

**BOROUGH OF SUGARCREEK
COUNCIL MEETING MINUTES**

July 7, 2021

I. WELCOME AND INTRODUCTIONS

Council President John McClelland 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 McClelland 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, John McClelland, Bogan Goughler, Matt Carlson and Mayor Charles McDaniel. Council member James Speth was excused. Also, present were Borough Solicitor Brian Spaid and Chief Bob Wenner.

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. PUBLIC PARTICIPATION (limited to 3 minutes each)

A. Chris Hartman said he was in attendance to support the Second Amendment Resolution.

B. Alan Heller wanted to remind the Mayor and Council that people are now approaching him, due to him being on the ballot for the upcoming election, and asking for discretion and common sense to be used by Borough police officers, in regards to something that just happened. Mr. McClelland asked Mr. Heller to elaborate on what he is talking about. Mr. Heller said he probably should not. Mr. McClelland said he feels the Police do a professional job and if Mr. Heller or anyone else has an issue, to please bring it to Council. Chief Wenner stated he knows what Mr. Heller is speaking about. Chief stated if an officer, a judge, a defense attorney, himself, anyone that is speeding and were pulled over, they would be issued a citation. Chief said he does not believe in "professional courtesy;" if someone is going over 60 mph in a 45-mph zone or 65 mph in a 55-mph zone, there is zero tolerance and a citation shall be issued. Anything below those thresholds are left to the officer's discretion. Chief said he has heard threats and said it is professional suppression and he will not tolerate it. Mr. Heller said then there should not be Confidential Informants (C.I.s) and they should take their charges and go and not work with them. Chief said the C.I.s' charges are determined and filed by the District Attorney. Chief said most of the time the C.I.s do not have charges against them, but they are used in drug cases. Mr. Heller said it is his opinion and he believes the department should use common sense. Mr. Heller said he pulled over a 70 year – old woman who had never received a speeding ticket before and he let her go without issuing a ticket. Mr. Heller said he does not know if it is a money – generating thing for the Borough, but the officers should use common sense. Chief said it has nothing to do with generating money, it has to do with everyone being treated the same across the board and issuing citations to those that are speeding. Chief said if someone is doing 60 mph in a 45 – mph zone (along Rt. 8), it is 15 mph over the speed limit and there are have been higher speeds than that. Chief said it is a speeding ticket, that is all. Mr. Heller said it is his opinion.

VIII. COMMISSION/COMMITTEE REPORTS

A. Planning Commission
1. No report.

IX. STAFF REPORTS

A. Maintenance Foreman:
1. Doug Freer asked Council to consider budgeting for a new grader for the department, in the 2022 budget. He said the current grader is almost 30 years – old and no longer able to function the same. Mr. Carlson asked how much a new grader would cost. Mr. Freer said it would be around \$270,000, without anything extravagant; it is bare bones. He said he found a John Deere grader and replacement parts are readily available.

Mr. McClelland asked if it could be purchased through COSTARS. Mr. Freer said it is available through COSTARS and they do not need any of the extras on the grader for what the Borough uses it for. Mr. Freer said the current grader is a Champion and they replacement parts are not available anymore. Mr. Freer also requested the Borough consider putting in bulk fuel tanks for the Maintenance and Police Departments. The one for Maintenance would be a 1,000 – gallon tank and would be placed next to the garage. The tanks are double – walled and a pad in not needed. Mr. Freer said the fuel would be \$1.00 less per gallon than what it would be at the pump. Mr. Carlson said the Borough had fuel tanks back when everyone was prepping for Y2K. Mr. McClelland said DEP made the Borough remove those tanks because they were underground. Mr. Freer said these are above ground tanks. Mr. McClelland asked the cost of the tanks and if the Police Department would be able to use them as well. Mr. Freer said for the total cost would be approximately \$10,000; about \$5,000 per tank. Chief Wenner said the Maintenance Department’s tank would be a diesel tank and they would get a regular gasoline tank; the gasoline tank would be placed in the gated area. Chief said their tank would be a 300 – gallon tank and would hold about 2 ½ - 3 weeks’ worth of fuel in the event of an emergency. The gasoline would also be purchased at a discounted rate. Chief said the tanks would also be under video surveillance and the fuel would be rotated out as needed, but primarily used for and kept for an emergency.

A. Motion by Matthew Carlson, being duly seconded by Bogan Goughler to approve the request from the Maintenance and Police Departments to purchase one (1) diesel and one (1) gasoline bulk tank from Bayless Fuel. Motion carried unanimously.

B. Police Chief:

1. Chief Wenner said the department is continuing to run speed. He said they are also getting at least one (1) DUI driver a week, during the morning. Mr. Carlson asked how the R.G.V.F.D. fair went. Chief said it went well and there was a positive report from all those he spoke with.

C. Administrator/Special Projects:

1. Mr. Sporer updated Council on the street light request from the Grace United Methodist Church, on Front Street. Mr. Sporer said he has done some more research and spoke with Penelec. The current street light that is there shines into the house across the street and those residents do not want a brighter bulb, nor another light added in that area. Penelec does not put street lights on each pole or two – consecutive poles and they did not identify any issues with the current lighting configuration. Mr. Sporer recommends that the church look into putting a light on the pole that is located on their property, along the driveway.

A. Motion by Larry Baughman, being duly seconded by Bogan Goughler to rescind the motion from the previous Council meeting to install a street light along Front Street, near the entrance to Grace United Methodist Church. Motion carried unanimously.

2. Mr. Sporer said the Borough will be receiving \$513,297.82 in COVID Relief Funds; \$256,648.91 this year and next year. The Borough has until 2023 to spend the first round and until 2024 to spend the second round. Mr. Carlson asked what the funds can be spent on. Mr. Sporer said the guidelines for the funds is currently 28 – pages long and will be updating in two – months. Currently, Mr. Sporer believes the Front Street Playground would be eligible and the Borough could use some of those funds to repair and update the playground. Mr. Sporer said the Borough did apply for a grant as well, for the playground. Mr. Carlson asked if the relief funds could be used to purchase equipment. Mr. Sporer said that currently it cannot, but could be used for sewer and water.

D. Zoning Officer:

1. Mr. Sporer said Mr. Moyer has been very busy this summer with complaints, specifically, garbage, high grass and shrubs and has issued 33 letters of compliant, as well as the normal permits that are coming in. Mr. Baughman asked what the status was on the credit union along Rt. 8. Mr. Sporer said he has not heard any updates.

E. Solicitor:

1. No report.

X. COUNCIL REPORT

- A. Mayor McDaniel wanted to thank the Rocky Grove V.F.D. for this year's Fireman's Fair, along with the Police Department. He also said he received many compliments on the fair and how everyone worked well together this year. Mayor McDaniel also wanted to present Council with Resolution No. 2 of 2021, which declares the Borough as a Second Amendment Sanctuary Municipality.
 - 1. Motion by Matthew Carlson, being duly seconded by Larry Baughman to adopt Resolution No. 2 of 2021, which declares Sugarcreek Borough as a Second Amendment Municipality. Motion carried unanimously.
- B. Mr. Goughler requested to approve the purchase of the grader, since the Borough has discussed this over the years. Mr. McClelland asked if there are funds available in the Reserve Account. Mr. Sporer said it could be budgeted in next year's budget and in the meantime, Mr. Freer could get a solid quote or price and then go from there. Mr. Baughman recommended that it be requested as part of the budget and how it could be purchased and then make the motion. Mr. Goughler asked how long it would take to receive it. Mr. Freer said it is currently about 5 months. Mr. Sporer said it would need to be purchased around October for a Spring delivery, but he will have a budget ready for Council for October's meeting.

XI. APPROVAL OF MINUTES

- A. Motion by Matthew Carlson, being duly seconded by Larry Baughman to approve the minutes of the June 2, 2021 Council Meeting. Motion carried unanimously.

XII. FINANCIAL REPORTS

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

XIII. OLD BUSINESS

XIV. NEW BUSINESS

XV. CORRESPONDENCE

XVI. BOARD OF APPEALS

XVII. EXECUTIVE SESSION

Council recessed at 7:25 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 7:54 pm.

XVIII. NEW BUSINESS CON'T.

- A. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the participation in the Venango Training & Development Center summer employment program and the employment of Caleb Moyer for the summer program. Motion carried unanimously.

XIX. ADJOURNMENT

- A. Council President John McClelland declared the meeting adjourned at 7:58 PM.

Joseph M. Sporer, Borough Manager

John McClelland, Council President