

**BOROUGH OF SUGARCREEK
COUNCIL MEETING MINUTES**

November 6, 2024

I. WELCOME AND INTRODUCTIONS

Council President James Speth opened the meeting at 7:03 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, James Speth, Bogan Goughler, Larry Baughman, and Mayor Matthew Carlson. Council Member Howard Barger was excused. 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 McClelland expressed his displeasure with the benches not being replaced in front of the Borough building. He said they became a part of the landscape when they were originally installed 50 years ago. He said he understands that they became unsafe over time and the original benches needed to be removed at that time. Mr. McClelland said he was contacted by Mr. Sporer and he advised Mr. McClelland to look at the new benches installed at the Front Street Playground and if he would like to see something similar at the Borough building. Mr. McClelland said with the benches gone, the Borough building no longer has the city hall appearance, which the Council and Mayor who installed the benches was aiming for, but has reverted back to its original garage – like appearance or like a warehouse. He said he would settle for one (1) bench, but feels two (2) benches would be more aesthetically pleasing. Mr. Sporer said he has spoken with Mr. Freer about the installation of new benches. He said he would prefer to have the same benches placed in front of the building as are at the Front Street Playground. Those benches are approximately \$1,200.00 each. Mr. Speth said it may be placed on the December meeting's agenda.
- B. Terri Lowry said she was there to represent the concerned citizens of the Borough. She said they want to know what is happening with the new budget, to the police force, with the hours they are given, and with the part – time hours. And she asked where they stand going into a new budget year with the extra coverage, at 176 hours. Mr. Speth said they will discuss the budget later on in the meeting. He said he does not have a comment on it at this time, but cannot speak for his fellow Council Members. Ms. Lowry said it has been nearly a year since Council approached the City of Franklin about providing police coverage, at a cost of \$1.1 million. But Council chose to keep the police force and they have been going month – to – month on the extra hours. She wanted to know if that was going to be in the budget for next year. Ms. Lowry also noticed there was a motion on the agenda for the LSA Grant money. Mr. Sporer confirmed it is a Memorandum of Understanding (MOU). Ms. Lowry said she spoke at length with Deb Sobina, Oil Region Alliance, following the Council meeting she attended about the different things the grant money could be used for. She said they spoke about possibly "piggy backing" with a police cruiser or equipment for the fire departments. Mr. Sporer said he was not approached by anyone in regards to that suggestion. Ms. Lowry asked Mr. Sporer if he only put in his bid, without consideration of anyone else. Mr. Sporer explained that he submitted on behalf of the request he received from the Maintenance Department. And he received no other requests from other departments. She asked Mr. Sporer if he did not consider the other opportunities they had with the money. Mr. Sporer said it is not his department. She questioned if he was the Borough Manager. Mr. Sporer said it would take a request and a resolution to begin the process, which should have been brought to him two (2) meetings ago. Ms. Lowry said she finds it odd that they have a Council, a Police Department and two (2) fire departments that could use the funding and they do not sit and talk about it. Mr. Speth said the other

departments could write their own grants if they choose. Ms. Lowry said she does know that. Mr. Speth said it is not their job to write their grants for them. Ms. Lowry told Mr. Speth she is talking. Mr. Speth said no one has contacted him about any questions or concerns, but come to meetings month after month. Ms. Lowry said she would like to address that and that she feels it is unprofessional to speak with Mr. Speth after hours. Mr. Speth told her that is her prerogative and he can not continue to do the back and forth with her. Ms. Lowry asked Mr. Speth who was the next person on his sign - in list.

- C. Chuck Minnick asked Chief Wenner how many hours the Borough Police has per week. Chief Wenner said they have 176 hours per week. Mr. Minnick asked outside of those 176 hours per week, who covers the Borough. Chief Wenner said the State Police do, but they only cover emergency calls, all other calls are held until they are back on duty. Mr. Minnick said since he's moved back 14 months ago, he has had to make two (2) 911 calls. One was for his wife when she was involved in a car accident at the intersection of Front Street and Rocky Grove Avenue and the State Police responded in approximately 7 – 8 minutes. And the other call was when he witnessed an accident within the Borough. He said it took the State Police about 10 minutes to respond to that call. He said his point was that both of these calls occurred during the daytime; one at 10:00 am and the other at 1:00 pm, both weekdays. Chief Wenner said that does not make sense since they have been running six (6) days a week. Mr. Minnick said what doesn't make sense is not having to pay for a police department that will cover what the Borough doesn't cover. Mr. Minnick said he is also there to see what or how much the Borough will be losing in revenues with the various tax appeals.

VIII. STAFF REPORTS

- A. Maintenance Foreman:
1. Mr. Freer said all of the antiskid has been hauled in and the salt shed is full and ready to get started with. He also said the new spreaders are all fitted and ready to be used. He said the department has been cleaning ditches and grading dirt roads, getting ready for winter.
- B. Police Chief:
1. Chief Wenner said Officer Johnson will be attending DRE school the third (3rd) week of November. He said it is fully covered with the 176 hours. Also, the schooling is covered through a grant/scholarship. Chief also said Officer Wilson will be speaking at a Conference in Texas, in December. He will be speaking on Criminal Justice and search warrants. Chief requested to have the purchase of the new radios be placed on December's agenda. Mr. Spaid asked if it was included in the budget. Mr. Spaid said it could be voted on in December and come out of the 2025 budget. Chief said he will speak with Mr. Sporer about that. Chief presented Council with a new schedule and stated they are working six (6) days per week currently. He said he is also rotating it as to not develop a set pattern. He said he would hope Council will consider the 176 hours in tough times; it gets worse for the community as far as crime – wise. He said they are very busy and he is proud of his department.
- C. Administrator/Special Projects:
1. Ken Bryan, Venango County Commissioner wanted to come and speak with Council about the ATV Association and for consideration of a proposed ATV ordinance. Mr. Bryan said there are currently 15, 000 registered ATVs in Venango County. He said the ATV Association has partnered with the County to help promote safe riding, getting insurance and wearing safety equipment. They are currently proposing a \$50.00 fee to be a member of the ATV Association. The break down of those fees would be \$20.00 directly given to the participating municipality, \$8.00 to the County for administrative fees; including issuing licenses and paying Liquid Fuels monies to the participating municipalities on a quarterly basis. The remaining \$22.00 would be given to the ATV Association. Mr. Bryan hopes this would be a new source of revenue that would go directly to more of the County's municipalities. Mr. Heller asked how they will determine which roads would be approved for ATV riding; would it be up to the Borough. Mr. Bryan said it would be and a generic ordinance will be sent over for the Borough and Mr. Spaid to review and make any changes they want to it. He said there are some municipalities that are setting curfews for riding on the approved roads and setting speed limits. He also said the ATV Association members will be given maps of the approved roads, as well as access to an app with the same information. He said they are speaking with Elk County who has recently adopted such an ordinance during these early stages. Mr. Bryan said the County chose to go with the ATV Association as a way

to help police the riders and the roads. He said there will be limited access to Two Mile Run Park roads and they will hold events in the future. Mr. Bryan also said there are currently 21 municipalities out of 31 that will participate in the program. He said this is will take time until everything will be in place and anticipates starting this around the end of the first quarter 2025.

2. Mr. Sporer said he received a call from Dan Paulo requesting a letter of support from the Borough Council to have a dog park added to Miller Sibley Park. Mr. McClelland asked how much of the park would be set aside for it. Mr. Spaid it will be behind the women's shelter and over towards Circle Street; the former hospital property. Mr. Spaid said Dr. Paulo and the Rotary Club are aware of all the steps that need to be taken and it is not simply putting a fence up. He also said the Rotary Club is pursuing funding sources and will be applying for a grant since the projected cost will be six – figures. Mr. Sporer said he can draft a letter of support on behalf of the Council.
3. Motion by Bogan Goughler, being duly seconded by Larry Baughman to approve the Memorandum of Understanding between the Oil Region Alliance of Business, Industry & Tourism and the Borough of Sugarcreek for Grantsmanship for the purchase of a 305 BB2 Caterpillar Excavator and a 2024 Ford F250 4x4 Truck. Motion carried unanimously.
4. Motion by James Speth, being duly seconded by Alan Heller to approve Resolution No. 4 of 2024, which states the Sugarcreek Borough Police Department will contribute zero percent (0%) to their pension fund, beginning January 1, 2025. Motion carried unanimously.
5. Motion by Bogan Goughler, being duly seconded by Larry Baughman to approve and advertise the 2025 Council meetings to be held at 7:00 PM on the 1st Wednesday of each month, except for the January Council meeting which will be held on Wednesday, January 8, 2025, at 7:00 PM. The Planning Commission meetings to be held at 6:00 PM on the 2nd and 4th Wednesdays of each month. Motion carried unanimously.
6. Mr. Sporer presented Council with a balanced 2025 budget, with no tax increase recommended. He said this will be the eighth (8th) year in a row without a tax increase. Mr. Sporer said the Council will need to consider some items moving forward, which are the Reno water rates, Rocky Grove and Route 417 water rates as the General Authority continues to increase rates. And the tax appeals and how that affects the Borough's bottom line. Currently, in 2024, the Borough has received over \$5 million in tax appeals. That translates to a \$30,000 - \$50,000 decrease in revenue to the Borough. Going into 2025, Mr. Sporer said there are currently \$10 million in tax appeals already filed. He said this will continue to affect the Borough's revenues. Mr. Sporer then addressed Ms. Lowry's concerns over the Police Department and the budget. He said the Council approved 160 hours per week for the past twelve (12) years and he budgeted 160 hours per week for next year. He also said he has budgeted 11 hours per week to cover personal and vacation time. This equates to 552 hours to be used for the year when officers use vacation or personal time. Mr. Sporer recommends the 2025 budget as presented to the Council, with no tax increase. Chief Wenner asked if the loss in revenue due to the tax appeals comes out of the Police budget. Mr. Sporer said it does not; it comes out of the General Fund. Chief said he's cut back to the 2018 budget. Mr. Sporer said the Chief's budget has not been cut; the Police pension money, \$23,000, was removed since the Police Department does not have to contribute to their pension in 2025 due to it being fully funded in 2025. Chief asked what would fill the money placed in the 2025 budget for the radios going into 2026. Mr. Sporer they will have to wait and see what happens in 2025. Chief said he was under the understanding that during negotiations, there was something brought up about mandatory hours for part – time officers and he would not have the hours to cover that without having full – time officers taking time quarterly. Mr. Spaid said negotiations cannot be discussed in a public meeting.
7. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve and advertise the proposed 2025 Budget and that it is available for public inspection and to advertise Ordinance No. 302 of 2024, which fixes expenditures for Fiscal Year 2025 at \$3,401,874.00 with a tax rate of 6.0 mills and a tax rate of 0.55 cents on each front foot assessment for street lights in Rocky Grove and Reno. Motion carried unanimously.

D. Zoning Officer:

1. No report.

E. Solicitor:

1. Mr. Spaid said he is still working on a policy regarding public meetings. He said he is also working with the ORA on a Memorandum of Understanding (MOU) for all grant work done by the Borough, so the Borough does not have to do individual MOUs for each grant.
2. Mr. Spaid wanted to make the Council and Mayor aware that the compensation paid to them was increased under Act 131 of 2024. The last increase was in 2005 and was based on a larger population. The Council and Mayor are currently paid \$2,500 per year. Mr. Spaid said under the Borough's current population, the Council members could be increased to \$3,145.00 per year and the Mayor could be increased to \$4,190.00 per year. He said that is the maximum amount. He also explained that the Council does not have to do anything now. Mr. Spaid said when the last increase was done in 2005, John McClelland was the Mayor and was an advocate for the Mayor and Council members being paid the same compensation. And the Council at that time honored Mr. McClelland's wishes. He said if Council decided to proceed with this, it would only be effective after an election; Council cannot raise their own salaries. It would only be for those Council members coming on after the election. Mr. Spaid said there is also a provision in the law which would help discourage people from getting elected to Council, being paid, and then not showing up to Council meetings. One way to address that is only paying Council members per meeting. Mr. Spaid said this could exclude "Excused Absents" as well. The earliest this could be changed would be 2026.
3. Mr. Spaid said he has not received a copy of the ATV ordinance to begin reviewing it. He would like to see both the Police and Maintenance Departments review the ordinance and proposed roads and seek their input as well. Mr. Spaid wanted to caution Council about passing an ordinance that would be difficult to police; i.e., would it be efficient to have the Police use their hours to chase down an ATV to see if the rider has the appropriate sticker on their ATV.
4. Mr. Spaid updated Council that he has advised Mr. Sporer and Mr. Moyer to seek a solicitor with more knowledge on FEMA, with this being such a specialized subject.
5. Mr. Spaid also wanted to address the Reno and Village of Sugarcreek water rates. He said Aqua PA is a regulated company under the PUC. He wanted to advise those residents that the days of \$30.00 water bills are gone. Mr. Spaid said he and Mr. Sporer sat down and looked at the numbers and what it would take for the Borough to provide water services to those areas; the monthly water rates would be between \$200 - \$300. And they said that was unattainable by the Borough. He wanted to clarify that he is not suggesting that will be what the water rates are. But, they need to be aware and involved with the decisions being made at the PUC level. Otherwise, residents may suffer significant financial consequences on both the water and sewer side. He said the system was not maintained well and will need to be repaired in order to function properly. Mr. Spaid said he does not want to scare anyone, but make them aware of what may happen. And he wanted to express his concern for Council and the residents that when it comes down to Aqua PA deciding rates and then having residents ask the Borough for help. Mr. Spaid reiterated that he and Mr. Sporer did not recommend the Borough providing water and/or sewer services to those areas of the Borough due to the financial burden it would place on those residents.

IX. COUNCIL REPORT

- A. Alan Heller said the Fire Prevention Night on Oct. 8, 2024 was a big hit and he wanted to thank all those involved. He also wanted to thank the Police, Fire Department and Constables who were out on Halloween Night.
- B. Larry Baughman wanted to thank the Maintenance Department for taking care of the leaves on Fern Avenue.

X. APPROVAL OF MINUTES

- A. Motion by James Speth, being duly seconded by Bogan Goughler to approve the minutes of the October 2, 2024 meeting. Motion carried unanimously.

XI. FINANCIAL REPORTS

- A. Motion by Larry Baughman, being duly seconded by Bogan Goughler 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 8:00 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 9:27 pm.

XVII. ADJOURNMENT

- A. Motion by Alan Heller being duly seconded by James Speth to adjourn the meeting at 9:27 PM.
Motion carried unanimously.

Joseph M. Sporer, Borough Manager

James Speth, Council President