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Meeting ID: 246 040 8902

Passcode: ewboro

**Audio Only:**

+1 646 558 8656 US (New York)

Meeting ID: 246 040 8902

Passcode: 800043

**To unmute yourself you need to type in \*6**

Call to Order

Pledge

Roll Call

Demond Nixon, Mayor

Maryann Weinstein, President Absent

Kent James, Vice President

Kristopher LaGreca, Council Member

David Bradley, Chief of Police

Douglas Corwin, Council Member

Daniel Bird, Council Member

Arthur J. Fulton, Council Member

Michael McCormick, Council Member

Aaron Lucero, Supervisor, P. Works

Dennis Makel, Solicitor

Rich Rush, Engineer -Absent

Reca Panian, Chair, Park & Shade

Sandy Motichak, Sec-Treas

Gerald Coleman, Code Officer

**Public Comment** – Any person from the public may speak for a 3-minute period. Total time allotted for public comment is 15 minutes. Please state your name, address, and subject. Please choose a representative to speak if you have the same concern.

Richard Fitzharris 105 North Wade. Mr. Fitzharris is concerned about the safety in the area. Drugs, drinking and a halfway house near his home. We wanted to know if there is a safety committee and would be willing to serve on that committee. He also has submitted grants on behalf of the Lemoyne Center and is willing to serve on a committee to help with grants.

Christine Interval – Is the spokesperson for several residents that are concerned about 616 Lemoyne Ave and a halfway house there. If it is classified as a rental, did the owner get a rental inspection and pay rental fee? What is the borough doing about this? Is this permitted and we are concerned about safety issues. Are there code violations on this property, there is not fire escape and multiple people are living in this house?

Solicitor Makel responded that the property is deeded to BMT. LLC. A letter was sent, and a Rental Registration application was sent. If the owners are in violation of the ordinance a citation is sent to the property owner.

Jeff Bull questioned Council why they are paying \$20,000 more of taxpayer dollars for a Tesla for the police department. The vehicle is not a police vehicle. There is no cage for prisoners. Why do taxpayers have to pay for a vehicle that is not fitted as a police car? What happens if the lithium battery catches fire, is the fire department trained on this type of fire?

Mumbi Mundia-Howe asked Council if they investigated what is the cost of insurance for the Tesla? Asked Council why can't the public comment on an issue before it is discussed and voted on by council.?

Motion Michael McCormick, second Kris LaGreca to approve Minutes June 7, 2021, and continuation meeting June 21, 2021. Doug Corwin questioned the minutes and comments added by Kent James. After discussion, a motion was made by Michael McCormick, second by Kris LaGreca to rescind the motion.

Mayor Nixon suggested language in the minutes of June 21, 2021, reflect the Tesla (2-wheel drive) be changed to Tesla (All Wheel Drive) vehicle. Motion Doug Corwin second Joe Fulton to amend the minutes to reflect the Tesla is All Wheel Drive - dual motor long range vehicle.

Discussion continued and at the recommendation of Solicitor Makel minutes should reflect only the motion, second and vote. Omit the comments and points of discussion/chart comparison.

Consequently, a motion was made by Doug Corwin second Joe Fulton to amend the minutes to reflect language requested by Mayor Nixon that the Tesla is a motor long range All Wheel drive vehicle and eliminate points of discussion / chart comparison. 5 yes votes. Dan Bird – No. Motion passed.

Motion Joe Fulton, second Doug Corwin to approve Bills GEN Acct \$ 66,562.03 (Checks 7171 to 7213). Motion passed.

### **Action Items / Discussion:**

#### 1. Explanation of changes to Sunshine Law-Dennis Makel

Governor Wolfe recently signed into law Act 65 of 2021 which has amended the Sunshine Act to require public agencies to provide notice of its agenda on its internet website for an upcoming meeting no later than 24 hours in advance of the time of convening the meeting. This notice includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action. The agency is also to post to the agenda with said information at the location of the meeting and at the principal office of the agency. The agency is also required to provide copies of said agenda to individuals attending the meeting.

This new public notice requirement does not apply to a conference, or a working session as defined in Section 707.

The Sunshine Act has also been amended with certain exceptions to the public notice requirement. The agency shall not take official action on any matter of agency business that was not set forth in the agenda with the following exceptions:

1. Emergency business – An agency may take official action on a matter of agency business relating to a real potential emergency involving a clear and present danger to life or property.
2. Business arising within 24 hours before a meeting – An agency may take action on matters arising or being brought to the attention of the agency within the 24-hour period prior to the meeting and the matter is de minimis in nature.
3. Business arising during the meeting - If during the meeting a resident/tax payer brings a matter of agency business to the attention of the agency then the agency may take action to refer the matter to staff for further research, to be placed on the agenda at a future meeting or if the matter is de minimis in nature and does not involve the expenditure of funds or entering into an agreement, then the agency may take official action;
4. Changes to agenda – Upon majority vote of individuals present and voting during the meeting an agency may add a matter of agency business to the agenda. The reasons for the changes shall be announced at the meeting before any vote is conducted to make the changes to the agenda. The agency may subsequently may then take official action on the matter added to the agenda. The agency shall then post an amended agenda on its website, if available, and at the agency's principal office no later than the 1<sup>st</sup> business day following said meeting.

If action is taken upon a matter of agency business added to the agenda, the minutes of the meeting shall reflect the substance of the matter added, the vote on the addition and the announced reasons for the addition. This new Act takes effect on August 29, 2021. I would suggest that the agency make extra copies of the agenda for its meetings starting in August of 2021

#### 2. Discussion - Garbage Contract Requirements A few weeks ago, Kent, Aaron, and Joe met and discussed the current garbage hauler issues, things that should improve, and needs.

- If the hauler doesn't pick up trash the Borough will bill the hauler with the dollar amount specified in the contract.
- The Hauler must provide a price list that is honored for the entire contract. This includes bulk removal for landlords
- Provide an 8-yard dumpster emptied every week (Aaron did you want both?)
- Provide a 20 yd roll-off dumpster emptied once a month (or less, as needed).

- Would like to continue to have electronics and hazardous waste recycling.
- Instead of residents calling, the hauler identifies specific days for electronic / waste done monthly or quarterly.
- Large trucks should only be used for Wade, Beau, and North Ave.
- 18 yds and 28 yd trucks used for the rest of the streets
- Haulers should submit list references and/or municipalities with a contact they provide service in western PA
- Toters supplied to the Boro building

Vice President Kent James asked the residents at the meeting if they had any comments or concerns with the current Hauler.

Residents responded favorably regarding Republic Services.

3. 2021 Road project update/start date – Central – Aaron Lucero reported the project is complete at Central.

4. Communication Committee: Website Update, .gov domain, new email accounts – Joe Fulton and Kris LaGreca

Mr. Fulton explained that the .gov domain name is complete.

Will begin transition to Gmail addresses in the future. Awaiting notification of final completion of new sign for the park.

5. Picnic Dedication Ceremony Plan – Recca Panian said borough purchased a new grill and 2 canopies. Chairs will be provided by Matt Boice. Games and activities for the children. Kona Ice, and Karaoke for the children planned. Will need volunteers to help with the cooking. Several gift cards received. Picnic Flyers will be distributed throughout the borough.

6. Aaron Lucero reported that there is an Immediate problem-inlet and hole in road at Ford Alley. Aaron will meet with Borough Engineer, Sarah Boyce in a couple weeks to discuss adding inlets and catch system on Ford Alley.

7. Doug Corwin made a motion, seconded by Michael McCormick to authorize Borough Engineer Sarah Boyce to write the Dirt and Gravel and Low Volume Grant for a fee not to exceed \$2,500.00. Motion passed.

Thayer Park upgrade and ADA compliance to be discussed at the Continuation meeting on July 26, 2021. Council to authorize the project out for bids.

8. Kent James reported that there is money left over from ARLE grant. A speed radar detector is an approved use for the remaining funds at a cost of \$8,605.00. Michael McCormick made a motion seconded by Dan Bird to authorize a sum not to exceed \$8,605.00 be used for a speed radar detector which is the amount remaining in the ARLE Grant Fund. Motion passed by unanimous vote.

9. Solicitor Makel discussed the public comment period whereas residents have a right to address council and present their comments or concerns for a reasonable amount of time at the beginning of the meeting. Once the Comment Period is over the public is not permitted to speak. There is no requirement to have another public comment period at the end of the meeting.

Kris LaGreca made a motion seconded by Joe Fulton to authorize Borough Council to use online telecommunication equipment for council meetings thereby allowing public participation and council members who are unable to attend the ability to participate in council meetings remotely. Motion passed by unanimous vote.

Mayor –Demond Nixon – Report

Solicitor – Dennis Makel Suggested Council develop a plan to use the American Rescue Funds. Funds can be used for infrastructure or sewage/ water projects.

Council Members – Reports / Discussion

Maryann Weinstein, President ABSENT  
Daniel Bird

Douglas Corwin – Was concerned about Fire Works in the borough and suggested planting some trees in the green space or park areas. Also asked about getting some brush cut near his house that may be on borough paper alley. Dr. Corwin mentioned ethics. Avoid paternalism. Work on increasing interaction with residents.

Kent James, Vice President  
Kris LaGreca  
Michael McCormick  
Joe Fulton

Motion Joe Fulton, second Doug Corwin to continue the meeting on July 26, 2021, at 7:00 pm. Motion passed.