

BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

May 1, 2013

NOTE: Council conducted a public hearing at 6:30 PM today to consider a Conditional Use permit filed with the Borough for the purpose of mineral excavation by Joe Klapec and Sons, Inc., for the property located on Shaffer Run Road, Map#: 28 – 026 – 006A.

I. WELCOME AND INTRODUCTIONS

Council President Bogan Goughler 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 Goughler 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, Robert Resinger, Larry Baughman, Howard Barger, John McClelland and Mayor Charles Minnick. Also present were Chief Carlson, Bill Walker, Dick Phillips and Solicitor Brian Spaid. Barbara Manski was not present.

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. COMMISSION/COMMITTEE REPORTS

A. 1. John Dumbleton said the Planning Commission met on April 24, 2013 to discuss various issues.

VIII. STAFF REPORTS

A. Maintenance Foreman:

1. Motion by Robert Resinger, being duly seconded by John McClelland to award bids on aggregates, pipe, paving, sealcoat and dust control as recommended by Mr. Phillips. Motion carried unanimously.
2. Mr. Sporer stated the overall savings on the bids total about \$20,000. The price of materials has dropped.
3. Motion by Robert Resinger, being duly seconded by Howard Barger to approve the purchase of a Wausau One Way plow from P & M Paving, at a price of \$4,000. Motion carried unanimously.
4. Mr. Phillips said there is a leak in one of the water tanks located on Rt. 417. He stated he is currently working with Mid – Ohio Tank Erection in scheduling repairs. Mr. Phillips said he will have to meet with Tom Karns since water pressure will be decreased during repairs.

B. Police Chief:

1. Chief Carlson reported one of the crossing guards has resigned. Chief stated he is currently in the process of getting PennDot's approval for the Soap Box Derby, on July 20, 2013. Chief also reported Judge Andrew Fish will be the Borough's District Judge until January 2018; the redistricting has been pushed back. Chief stated approximately five (5) boxes were taken from the pharmaceutical drug take – back.

C. Administrator/Special Projects:

1. Mr. Sporer stated he has spoken with PennDot in regards to trees along Rt. 8 and Rt. 417 that are hazardous. Mr. Sporer stated PennDot said the tree along Rt. 8 is on the property owners' land. The tree along Rt. 417 is on PennDot's right – of – way and they will take care of it.
2. Mr. Sporer presented Council with photographs of the garbage and debris that is outside the recycling bins. He stated the Maintenance Department has to pick up and clean up the garbage. Mr. Sporer spoke with the various garbage companies that operate within the Borough and they do not offer and are not interested in providing recycling. Mr. Resinger said he is concerned with residents continuing to pile garbage up even with the bins removed. Chief Carlson said it would then become a littering issue. Mr. Sporer recommended removing the recycling bins.

3. Motion by Robert Resinger to remove the recycling bins. Motion failed. Bogan Goughler tabled the issue.
- D. Zoning Officer:
1. Mr. Walker stated he received a phone call from Walter Himmelman, PSC Metals and stated the company is currently in the middle of a reorganization and that is why there has been no work done. PSC Metals still plans on opening in the near future.
 2. Mr. Walker reported that Liberty Electronics is interested in adding thirty (30) new parking spaces. Because of this, Liberty Electronics will be installing a new Stormwater Infiltration Device (a pond with a gravel bottom), to be able to hold a significant amount of rainwater. Mr. Walker said the plans have gone through the County. The County's only concern was placing a Stormwater maintenance structure within ten feet (10') of a property line. Mr. Spaid questioned if the Borough was looking to amend the Stormwater management ordinance. Mr. Walker stated he is only looking to modify this requirement for Liberty Electronics' expansion. Mr. Walker stated the ordinance allows for modifications. Mr. Sporer said Voyten Electric, neighboring business, is in favor of the expansion.
 3. Motion by Larry Baughman, being duly seconded by John McClelland to modify the setback provisions of the Sugarcreek Borough Stormwater Ordinance to permit Stormwater structures within ten feet (10') of the property line. A roll call was taken. Mr. Barger, Mr. McClelland, Mr. Goughler and Mr. Baughman voted in favor of the motion. Mr. Resinger opposed the motion. Motion carried.
- E. CDBG Administrator:
1. No report.
- F. Solicitor:
1. No report.

IX. COUNCIL REPORT

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

- A. Mike Garbacz wanted to thank the Zoning Officer for cleaning up the house on Third Street in Reno. He also wanted to thank Council for the opportunity to serve on the Borough's Planning Commission. Mr. Garbacz also had questions on the water tank on Rt. 417. Mr. Phillips stated he still has to speak with the company yet and does not have any specific answers.
- B. John Dumbleton wanted to thank Council for following up on the trees along Rt. 8 and Rt. 417.
- C. Mark Heim had a question on the total of the bid items for Maintenance. Mr. Sporer stated the total amount was approximately \$305,000.

XI. APPROVAL OF MINUTES

- A. Motion by John McClelland, being duly seconded by Howard Barger to approve the minutes of the April 17, 2013 Council Meeting. Motion carried unanimously.

XII. FINANCIAL REPORTS

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

XIII. OLD BUSINESS

- A. Mr. Resinger asked what came of the massage therapist/home occupation along Rt. 417. Mr. Baughman stated there is a sign up. Chief Carlson stated she is operating under a home occupation. Mr. Resinger also asked if the person who owns the spaghetti sauce is operating as well. Mr. Sporer stated he is still operating in the Borough under a home occupation.

XIV. NEW BUSINESS

XV. CORRESPONDENCE

XVI. BOARD OF APPEALS

XVII. EXECUTIVE SESSION

Council recessed at 7:33 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 8:03 pm.

XVIII. NEW BUSINESS (Con't)

A. Motion by Robert Resinger, being duly seconded by Larry Baughman to extend Joe Klapec and Sons' permit for 10 years. Motion carried unanimously.

XIX. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:04 pm.

Joseph M. Sporer, Borough Manager

Bogan Goughler, Council President