

BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

June 17, 2015

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 harmful 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, Howard Barger, John McClelland, Larry Baughman, Robert Resinger and Mayor Charles Minnick. Bill Walker was not present. Also present were Solicitor Brian Spaid and Lt. Ryan Ashbaugh.

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. EXECUTIVE SESSION

Council recessed at 7:01 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. (Note: Solicitor Brian Spaid did not participate in this session.)The meeting was reconvened at 7:15 pm.

VIII. NEW BUSINESS

- A. Attorney Robert Varsek, representing the Borough in the suit filed against the City of Franklin, stated the Borough, along with the General Authority, had filed a joint stipulated motion on June 4, 2015. The purpose of the motion was to begin negotiations between all three (3) parties involved for new agreements moving forward, the maintenance and operations of the system and how the Borough and General Authority will receive the damages the parties were awarded. During this time, all litigation will be suspended until September 4, 2015. Mr. Varsek stated that if a global resolution is not met by September 4, 2015, a request for an additional stay of 90 – days may be made, as long as there is a “good – faith” effort being made in the negotiation process. Mr. Varsek recommends the Borough appoint a negotiation team to negotiate the terms of the new agreement with the City of Franklin and the General Authority. Mr. Spaid stated he is the solicitor for the City of Franklin and will be representing the City during the negotiations and he will excuse himself during Executive Session when such litigation is being discussed.
- B. Motion by Robert Resinger, being duly seconded by Larry Baughman to approve, reaffirm and ratify the decision on behalf of Sugarcreek Borough to participate in and file the post - trial motion for relief and a motion for a stay. Motion carried unanimously.
- C. Motion by Robert Resinger, being duly seconded by Howard Barger to appoint Joseph M. Sporer, Larry Baughman and John McClelland to the negotiation team on behalf of Sugarcreek Borough. Motion carried unanimously.

IX. COMMISSION/COMMITTEE REPORTS

- A. No report.

X. STAFF REPORTS

- A. Maintenance Foreman:
 1. Mr. Sporer updated Council on patch work that has been done on Parker Avenue, First Avenue and Cedar Street. Mr. Sporer stated the Borough was contacted by Lance Bowes, Venango County Conservation District, who has applied for a grant to offer long – term corrections/repairs for deteriorating roads in local municipalities. He has asked the Borough to participate in an engineering study to look at repairs on Keely Road where it has been eroding away. The Borough would participate with Jackson Township and Victory Township. Mr.

Sporer stated the Borough will need to make a commitment of \$4,500.00, which is 15% of the \$30,000 engineering estimate provided by Mr. Bowes. If the Borough participates in this engineering study they then would qualify for the "Dirt and Gravel Roads" program, it would provide funding for repairs.

2. Motion by Robert Resinger, being duly seconded by John McClelland to approve the Borough's commitment of \$4,500.00 for an engineering study through a grant being applied for by the Venango County Conservation District. Motion carried unanimously.
- B. Police Chief:
1. Lt. Ryan Ashbaugh wanted to make Council aware of an upcoming PennDOT project. PennDOT will be repairing the bridge in Wyattville from May 2016 – November 2016. Detours will be posted.
- C. Administrator/Special Projects:
1. No report.
- D. Zoning Officer:
1. No report.
- E. CDBG Administrator:
1. No report.
- F. Solicitor:
1. Mr. Spaid stated the Borough had received a petition to vacate a portion of Cedar Street, within the Village of Rocky Grove. Mr. Spaid said Council will need to hold a public hearing and provide a 15 – day personal notice to those properties that are abutting the said portion of Cedar Street & did not sign the petition, as well as a 15 – day notice in the newspaper. Once the hearing is held, Council can deny the request or vacate the street.
 - a. Motion by Robert Resinger, being duly seconded by Larry Baughman to hold a public meeting on Wednesday, August 19, 2015, at 6:00 PM to discuss the petition to vacate Cedar Street, from Duke Street to Egbert Street. Motion carried unanimously.
 2. Mr. Spaid said he will need to re – draft new burning resolutions that pertains to the burning ordinance. He will meet with Mr. Sporer to discuss this matter and possible boundary changes to the resolutions. Mr. Baughman suggested possibly adding a stipulation for the fall season, in regards to burning leaves. Mr. Baughman also expressed concern over some residences burning in a fire pit to avoid the time constraints of the ordinance. Mr. Spaid recommended getting public comments as well. The resolutions will be ready for the July 14, 2015 meeting.

XI. COUNCIL REPORT

- A. Howard Barger wanted to make the Borough aware of large construction vehicles and trucks on Causeway Drive since construction at the new UPMC site has begun and causing damage to the road. Mr. Sporer stated he will discuss it with Mr. Phillips.
- B. Robert Resinger said there is a property on Keely Road with very tall grass. Mr. Goughler will inform Bill Walker.

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

- A. Carolyn Dunlap stated she would like to see the burning ordinance changed as soon as possible.
- B. Dale Miller wanted to update Council on the parade for the Fireman's Fair. It will be held on Wednesday, July 8, 2015. Line – up is at Wiley Avenue, beginning at 5:00 PM.
- C. Scott McMasters stated the fair is July 7 – 11, 2015. He also said there will be a gate fee of \$8 for adults, \$4 for adults 60 and older and children 2 and under are free. This gate fee will include rides and a new wristband will be given each night. There will be free parking. There will not be a matinee held this year. Fireworks will be held on Friday, July 10, 2015.
- D. Brian Bowen, resident along Maple Street and his property abuts Cedar Street, does not wish to see that portion of Cedar Street vacated.

XIII. APPROVAL OF MINUTES

- A. Motion by Larry Baughman, being duly seconded by John McClelland to approve the minutes of the May 20, 2015 Council Meeting. Motion carried unanimously.

XIV. FINANCIAL REPORTS

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

XV. OLD BUSINESS

XVI. NEW BUSINESS

XVII. CORRESPONDENCE

XVIII. BOARD OF APPEALS

XIX. 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 8:25 pm.

XX. NEW BUSINESS (Con't)

- A. Motion by Larry Baughman, being duly seconded by Robert Resinger to approve up to 30 hours of additional time for the Police Department, during Fair Week, July 7 – 11, 2015. Motion carried unanimously.
- B. Motion by Robert Resinger, being duly seconded by Howard Barger to appoint Brian Spaid, Joseph M. Sporer and Bogan Goughler to the negotiation committee in regards to the Police contract. Motion carried unanimously.
- C. Motion by Robert Resinger, being duly seconded by Howard Barger to deny Lt. Darin Baker's grievance, as presented to Council. Motion carried unanimously.
- D. Motion by Robert Resinger, being duly seconded by Howard Barger to enter into the DUI Task Force Agreement between the City of Oil City, the City of Franklin, Venango County Sheriff's Department, Sugar creek Borough, Emlenton Borough and Polk Borough. Motion carried unanimously.

XXI. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:29 pm.

Joseph M. Sporer, Borough Manager

Bogan Goughler, Council President