

# BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

November 3, 2010

## I. WELCOME AND INTRODUCTIONS

Council President Linda Turner opened the meeting at 7:00 pm, welcomed everyone to the meeting and noted there will be no hurtful or hateful speech allowed.

## II. PLEDGE OF ALLEGIANCE (American Flag)

Council President Turner led the Pledge of Allegiance.

## III. MOMENT OF SILENCE

A moment of silence was observed.

## IV. ESTABLISHMENT OF QUORUM

Present at the meeting were Council members Linda Turner, Bogan Goughler, Larry Baughman, Robert Resinger and Howard Barger. Also present were Chief Carlson, Officer Deeter and Brian Spaid. Dick Phillips, Penny Peterson and Harold Bloomgren were not present.

## V. DISTRIBUTION OF AGENDA

## VI. COUNCIL CHANGES TO AGENDA

## VII. COMMISSION/COMMITTEE REPORTS

A. Planning Commission: No report.

## VIII. STAFF REPORTS

A. Engineer

1. Motion by Robert Resinger, being duly seconded by Larry Baughman to approve Resolution No. 3 of 2010 in order to execute EPA Form 4700 – 4, Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance, required by the Pennsylvania Infrastructure Investment Authority (PennVest). Motion carried unanimously.
2. Motion by Bogan Goughler, being duly seconded by Howard Barger to approve Change Order No. 3 for Siphon Pipe Repair Project, a decrease of \$4,030.00. Motion carried unanimously.
3. Motion by Robert Resinger, being duly seconded by Bogan Goughler to approve Application and Certification for Payment, in the amount of \$82,555.00, to L.O. Bouquin Company, for the Siphon Pipes Repair Project. Motion carried unanimously.
4. Lisa Chiesa, of Thorp, Reed, & Armstrong, LLP, presented information regarding the Local Government Unit Debt Act.
5. Motion by Larry Baughman, being duly seconded by Bogan Goughler and Robert Resinger to approve Resolution to amend the project definition to "Refunding" in the Resolution dated September 15, 2010, for the \$1,000,000 General Obligation Note. Motion carried unanimously.
6. Motion by Robert Resinger, being duly seconded by Bogan Goughler to adopt debt ordinance to approve authorizing the incurring of non – electoral debt in the amount of \$6,798,000.00. Motion carried unanimously.

B. Maintenance Foreman:

1. No report.

C. Police Chief:

1. Chief Carlson presented information on purchasing new radios for the Police, Maintenance and Administration Departments, using a PennPrime grant to partially fund the cost of approximately \$4,000.00, in order to bring the radios up to standard with the FCC.
2. Chief also reported there is a Skywarn class being held November 10, 2010. On November 17, 2010 at approximately 7:00 PM, the Rocky Grove V.F.D. will be meeting on Two Mile Run Park evacuation procedures.
3. Officer William McDevitt presented information on the Child Passenger Safety procedures. Officer McDevitt is certified for two (2) years. Safe Kids Worldwide can present a Child Safety Seat Day free of charge to the Borough and the

Public in an effort to educate the public on car seat safety. The day will try to be scheduled before winter and in accordance with the Sheriff's Department.

- D. Administrator/Special Projects:
  - 1. Motion by Robert Resinger, being duly seconded by Bogan Goughler to adopt Resolution No. 4 of 2010, the Venango County 2010 Hazard Mitigation Plan. Motion carried unanimously.
- E. Zoning Officer:
  - 1. Motion by Larry Baughman, being duly seconded by Robert Resinger to table the approval of the Borough's Comprehensive Plan until the November 17, 2010 Council meeting, after corrections have been made to the Plan. Motion carried unanimously.
  - 2. Officer Deeter reported he will begin to work on the Borough's SALDO Plan.
  - 3. Mr. Baughman asked Officer Deeter if he has a plan or checklist to track progress on the properties that have been cited or notified of zoning violations in the Borough.
- F. CDBG Administrator:
  - 1. No report.
- G. Solicitor:
  - 1. Mr. Spaid reported that he has reviewed the Memorandum of Understanding between Sugarcreek Police and Valley Grove School District and recommended that the Borough approves it.
  - 2. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the Memorandum of Understanding between the Sugarcreek Borough Police Department and the Valley Grove School District. Motion carried unanimously.
  - 3. Mr. Spaid stated he received a letter from PennDot regarding increasing the cost of the Martin Hill Road Bridge Project from \$182,780.00 to \$865,063.35. Mr. Spaid said a resolution will need to be approved at tonight's meeting or the November 17, 2010 Council meeting.
  - 4. Motion by Robert Resinger, being duly seconded by Bogan Goughler to approve the Resolution of Amendment to the agreement for the Martin Hill Road Bridge Project. Motion carried unanimously.
  - 5. Mr. Spaid recommended that representatives from the Borough attend the Stormwater Management meeting on November 23, 2010 at 2:00 PM. Mr. Spaid recommended that the Borough and Borough Planning Commission do not adopt the Stormwater Ordinance that the County is recommending.

#### **IX. COUNCIL REPORTS**

#### **X. PUBLIC PARTICIPATION (*limited to 3 minutes each*)**

- A. Herb Riddle requested having a "jake brake" ordinance placed on Buttermilk Hill in Sugarcreek Village; due to the fact that trucks are engine braking at all hours of the day and night. Mr. Spaid stated that PennDot has certain regulations in order to have such an ordinance put in place, such as the grade of the road and safety concerns which make it difficult to get such an ordinance. Mr. Spaid said Buttermilk Hill will most likely not qualify for an engine brake ordinance.
- B. Mike Garbacz stated he hopes the H2O funds will work out in the Borough's favor and how would the outcome affect the project? Mr. Sporer stated the Borough can scale back the project and have not locked into any set amount for funding. He also had a question on the CDBG advertisement and will talk with Ms. Peterson about it.
- C. John Kernic questioned if everyone on Rt. 417 water was in compliance. Mr. Spaid stated that not everyone is connected and he and the Borough will begin to take the proper action against those not connected.
- D. John Dumbleton wanted to know if the Siphon Project was complete.

#### **XI. APPROVAL OF MINUTES**

- A. Motion by Larry Baughman, being duly seconded by Bogan Goughler approve the minutes of the October 20, 2010 Council Meeting. Motion carried unanimously.

#### **XII. FINANCIAL REPORTS**

- A. Motion by Bogan Goughler, being duly seconded by Larry Baughman to approve the payment of bills/issuance of checks as presented by the Treasurer. Motion carried unanimously.

**XIII. OLD BUSINESS**

**XIV. NEW BUSINESS**

**XV. CORRESPONDENCE**

**XVI. BOARD OF APPEALS**

**XVII. EXECUTIVE SESSION**

Council recessed at 8:03 pm for an executive session to discuss personnel and legal issues which, if conducted in public, would violate a lawful privilege of information or confidentiality protected by the law. The meeting was reconvened at 9:10 pm.

**XVIII. NEW BUSINESS (Con't.)**

- A. Motion by Larry Baughman, being duly seconded by Bogan Goughler to authorize Joseph Sporer to work with a Berkheimer associate in order to collect delinquent Per Capita tax. Mr. Resinger did not vote in favor of the motion. Mr. Barger, Mr. Goughler, Ms. Turner, and Mr. Baughman voted in favor of the motion. Motion carried.
- B. Motion by Larry Baughman, being duly seconded by Robert Resinger to appoint Larry Moyer as a crossing guard. Motion carried unanimously.
- C. Motion by Larry Baughman, being duly seconded by Robert Resinger to approve the signing and final settlement with Frank Heller regarding his workman's compensation. Motion carried unanimously.
- D. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve advertisement of selling various equipment owned by the Borough. Motion carried unanimously.

**XIX. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 9:14 pm. Motion by Larry Baughman, being duly seconded by Robert Resinger.

Joseph Sporer, Borough Manager

Linda Turner, Council President