

**BOROUGH OF SUGARCREEK
COUNCIL MEETING MINUTES**

November 2, 2022

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

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. PUBLIC PARTICIPATION (limited to 3 minutes each)

A. No public participation.

VIII. STAFF REPORTS

A. Maintenance Foreman:

1. Mr. Freer stated he has contacted PennDOT to look at the berms along Sugarcreek Drive. He also said Matt Snyder and Cory Breene have been very busy with the PA 1 – calls and other water and sewer issues, since they have taken over those duties. Mr. Freer said the new truck that was approved for purchase at the previous meeting should be ready around April or May 2023. And the Maintenance Department has begun to prepare for the winter season. Mr. Carlson asked if he was able to locate a leaf vacuum yet. Mr. Freer stated he has not found one yet. Mr. Baughman asked if there was COVID Relief Funds available to purchase the leaf vacuum. Mr. Sporer said the funding has been spent, but there is money available if the Borough is able to locate one. Mr. Sporer told Council they could give Mr. Freer the approval to contact vendors to get quotes on new ones, since finding a used one in good shape is difficult. Mr. Carlson said it would be worth getting more information about. Mr. Baughman agreed.

B. Police Chief:

1. Chief Wenner updated Council on the status of the new cruiser. He stated it is in, but the dealership is having issues getting the equipment necessary for the upfit. Chief also said he is still working on getting the information needed for the new speed limit ordinance for Shaffer Run Road. Once he has the information, he will work with the Borough Solicitor in getting it drafted. Chief also updated Council on the handicap sign/parking space on Fern Avenue that was presented at the previous Council meeting. He said he spoke with Mr. Freer and no one has been parking in the spot that would be designated as a handicap space in front of the house. And there has not been anyone parking on the other side of the street, across from the house. Chief said he is adamantly against putting in a handicap parking sign there. Mr. Goughler agreed that the sign request be denied. Mr. Heller and Mr. Speth agreed as well.

C. Administrator/Special Projects:

1. Mr. Sporer presented Council with the Police Pension Resolution for 2023. Mr. Sporer said, according to the pension actuaries, the police pension for 2023 is fully funded. Therefore, the Police Department would not need to contribute five percent (5%) for 2023.
2. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve Resolution No. 3 of 2022, which states the Sugarcreek Borough Police Department will contribute zero percent (0%) to their pension fund, beginning January 1, 2023. Motion carried unanimously.

3. Motion by Bogan Goughler, being duly seconded by James Speth to approve and advertise the 2023 Council meetings to be held at 7:00 PM on the 1st Wednesday of each month and Planning Commission meetings to be held at 6:00 PM on the 2nd and 4th Wednesdays of each month. Motion carried unanimously.
4. Motion by Bogan Goughler, being duly seconded by Larry Baughman to approve and advertise the proposed 2023 Budget and that it is available for public inspection and to advertise Ordinance No. 299 of 2022, which fixes expenditures for Fiscal Year 2023 at \$3,538,401.00 with a tax rate of 6.0 mills and a tax rate of 0.55 cents on each front foot assessment for street lights in Rocky Grove and Reno. Motion carried unanimously.

D. Zoning Officer:

1. Mr. Sporer said Larry Moyer has been working on updating the Zoning Ordinance. He anticipates having it completed in the spring.

E. Solicitor:

1. Mr. Spaid said he has not been able to speak with Chief Wenner in regards to the Shaffer Run Road ordinance. Mr. Spaid said he is also working on the ordinance for Act 157 of 2022, which allows for the waiver of certain fees issued by the tax collector(s). He said it has already been adopted by the State and he anticipates presenting it to Council at the next Council meeting. Mr. Spaid then updated Council about adopting a fireworks ordinance. He has discussed the same issue with the City of Franklin. There is a fireworks law that would allow the Borough to adopt certain restrictions on consumer firework usage. Mr. Spaid said if the Council would like to pursue this, he can get with the appropriate Borough employees and draft something up. Mr. Carlson asked if it would require each display to be bonded or permitted. Mr. Spaid there would be a permit for a firework display, for pyrotechnics, which the Borough currently enforces and he does not recommend changing that process. He said the Borough could require a permit for consumers who want to shoot off fireworks. Mr. Carlson believes that would be difficult to enforce. Mr. Spaid said he did not recommend the City of Franklin adopt such a permit, due to the fact it would be too difficult to track and enforce. He recommends the same for the Borough. He said the Borough could adopt an ordinance out the state law which has restrictions such as setting off fireworks within 150' of a building, firing out of a car, etc., with time restrictions placed in the ordinance. Mr. Spaid said the State law limits fireworks to be set off between 10:00 AM – 10:00 PM, with the exception of July 2 – 4, New Year's Eve, New Year's Day, Memorial Day and Labor Day, which allows them from 10:00 AM – 1:00 AM. Mr. Carlson asked Chief Wenner if there has been many complaints or issues. Chief said there were some, but the department typically cites them using "Disorderly Conduct." Chief said he agrees with the time limits. Mr. Carlson, Mr. Heller and Mr. Goughler were in agreement with Mr. Spaid drafting an ordinance. Mr. Baughman said if the Police Department could cite using "disorderly conduct" and that covers anytime of day and night, then an ordinance may not be necessary. Mr. Carlson said his only concern would be the limits the Courts have placed on charging someone with "disorderly conduct" over the years and it has become more and more difficult to have someone charged. Mr. Spaid asked Council if they would like it to be limited to the Villages of Rocky Grove, Reno and Sugar creek. He said he will have something drafted and allow the Council to look it over and make any changes or additions before it is adopted. Mr. Speth asked when are the most complaints coming; mainly around July 4? Chief said the most complaints come in the weeks following July 4 and it is the same group of individuals setting them off. Chief said another benefit of having an ordinance would be that it could be posted on the Borough's website and easily accessible and viewable.

IX. COUNCIL REPORT

- A. James Speth asked Chief about the hiring status of a new officer. Chief said they are still looking and have not hired yet.
- B. Bogan Goughler commended the Maintenance Department on the work they have doing. And also thanked Makayla Keating, reporter for the Derrick, on the job she has been doing on covering the Borough meetings.

X. APPROVAL OF MINUTES

- A. Motion by Alan Heller, being duly seconded by Bogan Goughler to approve the minutes of the Oct. 5, 2022 Council Meeting. Motion carried unanimously.

XI. FINANCIAL REPORTS

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

XII. OLD BUSINESS

XIII. NEW BUSINESS

XIV. CORRESPONDENCE

XV. BOARD OF APPEALS

XVI. EXECUTIVE SESSION

Council recessed at 7:28 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 7:46 pm.

XVII. NEW BUSINESS CON'T.

A. Motion by Bogan Goughler, being duly seconded by Matthew Carlson to approve the hiring of Ryan Osborn, in the Maintenance Department, effective November 21, 2022. Motion carried unanimously.

XVIII. ADJOURNMENT

A. Motion by Alan Heller, being duly seconded by James Speth to adjourn the meeting at 7:48 PM. Motion carried unanimously.

Joseph M. Sporer, Borough Manager

James Speth, Council President