

**Borough of Edinboro
Council Meeting Minutes
April 9, 2024**

CALL TO ORDER:

The meeting was called to order by Mayor Aaron Gast at 6:30 PM.

Pledge of Allegiance

ROLL CALL:

Council members present were Aaron Gast, Mary Ann Horne, Pat Davis, Mark Eisert, Kelly Gheres, George Gast, and Amanda Frantz-Mamani.

Other officials present were Borough Manager Jason Spangenberg and Solicitor Pat Kennedy. Citizens present were Mary Amidon Murray, Bill Cutri, Sue Cutri, Amy Adamski, Nancy Crawford, William Loop, Curtis Hals, Marti Hals, Ryan J. Parker, and Debbie Trimble.

Manager Spangenberg recognized Borough Police Officer Todd Eaglen for his promotion to Police Sergeant.

MINUTES:

Mary Ann Horne moved to approve the minutes of the March 11 regular meeting as presented. Pat Davis seconded, and the motion passed 7-0.

PUBLIC PARTICIPATION:

Mary Murray, 113 Lakeside Drive. Ms. Murray discussed the pending renewal for her boat dock rental, regarding the use of the space for her rental property tenants. She requested that she be permitted to continue to use the space for her tenants.

Nancy Crawford, 411 Lakeside Drive. Ms. Crawford stated that she was interested in hearing the reasoning for not allowing boat dock use by rental tenants.

Amy Adamski, 206 Elm Street. Ms. Adamski stated that she does not believe rental property owners are making money off of the tenant use of their boat dock spaces.

Bill Cutri, Beaver, PA. Mr. Cutri noted that his family has been renting a cottage and using a boat dock in Edinboro for many years. He requested that they continue to be able to do so.

William Loop, 116 Erie Street. Mr. Loop supported comments made by previous speakers and noted that long-time tenants may not return if not permitted to use a boat dock while in town.

Ryan Parker, 236 Waterford Street. Mr. Parker thanked Borough Council for their service to the community and thanked Manager Spangenberg for his efforts regarding the new sidewalk to be constructed along Rt. 6N.

Joe Bufalino, 303 Erie Street. Mr. Bufalino stated that it would be good for town to allow summer rental tenants to use boat dock space.

COMMITTEE REPORTS:

Finance Committee:

Pat Davis moved to approve bills paid March 25 totaling \$103,409.70; and April 9 totaling \$87,599.76. Mary Ann Horne seconded, and the motion passed 7-0.

Pat Davis moved to approve payroll paid March 21 totaling \$78,727.86; and April 4 totaling \$83,539.19. Kelly Gheres seconded, and the motion passed 7-0.

Ordinance Review Committee:

Amanda Frantz-Mamani moved to remove Ordinance 631 from being tabled. Mark Eisert seconded, and the motion to remove from the table passed 7-0.

Mary Ann Horne moved to approve Ordinance 631:

*BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance No. 631*

AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, ENTITLED THE EDINBORO NEIGHBORHOOD ELECTRIC VEHICLE ORDINANCE; PROVIDING FOR DEFINITIONS; DECLARING THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES TO BE A HAZARD AND PROHIBITING THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES ON BOROUGH ROADWAYS; PROVIDING FOR PENALTIES FOR VIOLATIONS; AND PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §§101, et. seq., authorizes the use of Neighborhood Electric Vehicles on local roadways with a posted speed limit of 25 miles per hour or less, unless the local governing body determines that the operation of a neighborhood electric vehicle would constitute a hazard, 75 Pa.C.S.A. §3593(b)(3); and

WHEREAS, the Borough Council has determined that Neighborhood Electric Vehicles offer little to no protection in a motor vehicle crash, and they lack the majority of safety equipment that most vehicles are equipped with and passengers would be exposed to serious bodily injury or death in a collision with other vehicles; and

WHEREAS, the Borough Council further finds that, unless the operation of Neighborhood Electric Vehicles is prohibited by Borough Council, Neighborhood Electric Vehicles could be used on the majority of the streets within the Borough and would have to cross major state highways in an attempt to gain access to the various neighborhoods within the Borough; and

WHEREAS, the Borough Council is concerned that the operators of Neighborhood Electric Vehicles would use private property in an attempt to maneuver within the Borough, which would give rise to potential trespassing claims; and

WHEREAS, it is the determination of Borough Council that the operation of Neighborhood Electric Vehicles within the Borough would constitute a hazard, and their operation should be prohibited within the entirety of the Borough.

NOW THEREFORE, on this 9th day of April, 2024, the Borough Council of the Borough of Edinboro hereby ordains and enacts the following:

Short Title

This Ordinance shall be known as and may be cited as the Borough of Edinboro Neighborhood Electric Vehicle Ordinance.

Definitions

For purposes of this Ordinance, the following terms shall have the meanings as indicated:

Borough – The Borough of Edinboro, Erie County, Pennsylvania.

Neighborhood Electric Vehicle - A four-wheeled electric vehicle that has a maximum design speed of not less than 20 miles per hour and of not more than 25 miles per hour and that complies with the Federal safety standards established at 49 CFR 571.500 (relating to standard no. 500; low-speed vehicles).

Declaration of a Hazard

The operation of Neighborhood Electric Vehicles on roadways of the Borough is hereby declared to be a hazard.

Operation of Neighborhood Electric Vehicles Prohibited

The operation of Neighborhood Electric Vehicles on roadways of the Borough is hereby prohibited.

Violations

Any person operating a Neighborhood Electric Vehicle upon a highway or roadway or crossing a highway or roadway within the Borough shall be subject to the penalties under 75 Pa.C.S.A. §6502 (relating to summary offenses).

Repealer

Any ordinances, rules or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby repealed.

Severability

The provisions of this Ordinance are severable. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Directions to Borough Manager

The Borough Manager is hereby direct to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the Ordinance in the Borough Ordinance Book and take all such actions as are required by the Home Rule Charter of the Borough and to amend the Borough Code as may be necessary.

Effective Date.

This Ordinance shall be effective on the tenth (10th) day following the enactment of this Ordinance, as indicated below.

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO on the date first indicated above.

Amanda Frantz-Mamani seconded the motion. George Gast expressed his support for allowing NEVs to remain permitted, stating that many other forms of transportation that are less safe are permitted, such as bicycles and electric scooters. Mayor Gast stated that NEVs have been permitted for a few years but there have not yet been any in the Borough. He read aloud a news article from Sewickley, PA about NEVs being permitted. Amanda Frantz-Mamani and Mark Eisert expressed concerns about allowing NEVs due to them not being legal on Rt. 99 or 6N, therefore limiting their potential legal use in the Borough. Mark Eisert said that he believes a plan for safe crossing from Lakeside across 6N is needed before allowing the use of NEVs. Manager Spangenberg expressed the views of the Borough Police Chief in his absence. The Borough Police requested in 2023 that Council pass an ordinance to prohibit the use of NEVs in the Borough due to safety concerns, concerns about people trespassing on private property to maneuver NEVs around Rt. 99 and 6N, and the likelihood the citizens would see an NEV on the road and not understand the difference from a golf cart due to their nearly identical appearance, and then believe they are permitted to drive golf carts on the road. The Borough Police also are busier than they ever have been, and are requesting this ordinance as a means of support from Council to take one small enforcement item off of their plate. Council discussed further briefly. The motion to approve the ordinance passed by 4-3 vote: George Gast, no; Amanda Frantz-Mamani, yes; Mark Eisert; yes; Mary Ann Horne, yes; Pat Davis, yes; Kelly Gheres, no; and Aaron Gast, no.

Personnel Committee:

Mayor Gast moved to accept the resignation of Taras Jemetz from the Water & Municipal Authority Boards. Mary Ann Horne seconded, and the motion passed 7-0. Manager Spangenberg noted that Mr. Jemetz is moving out of the Borough and is therefore no longer eligible to serve.

MANAGEMENT REPORTS:

Borough Manager Jason Spangenberg presented his report.

PELRAS Conference: The week of March 12 he attended the annual Public Employer Labor Relations Advisory Service conference in State College. This is always an educational experience, as labor and employment laws are constantly changing.

Police Sergeant: On March 26 we interviewed internal candidates for the position of Police Sergeant. On April 2 the Civil Service Commission met and approved the promotion of Officer Todd Eaglen.

University Library Opening: On March 27 he attended the ribbon cutting ceremony for the newly renovated Baron-Forness Library at PennWest Edinboro University. The project brought major improvements and new life to this building, providing a major benefit to the students.

PML Northwest District Meeting: The Pennsylvania Municipal League hosted their annual Northwest District Meeting in Edinboro at the Lakeside Promenade in the Edinboro Mall on Thursday, April 4. This luncheon brought municipal leaders from our corner of the state to Edinboro for the day.

PennDOT US-6N/PA-99 Intersection: Installation of stamped concrete crosswalks will be the final aspect of the project. We plan to replace the bricks around the intersection with stamped concrete at the same time to match. This work will be completed this month.

April 8 Eclipse: This day was a major success after years of anticipation. Thousands of visitors came to Edinboro to experience this event, and the weather cooperated to help make it a day to remember. No issues were experienced, aside from the expected traffic congestion.

Kayak Rental Racks: As previously announced, we have entered into an agreement with Rent.fun to offer a kayak rental service at our lake. The kayak “locker” will be placed on the concrete pad nearest to the intersection of Lakeside Drive and Washington Street, which has been used for food trucks in recent years. This service should be up and running within the next week or two.

Mary Ann Horne stated that Manager Spangenberg presented at the PML meeting on April 4, and he represented the Borough well.

Police:

Mary Ann Horne moved to approve Resolution 9-2024:

***BOROUGH OF EDINBORO
RESOLUTION NO. 9-2024***

A RESOLUTION, of the Home Rule Borough of Edinboro, Erie County, Pennsylvania.

WHEREAS, at their April 2, 2024 meeting, the Civil Service Commission voted unanimously to adopt and approve the attached amendment to the Borough of Edinboro Civil Service Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough Council, that the attached amendment to the Rules and Regulations of the Civil Service Commission of the Home Rule Borough of Edinboro is approved.

ADOPTED this 9th day of April, 2024.

Manager Spangenberg stated that this is a small amendment to adjust the process described for interim appointments to the positions of Sergeant and Corporal. Pat Davis seconded, and the motion passed by 7-0 vote: George Gast, yes; Amanda Frantz-Mamani, yes; Mark Eisert; yes; Mary Ann Horne, yes; Pat Davis, yes; Kelly Gheres, yes; and Aaron Gast, yes.

Public Works:

Mary Ann Horne moved to approve Resolution 8-2024:

**BOROUGH OF EDINBORO
RESOLUTION NO. 8-2024**

A RESOLUTION, of the Home Rule Borough of Edinboro, Erie County, Pennsylvania.

WHEREAS, Erie County receives an annual distribution from the Pennsylvania Department of Transportation (PennDOT) to be disbursed to the County's municipalities as County Aid from Liquid Fuels Tax income; and

WHEREAS, Erie County must distribute their allocated budget based on the formula approved by the Liquid Fuels Formula Committee, and the formula is recalculated annually using current mileage, population, and millage rates; and

WHEREAS, based on the aforementioned formula, Erie County has budgeted the amount of \$11,647 to be distributed to the Borough of Edinboro for 2024 Liquid Fuels County Aid; and

WHEREAS, municipalities are obligated to approve the use of the County Aid distribution by annual Resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough Council, that the Borough of Edinboro approves the 2024 Liquid Fuels County Aid, in the amount of \$11,647, to be used for road maintenance.

ADOPTED this 9th day of April, 2024.

Amanda Frantz-Mamani seconded, and the motion passed by 7-0 vote: George Gast, yes; Amanda Frantz-Mamani, yes; Mark Eisert; yes; Mary Ann Horne, yes; Pat Davis, yes; Kelly Gheres, yes; and Aaron Gast, yes.

Recreation:

Mary Ann Horne moved to approve the summer 3 on 3 basketball tournament. Pat Davis seconded, and the motion passed 7-0. Manager Spangenberg noted that he hopes one result of the Joint Parks Plan with Washington Township will be the ability to offer expanded recreational programs, since this basketball tournament has been a success for many years.

Manager Spangenberg provided background information for the public comments regarding boat dock rentals. In November 2022, Council passed an amendment to the Boat Dock Policy that included a statement that subleasing of boat dock space is strictly prohibited. He interprets the use of boat dock space by summer rental tenants to be a form of subleasing by the rental property owners who are renting the dock space. A year ago in early 2023, the boat dock season letter included a notice that in 2024, we would begin requiring dock applicants to submit a copy of their boat registration with the dock application. At the same time, the Borough employee who administers the boat dock rentals had one-on-one conversations with the three rental property owners who rent boat dock space for their tenants, advising them that in 2024, they would not be permitted to use the boat dock space for anything other than personal use.

Mark Eisert suggested that a new dock be installed specifically for transient use, and the rental tenants could use this dock moving forward. Manager Spangenberg stated his support for this idea, noting that the Borough did offer daily and weekly boat dock rentals when he served in that position in 2014 and 2015, but ultimately those spaces were filled with season-long renters due to increasing demand. He

added that there was not a waiting list when he started in 2014, but there is now a waiting list of 70 people, including at least 18 Borough property owners. Council discussed the topic at length. In consideration of the discussion, Manager Spangenberg stated: for the 2024 dock season, the three rental property owners who rent boat dock space for their tenants would be permitted to continue to do so, but for the 2025 season the Borough will install a new boat dock specifically for transient use. He further stated that for the 2025 season, he will require that the name on the dock application match the name on the boat registration or that of a spouse, per the dock policy rule in effect since 2018. Mark Eisert discussed the strict requirements at a Lake Erie boat dock he rents, agreeing with the reasoning for having the name on the boat registration match. Council discussed again briefly, with some Council members disagreeing.

Water:

Mary Ann Horne moved to award the Harrison Drive water line replacement project bid to McLallen Construction as the low and lone bidder at a cost of \$29,745. Amanda Frantz-Mamani seconded, and the motion passed 7-0.

COMMUNITY LIAISONS:


EVFD:

Mary Ann Horne stated that the fire department has received a grant to explore how formal cooperation with McKean and Franklin fire departments could work.


ADJOURNMENT:

Mayor Gast moved for adjournment, and the meeting was adjourned at 8:01 PM.

ATTEST:



Manager Jason Spangenberg



Mayor Aaron Gast