

BOROUGH OF SUGARCREEK
PUBLIC HEARING
August 17, 2011

I. WELCOME AND INTRODUCTIONS

Council President Linda Turner convened the Public Hearing at 6:45 PM, on Wednesday, August 17, 2011 to consider a Petition to the Borough to vacate a portion of Russell Street that adjoins Mr. Rex L. Heckathorn's property. Subject of the petition was to remove a portion of Russell Street from the plan of streets in the Village of Rocky Grove, and the cancellation of the laying out of that portion of Russell Street.

II. ESTABLISHMENT OF A QUORUM

Present at the hearing were Council Members Linda Turner, Bogan Goughler, Larry Baughman, Robert Resinger, Mayor Charles Minnick and Howard Barger. Also present were Police Chief Matt Carlson, Solicitor Brian Spaid, Rex L. Heckathorn, applicant, Joseph Sporer, Borough Manager, and Maureen Thompson.

III. PRESENTATION OF TESTIMONY

Council President Linda Turner opened the Public Hearing. Mr. Brian Spaid stated the Borough had been petitioned by Rex L. Heckathorn in regards to vacating a portion of Russell Street, as per Borough Code Section 46724. Mr. Spaid stated the referenced portion of Russell Street is a paper street and was never opened. If a paper street is laid out and not opened over a period of ten (10) years or longer, Mr. Spaid said any owner(s) owning 50% of the front feet of the land that the street is laid out, may petition the Borough to vacate that portion of the street, removal of it from the plan of streets and the cancellation of the laying out of that portion of the street. Mr. Spaid presented exhibits to be filed. Exhibit #1: Petition from Rex L. Heckathorn, Exhibit #2: Proof of Publication of Notice to The News – Herald, Exhibit #3: Letter from Brian M. Spaid, dated August 1, 2011, Exhibit #4: Service of Correspondence from Solicitor Brian M. Spaid to Gary E. & Sally A. Crawford, Jr., Exhibit #5: Acceptance of Service by Henry W. Gent, III, Esquire and Exhibit #6: Acceptance of Service by Michael J. Antkowiak, Esquire. Mr. Spaid stated there are two (2) properties adjoining the referenced portion of Russell Street that Mr. Heckathorn has been in negotiations or completed negotiations to purchase one (1) property and has placed a bid on the other property.

Mr. Dick Phillips stated there is a sewer line running down the referenced portion of Russell Street and he is concerned about obtaining a right – of – way to that sewer line. Mr. Spaid stated Mr. Heckathorn has previously expressed he will agree to allow the Borough to maintain a right – of – way to the sewer line. Mr. Spaid advised Council that if they shall agree to Mr. Heckathorn's petition, it should be contingent on obtaining a right – of – way. He also advised that the right – of – way should be agreed upon and signed before the ordinance is adopted. Mr. Phillips agreed with Mr. Spaid's recommendation. Mr. Spaid also recommended that a survey be done at Mr. Heckathorn's expense, in order to properly and accurately set the property lines.

Council President Linda Turner asked for public comment. Mr. Heckathorn stated he has purchased one of the properties that adjoins the referenced portion of Russell Street and has placed a bid on the other one & is awaiting an answer. Ms. Turner asked Mr. Heckathorn what his intentions were for the property. Mr. Heckathorn stated he wanted to add it to his front yard and his property. Ms. Maureen Thompson expressed her approval of the petition. Mr. Spaid stated he will prepare an ordinance.

Council President adjourned the hearing at 7:00 PM.

Respectfully submitted

Joseph M. Sporer
Council Secretary

Linda Turner
Council President

BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

August 17, 2011

NOTE: Council conducted a public hearing at 6:45 PM today to consider a Vacation of Street application by Rex Heckathorn. Subject of the application is to remove a portion of Russell Street from the plan of streets in the Village of Rocky Grove and the cancellation of the laying out of that portion of Russell Street.

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, Mayor Charles Minnick, Robert Resinger, Howard Barger, Larry Baughman and Bogan Goughler. Also present were Chief Carlson, Dick Phillips and Brian Spaid. Harold Bloomgren and Penny Peterson were not present. Officer Deeter was excused.

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. COMMISSION/COMMITTEE REPORTS

A. John Dumbleton reported Planning Commission did not meet.

VIII. STAFF REPORTS

A. Engineer

1. Mr. Sporer reported on an e – mail he received from Harold Bloomgren. It stated Mr. Bloomgren has talked to Sandy Orth from DCED and the grant has been accepted and approved. Mr. Bloomgren advised the Borough to speak with Mr. Spaid in regards to reducing the State Pipe bid. Once the grant is accepted and the PennVest loan is closed, it will take approximately 30 – 45 days before work could begin.

B. Maintenance Foreman:

1. Dick Phillips presented Council with a written report on the various jobs the Maintenance Department has been working on since the previous Council meeting.
2. Motion by Larry Baughman, being duly seconded by Robert Resinger to approve the purchase of a Ridgid 325' Color Self – Level Seesnake reel and a Rigid DVD Pak Monitor w/ battery and charger, from H.K. McJunkin, at a cost of \$9,685.00. Motion carried unanimously.
3. Mr. Resinger questioned if the money for the sewer camera could be taken out of the H2O grant? Mr. Sporer stated it could, but there is money available in the sewer funds and a percentage of the total cost of the camera would be divided among the sewer accounts. Mayor Minnick asked if the Borough could charge to do the televising? Mr. Sporer stated that they could. There is a permit associated with televising and one for replacing/repairing the laterals and then there is a certificate of compliance; which all are signed by Zoning Officer Deeter and the Maintenance Department. Mr. Baughman questioned if there was a warranty included? Mr. Phillips was unsure, but could check with Paul Geer.

C. Police Chief:

1. Chief Carlson stated the website has been getting a good response and Larry Moyer continues to maintain and update it as well.
2. Chief stated he purchased a new computer for in his office.

3. SBPD participated in the bike safety program, along with Grace United Methodist Church and the officers are handing out helmets to children seen riding without helmets.
4. Another DEA drug take – back program is scheduled for October 29, 2011.
- D. Administrator/Special Projects:
 1. Motion by Robert Resinger, being duly seconded by Bogan Goughler to approve the \$500,000 PennVest loan so that Sugarcreek Borough can receive \$500,000 in matching H2O Funds. Motion carried unanimously.
- E. Zoning Officer:
 1. Motion by Bogan Goughler, being duly seconded by Robert Resinger to adopt Resolution No. 2 of 2011, which state Veon Family Limited Partnership is responsible for the operation and maintenance of the Stormwater Management at the Parole and Probation Building. Motion carried unanimously.
- F. CDBG Administrator:
 1. No report.
- G. Solicitor:
 1. No report.

IX. COUNCIL REPORT

- A. Larry Baughman reported the bush he has requested to have trimmed back, has been.

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

- A. John Dumbleton asked about the codification of the ordinances. Mr. Sporer stated he looked into it and \$5,800 had been paid to the company that was doing it. He had recommended not following through with the current company and doing it at a later date, due to budgetary reasons. Mr. Dumbleton also questioned if PennDot could be contacted in regards to the condition of Rt. 417 near Warren Road. Mr. Sporer and Chief Carlson stated that PennDot is going to pave the road. Mr. Dumbleton also asked the status of the traffic light grant. Mr. Sporer stated that Officer Deeter is still waiting to hear on the status.

XI. APPROVAL OF MINUTES

- A. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the minutes of the August 3, 2011 Council Meeting. Motion carried unanimously.

XII. FINANCIAL REPORTS

- A. Motion by Bogan Goughler seconded by Howard Barger 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 7:27 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 and any action to follow. The meeting was reconvened at 8:25 pm.

XVIII. NEW BUSINESS (Con't)

XIX. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:25 pm.

Joseph M. Sporer, Borough Manager

Linda Turner, Council President