

# BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

May 1, 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. John Dumbleton updated Council that the Borough Planning Commission is scheduled to meet next week.
- B. Arnie Bish had a question for Council in regards to his grinder pump. Mr. Bish said he was having issues with his grinder pump and the circuit board needed to be replaced. He said the water & sewer guys came and replaced the board and he was told there would be no cost to him for it. He said he received a bill approximately three (3) months later for the board. He said he does not believe that part of the grinder pump should be the residents' responsibility and why he did not receive the prior bills sent out for the replacement part. Mr. Speth said he will have to defer the issue to Mr. Sporer or Mr. Freer. Mr. Sporer said he has spoken with Mr. Bish about the circuit board and he told him it is the residents' responsibility; the Borough does not have the finances available to replace the circuit boards which is part of the grinder pump. Mr. Sporer also said a bill was sent to Mr. Bish after the board was replaced and he does not know why it was not received by Mr. Bish. And that a second bill was sent out, which Mr. Bish received. Mr. Sporer said it is ultimately Council's decision.
- C. Jeremy Rankin, Rocky Grove V.F.D., wanted to thank Mr. Freer and the Council for fixing the ditch and flooding issues behind the firehall. Mr. Rankin stated he submitted a request to Mr. Sporer and Council for permission to cross the paper streets behind the firehall for logging purposes. Mr. Baughman asked when the logging is to begin. Mr. Rankin said the fire department is still in the bidding process. He also said the fire department is currently working with Attorney Bob Martin in regards to a piece of property located at Fox St. and Shuffstall St. that adjoins the fire department's property. He said the property was to be left to the fire department by the previous owner when he passed away. But the property has been sold without the fire department's knowledge or permission. Mr. Rankin said this issue will probably not be resolved until next fall or spring. Mr. Rankin also wanted to inform Chief Wenner that Mike Cook will be getting in touch with him in regards to the Fireman's Fair and the parade.
- D. John Irwin, resident of Palmer Avenue, expressed concerns over drain pipes coming off of a neighboring house. Mr. Irwin said a neighbor's downspouts and drain pipe run down towards his property and driveway. He said he has dug a ditch and put in a French drain, but it continues to run onto his property. And he said he does not want to put a ditch on the other side of his property because it would cause flooding issues for his neighbor on the other side of him. He said he has spoken with the neighbor about running the drains to the storm drains. Mr. Speth said he will have Mr. Moyer follow up with it. Mayor Carlson asked Mr. Irwin if he has contacted PennDOT about it; that there may be a pipe along Meadville Pike causing the issues. Mr. Irwin believes it is coming from the neighbor's house and the water runoff from Meadville Pike does not run towards his house.

- E. Chuck Minnick asked Council why the residents are paying for two (2) police departments, the State Police, and the Borough Police. Mr. Minnick said there are municipalities paying for State Police coverage only and are getting 24/7 coverage. He said the Borough is only obligated to provide fire coverage to the Borough residents.
- F. Tim Lowry said he was there to see where the Borough is at with the Police Department. He said the Borough is budgeted for four (4) full – time officers and that fourth full – time position is about to be filled. Mr. Speth said that is correct and the Borough is in the process of hiring the officer, which is a process that takes time. Mr. Speth said he would have to defer to the Chief to fill in anymore information. Chief Wenner said he will be requesting for conditional employment for the fourth officer. Mr. Lowry also said there was discussion about grants that may be available and what is the status on those. Mr. Speth said there has not been an in – depth discussion on the grants until the officer is hired. Mr. Lowry also wanted to comment on Mr. Minnick’s previous comments and that the State Police cannot cover what they have now and times have changed. And he does not think the State Police can cover the Borough. Mr. Speth said any discussion they would like to have amongst themselves would have to be after the meeting.
- G. Teri Lowry wanted to address the Council about an overdose incident that occurred in the Rural King bathroom recently. And the Borough Police responded to that call. She told Mr. Minnick that she wanted to call and discuss this incident with him but did not get the chance. Mr. Minnick said the paramedics would respond to such a call. Ms. Lowry said there is a long wait time for the paramedics as well. Mr. Speth said their discussions would have to continue outside of the meeting. Ms. Lowry said this incident is why the Borough needs to have their own Police Department. She also asked the status of the COPS Grant. Mr. Speth reiterated that the Council will have more discussions after the fourth officer is hired. Ms. Lowry wanted to know why Council is hesitant to apply for the grant. And the Borough has budgeted for the part – time hours, on top of the full – time hours. Mr. Speth said the hours are budgeted but not being filled for the past 2 ½ years. Ms. Lowry asked for clarification that the hours are budgeted and available. Mr. Spaid spoke up and wanted to make sure that everyone understood the questions and that the correct information was given in regards to part – time officer hours. Mr. Spaid said Ms. Lowry is asking that Council agrees to allotting extra hours beyond the approved 160 hours per week. Ms. Lowry agreed. Mr. Spaid said that has not been approved by Council. Also, that everyone is trying to yell over each other and are not being heard. Ms. Lowry said part – time officer hours are budgeted along with hours for four (4) full – time officers. Mr. Speth said he will contact Ms. Lowry about it. Ms. Lowry said she wants to discuss it in the meeting. Mr. Speth said the department is budgeted for 160 hours and is currently at \$477,000 for 2024. Ms. Lowry asked if the 160 hours includes part – time hours. Mr. Speth said they are budgeted 160 hours for however Chief wants to schedule the hours; part – time or full – time officers. Ms. Lowry said she must be looking at the budget differently then. Mr. Speth said he can discuss it with her at a later time.

## VIII. STAFF REPORTS

### A. Maintenance Foreman:

1. Mr. Freer presented Council with the recommended bids for the Liquid Fuels bids, as recommended by him. The bids presented were: 500 tons 2A Limestone (delivered) awarded to IA Construction at \$28.65/ton, at a total cost of \$14,325.00. 3,000 tons Type 3B Antiskid (AS1) (picked up and delivered) awarded to Cooperstown Sand & Gravel at pick – up price of \$9.00/ton, total cost of \$27,000.00 and delivered price of \$11.00/ton, total cost of \$33,000.00. 1,500 tons 2A Crushed Gravel (picked up and delivered) awarded to Cooperstown Sand & Gravel at pick – up price of \$9.50/ton, total cost of \$14,250.00 and delivered price of \$11.50/ton, total cost of \$17,250.00. 3,000 tons 1B Type C Aggregate (picked up and delivered) awarded to Cooperstown Sand & Gravel at pick – up price of \$12.00/ton, total cost of \$36,000.00 and delivered price of \$13.50/ton, total cost of \$40,500.00. 1,500 tons 9.5 MM Superpave Wearing Course (picked up) awarded to IA Construction at \$80.00/tons, total cost of \$120,000.00. 500 tons 19 MM Superpave Binder Course (picked up) awarded to IA Construction at \$68.50/ton, total cost of \$34,250.00. 500 tons 25 MM Superpave Base Course (picked up) awarded to IA Construction at \$64.00/ton, total cost of \$32,000. 89,820 square yards single bituminous seal coat (delivered) awarded to Hager Paving at \$1.99/SY, total cost of \$179,190.79. Tree trimming project of 0.9 miles of Warren Road and 0.6 miles of Martin Hill Road awarded to Cline Energy, total cost \$40,000.00. Milling & Paving Project of portions of Bell Avenue, Prospect Avenue, Spruce Street, and Murdock Street awarded to IA Construction, total cost of \$123,953.15.

2. Motion by Bogan Goughler, being duly seconded by Alan Heller to award the Liquid Fuels bids as recommended by the Maintenance Foreman. Motion carried unanimously.
  3. Mr. Freer also said he has an item for Executive Session.
- B. Police Chief:
1. Chief Wenner wanted to address some of the discussions that have come up. In regards to the Rural King incident, police departments have been responding to fentanyl overdoses and he trains his officers to carry multiple doses of Narcan on them. For this incident, they had to administer five (5) doses of Narcan and then the paramedics came in once the scene was secured. He said things have changed and police help in responding to more medical calls. He also wanted to let the Council and public know that the Borough Police Department has a new Facebook page and it will be monitored by two (2) officers. He said it will be used for public relation issues, lost animals, etc. It will not be an interactive page. Chief also reminded Council that while he applied for two (2) options in grants for the radios, that's \$50,000 looming in the future. And he returned \$125,000 in last year's budget. Chief also said he has an item for Executive Session; a conditional offer of employment for the fourth full – time officer. Chief also asked Council to continue to consider allotting an additional 20 – 30 patrol hours per week, once the new officer is hired, in order to provide more police coverage. He said with not having that fourth full – time officer for the first six (6) months of the year, that money could be moved or transferred to augment those additional 20 – 30 patrol hours requested. He feels comfortable in being able to come in under budget for the year. Chief said he is excited for the new hire and he has been doing several ride – alongs. And he has purposefully been dragging his feet the last six (6) months with the new hire because he knew what was going on behind the scenes and he did not want to hire this person and then not have a job for him in three (3) months.
- C. Administrator/Special Projects:
1. Mr. Sporer presented Council with a request from the YMCA to use the Front Street Playground Ballfield for T – Ball, for the month of June. Mr. Sporer said he requested they present the Borough with proof of insurance. Mr. Heller asked if the dugouts will still be up. Mr. Freer said they are and it is too muddy to get any work done, but it will be safe for them to use the field.
  2. Mr. Sporer also presented Council with an invoice from a resident at 131 Elm Street. The resident had a sewer back up in his line and the resident said the Borough should have to pay the bill. Mr. Sporer is recommending the Borough not pay the bill, based on municipal immunity.
  3. Mr. Sporer also gave Council a draft of a credit card policy for them to look over and consider approving it at the next Council meeting.
  4. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the YMCA to use the Front Street Playground Ballfield for T – Ball, for the month of June, providing they show proof of insurance. Motion carried unanimously.
  5. Motion by Larry Baughman, being duly seconded by Bogan Goughler to deny the request to pay the sewer repair bill at 131 Elm Street. Motion carried unanimously.
  6. Motion by Alan Heller, being duly seconded by Howard Barger to approve a donation in the amount of \$250.00 to the Charlie McDaniel Golf Outing. Mr. Spaid said there is nothing stating the Borough cannot use tax payers' money for a donation to The Charlie McDaniel Golf Outing. It will be a policy decision. Mr. Heller asked how it differs from giving a donation to the Venango County Coon & Fox Club. Mr. Spaid said it is different because the Police Department is using the facilities for firearms trainings. Mr. Speth recommended tabling the motion until next month's meeting to allow for more discussion amongst Council. Mr. Baughman recommends against the donation because of the precedents it may set. Mr. Goughler recommended tabling the motion for further discussion.
  7. Motion by James Speth, being duly seconded by Bogan Goughler to table the motion made by Alan Heller, being duly seconded by Howard Barger to approve a donation in the amount of \$250.00 to the Charlie McDaniel Golf Outing until the June 5, 2024 Council meeting. A roll call was taken. Mr. Barger, Mr. Goughler, Mr. Speth voted in favor of the motion. Mr. Heller and Mr. Baughman opposed the motion. Motion carried.
  8. Chief Wenner asked Council if it would be a conflict of interest if members of his department made the donation. He said he will speak with Mr. Heller about it.

- D. Zoning Officer:
  - 1. No report.
- E. Solicitor:
  - 1. Mr. Spaid has issues for Executive Session.

**IX. COUNCIL REPORT**

- A. Alan Heller wanted to thank Arnie Bish for coming to the Council meeting with his concern. Mr. Heller also wanted to address Mr. Minnick's comments during the Public Participation section of the meeting. Mr. Heller said a local department handles calls such as dog complaints and ordinance issues. Mr. Minnick asked if the Borough has an ordinance person to handle that, not police. Mr. Heller said he has been approached by some residents about allowing some Borough roads to be ATV roads. He wanted Council to discuss this at the next meeting. Mr. Spaid said this is becoming a more and more popular request and he has personally not drafted such an ordinance. He wanted Council to be aware that there are certain license and insurance requirements. And he would also like input from the Police Department and the Maintenance Department. Mr. Speth asked if this is similar to the golf cart request from the residents in Reno. Mr. Spaid said it is sort of along the same lines, but there is Statutory Authority in the Commonwealth to allow ATVs on roads, but not golf carts. Mr. Alex Spaid said the golf carts are explicitly disallowed.
- B. Mayor Carlson has items for Executive Session.
- C. James Speth wanted to remind the public that he is available to contact about any issues, questions or concerns about the Borough. Or discuss the way the Borough is going.

**X. APPROVAL OF MINUTES**

- A. Motion by Bogan Goughler, being duly seconded by Alan Heller to approve the minutes of the April 3, 2024 meeting. Motion carried unanimously.

**XI. FINANCIAL REPORTS**

- A. Motion by James Speth, being duly seconded by Larry Baughman 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 7:48 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 9:18 pm.

**XVII. NEW BUSINESS CON'T.**

- A. Motion by Larry Baughman, being duly seconded by James Speth to make an offer of conditional employment to Nash Montgomery, with a start date of May 20, 2024, pending the successful completion of all job qualifications. Motion carried unanimously.
- B. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the hiring of Terry Filer for the Maintenance Department with a start date on May 20, 2024, at the first step salary. Motion carried unanimously.
- C. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the hiring of Aden Bozell for the Maintenance Department with a start date of May 28, 2024, at the first step salary. Motion carried unanimously.

**XVIII. ADJOURNMENT**

- A. Motion by Larry Baughman, being duly seconded by Alan Heller to adjourn the meeting at 9:23 PM. Motion carried unanimously.

Joseph M. Sporer, Borough Manager

James Speth, Council President