

**COUDERSPORT BOROUGH COUNCIL
REGULAR MONTHLY MEETING
SEPTEMBER 21, 2017
6:30PM**

The Coudersport Borough Council held their regular monthly meeting on Wednesday, September 21, 2017 at the Coudersport Borough Maintenance Facility on Damascus Street.

Council President George Hults called the meeting to order at 6:30 pm and led all present in the Pledge of Allegiance.

Present were Council members George Hults, Bryan Welsh, Todd Husson, Richard Neefe IV, Eugene Neefe, and Andy Bristol.

Also present were Mayor Whitman, Chief McClain, Beverly Morris, Solicitor Glassmire, Holly Hyde, Wayne Wentzel, Hannah Taylor, Mike Plummer, Tom Majot, Kathy Majot, Robert Wagner, Valerie Mosch, Laurie Barr, Muriel Pekarski, April Castano, Todd Brown, Lonnie Jo Hynds, John Wright, Gary Buchsen, Gary Gunzburger, Richard Duzick, Robin Fink, Kim Kudrick, Don Kudrick, Joe Kightlinger, Joe Lagrua, Marcia Lagrua, and Janet Wragg.

Junior Council Person Pledge

Hannah Taylor was sworn in as Junior Council Person by Mayor Whitman.

Executive Session requested at 6:31pm

Executive session closed at 6:42pm with no decisions reached. The executive session was to discuss real estate matters; discuss legal advice and possible litigation.

VISITOR REQUEST AND COMMENTS

Solicitor Glassmire states he has given council his formal opinion and he believes that the Downingtown Borough is applicable and believes that the Donated and Dedicated Property Act (DDPA) does apply to our situation and we would have to seek Court approval in order to sell to the highest bidder for the Arboretum. We would have to make the allocation and petition and impractical or impossible to continue as an Arboretum and have told my client that I have real doubts if we can in good faith to make that statement. I think the Courts will rule that the Downingtown Borough case and the Act would apply to us and to try to proceed with the case would be illegal.

Mr. Plummer would disagree with your analysis and feel there is another alternative. The Alternative that I would propose is since the Borough is the only party that would have to bring the action. Propose the Borough authorize Mr. Plummer at the cost to Tom Majot while a declaratory judgment action in the court of common pleas of Potter County seeking a declaration that this property has not been dedicated in accordance with the Pennsylvania law. The law of

this commonwealth is that dedication is a matter of contract. Contract requires offers and acceptance. I don't believe that has happened and I think your analogy to law and adverse possession fails on two accounts. First the arboretum has not used the property in excess of 21 years and second any use the Arboretum has made of the property has been by permission rather than adverse. It is the law of the commonwealth use by permission can never ripen into adverse possession. I don't think anyone knows if this property has been dedicated or not without it going in form of Judge Minor.

Solicitor Glassmire agrees and disagrees in part. He agrees that the declaration in Court in applicable law is feasible and doesn't think it will be successful but do acknowledge the declaratory judgment action is an avenue that could be perused and also agree through who knows how long of legal process would provide an answer. Everything else you have said he would disagree and will not go through it item by item.

Mr. Wagner disagrees under the dedication paragraph and reads from the Downingtown court case and went over the dedication that was held on October 5, 2005.

Joe Kightlinger wanted some information and clarification about the location and moving the arboretum to new location so that a business can expand. Solicitor Glassmire explained information about the parks in the State of PA approval of the Orphans Court.

John Wright used a similar example in the use of Mitchell Park. "Mitchell Park was dedicated, was it not, and now being used for the library?"

Solicitor Glassmire thinks those situations are somewhat distinguishable but agree there is an analogy there in fact some argument is that there is a stronger situation in respect to Mitchell Park. In Mitchell Park instance in the Deed there was language that states for park purposes. That is not the issue today not to say it will not be going forward. Solicitor Glassmire does agree that the Act in regards to the Downingtown case does apply to Mitchell Park just as well as it applies to the Arboretum.

Mr. Plummer states Solicitor Glassmire has his opinion and I have an opinion and we have different opinions and no one knows who is right until it would be taken to Judge Minor.

It was motioned by Councilman Bryan Welsh, seconded by Councilman Rich Neefe IV to not sell the Arboretum lot. Roll call taken: Councilman B. Welsh Yes, Councilman A. Bristol Yes, and Councilman T. Husson No, Councilman George Hults No, Councilman R. Neefe IV Yes and Gene Neefe Yes. 4 Yes and 2 No

Laurie Barr was at last month's meeting and talked with Mr. Stenhach and is requesting from Council to clear the information up about the deeds. Solicitor Glassmire states he has not had a chance to take a look at the deeds and to advise Council. Solicitor Glassmire would like Laurie Barr to make an appointment in his office to cover the deeds.

APPROVAL OF MINUTES

It was motioned by Councilman Todd Husson, seconded by Councilman Andy Bristol to approve the August 16, 2017 meeting minutes. Roll call taken: Councilman B. Welsh Yes, Councilman A. Bristol Yes, and Councilman T. Husson Yes, Councilman George Hults Yes, Councilman R. Neefe IV Yes and Gene Neefe Yes. 6 Yes and 0 No

VOUCHER LIST

General Fund \$88,463.85, Water Operating Fund \$31,949.97, Sewer Operating Fund \$47,913.78, Capital Reserve Fund \$20,285.87, Street Lighting Fund \$4,307.57, Fire Protection Fund \$1,092.00, Recreation Fund \$5,066.91, Library Fund \$4,280.89, Act 13 Gas Well Impact Fund \$1,008.28. It was motioned by Councilman Todd Husson, seconded by Councilman Bryan Welsh to approve the Voucher list as presented. Roll call taken: Councilman B. Welsh Yes, Councilman A. Bristol Yes, and Councilman T. Husson Yes, Councilman George Hults Yes, Councilman R. Neefe IV Yes and Gene Neefe Yes. 6 Yes and 0 No

REPORTS RECEIVED: police, meeting notes, voucher list, fund balances, and treasurer's report.

OLD BUSINESS

Anti Skid quotes

We have received one quote from IA Construction in the amount of \$20.50 a ton.

It was motioned by Councilman Bryan Welsh, seconded by Councilman Andy Bristol to approve the quote from IA Construction for 400 ton of anti skid at \$20.50 a ton. Roll call taken: Councilman B. Welsh Yes, Councilman A. Bristol Yes, and Councilman T. Husson Yes, Councilman George Hults Yes, Councilman R. Neefe IV Yes and Gene Neefe Yes. 6 Yes and 0 No

MANAGERS REPORT

Caboose restoration

We have reached out to Dave Castano at the Historical Society and he provided Manager Morris with information that states the Chamber of Commerce owns it. The Historical Society has offered to finance any repairs to the Caboose. Councilman Todd Husson wants to make sure that the Chamber of Commerce is informed and the Historical Society will discuss their intention with them.

WEST SECOND ST PAVING

Mr. Ayers has been asked if we were to pave the street if he would want to continue around the loop of his driveway and answer was no. If we are to pave the road he would take it back from the Borough and maintain it. This would be a cost in the amount of \$19,700 to complete the paving of West Second St.

It was motioned by Councilman Todd Husson, seconded by Councilman Andy Bristol to table the paving on West Second St until spring 2018. Roll call taken: Councilman B. Welsh Yes, Councilman A. Bristol Yes, and Councilman T. Husson Yes, Councilman George Hults Yes, Councilman R. Neefe IV Yes and Gene Neefe Yes. 6 Yes and 0 No

McWaPEC meeting will be held in Port Allegany on Thursday September 28, 2017 if anyone is interested in attending.

JKLM stakeholder meeting will be held October 5, 2017 at the Coudersport Golf Course.

Coudersport Borough Authority meeting will be held September 21, 2017 at the Borough Maintenance building at 6:30pm

Coudersport Area Municipal Authority meeting will be September 25, 2017 at the Sewage Plant at 6:30 pm.

POLICE CHIEF REPORT

Chief McClain state they have been very busy this month. The representative from the National Safety administration that works with Penn Dot will be up Monday to install tracks in the vehicles. What tracks will do is allow the Police to complete all there citations automatically through the software from their cars at no cost to the Borough.

MAYOR REPORT

Mayor Whitman will be doing a Proclamation in the month of October for Domestic Violence Awareness month.

On October 28, 2017 at 5pm I will be holding BINGO Benefit for the Coudersport Sr. Center at the CVFD Training Center. There will be a 50/50 raffle, bake sale, and door prizes.

Trick or Treat will be held on October 31, 2017 from 6pm until lights out.

Trunk or Treat will be held October 31, 2017 at the Borough Office Parking lot from 5:30 pm

Mayor Whitman states the Red Cross has been very busy with all the effects from the hurricanes.

PERSONNEL/POLICE

Manager Morris states we are in need of a cleaning person for the office and the maintenance building, looking to advertise for a cleaning sub contractor.

PROPERTY, EQUIPMENT

The concrete has been stamped starting from First St to East Second St and looks great. President George Hults has asked for a quote to complete the next block from East Second St to Third St.

The Mitchell Park Levee is almost complete and we will have funding to go forward with the next phase at CARP. The Borough would have to kick in \$22,000 to complete the CARP Phase.

It was motioned by Councilman Todd Husson, Seconded by Councilman Andy Bristol to accept the bid and construction subject to Solicitor agreement. Roll call taken: Councilman B. Welsh Yes, Councilman A. Bristol Yes, and Councilman T. Husson Yes, Councilman George Hults Yes, Councilman R. Neefe IV Yes and Gene Neefe Yes. 6 Yes and 0 No

2018 MMO

The 2018 Minimum Municipal Obligation for the Police Pension in the amount of \$45,971, and the non-uniform pension in the amount of \$ 135,635.

COUNCIL COMMENTS

Todd asked if we have heard anything on the pool grant. Manager Morris states nothing as of right now.

Councilman Bryan Welsh states that if anyone is interested in the Waste Water Treatment Plant that he has information on it. Councilman Todd Husson states he was wondering if it would be of interest to get an outside Engineer on this to make sure all permits are filed. Solicitor Glassmire states this is a very good idea and will work with Bev on this and will report back in at next month's meeting.

ADJOURNMENT

Motion to Adjourn 7:42pm

Respectfully Submitted by,

Holly Hyde

