

BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

December 4, 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, James Speth, Bogan Goughler, Larry Baughman, Howard Barger, 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 McClelland stated he was there in regards to placing benches back in front of the Borough Building. Mr. Sporer informed Mr. McClelland that he has been in contact with one of the Boy Scout Troops in Oil City. The Troop Master said they may consider building the benches as an Eagle Scout project and he will be in contact with Mr. Sporer in the spring. Mr. Sporer said he will hold off on ordering the benches from a vendor until he hears back from the Boy Scout Troops. Mr. McClelland requested Council hold off on ordering the benches from a vendor until Mr. Sporer hears back from the Troop Master.
- B. Dan Marvin, Reno V.F.D., had to respond to a call and Chief Wenner presented Reno's report to the Council. Reno V.F.D. responded to four (4) call – outs and 12 ambulance calls, for the month of November. Reno V.F.D. had a total of 228 calls year – to – date.
- C. Terri Lowry said she has been on the Police Civil Service Commission since September of 1995 because she likes the police. Ms. Lowry also said she feels the Council is moving in the wrong direction with the Police Budget. She said the citizens of the Borough were asking for 24/7 coverage, but they settled on four (4) full – time officers and three (3) part – time officers. According to Ms. Lowry, the Police budget has been cut to the 2018 figures and she hopes the Council will see the value in the Police Department and find a way to increase the hours as needed. Ms. Lowry said she feels safe when she sees the patrolling and as a woman it makes her feel better. And she thinks that members of Council have also needed the police department before as well. Not necessarily the Borough police, but police from one department or another. She also said she hopes everyone can come to an understanding and does not understand why Council feels they way they do towards the Police. And if there are members of Council who feel differently and want to have more coverage, please voice your opinion. She said she gets conflicting reports, but then they vote the same way. She said that needs to stop and they need to vote what is in their hearts. And she hopes they do not need the Police and being told by 911 that no one is available is heartbreaking. Ms. Lowry also shared the story of a single woman who was having issues with illegal migrants living in her neighborhood. Ms. Lowry said the issues seem to always happen after the Borough Police are off shift because they don't have the hours they need to be patrolling. She said the woman has called the State Police several times about the issues and was told they could not help her anymore. She said she feels strongly that the Borough has to do something about it and it breaks her heart. She said it also breaks her heart that if this woman yells too much, they are going to kick her out and put two (2) more people in her apartment and probably doubling or tripling her rent from what she was paying. Ms. Lowry said she sees the writing on the wall. And we all know the government is paying their rent and she feels bad that this person can't speak out because she knows that she could lose her apartment, that she's probably lived in for 40 years. Ms. Lowry stated she feels very safe but would feel safer if they had more coverage. And she's not sure why we're doing

this and she wishes Council would think it over, to your heart, to know that they need the police force.

VIII. STAFF REPORTS

A. Maintenance Foreman:

1. Mr. Freer updated Council on the Mack truck which was purchased over two (2) years ago has arrived and has already been used. Mr. Freer also said the Borough's current backhoe is a 2012 and it is a key piece of equipment the department needs for installing water and/or sewer lines, digging ditches, installing culvert pipe, cleaning ditches and water and sewer line repairs. The 2014 truck is also showing signs of rust and needing replaced. Mr. Freer said the Borough is in the process of applying for grant money to purchase a new excavator and a new truck which would be used to replace the 2014 truck and the 2012 backhoe. Mr. Freer requested a motion from Council to approve the purchase of these two (2) pieces of equipment in the event the Borough is not awarded grant money. Mr. Baughman asked if it was part of the budget. Mr. Sporer said it is a part of the Liquid Fuels budget. Mr. Heller asked what the process was; pay for it and then be reimbursed with the grant money or have to wait for the grant money first. Mr. Freer said the Borough cannot do anything until they hear about the grant. He does not anticipate hearing anything until around Sept. or Oct. 2025. Mr. Freer said the Borough may order it, but cannot purchase it until we hear from the grant. Mr. Speth asked if the old equipment would be sold. Mr. Freer said they plan on selling the 2014 truck with the plow. And he anticipates keeping the backhoe as a back up in case the excavator would have mechanical issues, but it will not get used much more.
2. Motion by Bogan Goughler, being duly seconded by James Speth to approve the purchase of a new Caterpillar 305 BB2 Excavator and a 2024 Ford F250 Truck, at a cost of \$165,720.00. Motion carried unanimously.

B. Police Chief:

1. Chief Wenner questioned if there were any changes to the proposed budget since the previous meeting. Mr. Sporer said there were no changes. Chief Wenner expressed concerns about the proposed budget that has been presented to Council. One example was the line item for the department's bulletproof vests. He stated there is \$1,000 in the line item, but the vests will cost \$3,200.00; making them \$2,200.00 behind. And there are other things that are \$600 here, \$100 there and \$1,000 there. Chief also said the Police Service Hours have been cut lower than it was 5 – 7 years ago. And the overtime was cut in half. Chief said he realizes that 160 will be what it is, without the need of a vote because there will be no need for extra money where the mayor and him could work on extra hours. Chief wanted to go on record that some of the numbers are not realistic in that budget and there will be overtures; to make Council aware ahead of time. Mayor Carlson said it would be nice at the next meeting to get those 16 hours back. Mayor said he knows Mr. Speth does not think they are important, but he would like to throw it out there that it would at least be nice to get that back. The mayor then asked Chief Wenner to go over his year – end report. Chief presented Council with his year – end report, which he does quarterly with the totals and this does not count December. As of the end of November, they had 17,774 contacts. These interactions include more than "hellos", but interactions with people, whether it's helping them with a sign in their yard or whatever it may be. Phones calls totaled 1,228 calls, not all of which were criminal; calls for help one way or another some may be public service and follow ups. Walk ins were 344, 420 calls were dispatched from the Borough, 5,511 calls were initiated by the Borough. Court hours totaled 172 hours and training totaled 627 hours and mileage was 41,360 miles. They dealt with 1,478 complaints that were generated for criminal matters. They filed 89 criminal complaints for the year, which resulted in 78 felonies, 223 misdemeanors, 100 summaries, 74 non – traffics, 364 traffic citations and 453 warrants served. Chief reported that are thousands of warrants in the County that go unanswered, which are criminal fines waiting for the municipalities. Chief said with four (4) full – time officers and three (3) part – time officers, their numbers far exceed the other departments, which have much larger compliments. Chief said through out the year, they have proven they could do more hours with the four (4) full – time and three (3) part – time officers and he appreciated that the opportunity to do that. And he looks forward to discussing that as they move into the future. But he realizes that this current budget precludes that and there is no way 176 hours with this proposed budget, and that was proposed. Chief also updated that Officer Johnson was recertified in Drug Recognition Evaluation. And Officer Wilson has returned from his conference in

Texas, which was paid for by the college Officer Wilson teaches at. Chief also requested a motion to purchase new radios and associated equipment, which is in the budget, at a total cost of \$50,641.24, in a budget that's already missing \$23,000. He said this would not be a reoccurring expense. So, next year that would drop the budget \$73,000 - \$79,000 lower than what it was. Mr. Goughler asked Chief what grants he applied for, in regards to the radios. Chief said they have not heard back yet. Mr. Goughler asked which grants they applied for. Chief said he applied for a PCCD grant after they realized they were past the LSA grant deadline. Mr. Heller asked what happens if the Borough purchases the radios before hearing back on the grant money and are awarded the grant money, are we out. Chief said he does not think that and that the Borough can do that. He has not heard of other police or fire departments receiving any funding through them. But he does not know that answer, but he does not know what will happen if they don't order the radios because they are already behind. Mr. Heller asked if other departments have upgraded their radios yet. Chief said he knows Oil City has theirs. Mr. Baughman asked Mr. Sporer if this was included in the budget. Mr. Sporer said it was.

2. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve the purchase of eight (8) radios, chargers, speakers and any and all equipment related to the invoice from Mobilcom, as recommended by Police Chief Robert Wenner, in the amount of \$50,641.24. Motion carried unanimously.

C. Administrator/Special Projects:

1. Mayor Carlson asked when the budget could be reopened. Mr. Spaid said the only time a budget could be reopened is when there is a change in Council. Mr. Sporer said every even numbered year. Mayor Carlson requested Council to reconsider adding the additional 16 hours per week next year. Mr. Baughman questioned how the Borough was going to pay for it. Mayor Carlson said the Borough has to pay for things anyhow and maybe quit buying the Maintenance Department everything they ask for. Mr. Speth said that's two different things; the Police funding and Maintenance funding are different. Mayor Carlson said that's the way it's always been at the Borough and he has 33 years coming up at the Borough and it's always been that way. Mr. Speth said it's that way no matter whether it's Titusville or Franklin, they are two (2) separate departments. Ms. Lowry asked if she may ask a question. Mr. Spaid said she may not since it would be out of order. Ms. Lowry asked why not. Mr. Spaid said the Public Comment section is over.
2. Motion by Bogan Goughler, being duly seconded by James Speth to adopt 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. Mr. Sporer updated Council that Mr. Spaid recommended the Borough hire Attorney Bruce Getsinger as the Borough's Solicitor for any Floodplain Ordinance Enforcement. Mr. Sporer said Mr. Getsinger has experience in dealing with floodplain ordinances at other municipalities. Mr. Baughman asked if the Borough is working with the County Planning Commission as well. Mr. Sporer said they are. Mr. Spaid said Mr. Getsinger also has municipal solicitor experience as well. He also said these issues are stemming from FEMA and there are some buildings that were built within floodplains and need to be addressed. Mr. Speth asked how long or how much work does he expect to be done with Mr. Getsinger. Mr. Sporer said he does not anticipate any more than 20 - 25 hours total. Mr. Spaid said these issues must be addressed or the Borough would be in violation with FEMA. And if the Borough continued to be in violation with FEMA, FEMA could pull the ability for any residents within the Borough from being able to get flood insurance through FEMA. Mr. Speth asked if Mr. Getsinger would be used on an as - needed basis. Mr. Sporer confirmed he would be. Mr. Spaid said there were about 28 violations total and of those, only four (4) were major violations that would require Mr. Getsinger's assistance. The other violations can be resolved with the help of the County Planning Commission.
2. Motion by Bogan Goughler, being duly seconded by Larry Baughman to approve Bruce Getsinger as the Sugar creek Borough Solicitor for Floodplain Ordinance Enforcement, at a rate of \$200.00 per hour. Motion carried unanimously.

E. Solicitor:

1. Mr. Spaid discussed the proposed ATV ordinance that was previously presented by Venango County Commission Ken Bryan. Mr. Spaid said he would like to get direction from the Council on what direction, they want to take this ordinance and it may take a couple of months to get completed. He said in the general ordinance that was presented by Mr. Bryan, it allowed for both side – by – sides/UTV's and snowmobiles. Mr. Spaid said the snowmobiles would tear up the roads and asked Council if they would or would not want to include allowing snowmobiles in the ordinance. Council all agreed to not include snowmobiles in the ordinance. Mr. Spaid said there was a concern brought up by Chief Wenner, Mr. Freer and Leroy Foster, whether the Borough was able to have a road removed off the approved roadway list; in the event of an emergency, repairs, damaged, or any other issues that may arise. Mr. Spaid said a time frame could be written that would allow for the road to be removed from the list temporarily. And if more time is needed than what is stated in the ordinance, an amendment to the ordinance could be done. Mr. Spaid recommended 60 days, but he could make it longer. Mr. Freer said that would be fine. Mr. Freer said his main concern was with the steep, dirt hills and they may have to be shut down if it rained and the Borough could get the roadway graded. Mr. Spaid said they also brought up the cost associated with installing all the new signage. The approximate cost would be \$2,700 - \$3,000 and where would the funding come from; the Borough or the County. Mr. Spaid said the Borough should get something in writing from the County stating the funding more clearly. There were also concerns on the age limit of the operator and if it is a minor, who constitutes a responsible adult. The last concern was the discussion as to who would be responsible for issuing permits and tracking the operators' licenses. Mr. Spaid said the Borough does not have the staff to be able to handle this and that would then also make it difficult to enforce. Mr. Spaid said the current ordinance presented by the County makes the burden fall on the municipality, but that is not what Mr. Bryan said at the previous meeting. He said the Borough would need additional clarification from the County. Chief Wenner said he and the mayor are comfortable in saying the Police Department could enforce their end. Mr. Spaid recommended getting more information in writing from the Commissioner and the County in regards to the concerns presented by Chief, Mr. Freer and Mr. Foster, before he moves any further with the ordinance. Mr. Heller asked if a timeframe, such as dawn – to – dusk, to allow riding. Mr. Spaid said it can be added as Council would like. Mr. Speth said he appreciates the Police and Maintenance Departments going over the ordinance. He had concerns over the upfront costs that would be associated with passing the ordinance. He also expressed concerns about giving the police something else to track and enforce. He did not want to spread the force any more. Chief said they routinely patrol those roads and he does not see any issues or concerns enforcing the ordinance. Mr. Speth also said he has dealt with other things in the past that they said would result in monetary returns, but end up not happening. And he got the impression from Mr. Bryan this and the joy of riding was what was the driving force behind his support of the ordinance. Mr. Speth said he still believes there are more questions that need clarified and he is not against it, but is also not in complete favor of it. Council recommended gathering more information before going any further with the ordinance.

IX. COUNCIL REPORT

- A. Larry Baughman expressed concerns over the tax appeals and reassessments going forward. He said it is scary to try and put a package together for how you plan on running the Borough for the year, when you are unsure on what someone else is going to decide. He's happy to see that we were able to hold the line on taxes for this year. Especially, since seeing that Franklin had to raise their taxes and one reason being the tax appeals they were receiving. He knows the Borough will be facing the same situation and Council must be ready for it.
- B. Alan Heller stated he agreed with Mr. Baughman's statement. Mr. Heller said he would like to readdress the patrol hour issue at a later time, after the reassessments are completed. He also said the Santa Parade with the R.G.V.F.D. will be on Sat., Dec. 7, 2024, beginning at 3:30 PM.
- C. James Speth wanted to thank his fellow Council Members for all their hard work throughout the year. As well as the public for coming out to meetings.
- D. Mayor Carlson stated he said what he needed to say earlier and he agrees with Mr. Heller.

X. APPROVAL OF MINUTES

- A. Motion by Bogan Goughler, being duly seconded by James Speth to approve the minutes of the November 6, 2024 meeting. Motion carried unanimously.

XI. FINANCIAL REPORTS

- A. Motion by Larry Baughman, being duly seconded by Alan Heller 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 7:44 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 8:53 pm.

XVII. NEW BUSINESS CON'T.

- A. Motion by Bogan Goughler, being duly seconded by Alan Heller to approve the removal of probationary status for police officer as discussed in executive session. Motion carried unanimously.
- B. Motion by Larry Baughman, being duly seconded by Alan Heller to table the motion to ratify the 2025 – 2026 – 2027 Police contract and to be placed on the January 8, 2025 Council meeting agenda. Motion carried unanimously.
- C. Motion by Larry Baughman, being duly seconded by James Speth to accept the bid of \$8,008.00, from Sherman and Lisa Garris for the sale of the Lamberton Street vacant lot. Motion carried unanimously.

XVIII. ADJOURNMENT

- A. Motion by Alan Heller being duly seconded by James Speth to adjourn the meeting at 8:55 PM. Motion carried unanimously.

Joseph M. Sporer, Borough Manager

James Speth, Council President