

BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

April 3, 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.

IV. ESTABLISHMENT OF QUORUM

Present at the meeting were Council members Alan Heller, Bogan Goughler, Howard Barger, James Speth, Larry Baughman 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. Ron Sowers presented Council with concerns over their next – door neighbors’ fence. He stated the fence makes it difficult to see when pulling out of their driveway and does not want there to be an accident. He also presented pictures to Council and said if the first section of the fence was removed, they would be able to see up and down the street. Mr. Sporer said the Zoning Officer will look into it.
- B. Chuck Minnick said he has been following what has been going on at the Council meetings and all the discussions related to the Borough Police Department. His concern is that not all of the Borough residents are involved in the discussion and less than 1% of the Borough’s population is influencing the decision on coverage. Mr. Minnick said he does not believe the residents realize the cost involved in going from a part – time department to a full – time department. And he does not want to see his property taxes double. Mr. Minnick asked Chief Wenner if any of the department’s officers live within the Borough. Chief said there are none and there is not a residency clause in the department’s contract. Mr. Minnick said there was a residency clause at one time and the current officers are not affected by a tax increase. He also proposed putting the issue on the ballot so all residents would have a vote.
- C. Dan Marvin presented Council with Reno VFD’s numbers for the past month. He stated that they have responded to 9 calls since the last meeting, bringing the year – to – date total to 39. He also wanted to inform the Council and the public that there is a dinner being held on Sunday, April 7, 2024. The department is working on the car cruise as well. Mr. Heller thanked Dan for keeping the Council informed each month.
- D. Tim Lowry stated he was there to stay informed and to support the Police Department. He also wanted to thank Council for working with the Police in regards to developing a new schedule which would allow for more coverage. As well as not voting to eliminate the department.
- E. Jeremy Rankin presented Council with updates from the Rocky Grove VFD. He said they had four (4) people, including two (2) Jr. members, attend the “Essential of Firefighting;” the basic course for firefighting. The Jr. members were not allowed to complete the entire course due to their age. Mr. Rankin said it takes 204 hours to complete the essentials requirements for training. Mr. Rankin also informed Council that there was flooding issues at the firehall and the neighbor next door to the firehall. He said the ditch that runs off of James Street, under Rt. 417 and then the paper street portion of James Street needs cleaned. He said the Borough has cleaned it in the past and if the Borough could look at it and see if anything could be done, it appears to be plugged. Mr. Freer said he looked at it earlier in the day and said it does need cleaned. Mr. Freer said he will have to look into it more since the ditch is located along a paper street and the Borough may not have a right – of – way to it. Mr. Rankin said he believes it is a right – of – way behind the firehall and down to Rocca Way, according to County maps. Mr. Freer said he will have to look into it more and determine if there is a right – of – way there or not.

- F. Teri Lowry said she is there to support the Police Department. Ms. Lowry asked what the current status was with hiring the fourth (4th) full – time officer. Chief Wenner said they completed the oral interviews and the candidate scored very well. The Mayor was in attendance for the interview. Chief said he is currently doing the background check and anticipates bringing a conditional approval of employment pending letters being sent to the Civil Service Committee to next month's Council meeting.
- G. Dick Rial said he knows of about 4 (four) times that the Borough has cleaned out the ditch running behind the firehall. He said the sediment is coming down from James Street and the culvert pipe under Rt. 417.
- H. Tabitha Rankin stated she is there for the ditch and flooding issues. She said her basement was flooded with the recent heavy rains. And she does not understand how it all works, but was just looking for answers and help. Mr. Speth said the Borough is working on it and continues to work on it.

VIII. STAFF REPORTS

- A. Maintenance Foreman:
 - 1. Mr. Freer updated Council on the Mack truck that the Borough ordered last year. He said he received an update that the build date is scheduled for April 4, 2024 and it takes approximately two (2) days to get through the factory.
 - 2. Motion by Larry Baughman, being duly seconded by Bogan Goughler to advertise for bids on road maintenance materials, including but not limited to antiskid, aggregates and asphalts. Motion carried unanimously.
- B. Police Chief:
 - 1. Chief Wenner presented his report to Council. He also presented Council with a summary of 2023, compared with 2022. He said complaints increased by 349 and felonies increased by 93 in 2023 when compared with 2022. He said overall the numbers for 2023 have increased. Chief also said he submitted the application for the radio grant and will keep Council informed of the status.
 - 2. Chief gave Council a brief overview of the COPS grant. He stated that he and Mr. Speth met on March 28, 2023 to discuss the grant. He said the grant is not open yet this year. It is a five (5) – year grant and once acceptance is granted, it begins with the hiring process and three (3) years of employment. And based on last year's grant, there is a maximum of \$125,000 paid over the three (3) years, with a possible 25% match from the municipality. Chief gave the example of hiring a full – time officer at a cost of \$60,000 salary and benefits per year, which would total \$180,000 for three (3) years. With the 25% match from the municipality, the cost would be \$45,000 total for three (3) years. He said there is a waiver that could be applied for, for the 25% match. And the only restriction is a retention restriction which states the officer must be employed for 12 months after the grant ends. Chief said he had experience with these grants when he was at Oil City PD. He also said the reporting is easy and the finances are tracked. This grant cannot be used for equipment.
 - 3. Chief said the LSA grant is not open yet for this year. He said with this grant, a municipality can apply for up to \$1,000,000 and can apply for any equipment the department would need. Chief said he would use this grant to apply for a cruiser or the radios if the other grant was not awarded. He said he is currently still researching the USDA grant. Mr. Baughman asked who the funding source was for the LSA grant. Chief said it is through DCED. Chief asked for a motion to prepare items for the COPS grant and the LSA grant so he is prepared to apply for them as soon as they open. Mr. Spaid said there has been a change to the law with regard to agendas and votes involving expenditures, this cannot be voted on at tonight's meeting and it needs to be added as a motion at the May 1, 2024 meeting. Mr. Baughman asked what the deadlines are for the grant. Chief stated the grants are not open yet, but last year the deadlines were in May.
 - 4. Chief also wanted to inform Council that once the fourth (4th) full – time officer begins working, that would account for the 160 patrol hours approved by Council. Chief requested Council to consider increasing the patrol hours by 20 – 40 hours per week, using the surplus from the department's 2024 budget so far this year, which came from budgeting for a fourth (4) full – time officer and one not being hired yet. He anticipates being able to run 180 – 190 patrol hours, but may not be able to reach 200 patrol hours each week. Mr. Speth said this is an item which is to be discussed and thought about.

He also thanked Chief for taking the time to meet with him in regards to questions he had on the COPS grant.

C. Administrator/Special Projects:

1. Mr. Sporer reminded Council and the public that the Borough Spring Clean – Up Day will be Saturday, April 27, 2024, from 7:00 AM – 3:00 PM. Mr. Sporer also updated Council on a call he received from the Venango County Land Bank. There will be a property coming up for tax sale located at 328 Rocky Grove Avenue. He did not have any further information to give to Council. But, if the Borough were to purchase the property through the County Land Bank, CDBG funds would be used to demolish the property. He will pass on more information to Council when he receives it.

D. Zoning Officer:

1. No report.

E. Solicitor:

1. Mr. Spaid discussed changes to the Sunshine Act, in regards to voting on expenditure items. Mr. Spaid said such motions would have to put on the agenda and the agenda be posted 24 hours in advance, in order to be voted on. He said there was a provision in the law when it was written that appeared to allow municipalities to add matters of agency business to the agenda and vote on it at the meeting, as long as a new agenda was posted. He said based on the Commonwealth Courts interpretation of the law, that was not appropriate. Mr. Spaid said anything that needs to be voted on, in particular anything that is going to involve expenditure of funds, it cannot be done at the meeting it is brought to. And it cannot be allowed by simply updating the agenda. It would have to be done at the next meeting. The only exception to the rule is in the event of a dire emergency that presents a clear and present danger to life and property, in a minimal dollar amount. But he said that dollar amount it not defined. And this new ruling was passed in November 2023. Mr. Spaid said this is why the Council could not vote on the COPS grant at tonight's meeting. And this is why there are numerous motions to be ratified on tonight's agenda. Mr. Speth asked if this came from State legislature. Mr. Spaid said it is the Right – to – Know Law and there is a current court case involving a school district and an expenditure was challenged or an act that was done by the school district. The Commonwealth Court interpreted the law and it was interpreted that motions involving expenditures must be on the agenda. Mr. Alex Spaid wanted to clarify that these motions for the Borough need to be ratified but there is no ironclad procedure to correct this. Mr. Brian Spaid said this would also include Council requests for donations, no matter the amount. He said the last resort for an emergency could also be to call a Special Council meeting. Jeremy Rankin asked if this issue would also include items or materials that are bid out. Mr. Sporer said for purchases below \$12,600, the Borough requires no formal bidding or written or telephonic quotes. And then three (3) written or telephonic bids for items totaling between \$12, 600 and \$23,200. And regardless of written or telephone bids, the bids are brought to Council for approval. Mr. Spaid said Mr. Rankin should, out of caution, place expenditure items on the fire department's agendas. Mr. Rankin then asked if it would affect the Borough's donation to the fire departments. Mr. Sporer said that is a budgeted item and once the request is submitted by the departments, it is placed on the agenda for approval each year.

IX. COUNCIL REPORT

- A. Alan Heller requested Council to consider putting on the May meeting's agenda, a donation of \$250.00 to the Charlie McDaniel Golf Outing. Mr. Spaid said the motion on the agenda should list the donation amount requested.

X. APPROVAL OF MINUTES

- A. Motion by Bogan Goughler, being duly seconded by Howard Barger to approve the minutes of the March 6, 2024 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

- A. Ratified Motions

1. Motion by Alan Heller, being duly seconded by James Speth to ratify the motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the purchase of four (4) Brother PJ8 Printers (\$485.00 each, \$1,940.00 total), four (4) Brother PJ8 DC Power Adapters (\$25.50 each, \$102.00 total), four (4) Brother PJ8 Vehicle Mounts (\$117.00 each, \$468.00 total), four (4) Brother 6 – rolls thermal paper (\$53.00 each, \$212.00 total) and four (4) Brother PJ8 USBs (\$19.00 each, \$76.00 total), from Wireless Communications & Electronics for a total purchase of \$2,798.00, made at the January 3, 2024 Council meeting. Motion carried unanimously.
 2. Motion by Bogan Goughler, being duly seconded by James Speth to ratify the motion by Alan Heller, being duly seconded by Larry Baughman to approve the purchase of four (4) hand scanners for in the police cruisers, up to a purchase price of \$2,500.00, made at the January 3, 2024 Council meeting. Motion carried unanimously.
 3. Motion by Larry Baughman, being duly seconded by Howard Barger to ratify the motion by Bogan Goughler, being duly seconded by Alan Heller to accept the increase in the Borough Solicitor's hourly rate from \$200.00 to \$250.00, effective February 1, 2024, made at the February 7, 2024 Council meeting. Motion carried unanimously.
 4. Motion by Larry Baughman, being duly seconded by Howard Barger to ratify the motion made by Alan Heller, being duly seconded by Bogan Goughler to hire Lori Braun as the Police Department Police Clerk, at an hourly rate of \$13.00/hour, effective February 26, 2024, made at the February 7, 2024 Council meeting. Motion carried unanimously.
 5. Motion by Bogan Goughler, being duly seconded by James Speth to ratify the motion made by Larry Baughman, being duly seconded by Alan Heller to approve the purchase of a server for the Police Department, at a cost of \$9,595.92, minus sales tax and a yearly recurring cost of \$1,914.00 from Makenzie Enterprises, LLC, made at the March 6, 2024 Council meeting. Motion carried unanimously.
- B. Mr. Spaid said in the event of hiring personnel and it is discussed in Executive Session and voted on after they reconvene from Executive Session, it will have to go on the agenda. He said only minimal information, not necessarily their name, will need to go on the agenda when Council knows there will be action to follow. Mr. Speth asked how Mr. Spaid was informed on these changes. Mr. Spaid said when he attended the PELRAS Conference on behalf of the Borough and the City of Franklin, it was discussed and clarified.

XIII. NEW BUSINESS

XIV. CORRESPONDENCE

XV. BOARD OF APPEALS

XVI. EXECUTIVE SESSION

Council recessed at 7:52 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 9:05 pm.

XVII. NEW BUSINESS CON'T.

- A. Motion by Alan Heller, being duly seconded by Bogan Goughler to approve the letter of response on the Deloe Police grievance. Motion carried unanimously.

XVIII. ADJOURNMENT

- A. Mr. Speth adjourned the meeting at 9:05 PM.

Joseph M. Sporer, Borough Manager

James Speth, Council President