

**BOROUGH OF SUGARCREEK
COUNCIL MEETING MINUTES**

October 2, 2024

I. WELCOME AND INTRODUCTIONS

Council President James Speth opened the meeting at 7:00 pm, welcomed everyone to the meeting and noted there will be no hurtful or harmful speech allowed. Mr. Speth noted the meeting would be recorded by the newspaper reporter in attendance.

II. PLEDGE OF ALLEGIANCE (American Flag)

Council President Speth led the Pledge of Allegiance.

III. MOMENT OF SILENCE

A moment of silence was observed.

***NOTE:** Council held an Executive Session on Sept. 16, 2024 for the purposes of personnel, negotiations and security issues related to the resource officer request from Valley Grove School District.

IV. ESTABLISHMENT OF QUORUM

Present at the meeting were Council members Alan Heller, James Speth, Bogan Goughler, Larry Baughman, Howard Barger and Mayor Matthew Carlson. Also present were Maintenance Foreman Doug Freer, Chief Bob Wenner, Attorneys Brian Spaid and Alex Spaid.

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. PUBLIC PARTICIPATION (limited to 3 minutes each)

- A. Chuck Minnick expressed his support for Council's choice in not getting involved with the school district and their school resource officer issue. Mr. Minnick also said he feels whenever there are issues or disagreements within the Borough, the Police Department is involved. He said everyone has their own opinion and neither opinion is wrong. He also feels there should be a vote put on the ballot in regards to the Police Department and let the whole Borough decide, not just the handful that come to the meetings.
- B. Jake Hellem, R.G.V.F.D., updated Council with the department's total calls for the previous month. He said they had 14 calls last month. And they currently have three (3) people attending training.
- C. Jessica Struthers questioned why two (2) attorneys are getting paid to attend the Council meetings.
- D. Valerie Zitterbart told Mr. Speth she was offended that he would reach out to someone else to get her contact number. She felt it was unprofessional of him. She would like to hold an open dialogue with Council to get questions that the residents may have answered. Mr. Speth said the Council meetings do not allow for the question and answer time and that is not what the Public Participation section is designed for; it is for public comment. Mr. Speth said that is why he has made the offer for anyone to contact him.
- E. Terri Lowry said she wants to have an open dialogue with the entire Council not just one person. Ms. Lowry asked why it has to be with just Mr. Speth. Mr. Speth said it doesn't have to be with him, he is just speaking for himself and cannot speak for the rest of Council. Mr. Spaid said each person is allotted three (3) minutes to speak during the Public Participation section of the meetings. He said it is a section set aside to allow for the public to come and express their opinions, concerns, or issues they may have. He said it is not a time intended for questions and answers. Ms. Lowry asked when she can meet and ask questions. Mr. Spaid said you can speak with any member of Council whenever. But, it cannot be all of them because that would be considered a quorum and a public meeting.
- F. Jason Wargo questioned why the Council would vote to not provide an SRO to the school district. And he said in his experience with politics, there always seems to be some sort of agenda, whether it be financial or personal. Mr. Speth clarified that there was no vote taken during the Executive Session.
- G. Chama Renninger said she was under the impression that there was going to be a vote at the October 2, 2024 Council meeting in regards to the SRO request. She asked why is the school district not considered part of the community.
- H. Laurie Hawkins read to Council the definition of the word "Council" according to the Webster Dictionary.

- I. Andrew Fish, Magistrate District Judge, said he does not believe Council is treating Borough residents fairly. He also said he feels people are talking the way they do to Council because Council won't answer the questions they ask.
- J. Brandon Winger, Valley Grove School District School Board President, expressed his disappointment with the Borough's decision to not provide an SRO to the school district. He said the school district is not happy with the Council's lack of transparency in the matter.

VIII. STAFF REPORTS

A. Maintenance Foreman:

- 1. Mr. Freer said Murdoch Street, Bell Avenue and Prospect Avenue were paved two (2) weeks ago, by IA Construction. The Borough replaced the storm sewer boxes and the City of Franklin replaced water lines before the paving was completed. Mr. Freer said the Borough also sold five (5) hopper spreaders and the 2001 International truck on Municibid.

B. Police Chief:

- 1. Chief Wenner presented Council with his report and how the additional 16 patrol hours per week; 176 hours total a week, were allocated amongst the officers. In addition to the special details, they have been running, which include Aggressive Driving, Buckle Up, DUI and AG. Chief requested, based on his budget currently being at 52%, to continue the additional 16 hours per week through the end of the year. Chief said even with the additional hours, this would put his payroll budget at 72% at the end of the year. And in the five (5) years he has been at Sugarcreek Borough, he has never been overbudget and he has always returned money because it is not his to spend. He said he does not spend it, in fear of losing it. Chief then requested a motion and maybe even a second to continue the additional 16 hours per week. Mr. Heller asked if there is someone who is willing to work the hours. Chief said there are and Officer Wilson accepting the SRO position at the elementary school will not affect scheduling those additional hours. Chief said he is disappointed in not being able to partner with the school district and Council made their decision. He also said he hopes nothing bad happens and Council regrets their decision to not partner with the school district. Mr. Heller asked for Chief to clarify his budget figures. Chief said as of Aug. 31, 2024, he was at 45% and as of Oct. 1, 2024, he was at 52%. And this was with running 176 hours and that also includes Aggressive Driver, Buckle Up. The remaining 48% does include vacation time. Chief said he feels the 30% remaining in his budget will more than cover the 16 hours. He said he originally asked for 30, but Council approved 16, but it works out really well. And he would like Council to look at continuing the additional hours next year. Chief said the whole reason this came out at the beginning of the year was for more coverage. He said he is able to do it cheaper than what he figured. Mr. Heller asked when it comes time for vacation time, will the 16 hours be able to be covered. Chief said he does not know, but if it's money not spent, it's still more hours covered. He also said, as Council is aware, just only a month and a half ago, he became aware that they were allowed to cover vacation time with part – time officers, because it had not been that way prior. Mr. Spaid said the 16 hours may be necessary for budgetary purposes only since there are currently four (4) full – time officers. The additional hours would be needed to cover a full – time officers paid time off, if Council would want the hours filled. Mr. Sporer said the paid time off for the officers is already figured into the budget. Mr. Spaid asked if the additional hours are necessary to cover the paid time off hours. Mr. Sporer said it is not. Chief said for the last two (2) months, the department has been running six (6) days per week; two – one shift days and four – 2 shift days. Or they could run five (5) days with two (2) shifts.
- 2. Motion by Alan Heller, being duly seconded by Howard Barger to approve the additional 16 hours through the end of 2024. A vote was taken. Mr. Speth opposed the motion. Motion carried.
- 3. Chief presented an estimate for an insulated cover for the Police Department server and move the server back into the Chief's office, where it would be more secure and he believes the weight of the server is too much for where it is currently located.
- 4. Motion by Larry Baughman, being duly seconded by Alan Heller to approve the purchase of Silent Server Rack and Noise Cancelling Cabinet from MaKenzie Enterprises, LLC, at a price of \$2,858.00 plus any applicable freight charges. Motion carried unanimously.

5. Chief updated Council on the status of the grant the department applied for in regards to the officers' bulletproof vests. Chief said the department was awarded a grant from the Department of Justice which would pay for half of the cost of seven (7) vests. The total cost is \$6,300.00, with 50% of the costs being covered by the grant and the Borough would be responsible for approximately \$3,100 - \$3,200.
- C. Administrator/Special Projects:
1. Mr. Sporer presented Council with the proposed 2025 Budget.
 2. Motion by Bogan Goughler, being duly seconded by James Speth to approve Resolution No. 2 of 2024, which is to request a Statewide Local Share Assessment grant used for the purchase of a new 305 BB2 Caterpillar Excavator and a 2024 Ford F250 4x4 Truck. Motion carried unanimously.
 3. Mayor Carlson asked if this request was brought up at the previous meeting. He thought it had to be discussed at one meeting and then voted on at the next meeting. Mr. Spaid said as long as the motion is on the agenda, it can be voted on and grant money is being used to purchase it.
 4. Motion by Bogan Goughler, being duly seconded by Howard Barger to approve Resolution No. 3 of 2024, which approves the sale of the Venango County Tax ID Number 28,011.-220.-000 to Terry and Karen Newman for \$500.00. Motion carried unanimously.
- D. Zoning Officer:
1. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the Floodplain Administration County Service Agreement between the Borough and the Venango County Regional Planning Commission. Motion carried unanimously.
- E. Solicitor:
1. Mr. Spaid wanted to address some of the comments and questions that have been coming up. Mr. Spaid said he and Alex Spaid are not double billing to attend the meeting. The only time the Borough is billed for Alex Spaid is when he is doing work for the Borough independent of Brian Spaid.
 2. Mr. Spaid then addressed Judge Fish's concerns over the Council not moving the September Council meeting to the firehall to accommodate the crowd. Mr. Spaid said Chief Wenner sent a request around mid – August to have the V.G.S.D. Superintendent, Kevin Briggs, placed on the agenda to present a request to Council in regards to an SRO at the elementary school. And Council would not have been aware of that request until they saw the agenda. Mr. Spaid said he was under the understanding that Mr. Briggs was coming to the meeting to begin the dialogue of possibly entering into an agreement with the Borough. He said Chief Wenner was in communication with Mr. Briggs about this agreement. While Mr. Spaid was out of the country on vacation, he and Council received an e – mail, over Labor Day weekend, from Mayor Carlson indicating it would be a much more involved discussion at the Council meeting. By the time Mr. Spaid saw the e – mail, Chief Wenner had notes on it indicating there may be a large crowd at the meeting. As well as attached an incomplete 2 – 3 page example of a contract with nothing filled out or any information in regards to pricing or anything along those lines. Mr. Spaid said he then notified Council that they could not vote on anything at the September Council meeting because they did not have a contract. He thought it would be best to prepare a written statement for Alan Heller to read. Mr. Spaid apologized if the statement was perceived as uncaring, but he wrote the statement quickly and he was not fully aware of what was happening. When he returned home late on Sept. 4, 2024, Mr. Spaid said he spoke with Alex Spaid about the meeting. Mr. Spaid said Alex indicated there were concerns as to whether Council was going to approve the request. The following day, Mr. Spaid said he contacted Jennifer Gornall, of Knox McLaughin Gornall and Sennett Law Firm for the Valley Grove School District, who put Mr. Spaid in contact with Pat Kennedy. Ms. Kennedy had been in contact with Mr. Briggs, who indicated to her there was a certain dollar amount being negotiated. Mr. Spaid then became concerned about confusion between the Borough and the school district and sent an e – mail requesting that all communication go between the attorneys. Chief Wenner was able to obtain the agreement between the school district and the Sheriff's Department. Mr. Spaid said within that contract, there were very specific terms in it, about the hours the services will be provided, a dollar amount and a certain amount of money for trainings and uniform. The total contract was over \$90,000 per year. Because of these items, an Executive Session was necessary. Mr. Spaid said the Borough did not have any of this

information and therefore could not vote on it on Sept. 4, 2024. He said at the time the statement was written for Mr. Heller to read at the September Council meeting, he was under the impression that there may be a chance the Council would be engaging in contract negotiations. So, that could be why some may be anticipating a vote at tonight's meeting. At the Sept. 16, 2024 Executive Session, Mr. Spaid was to find out from Council the terms he was to negotiate with the school district, such as price, numbers to give to the school district, hours to work, a union contract issue that is related to that. During that discussion, Council was not leaning towards allowing Mr. Spaid to continue any negotiations with the school district. Mr. Spaid said there was no vote taken during the Executive Session; it is not allowed. However, Mr. Spaid felt it was appropriate to take a straw poll, which is allowed, to find out from Council where it was going. Mr. Spaid said four (4) members of Council were not in favor of furthering the negotiations and one (1) member was undecided. At that point, there was no further discussion needed. Mr. Spaid said each Council member had their own reasons but it is up to them to disclose that. After the Executive Session, Mr. Spaid contacted Ms. Kennedy to inform her on Council's decision to not continue negotiations. Mr. Spaid was then made aware that Mr. Speth contacted Mr. Briggs about the Council's decision. Mr. Spaid said he is pleased to see the school district move in the current direction and hire Mr. Wilson as the SRO. And during his tenure on the Franklin Area School District School Board, the F.A.S.D. School Board negotiated their own contracts with their officer. At this point, Mr. Spaid said he felt voting on the SRO issue was a moot point. In regards to crowd and moving the September meeting, Council did not receive adequate notice in order to decide to move the meeting and have time to advertise it. Mr. Spaid also wanted to clarify a statement made by Chief Wenner at the September meeting that he felt may have been misleading. The statement was that Chief said if Council voted on the SRO request at that meeting, he could have an officer at the school the next day. Mr. Spaid said that would not have been able to happen since the Council did not have a contract. Chief clarified that he meant an officer was available to go to the school once the contract was signed. When Mr. Spaid contacted the school district's attorney following the Executive Session on Sept. 16, 2024, they told Mr. Spaid the law firm was working on it on the district's side and thanked Mr. Spaid. And that was his last contact with them. Ms. Struthers asked Mr. Spaid to explain the straw poll that was taken during the Sept. 16, 2024 Executive Session. Mr. Spaid said he just simply asked each Council member if they were in favor of continuing negotiations and got a simple yes or no answer. And he said there is case law supporting the use of straw polls during Executive Sessions. Ms. Struthers asked if there is a written record of the straw poll. Mr. Spaid said there is not. He then gave an example of another straw poll he will be asking Council in tonight's Executive Session in regards to the tax appeals that have been submitted by and approved for Rural King and Joy Manufacturing, which will be detrimental to the Borough's tax base, at the cost of Borough residents. He will have to ask Council if they would want to authorize Mr. Spaid to go forward with Attorney Winkler about a settlement offer. Mr. Spaid said he understands how it could seem like a vote was taken, but no vote was taken. He needed direction from Council on how to proceed. And with things going on Facebook, he sent the press release to the paper. With Council's approval, Mr. Spaid said that Mr. Baughman, Mr. Speth, Mr. Goughler and Mr. Heller were not in favor on continuing the negotiations. Mr. Barger was on the fence with the decision. Ms. Zitterbart said that is what they wanted to know, who was in favor. And this was the transparency issue they had. Ms. Lowry asked Mr. Spaid if the garage in the Borough building is considered the same address as the Council Chambers. She asked why couldn't the September meeting be moved to the garage since there were so many people standing. Mr. Spaid he cannot speak on what happened at the meeting since he was not there. He said there have been meetings moved to the garage in the past. The January meeting when there was a large crowd, he felt it was too cold to move people into the garage for that meeting. He also said Council has been looking for at least the past 20 years for a bigger location but it has not come to fruition. Ms. Lowry asked if the September meeting could have been moved to somewhere else on the Borough property to keep it within the guidelines. Mr. Spaid said he cannot speak on what was decided at that meeting. He did say he and Council decided to move the location of tonight's meeting due to the possibility of a large crowd. Mr. Spaid told Mr. Winger that he understands how difficult it is to be on the school board and especially school board president, as he was the school board

president for 11 years at Franklin Area School District. Mr. Spaid said that he and Council are pleased to see the district was able to resolve the SRO issue, even though there are some that don't agree with what happened, and they wish them the best.

IX. COUNCIL REPORT

- A. Larry Baughman asked Jake Hellem, R.G.V.F.D., to speak about the smoke detector program. Mr. Hellem said the R.G.V.F.D. has recently partnered with the Red Cross to install smoke detectors to all Borough residents, that request them, at no cost to the residents.
- B. Alan Heller asked if the Borough could develop a protocol for when a large crowd shows up to Council meetings. Mr. Heller also wanted to share a statement he had written in regards to the SRO request and read it into the minutes. "As a Sugarcreek Borough Councilman and resident, I care deeply about the safety of our community, as well as the safety of students and staff of Valley Grove School District. It's important to note that the request from the school district for a Borough police officer to be stationed at the elementary school was abruptly brought to our attention at the Borough Council after the school year had already started. We were given very little information just days before our meeting, which made it difficult to fully understand and address the situation properly. I do wonder how many of those raising concerns now, attended a County Commissioners meeting or spoke with the Sheriff to express their displeasure when the Sheriff's Department decided to end its contract to provide an officer for Valley Grove Elementary School. Since the school district has the right to establish its own police force, with school police officers who can investigate, issue citations, make arrests, and ensure the safety of students and staff, I fully support their decision to move in this direction. This decision allows our Borough Police Department to continue its good work in patrolling and investigating for the residents of Sugarcreek Borough, without pulling officers from patrol duties to cover the school. Had the school not had this option, I would be looking at a completely different course of action. That said, I believe Officer Wilson is a great choice as the school's police officer, and I am confident that he and the other officer in the district will manage all the school's police and security duties effectively. I do not take the Borough matters lightly. I pray over situations like this, knowing that these decisions are never easy, nor should they be. I give my all for the residents of our great Sugarcreek Borough."
- C. Mayor Carlson said he would like to have chairs set up in the garage before each meeting in the event they need to move the meeting to the garage. And he would like to see more chairs. He also asked if the individual who submitted his fire police application (for the August 2024 Council meeting) was there. Mr. Rankin said there were no fire police in attendance. And that applicant was for Reno V.F.D.
- D. James Speth said he agrees with moving the meetings to the garage whenever there is a large crowd. Mr. Speth said there is no way of knowing how many people show up to the Council meetings, especially since there is usually a small number of people at the meetings. He also said he hopes everyone is happy with the SRO in place. Chief Wenner said he is not in place yet. Mr. Speth corrected himself and said once the contract is in place. Chief Wenner said until the ink dries on the contract, the Borough police will be out there. Mr. Speth asked why the anger is coming towards the Borough when the Sheriff's Department was the one who pulled out of the contract. He said he is under the understanding that the Sheriff's Department has 14 deputies on staff, while the Borough has 7 officers. And if it is a staffing issues with the Sheriff's Department, then the Borough does not have the staff as well. He hopes the school can now focus on school issues and the Borough can focus on Borough issues. Mr. Speth said he would also like to address the vote that was taken in regards to extending the additional patrol hours through the end of the year and why he voted against the motion. In 2012, Council set the police hours at 160 hours per week. And for the last 2 ½ years, the police have been running 120 hours per week. With the addition of the new officer, they are back to the 160 hours per week. Mr. Speth said he will not vote in favor of extending the hours in 2025. Ms. Lowry asked what Council was doing at the beginning of the year when it was rumored the Council was going to eliminate the police department. Mr. Speth said he wanted to address that rumor that was started and that it was not true. There was no discussion of eliminating the police. Mr. Speth said he had been hearing for over 2 years that the residents want more coverage, the department was unable to find and hire any additional officers and something needed to be done. Mr. Speth said he took it upon himself to find a possible option or better service for the Borough. Ms. Lowry said she agrees but did not understand why the figures were going up and the paperwork they received at the meeting was not transparent. Mr. Speth said that cost is why he and Council chose not to continue discussions with the City of Franklin. Mr. Speth reiterated that the Borough had been running at 120 hours, everyone is telling him they need more coverage, so he tried to fix it. But then those people were telling him no to those options. Ms.

Lowry said they wanted more coverage with the current police. Mr. Speth said that was not happening for the past 2 years and Council continuously asked Chief Wenner what the status of the hiring process was and they were constantly told it was coming along. He felt it was not happening and he tried to bring a solution to the problem. Ms. Lowry asked Mr. Speth why Council voted on and was going to include in the budget that the Borough is going with the City of Franklin for police coverage and it was going to cost the Borough \$1.2 million. Mr. Speth said that is not true. Ms. Lowry said the Council will be cutting hours next year. Mr. Speth said Council is not cutting hours next year. He said he spoke on how he will vote and he will not vote in favor of additional hours. Ms. Lowry said there is a different quality of people in the County now. Ms. Renninger said there are so many drug dealers that have moved into the area and they have had to rely on State Police. Mr. Speth said that is correct and the Borough was waiting for the Chief to bring someone to Council to hire. Ms. Gregory said she had an issue with someone who broke into her house. And the Borough officers were there to respond. Mr. Rankin asked if the COPS Grant is available for payroll. Chief said it is but there are stipulations with it. And it can be difficult to predict financially where the department will be. He said it may be better to keep it internal and gave an example of when he can call the Mayor and request more guys or if they need to travel out of state to get a criminal. It gives them more flexibility. Mr. Speth said he does not speak for the other Council members, but he has been transparent and not everyone will agree with him or be happy with what he has said. And the residents are welcome to contact him with any questions or concerns. Ms. Struthers asked how many Council members are allowed to meet at one time. Mr. Speth said no more than 2 (two) members or it is considered a quorum. Ms. Struthers said Reno will set up a meeting. She said she wants to hear from the other Council members. Ms. Speth said he cannot speak for the other Council members, but he is willing to talk with anyone.

X. APPROVAL OF MINUTES

- A. Motion by Bogan Goughler, being duly seconded by Alan Heller to approve the minutes of the September 4, 2024 meeting. Motion carried unanimously.

XI. FINANCIAL REPORTS

- A. Motion by James Speth, being duly seconded by Alan Heller to approve the payment of bills/issuance of checks as presented by the Treasurer. Motion carried unanimously.
- B. Mr. Baughman asked if the chairs that were purchased were for the meetings. Mr. Sporer said that is correct and they purchased 20 chairs.

XII. OLD BUSINESS

XIII. NEW BUSINESS

XIV. CORRESPONDENCE

XV. BOARD OF APPEALS

XVI. EXECUTIVE SESSION

Council recessed at 8:15 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 9:23 pm.

XVII. ADJOURNMENT

- A. Motion by Alan Heller being duly seconded by James Speth to adjourn the meeting at 9:24 PM. Motion carried unanimously.

Joseph M. Sporer, Borough Manager

James Speth, Council President