

# BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

October 4, 2023

## 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.

## II. PLEDGE OF ALLEGIANCE (American Flag)

Council President Speth 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 Bogan Goughler, James Speth, Alan Heller, and Mayor Matthew Carlson. Council Member Larry Baughman was excused. Also present was Chief Bob Wenner, Maintenance Foreman Doug Freer and Attorney Brian Spaid.

## V. DISTRIBUTION OF AGENDA

## VI. COUNCIL CHANGES TO AGENDA

## VII. WARD 3 COUNCIL SEAT

- A. Motion by Bogan Goughler, being duly seconded by Alan Heller to accept the resignation of Ward 3 Council Member Matthew Carlson, effective October 3, 2023. Motion carried unanimously.
- B. Motion by Bogan Goughler, being duly seconded by Alan Heller to appoint Howard Barger to the Ward 3 Council seat, for the term ending December 31, 2023. Motion carried unanimously.
- C. Attorney Brian Spaid swore – in Howard Barger to the Ward 3 Council seat. Mr. Barger then took his seat with the Council.

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

- A. Dan Marvin, Reno V.F.D., wanted to update the Council and the Public on what the fire departments are currently involved with. He said Fire Prevention Week begins the following week and they will be doing presentations in the local school(s). He said they are holding a Trunk – or – Treat event at the Reno V.F.D. Social Hall on Oct. 31, 2023, from 6:00 PM – 8:00 PM. And he also wanted to thank the Borough Police Dept. for helping with some medical calls the department has received.
- B. Ken Bryan said he was there to listen and learn.
- C. Valerie Zitterbart, Vice – President of the Reno Neighborhood Association, asked if there was an update on the Reno Neighborhood Assoc.'s golf cart request for an ordinance. She said she presented her research and information to Chief Wenner. And she was available for any questions the Council may have for her or the association. Mr. Spaid said Alex Spaid will provide an update on the status of the request under the "Solicitor" report.

## IX. STAFF REPORTS

- A. Maintenance Foreman:
  1. Mr. Freer presented Council with his recommendation for the new boom mower. He recommended the 2024 Massey Ferguson over the John Deere. The cost of the Massey Ferguson is \$201,843.12, purchased through Stephenson Equipment. Mr. Freer said the current projection is about a year before the Borough would receive it. Mr. Sporer said he applied for the state grant for the total purchase price. He agreed with Mr. Freer's recommendation.
  2. Motion by Bogan Goughler, being duly seconded by James Speth to approve the purchase of a 2024 Massey Ferguson boom mower, at a purchase price of \$201,843.12, through Stephenson Equipment. Motion carried unanimously.
- B. Police Chief:
  1. Chief Wenner presented Council with the Department's quarterly report. He also said they have been busy helping the fire departments, due to lack of volunteers and EMS workers. Speed traffic lines have been painted throughout the Borough. He also wanted to remind the public once again that school is in session and to be cautious during the

foggy mornings. Chief also reminded Council of Officer Johnson's training on Oct. 30 – Nov. 3, 2023, paid for through the County District Attorney office.

C. Administrator/Special Projects:

1. Mr. Sporer reminded Council and the public that Trick – or – Treat hours for the Borough are Oct. 31, 2023, from 6:00 PM – 8:00 PM. Chief Wenner said the Department will be handing out candy as well. Mr. Sporer also wanted to let the public know that the Administrative Office will be closed Fri., Oct. 6, 2023, for Applefest. Also, the Borough's Police Pension Fund is fully funded and the officers will not need to contribute to the pension in 2024. The Borough's MMO continues to decrease; it is currently around \$42,000.00. He said this is due to the Maintenance and Administrative Departments contributing to the pension and the Police Department for contributing in the past. Mr. Sporer also presented Council with the 2024 proposed budget. He said revenues are down, but it is nothing to be concerned about. The Borough's water and sewer accounts have been consistent. And the Borough's debt continues to decrease about \$500,000 a year. Mr. Sporer said he does not recommend a tax increase, for the seventh year in a row. And that the budget is balanced. There will be no cuts to the 2024 budget and it will be similar to the 2023 budget.
2. Motion by Alan Heller, being duly seconded by Bogan Goughler to approve Resolution No. 6 of 2023, which states the Sugarcreek Borough Police Department will contribute zero percent (0%) to their pension fund, beginning January 1, 2024. Motion carried unanimously.

D. Zoning Officer:

1. No report.

E. Solicitor:

1. Alex Spaid, Dale Woodard Gent McFate Law Firm Associate, presented Council with the information he obtained in regards to the golf cart community request presented to Council by the Reno Neighborhood Association. Alex Spaid said whether the Borough Council chose to enact a Borough ordinance, it would have been preempted by state law which bans golf carts from being on any highway. He said all the roads in Reno are considered highways. But there are exceptions to the law in the case for universities and sporting events, where they have permission to only cross a highway near the event or facility. He believes that the Reno Neighborhood Assoc., along with other organizations or municipalities have misinterpreted the law, under Section 14. Alex Spaid said the law is clear and golf carts would not be legal on any Borough road. There is an exception for side – by – side vehicles, but they must meet 20 different criteria to be considered street legal. Alex Spaid said the Borough cannot pursue the request any longer and the Association may take the request to the local State Senator and Representative for consideration. Ms. Zitterbart said she researched the request and came across a place in Clarion County which passed such a request. Alex Spaid said he came across that one as well and it named off – road vehicles, not golf carts. That ordinance was passed in 2016 and the Senate bill was passed after that which specifically named golf carts and stated they were forbidden from highways. Ms. Zitterbart said she appreciated the Borough looking into the matter. She also said she discussed the request with a state trooper and he was unaware if it was lawful or not. Alex Spaid said he would be willing to speak with the Reno Neighborhood Association and explain it further if they would like. Brian Spaid thanked Alex Spaid for the job he did in researching the request. Brian Spaid wanted to clarify that the residents will see employees of the golf course in Reno driving golf carts. They are authorized to because the golf course owns on both sides of the road and it is for maintenance purposes. Golfers using the golf carts would not be allowed to do the same.
2. Brian Spaid wanted to explain the process the Borough had to take to fill the vacancy for Mayor. Mr. Spaid said there was a public meeting held the night before, on Oct. 3, 2023, in which several candidates for Mayor were interviewed. The Council then held a discussion and Council then appointed Matthew Carlson as Mayor, to fill the remaining term of the late Charles McDaniel, which ends Dec. 31, 2025. Once that term ends, Mayor Carlson may run for the 4 – year term if he chooses. Since Mayor Carlson held the Ward 3 Council seat, he needed to resign that seat in order to be appointed Mayor. The Ward 3 Council seat term will expire on Dec. 31, 2023. The Council then discussed who would be interested in filling the Ward 3 Council seat for the last 3 months of the term. Council chose to contact Howard Barger since Mr. Barger previously held the

Ward 3 Council seat. Mr. Barger agreed to fill the remainder of the term. Mr. Spaid said Mayor Carlson was elected as the candidate for the Ward 3 Council seat during the Primary Election held in the spring of 2023. And due to the current timeframe, Mayor Carlson's name will still be on the ballot for the Ward 3 Council seat. He said if Mayor Carlson wins the Ward 3 Council seat and does not want to be the Mayor after Dec. 31, 2023, he may take the Ward 3 Council seat. Then the Borough would have to begin the process of appointing a new Mayor once again. If Mayor Carlson wins the Ward 3 Council seat and wishes to remain the Mayor, that seat will become vacant. The Borough would then have 30 – days to appoint someone to the Ward 3 Council seat. The person the Borough would appoint, would only hold the seat for two (2) years, through Dec. 31, 2025. Then there would be an election for that Council seat for the last two (2) years of the term. Mr. Spaid said when the Council appoints someone to a vacancy, they can only hold the seat for two (2) years. Mr. Spaid said he, along with Council, would like to thank all the candidates who applied for the Mayor position and for Mr. Carlson for accepting the position. Mr. Spaid said he would have big shoes to fill and believes Mayor Carlson's familiarity with the Police Dept. will be very beneficial to the Borough and Council. Mr. Spaid said the Council was not required to conduct interviews for the Council seat, but could chose to accept applications for the position.

**X. COUNCIL REPORT**

- A. Alan Heller said he has received a call about parking at the Front Street Playground. He said the fire trucks are unable to make the swing out of the garage if cars are parked across the street at the playground. Mr. Heller said he has spoken with Mr. Sporer and they were wondering if parking could be placed along the Fox Street side of the playground. Mr. Freer asked if the Fire Department would allow people to use the parking lot. Chief Wenner said then there is concern about families crossing the street to get to the playground. Dick Rial, resident near the fire hall and playground, said he is concerned with people not knowing where Fox Street is and where to park. Mr. Rial said he's concerned with people having to walk along Shuffstall Street to get to the gate on the other side of the playground if they park along Fox Street. He asked if a man door or gate could be installed near the double gate the Borough uses to enter with the mower. Mr. Heller asked if making the street "No Parking" would help the parking along Shuffstall Street. Mr. Rial said he sees kids trying to run straight to the playground and at least being in the firehall parking lot, it would give the parents a chance to grab them before they run into the street. Mr. Heller also wanted to thank Dan Marvin for continuing to come to Council meetings on a regular basis and letting Council and the public know what the department is currently involved with. Also, if Reno V.F.D. could provide Council with a report on calls and incidents on a semi – regular basis. Mr. Marvin said he will take that request back to the department and he could provide some numbers to Council. He said the department has responded to 146 calls so far this year and most of them are medical calls. He said the department breaks down the type of or nature of the calls for their monthly meetings. Mr. Heller said the Council needs to get in touch with Rocky Grove V.F.D. for the same report(s). Mr. Marvin said Reno V.F.D. had both of their engine pumps tested and they both passed. They are currently working on getting them inspected as well.
- B. James Speth wanted to thank his fellow Council Members in continuing to keep the Borough moving in the right direction following the events of the past month.

**XI. APPROVAL OF MINUTES**

- A. Motion by Bogan Goughler, being duly seconded by Alan Heller to approve the minutes of the Sept. 6, 2023 Council Meeting and Oct. 3, 2023 Special Council Meeting. Motion carried unanimously.

**XII. 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.

**XIII. OLD BUSINESS**

**XIV. NEW BUSINESS**

**XV. CORRESPONDENCE**

**XVI. BOARD OF APPEALS**

**XVII. EXECUTIVE SESSION**

Council recessed at 7:41 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 7:51 pm.

**XVIII. ADJOURNMENT**

A. Motion by Bogan Goughler, being duly seconded by Alan Heller to adjourn the meeting at 7:51 PM.

Joseph M. Sporer, Borough Manager

James Speth, Council President