*

Mary Ann Horne seconded, and the motion passed by 6-0 roll call vote: Amanda Frantz-Mamani, yes; Jim Kiley, yes; Mary Ann Horne, yes; Pat Davis, yes; Spencer Larson, yes; and Aaron Gast, yes.

Mayor Gast moved to approve Resolution 23-2022:

**EDINBORO BOROUGH
ERIE COUNTY, PENNSYLVANIA
RESOLUTION #23-2022**

**A RESOLUTION OF BOROUGH OF EDINBORO, ERIE COUNTY,
COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A PROPERTY
ASSESSMENT APPEAL POLICY TO COMPLY WITH THE
PENNSYLVANIA UNIFORMITY CLAUSE**

WHEREAS, the Borough of Edinboro, Erie County, Pennsylvania (the "Borough") has determined that many properties within the Borough are under assessed, which results in the inequitable application of taxes against properties within the Borough; and

WHEREAS, the Pennsylvania Constitution and related jurisprudence requires that all real estate taxes within the geographic territory of the Borough of Edinboro (the "Borough") be uniformly applied (the "Pennsylvania Uniformity Clause" Pa Const. Art. VIII, Sec. 1); and

WHEREAS, the Pennsylvania Uniformity Clause pertains to not only the application of real estate taxes, but also to the application of any property tax assessment appeal program; and

WHEREAS, the Borough Council of the Borough of Edinboro finds that it is in the best interests of the citizens, residents and taxpayers of the Borough to adopt a Property Assessment Appeal Policy that complies with the requirements of the Pennsylvania Uniformity Clause and related jurisprudence.

NOW, THEREFORE, this the 10th day of October, 2022, be it RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EDINBORO, the following:

1. ***Recitals.*** *That the above recitals are incorporated as if more fully set forth herein.*

2. ***Threshold.*** *That the Borough Manager is authorize to file, or cause to be filed, tax assessment appeals against those properties located within the Borough of Edinboro which may, in the opinion of the Borough's consultants and/or solicitors, be under assessed to the extent that a reassessment to a property value would generate additional tax revenue of at least \$1,000.*

3. ***Applicability.*** *That the authorization to file such appeals shall be without regard to the type of property in question or the residency status of the owner.*

This Resolution 23-2022 is duly adopted this 10th day of October, 2022, by the Borough Council of Edinboro Borough, Erie County, Pennsylvania, in a lawful session duly assembled.


Mary Ann Horne seconded, and the motion passed by 6-0 roll call vote: Amanda Frantz-Mamani, yes; Jim Kiley, yes; Mary Ann Horne, yes; Pat Davis, yes; Spencer Larson, yes; and Aaron Gast, yes.

Mayor Gast moved to approve the 2023-2026 police employee contract. Jim Kiley seconded, and the motion passed 6-0.

ADJOURNMENT:

Mayor Gast moved for adjournment, and the meeting was adjourned at 7:14 PM.

ATTEST:



Manager Jason Spangenberg



Mayor Aaron Gast