



Borough of Bellevue

Borough Council Meeting Minutes

July 28, 2020, 7:00 pm
Via Zoom Teleconference

Call to Order

President Pennington called the meeting to order at 7:00 pm.

The call to order was followed by the Pledge of Allegiance and a moment of silence.

Roll Call

The roll was called to establish a quorum. Present were Ms. Edmondson, Ms. Hause, Mr. Pritchard, Mr. Stuncard (via phone), Ms. Cerminara, Ms. Sloane, Mr. DiTullio, and President Pennington. Mrs. Pikul was absent. A quorum was established.

Also, in attendance were Mayor Emily Marburger, Treasurer Joe Scioscia; Director of Administrative Services Cindy Bahn; Financial Services Administrator Andrea Contes; and Solicitor Matt Racunas.

Public Contribution on Agenda Items

- Joe Scioscia, 256 Lincoln Avenue: Stated that he finds it troubling that Council continues to vote via email, and that such votes violate 1st Amendment rights.
- Joe Scioscia III, 256 Lincoln Avenue: Stated that he didn't realize that being Council President gives the right to call someone racist.
- Emily Kemerer, 218 N. Sprague: Noted her support for the Black Lives Matter Resolution, and requested more dialogue between elected officials and people of color in the Borough.
- Caitlyn Venczel, 556 Dawson Avenue: Stated that she is from Ward 3 and supports the BLM Resolution.
- Rob Venczel, 556 Dawson Avenue: Encouraged Ward 3 Council members to approve the BLM Resolution.
- Paulie Anne Williams, 460 Dawson Avenue: Thanked Ms. Cerminara for her efforts and encouraged Council approval of the resolution.
- Kristin Bruno, 326 W. Riverview Avenue: Expressed her disappointment that this is the first time she is hearing about the BLM Resolution.
- Linda Woshner, 137 S. Euclid Avenue: Suggested that Council be careful about permitting parking in front yards, and suggested that Council look at alternatives. Asked how Council can vote on a Code of Ethics without an Ethics Committee, and stated that when she was on Council, there was never discrimination.
- Liz Sterrett, 76 S. Fremont Avenue: Stated her support for the BLM Resolution.
- Tom Stokes, 507 Highland Place: Stated his support for the BLM Resolution.
- Alisa Maylo, 114 Cedar Avenue: Thanked Ms. Cerminara for drafting the Resolution.
- Stephen Maylo, 114 Cedar Avenue: Stated that he stands behind BLM, which should not be controversial subject; expressed his appreciation for the first responders at the recent fire on Grant Avenue.
- Laura Pollanen, 132 Lincoln Avenue: Stated her support for the BLM Resolution and asked Ward 1 Council members to vote in support of it.

- Sabreena Miller, 89 Summer Avenue: Stated that there is an underserved black and brown population in Bellevue, and that she is the only person of color on the CDC board.
- Veronica Blair, 117 N. Sprague Avenue: Supports the BLM Resolution, and liked the anti-discrimination language it contains; stated that BLM is a statement of inclusion and love.
- Natalie Roberson, 53 Grant Avenue: Stated that she supports the BLM Resolution.
- Christopher Kubicek, 389 Ambard Avenue: Stated that the BLM Resolution is the least we can do.
- Amesh Kapoor, 43 N. Euclid: Supports the BLM Resolution.
- Colleen Tracy, 571 Dawson Avenue: Thanked everyone for their work on the BLM Resolution.
- Anthony Barron, 653 Tingley Avenue: Noted that he grew up in Bellevue, and because there is a Black Council President, he can tell his kids that they too can become President. Added that BLM is not exclusionary, and that all lives can't matter unless BLM.
- Moniqueka Barron, 653 Tingley Avenue: Noted that even if people aren't racist, it doesn't mean racism doesn't exist.

Consent Agenda

Items of business and matters listed under the Consent Agenda are considered to be routine and noncontroversial and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by Council Members, that item is to be identified and removed from the Consent Agenda, and will be considered separately at the appropriate place on the Agenda.

- a. Motion to Accept Minutes of the June 9, 2020 Pre-Council Meeting.
- b. Motion to Accept Minutes of the June 23, 2020 Council Meeting.
- c. Motion to Accept Minutes of the July 7, 2020 Finance Committee Meeting,
- d. Motion to Accept Minutes of the July 7, 2020 Parks and Recreation Committee Meeting.
- e. Motion to Accept Minutes of the July 7, 2020 Public Safety Committee Meeting.
- f. Motion to Accept Minutes of the July 7, 2020 Public Works Committee Meeting.

Moved: President Pennington

Second: Ms. Hause

Ms. Hause expressed her concern regarding the Pre-Council and Council minutes; she would like to discuss the format at the August Finance Committee meeting. President Pennington pulled the June 9, 2020 Pre-Council Meeting and June 23 Council Meeting minutes off the Consent Agenda.

All voted in favor of the revised Consent Agenda. Motion carried, 8-0.

(Mr. Pritchard left the meeting)

Agenda Items

Finance Committee:

- a. Motion to Approve Payment of the July 28, 2020 Bill List.
Moved: Ms. Hause Second: Ms. Edmondson
All voted in favor of the motion. Motion carried, 7-0.
- b. Motion to Authorize the Issuance of an RFP for the Collection of Current Sewage Accounts, Solid Waste Accounts, Business Privilege Taxes and Mercantile Taxes.
Moved: Ms. Hause Second: Ms. Edmondson
All voted in favor of the motion. Motion carried, 7-0.
- c. Motion to Advertise, at a Cost Not to Exceed \$250, of a Vacancy on the Tri-Borough Joint Planning Commission (01.406.341).
Moved: Ms. Hause Second: Ms. Edmondson
Ms. Hause noted that the vacancy is the result of the resignation of Bellevue member Dave Casale.
All voted in favor of the motion. Motion carried, 7-0.

Parks and Recreation Committee:

- There were not items for discussion or action.

Public Safety Committee:

- a. Motion to Accept the Bid of Chemung Supply Corporation in the Amount of \$5,500 for the Replacement of 88.2 Feet of Guide Rail on Brighton Road (01.430.740).
Moved: Ms. Cerminara Second: Ms. Edmondson
All voted in favor of the motion. Motion carried, 7-0.
- b. Motion to Extend a Conditional Offer of Part-Time Firefighter Employment to Joshua Carlini and Zachary Cummings.
Mr. DiTullio stated that he doesn't think it should be a blind vote. The Solicitor responded that this can be discussed in Executive Session.
- c. Motion to Ratify the Email Vote to Waive the Requirement in Borough Code §235-17 that Restaurants Using Sidewalks for Food Service Allow 4 Feet of Clearance for Pedestrian Passage.

Moved: Ms. Cerminara

Second: Ms. Edmondson

Discussion: Mayor Marburger reported that at the July 14 Pre-Council meeting, she and Mr. Stuncard agreed to work with restaurants to help with outdoor dining options during pandemic limitations. After discussing each restaurant's unique situation, she proposed a solution that involves blocking off parking spaces to allow for additional outdoor tables. This has happened at the Rusty Nail and 565 Grille. At 202 Taco, additional tables have been installed along the fronts of neighboring businesses, with their permission. Lincoln Brewery did not need to block parking spaces because they are setting up tables along Hawley Avenue. Lincoln Brewery reported a 30% increase in sales over the prior week. Ms. Cerminara expressed gratitude for the actual figures, stating that when businesses succeed, the Borough succeeds. The Solicitor noted that he discussed this with the Mayor to be sure the plans would permit safe passage for all pedestrians, including those with mobility challenges. He added that an email vote is neither impermissible nor unusual, as long as Council discusses at a subsequent meeting. Mr. DiTullio stated that other businesses are angry because they were not notified. The Mayor responded that she has been in contact with most businesses during the pandemic and that 18 Lincoln Avenue businesses were notified of the plans, and all of them supported it. Ms. Hause stated that she did not take part in the email vote as she and Mrs. Pikul had concerns about ADA compliance. While she supports restaurants during this time, she has witnessed people having a hard time walking on the sidewalk near 202 Tacos. Mayor Marburger stated that the table arrangement at 2020 Tacos actually provides for more pedestrian space than previously. Mr. Stuncard provided that he was training in ADA compliance while living in Florida, and as long as pedestrians can be diverted across the street, and there is an appropriate curb cut, the sidewalks are in compliance.

Aye: Mr. Stuncard, Ms. Sloane, Ms. Edmondson, Ms. Cerminara, President Pennington

Nay:

Abstain: Ms. Hause, because she is not sure about ADA accessibility, Mr. DiTullio

Motion carried, 5-0, with 2 abstentions.

(Mr. Pritchard returned to the meeting. Mr. Stuncard left the meeting.)

- d. Motion to Adopt Resolution 15-20 Requesting a Blight Remediation Program Grant in the Amount of \$73,366 from the CFA to Be Used for the Demolition of Three Vacant and Blighted Properties; Borough Match of \$8,200 (01.413.375).

Moved: Ms. Cerminara

Second: Mr. DiTullio

Aye: Mr. DiTullio, Ms. Sloane, Ms. Cerminara, Ms. Edmondson, President Pennington
Nay: Ms. Hause
Abstain: Mr. Pritchard
Motion carried, 5-1, with 1 abstention

- Public Works Committee:
- There were not items for discussion or action.

a. Motion to Adopt Resolution 14-20 Declaring that Black Lives Matter

b. Discussion Regarding Borough Treasurer Joe Scioscia. President Pennington stated that he moved to remove the Treasurer from his position based on public statements Mr. Scioscia has made in prior meetings, especially those related to the flying of the Pride Flag and BLM. He further stated that he has not called anyone a racist, but that such behavior represents bigotry. Ms. Hause asked what liability the Borough has regarding the 1st Amendment, and the Solicitor responded that he would need to look into it. President Pennington noted that the Treasurer serves at the pleasure of Council. Ms. Hause stated that Mr. Scioscia made comments as an individual, not a public official, and that termination could be interpreted for retaliation because he has filed a lawsuit against the Borough. President Pennington responded that the Treasurer is an agent of the Borough and must represent themselves as such to constituents. Ms. Edmondson added that she appreciates the comments of Ms. Hause but agrees with President Pennington; she feels that it is abhorrent that the Borough employs someone who

thinks this way. The Solicitor raised a point of order, noting that not all Council members were present; he stated that everyone's opinion should be heard before formal action. Ms. Cerminara added that whether an individual is elected or appointed, they are representing the Borough have to be measured and thoughtful in what they say. President Pennington stated the per Mr. Scioscia's request, Council has discussed this in a public meeting, and any further discussion will be delayed until all Council members are present.

Unfinished Business

- Mr. Pritchard asked about the status of a replacement for the Code Enforcement Officer, and the Solicitor responded that this is a discussion for Executive Session.

New Business

- There were no items of new business for discussion or action.

Public Contribution on Non-Agenda Items

- Linda Woshner, 137 S. Euclid Avenue: Stated that all public employees have a right to a hearing.
- Caitlyn Venczel, 556 Dawson Avenue: Thanked Council for their action on BLM.
- Paulie Anne Williams, 460 Dawson Avenue: Thanked Council, and stated that 1st Amendment permits Americans to say what we want, but that doesn't mean there won't be consequences.
- Sabreena Miller, 89 Summer Avenue: Also thanked Council and asked everyone to work on peace, harmony, unity, and healing.
- Tony DiTullio, Council Member: Asked when scrutiny is going to point toward Bonafide Bellevue.
- Moniqueka Barron, 653 Tingley Avenue: Thanked Council, and stated that we must acknowledge that there is an issue.
- Anthony Barron, 653 Tingley Avenue: Stated that people have 2 ears and 1 mouth for a reason, and noted that he has been pulled over by police 7 times this year so far. He requested a moment of silence for 23 seconds.
- Amelia Koehler, 124 W. Riverview: Stated that she is new to Bellevue and is thankful for everyone who joined the meeting. Spoke about an issue she is having with a garbage bill; she heard that Bellevue is reconsidering its relationship with Jordan Tax Service.
- Kathy Coder, 25 N. Bryant Avenue: Stated that she is trying to be respectful after Mr. DiTullio's comments about Bonafide Bellevue; believes that it's hypocrisy to make a big deal out of the Treasurer's comments but not the comments of an elected official.
- Laura Pollanen, 132 Lincoln Avenue: Thanked Council, then noted that people in different positions have the right to speak during Public Contribution, but there are consequences.

Executive Session

- Council moved into Executive Session at 9:46 pm to discuss several personnel matters legal matter, and reconvened the meeting at 10:38.

Motion to advertise for a Building Code Official at a cost not to exceed \$250.

Moved: Ms. Hause

Second: Mr. Pritchard

All voted in favor of the motion. Motion carried, 6-0.

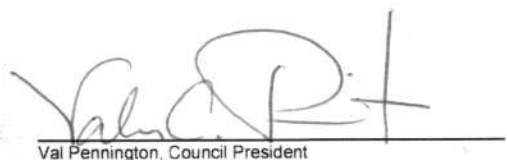
Adjournment

There being no further business, President Pennington adjourned the meeting at 10:40 pm.

ATTEST



Cindy L. Bahn, Director of Administrative Services/Secretary



Val Pennington, Council President

Minutes approved by Bellevue Borough Council on August 25, 2020.