

**BOROUGH OF SUGARCREEK
COUNCIL MEETING MINUTES**

September 5, 2018

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 John McClelland, James Speth, Howard Barger, Bogan Goughler, Larry Baughman and Mayor Charles McDaniel. Also present were Lt. Ryan Ashbaugh, Maintenance Foreman Dick Phillips and Borough Solicitor Brian Spaid.

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

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

- A. Rebecca Montgomery wanted to inform Council of the damage being done to her hair salon at 705 Rocky Grove Avenue by water running down Rocky Grove Avenue. She presented pictures and a video showing the water run off since 2013. Ms. Montgomery said they had re-done the gutter drains in 2014, but the flooding continues. She said it is the Borough's issue and the Borough has told her to call PennDOT. When she has contacted PennDOT, they told her it is a Borough issue. Ms. Montgomery said she then contacted the Borough's Zoning Officer about flooding concerns behind the shop, from houses/buildings draining water on to her property, which causes her drains to back up in the back and the drains in the front of the property are collapsed in. Mr. Goughler suggested she speak with PennDOT about replacing the drains along Rt. 417 since it is a PennDOT road. Ms. Montgomery said PennDOT told her it is the Borough's issue. Mr. Phillips said the drains along Rt. 417 were installed by PennDOT, not the Borough. Therefore, the Borough cannot do any work on those drains nor any on private property. Ms. Montgomery said PennDOT told her the Borough could do work on the drains along a state road with a permit. She then asked if the Borough could do that, why have they not done the repairs. Mr. Phillips said he will have to have Council's approval to access the state road to do the repairs and he's concerned with what would happen to all the other state roads with flooding issues. Dorothy Shaffer then added that according to the Borough's stormwater management ordinance, it should not be an issue. Mr. McClelland asked if someone could speak with Sen. Hutchinson or Rep. James to have them approach PennDOT. Mr. Sporer said it would be up to Ms. Montgomery to contact one of them. Ms. Montgomery said she spoke with Rep. James and he told her he cannot go over the Borough. DEP also told her it was a Borough issue and according to the Borough's ordinance, it's a Borough issue. Mr. Speth asked Mr. Spaid what the legality of the issue is. Mr. Spaid recommended the Borough and PennDOT schedule a meeting to discuss the issue and come up with a solution. Mr. Spaid said he wrote the storm water management ordinance in 2011 with Chief Carlson and cannot recall all of it off hand. Mr. Sporer asked Ms. Montgomery who she spoke with at PennDOT. She stated it was the District Manager Garrett Westover. Mr. Phillips said he does not believe Mr. Westover went out to look at it; Luke Hoffman was the one that looked at it and spoke with Mr. Phillips about it. Mr. Sporer said he and Mr. Phillips with speak with Mr. Westover to remedy the issue together.
- B. Dorothy Shaffer commented on the drains being installed along Wilson Avenue and McCalmont Street and she is concerned the water running through those drains will run on to Ms. Montgomery's property. And the water would be in violation of the Borough's stormwater management ordinance. Ms. Shaffer said Ms. Montgomery has been a lifelong Borough resident, chose to open her business in the Borough and several clients are Borough residents.

VIII. COMMISSION/COMMITTEE REPORTS

- A. Planning Commission
 - 1. No report.

IX. STAFF REPORTS

- A. Maintenance Foreman:
 - 1. Dick Phillips said the Borough is prepared for IA Const. to begin paving on Palmer Ave., Russell St. and Venango St. Mr. Phillips said the storm sewer pipes have been replaced along Fern Ave and parts of Wilson Ave. and McCalmont St. As for the new drains installed along Fern Ave., Wilson Ave. & McCalmont Street, those drains run down behind the high school, Wilson Ave. and McCalmont Street, respectively. Ms. Shaffer questioned about the run off of James Street and the drain at James St. & Rt. 417. Mr. Phillips said the pipes along James Street run down James Street and then crosses under Rt. 417. Mr. Goughler said he thinks the Maintenance Dept. has been doing a great job.
- B. Police Chief:
 - 1. Lt. Ashbaugh presented Council with a written report. Lt. Ashbaugh said he had requested a new laptop and desk for the Chief's office. The Maintenance Dept. has begun to replace ceiling tiles that were damaged by the a.c. unit. He would also repaint the entire department; it has not been painted since Chief Whitman had it painted. Lt. Ashbaugh said the Police Dept. has been using the MPOETC Consortium list for new/potential hires and he would like to go through the Civil Service Commission and establish a new list. Mayor McDaniel said he would like to have a new list of local potential hires. Mr. Spaid said the Consortium would do their own testing and if the Borough goes through the Civil Service Commission, the Borough would be responsible for the testing of the candidates and have to consider if the funds would be available. Lt. Ashbaugh said the testing would not be difficult; they would be tested on things such as running, sit ups, & push-ups. Mr. Spaid said he recalled Chief Carlson, along with other Chiefs in the area, went to the Consortium because it was a more convenient way of getting candidates, but it is no longer effective. Mr. Spaid said he believes Franklin and Oil City have not had much luck going away from the Consortium. Mr. Speth asked if it would be possible to table the motion on this matter until there is further discussion. Mr. McClelland questioned why Council would table it since most of the applicants on the Consortium are out of the Erie – area.
 - A. Motion by John McClelland, being duly seconded by Howard Barger to gather a list of potential new – hires and have the hiring process go through the Civil Service Commission. Motion carried unanimously.
- C. Administrator/Special Projects:
 - 1. Mr. Sporer said he has been speaking with Troy Cyphert of PennDOT in regards to the Borough's County Liquid Fuels application. Mr. Sporer recommended using next year's funds to reconstruct 0.67 miles of Sugarcreek Drive, between Rt. 322 & Buttermilk Hill Road, including milling, paving & a new wedge curb. Mr. Baughman asked if Mr. Cyphert is one of the ones who told the Borough that any damage done to Sugarcreek Drive during the bridge detours would be repaired. Mr. Sporer said those were representatives from the construction company and when he spoke to Mr. Westover about it, Mr. Westover was not aware of such an agreement, nor was it in their budget. The proposed application amount will be \$50,000 - \$60,000; which should be about 50% of the total estimated cost of the project.
 - A. Motion by James Speth, being duly seconded by John McClelland to be resolved that Sugarcreek Borough, Venango County do hereby make application to the County for an allocation of County Liquid Fuels Tax Funds for the year 2019. Motion carried unanimously.
 - B. Motion by Larry Baughman, being duly seconded by Howard Barger to set Trick – or – Treat hours for the Borough on Wednesday, October 31, 2018, from 6:00 PM – 8:00 PM. Motion carried unanimously.
 - C. Motion by Larry Baughman, being duly seconded by James Speth to approve the Administrative Office to close on Fri., Oct. 5, 2018 for Applefest. Motion carried unanimously.

- D. Zoning Officer:
 - 1. No report.
- E. CDBG Administrator
 - 1. Mr. Sporer presented Council with the CDBG Application Resolution and allocations for 2018, totaling \$100,924. Proposed activities include \$52,758 for the reconstruction of Murdoch St. and Palmer Ave., \$20,000 for Rocky Grove Playground improvement, \$10,000 for demolition and clearance and the remaining \$18,166 for Administration costs.
 - A. Motion by Howard Barger, being duly seconded by John McClelland to approve Resolution No. 2 of 2018, Resolution of Approval FFY 2018 Community Development Block Grant (CDBG) Program. Motion carried unanimously.
- F. Solicitor:
 - 1. No report.

X. COUNCIL REPORT

- A. James Speth proposed discussing the Council meetings to begin at 6:30 PM, as well as one meeting a month. Mr. Spaid recommended holding the meetings on the first Wednesday of the month, as to avoid any issues with passing the budget. Mr. Sporer said he will get the dates for next year's meetings and have them for Council at the next meeting.

XI. APPROVAL OF MINUTES

- A. Motion by James Speth, being duly seconded by John McClelland to approve the minutes of the August 15, 2018 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

XIV. NEW BUSINESS

XV. CORRESPONDENCE

XVI. BOARD OF APPEALS

XVII. EXECUTIVE SESSION

Council recessed at 7:38 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 8:41 pm.

XVIII. NEW BUSINESS CON'T.

- A. Motion by John McClelland, being duly seconded by Howard Barger to accept, with regret, the retirement of Chief Matthew Carlson, with his last day of employment on December 31, 2018, with last day of duty effective August 31, 2018. Motion carried unanimously.
- B. Motion by John McClelland, being duly seconded by Howard Barger to appoint Lt. Ryan Ashbaugh as Acting Chief, effective September 1, 2018. Motion carried unanimously.
- C. Motion by Larry Baughman, being duly seconded by John McClelland to authorize the payment of 8.50 hours of overtime pay to Lt. Ashbaugh for the ALICE Training, on the condition that his grievance is withdrawn as satisfied. A roll call was taken. Mr. Barger, Mr. McClelland, Mr. Goughler and Mr. Baughman voted in favor of the motion. Mr. Speth opposed the motion. Motion carried.

XIX. ADJOURNMENT

- A. Motion by Larry Baughman, being duly seconded by James Speth to adjourn the meeting at 8:45 PM. Motion carried unanimously.

Joseph M. Sporer, Borough Manager

Bogan Goughler, Council President