

KANE BOROUGH COUNCIL
September 11, 2024

CALL TO ORDER

The regular monthly meeting of Kane Borough Council was called to order at 6:33 P. M. by President Tom Kase. The meeting was held at the Kane Borough Building, 112 Bayard Street, Kane, PA 16735. Members were notified of the meeting on December 13, 2023.

INVOCATION

Pastor David Pflieger led council in prayer, followed by the Pledge of Allegiance.

ROLL CALL

Present: Tom Kase (President), Jack Zelina (Vice President), Sam Cummings Jr., Dr. Debra Miller, Kelle Bari, Melanie Clabaugh, Brandy Schimp (Mayor), Don Payne (Secretary), Tony Alfieri (Solicitor), Carrie Klaiber (Recording Secretary), Heath Boyer (Police Chief)

Telecommunications: None

Excused:

Absent: Matt Bressler (Fire Chief), Mick O'Rourke (Street Department Manager), Joe Geer (Code Compliance)

VISITORS

Dan Johnson, Bill Thompson, Steve Dyne, Pastor David Pflieger, Stephanie Hayduk, Zack Litzinger, Michele Palmer, Kayley Gubelman, Michael Lombardo, Derian Ng, David Korn, Adrianna Michalak, Layla Michalak, Donnie Michalak, Michael Wileman, Kayla Wileman, Audrey Gerold, Douglas Willaims, Jr., Watts, Cynthia Williams, Jerry Sirianni

STATEMENT OF CITIZENS ON AGENDA ITEMS

Michael Lombardo: Thanked council for allowing him to exercise his right to be heard. He has worked diligently to engage with the community and began a petition and within 3 weeks he received an outpouring of support and 100 signatures of voters who believe the law needs to be relaxed and it those people who are also here tonight. The only opposition has been from private conversations, anonymous phone calls and posts on social media all from those who claim to feel so strongly, yet do not appear at these meetings or speak to me in person. My only other opponent is a hypothetical, a fictional neighbor who exists only in potentiality. I have been expected to argue against those who will not appear in person and those who cannot. We are asking you to allow us to keep our pets. No framework of the nuisance laws will be disrupted, nor the framework of the Borough be threatened.

Kayley Gubelman: I am very happy to see the Sidewalk Incentive helping people to fix their properties. I would like to thank you all and thank Mike. I would like to work with council on other things in the future.

David Korn: Mike has said everything that needs to be said, I hope council sides with the will of the of the people and that everyone votes in good faith.

APPROVAL OF MINUTES

A motion was made by Mr. Zelina, seconded by Mrs. Claybaugh, to approve the minutes of the August 14, 2024, regular monthly meeting. Ayes from all. Motion carried.

UNFINISHED BUSINESS

- a. Ordinance #A-1077 – To amend §221-19 to include an incentive of \$10.00 per 5-foot square of sidewalk that is replaced per the construction specifications in §221-16. A motion was made by Mr. Cummings, seconded by Mr. Milliron, to accept this second reading. Ayes from all. Motion carried.
- b. Ordinance # A-1078 – To amend §10-5 to increase the compensation of the Health Officer to the annual maximum of \$3, 000.00. A motion was made by Dr. Miller, seconded by Mrs. Bari, to accept this second reading. Ayes from all. Motion carried.
- c. The Recommendation of the Ordinance Committee NOT to change Ordinance §78-7A -Keeping of animals in confined quarters no part of which shall be closer than 25 feet from the exterior limits of any dwelling or any property line at this time was stated by Mrs. Claybaugh. A motion was made by Mr. Zelina, seconded by Mr. Milliron, to accept the recommendation of the Ordinance Committee. Ayes from all. Motion carried.
- d. The recommendation of the Ordinance Committee TO CHANGE Ordinance §143-9 to prohibit Transient Vendors from being in the Central Business District unless exception is granted by the Borough office for non-profit organizations was stated by Mrs. Claybaugh. A motion was made by Mrs. Bari, seconded by Dr. Miller, to accept the recommendation of the Ordinance Committee. Ayes from all. Motion carried.
- e. There will be a Special Council Meeting at 6:00pm at Six & Kane for the PA Mayors Association presentation of the Mayor of the Year Award to Mayor Brandy Schimp. The Regular Council Meeting will immediately follow at the same location. Both meetings are open to the public.

CORRESPONDENCE

- a. A letter from Marianne Rook regarding boats and campers being parked on the streets was read and discussed at the workshop,
- b. The McWaPEC Meeting and Dinner Invitation for September 26th in Smethport was distributed.

MONTHLY REPORTS

Budget – Report submitted to Council.

A motion was made by Mrs. Claybaugh, seconded by Mrs. Bari, to approve the Budget Report, as presented. Ayes from all. Motion carried.

Tax Collector – There was a misprint on the report, it will be corrected at the October meeting.

BILLS FOR PAYMENT

Check detail in the amount of \$127,200.15 was presented to Council for approval.

A motion was made by Mr. Zelina, seconded by Mrs. Claybaugh, to approve the Bills for Payment. Ayes From all. Motion carried.

DEPARTMENT REPORTS

Office – Borough Paving Project is completed. PA American Water Paving will be done when IA returns. Mr. Cummings commented that the paving company was very accommodating. The Baseball Field Drainage and Resurfacing is going very well and will have grass growing by Monday.

Mr. Payne requested permission to attend the Upset Sale in Smethport, September 24th to protect the interests of the Borough. A motion was made by Mrs. Claybaugh, seconded by Mr. Zelina for Mr. Payne to attend. Ayes from all. Motion carried.

The cameras in Evergreen Park will now be installed by Advanced Computer Systems, rather than Mr. Mike Cardamone, due to health issues that have caused delays for Mr. Cardamone. He was relieved to have this large of a project off his plate and this allow will ACS to easily integrate the camera system with our computers.

Code Compliance - Report Submitted.

Solicitor – Report Submitted. The Negotiations Committee met a couple of weeks ago and will meet again tomorrow regarding the Police Department contract.

Police – Report submitted. Chief Boyer stated that the new police vehicle will be up and rolling in about two weeks. It was requested that Chief Boyer bring that vehicle to the Council Meeting next month.

Street - Report Submitted.

Fire – No Report submitted.

Assessment – Report submitted.

Health Board – Report submitted.

A motion was made by Mrs. Claybaugh, seconded by Dr. Miller, to approve the Department Reports, as presented. Motion carried.

COMMITTEE REPORTS

Mr. Kase thanked the Ordinance Committee for their hard work and diligence this past month.

Finance – Need to look at dates for a preliminary budget review meeting,

Property – Mr. Zelina reported that he and Mrs. Judi Cook are planning to go over the depot and outline the work that needs to be done on the building so that it can be passed off to an engineer to hopefully circumvent some of what an engineer will have to do to get the project moving next spring. Since the last meeting there has been one resident that has contacted Center for Non-Profit Resources, but we have not had any updates beyond that.

Parks- Minutes from the August 28th, 2024, meeting were submitted. The Parks Commission recommends that Council permit Evergreen Park to be used for the Haunted Walk Event October 24-26, 2024. A motion was made by Mrs. Claybaugh, seconded by Mrs. Bari, to accept the recommendation and approve the usage of the park. Ayes from all. Motion carried. Mrs. Klaiber updated on RentFun! that the game courts should be installed by the end of September even if the kiosks are delayed are delayed due to production issues.

Library – Minutes from the July 9, 2024, Meeting were submitted.

NEW BUSINESS

- a. A motion was made by Mr. Cummings, seconded by Mrs. Bari, to approve the spending of \$16, 000.00 for additional soil for the completion of Santilli Field. This will be paid out of the Controlled Account. Ayes from all. Motion carried.
- b. Resolution #15-24 to accept the Uniform Employee (Police) Pension Fund Contribution of 0.0%. A motion was made by Mr. Zelina, seconded by Mrs. Clabaugh. Ayes from all. Motion carried.
- c. Resolution #16-24 to enter into a loan agreement with PA Infrastructure Bank (PIB) for a 5- year term loan for one-half the purchase price of a \$314,605.90 Street Sweeper to be delivered April 2025, the other half of which will be paid directly from the Controlled Account. A motion was made by Mr. Cummings, seconded by Mrs. Bari. Ayes from all. Motion carried.

- d. The recommendation of the Ordinance Committee TO CHANGE Ordinance §74-6 Amusement Devices; to increase the annual licensing fee for “for profit” businesses to \$500.00 per machine and for “not for profit” businesses and clubs \$100.00 per machine on games of skill and chance was stated by Mrs. Claybaugh. The fee will remain \$15.00 for jukeboxes and music boxes and \$25.00 for pool tables, dart boards, shuffleboard tables, foosball tables, pinball machines, sport machines. It was further recommended that the money generated from these fees be either set aside for parks and recreation or donated to the Kane United Fund. A motion was made by Mr. Zelina, seconded by Dr. Miller, to accept the recommendation of the Ordinance Committee. Ayes from all. Motion carried.
- e. The Recommendation of the Ordinance Committee NOT to change Ordinance §90-2, Brush, Grass and Weeds was stated by Mrs. Claybaugh. The request was to look at grass at weeks separately due to their difference in growth speeds, particularly in the spring. Since the Borough will work with individual property owners if needed, it is felt there isn't a need for a change. A motion was made by Mr. Cummings, seconded by Mr. Zelina, to accept the recommendation of the Ordinance Committee. Ayes from all. Motion carried.

MAYOR'S REPORT

Report submitted. Mr. Payne commented on Mayor Schimp's presentation of “A Day in the Life of the Mayor” at Rotary. The mayor also commented that the DARE program is starting up September 23rd and Graduation will be before Christmas break.

STATEMENT OF CITIZENS

Stephanie Hayduk: Asked Chief Boyer about thefts in Kane; he responded with mini bikes taken in summer the persons who were apprehended were juveniles, four bikes taken were taken by juveniles again, the e-bike that was taken on the 21st, the suspect was just interviewed and will be charged, the scooter incident that just happened is being investigated and someone is most likely going to be charged. She asked if since you found the scooter in the yard – are you allowed to search the house? Chief Boyer responded that you are not allowed to search the house or other areas without approval. Is there any chance that the Borough will install security cameras throughout town? Mr. Payne said that police use business security cameras and homeowner doorbell cameras. Other than in the park, we do not have plans currently to put others up in town. She asked for further explanation about why Ordinance §78-7A will not be changed at this time. Mrs. Claybaugh explained that the only reason that the Borough looked at the chickens at Mike's was due to odor complaints. Mrs. Klaiber explained that there have never been any complaints about an enclosure that is at the 25' or further distance as stated in the ordinance, that would stand to reason that the Ordinance is working as it is. We are willing to do more research at a time when the Borough office is not as busy.

Michele Palmer: Confirmed Trick or Treat will take place on October 31st.

David Korn: I have been following Mike Lombardo, I have felt that everyone had been very reasonable, but this decision is extraordinarily frustrating. We start off the meeting with the pledge of allegiance stating liberty and justice for all, but I don't see liberty or justice in this call. I am a huge believer in personal property rights, and they have been shot down. Polls, petitions and the will of the people have been ignored. It has left us with hopelessness, no options. What do you do at this point going forward? I am not interested in talking to other towns, I don't care what they are doing. I think maybe it's time to start talking about changing council. Mr. Korn also spoke about his efforts with PA American Water.

Audrey Gerold: Is there any way to make a sub-committee to keep this moving? Mr. Kase stated that if you would like to gather data and bring it back to the committee, they will be happy to look at it.

Jerry Sirianni: Concerned about the speeding on Chase Street. The only speed limit sign is 25 feet in front of the stop sign at the corner of Easton Street. Mr. Kase suggested that the portable flashing speed monitor be moved to that area after school has been in session longer. The Borough will also look into adding some “slow

down children” approaching the mini-park and see if there are speed limit signs that were once there that are now missing.

Darian Ng: Concerned with safety of the sidewalks from the Kane Apartments to Uptown Kane. The Sidewalks are not well kept, and it is even more dangerous in the winter due to snow and ice build-up. Also, would like to see a crosswalk from the Kane Apartments to Tops/Rite Aid. Mr. Cummings explained that we are working on adding a crosswalk there and Mrs. Klaiber added that we are working on solar powered, flashing, button-activated signs. Mr. Payne stated that he has targeted the area she described for sidewalk replacement and has plans to contact the property owners to work on a partnership to get them replaced. Another problem crossing area is at Holman Street to the Dollar General Store. It was requested that Mrs. Klaiber investigate a crosswalk at this location as well. Ms. Ng asked about ATA bus stops and was given information on that from several people in the room.

Michael Lombardo: Thanked everyone for coming to support him and the cause. I understand that it is not a “no” it is a “we do not have enough information to make a decision”. So, I will continue to attend meetings and see if we can find a process that can satisfy the Borough as well as the residence. I will continue to research, and I will work with a sub-committee. Thank you to council for hearing us out.

EXECUTIVE SESSION

The Regular Session ended at 8:24 P.M. An Executive Session regarding Real Estate took place.

At 8:37 P.M. Executive Session ended.

A motion was made by Mr. Zelina, seconded by Mr. Cummings to approve the purchase of 519 Haines Street from K.A.R.E. Ayes from all. Motion Carried.

ADJOURNMENT

Being no further business, a motion was made by Mrs. Claybaugh seconded by Mr. Cummings to adjourn the meeting. Motion carried. The meeting was adjourned at 8:38 P. M.

Carrie Klaiber, Recording Secretary