

**COUDERSPORT BOROUGH COUNCIL
REGULAR MONTHLY MEETING
SEPTEMBER 19, 2018
6:30PM**

The Coudersport Borough Council held its regular monthly meeting on Wednesday, September 19, 2018 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.

ROLL CALL

Present were Council members George Hults, Wayne Hathaway, Todd Husson, Gary Walaski and, April Castano.

Also present were Mayor Andy Dubots, Manager Beverly Morris, Solicitor Glassmire, Holly Hyde, Chief McClain, Junior Council Member Hannah Taylor, Tom Majot, Kathy Majot, Attorney Mike Plummer, Bill Pekarski, Cathy Bowers, Janise Ahearn, Chris Herzig, Janet Bober, John Bober, Muriel Pekarski, Halie Kines, John Domoleski, Gayla Yentzer, Valerie Mosch, Gary Gunzburger, Kim Kudrick, Robert Wagner, Laurie Barr, Lonnie Jo Hynds, Kelly Ahearn, Mark Ahearn, Todd Brown, and Wayne Wentzel.

VISITORS REQUESTS AND COMMENTS

Robert Wagner quoted minutes from September 20, 2017 and April 21, 2018 from the Endeavor.

Solicitor Glassmire found out today that this matter that has been filed by the plaintiff will be handled by Judge Williamson with a hearing date of October 11, 2018 at the Potter County Court house at 10 am. Solicitor Glassmires opinion is there are several things that council may do but I will mention three. (1) table the bid and take under advisement (2) Accept the bid and go forward Judge Williamson can undo everything (3) Reject any and all bids
Solicitor states that the injunction has been filed prematurely but Judge Williamson is a fair and straight forward.

Wayne Wentzel from the Arboretum Association wants to thank everyone who came out and spent volunteer hours in the Arboretum weeding the flower beds to make it look beautiful. There was also band last Wednesday evening that donated their time to play for 2 ½ hours very nice. What to thank Larry Herbster, Tom Shaffer, Art Metzger and Natalie Phelps for the music.

Janet Bober asked if Solicitor Glassmire could give us some information on Judge Williamson. Solicitor stated he is from the Court House in Lock Haven in Clinton County, he is a Senior Judge and he will be a fair and make a fair decision.

Gayla Yentzer states she has talked to two police officers and the Mayor and is requesting watch children sign be placed by the Doris Apartments on Fourth Street.

Muriel Pekarski asked if the Borough could clean the drain that's in front of her house on Park Avenue. Councilman George Hults said he feels that could be done.

APPROVAL OF MINUTES

Council President Hults asked if there were any changes or corrections to the minutes of the meeting of September 19, 2018. As there were none the minutes will stand as presented.

VOUCHER LIST

It was motioned by Councilperson Castano, seconded by Councilman Walaski to approve the voucher list in the following amounts: General Fund \$95,167.06, Water Operating \$30,758.00, Sewer Operating \$44,421.17, Street Lighting Fund \$2,758.19, Recreation \$7,821.67, Library \$75.00, and Pool Fund \$20,000.00. Roll Call vote taken: Councilman Walaski Yes, Councilman Husson Yes, Councilperson Castano Yes, Councilman Hathaway Yes, and Councilman Hults Yes, Councilman Ruane Motion carried 6 Yes 0 No.

REPORTS RECEIVED Police, Meeting notes, Voucher List, Fund Balance and Treasurer's Report.

OLD BUSINESS

ARBOETUM

There was one bid received from Thomas A Majot with 150,000 down payment when signed and a bid amount of 352,500.00. Solicitor Glassmire went through the documents and it states lease through the redevelopment for the property at 106 South West St. Solicitor Glassmire reviewed the documents and has a concerned on lease not a deed. Paragraph 5 on the agreement of sale reads

5. Further Consideration: In further consideration, Buyer shall deliver to Seller a deed to the property described on Exhibit B, that is attached hereto and incorporated by reference as though fully set forth herein or other suitable property that is acceptable to the Seller to be used for the sole purpose of relocation of the Coudersport Arboretum (the "Exchanged Property"). The deed to the Exchanged Property will limit the use of the Exchanged Property to use for the sole purpose of establishing and maintaining an arboretum and provide for reversion of the Exchange Property to the grantor thereof in the event that the Exchange Property shall ever cease to be used for the sole purpose of establishing and maintaining an Arboretum. Seller will reserve from the sale price an amount it deems sufficient to assist the Arboretum Committee in moving such personal property and fixtures from the Property to the Exchanged Property as the Arboretum Committee desires to move.

Also in the addendum states Paragraph 8.

8. The parties agree that the Deed to be delivered to buyer from seller with respect to the premises being sold under the Agreement of Sale shall contain the following language:

Grantee, for itself and, on behalf of its employees, heirs, successors, assigns, affiliates, agents, representatives, tenants and invitees to the extent that Grantees may lawfully do so (hereinafter referred to as "Releasing Parties") unconditionally indemnify, defend, hold harmless and release Grantor, its officers, directors, shareholders, employees, heirs, successors, assigns, parents, subsidiaries, affiliates, agents, representatives, tenants and invitees from and against any and all liability to the Releasing Parties, both known and unknown, past, present and future, for any damages, costs, expenses or other liability to the Releasing Parties arising out of any violation of environmental requirements, environmental laws or governmental regulations, or the presence of regulated substances, hazardous materials or hazardous substances on, under, about or migrating to or from the Property, whether occurring before, during or after Grantees' acquisition of the Property.

This covenant shall run with the land and shall be binding on subsequent owners and occupants of the Property.

Attorney Plummer states the Notice calls for a lease or deed. Request for bids provides that "if a lease of land for relocations is proposed a draft of the proposed lease must be submitted as part of the bid."

Solicitor states “the controlling language would be the agreement of sale and Addendum which is requiring a deed and this would have to be hashed out.” Solicitor Glassmire agrees with Attorney Plummer that the lease has a description but would not give his legal blessing to the document and to the signing of it and execution of it unless we get confirmation that the document that is delivered is a deed. Solicitor Glassmire states “I believe that the proposal, I think the bid is in conformity subject to the executive to the agreement of sale, addendum and providing a deed at the time of sale for the exchange of property.” Solicitor states it can be rebid it asked Mr. Plummer states we submitted a qualifying bid. Solicitor states we can rebid it do to the language.

Attorney Plummer states the structure and visions signing of the agreement of sale subsequent to the blessing of Council. Solicitor states “ he is telling Mr. Plummer right now that he is recommending to Council that we do not sign the agreement of sale or the addendum unless it’s clear that it’s a deed. Subject to the provisions of the addendum that says court says in order to get this thing through the court and get court approval that we strike the reversion language the bid gets taken out. Solicitor Glassmire asked if there is anyone here that who has the proper authority that has the powers to speak to that issue. Attorney Plummer said No Solicitor Glassmire states to Attorney Plummer “your client is the only bidder I put it to you squarely sir you wish it to be rebid. Attorney Plummer states No

Solicitor Glassmire states that you understand then that it is being accepted subject to it being a deed not a lease? Attorney Plumber agrees and understood that it’s a not a lease but a deed and Mr. Majot states Yes.

It was motioned by Councilman Ruane, seconded by Councilman Walaski to table the action on the Arboretum. Roll Call vote taken: Councilman Walaski Yes, Councilman Husson No, Councilperson Castano Yes, Councilman Hathaway Yes, and Councilman Hults No, Councilman Ruane Motion carried 4 Yes 2 No.

It was motioned by Councilman Ruane to place a speed limit and a watch child sign on 4th street dies for a lack of second. There was discussion on this and was referred to the streets committee to see if there can be a sign put up for watch children’s sign and a place to put it.

NEW BUSINESS

Manager Morris stated at the Special meeting we opened pool bids and have recommendations from E & M Engineering to go with Premier Aquatic’s Group with a bid of \$661,072. WE also received a bid from GEM Mechanic for \$1,484,298.

Solicitor Glassmire added that E & M Engineering are partnered with Wade Associated who specialize in pools. It was motioned by Councilman Husson, seconded by Councilperson Castano to approve Premier Aquatic’s Group with a bid of \$661,072 and has a completion date of May 27, 2019.

Coudersport Volunteer Ambulance Association

A letter has been received from the Coudersport Volunteer Ambulance requesting funding from the Borough. Pat Larsen requesting the Borough use tax dollars to help with the operations of ½ mill. It was motioned by Councilman Husson to table it and refer it to the Finance committee and set up a meeting. Solicitor Glassmire stated that council have many options 1 to wrap it into General Funds or 2 separate it into millage for just the CVA.

2019 FIREMAN 'S CONTRACT

Fireman have dropped off their 2019 contract and there year to date financials. They have stated in their letter that the 2019 proposed budget will be available in near future. The Fire Department has raised the amount they are asking for from 1.375 mills to 1.5 mills.

Solicitor Glassmire stated council has options but has to start in Jan or February of 2019. He states this take some time to cover. It was motioned by Councilman Ruane, seconded by Councilman Walaksi to accept the \$48,501.93 and would like to start in January or February of 2019 to get a head start on next year's. Roll Call vote taken: Councilman Walaski Yes, Councilman Husson Yes, Councilperson Castano Yes, Councilman Hathaway Yes, and Councilman Hults Yes, Councilman Ruane Motion carried 6 Yes 0 No

AWAY OUT

Away out is requesting trash cans and to make the police aware of the event. This will be held on October 20, 2018 from 5-9 pm on the Court House Square. It was motioned by Councilman Husson, seconded by Councilman Ruane to accept their request for the Community Event. Roll Call vote taken: Councilman Walaski Yes, Councilman Husson Yes, Councilperson Castano Yes, Councilman Hathaway Yes, and Councilman Hults Yes, Councilman Ruane Motion carried 6 Yes 0 No.

MANAGER'S REPORT

Coudersport Borough Authority meeting will be held September 20, 2018 at 6:30 pm

Coudersport Area Municipal Authority meeting is September 24, 2018 at 6:30pm and will be held at the Waste Water Treatment Plant.

We have received two letters of interest for the opening on the Coudersport Area Municipal Authority.

If any of the Council members are interested in attending the McWaPEC meeting on September 27, 2018 in Ridgeway please let me know tomorrow.

POLICE CHIEF'S REPORT

Chief McClain stated that the lights on the back of the new police car will be installed soon.

MAYORS REPORT

Halloween will be held on October 31, 2018 6 till lights out

Truck or Treat will be held on South West St at the Borough Office starting at 5 until 6pm
The Halloween Parade will be held on October 27, 2019 line up at 2:30pm and parade at 3pm
Have done a proclamation for Constitution week and will be doing another proclamation for
Away Out

SOLICITOR'S REPORT

Solicitor Glassmire states the School district has passed a settlement agreement on the
Redevelopment Authority building located at 102 South Main St.

PERSONNEL / POLICE

Still in negotiations with Union

UTILITIES, STREETS, BRIDGES, TREES

Traffic study on Route 872 and Rout 6 was submitted by the Borough. PennDOT has responded
that a speed reduction is not justified.

Anti Skid quote was received by IA Construction in the amount of \$16 per ton. It was motioned
by Councilman Husson, seconded by Councilperson Castano to accept I A Constructions quote
for \$16 per ton. Roll Call vote taken: Councilman Walaski Yes, Councilman Husson Yes,
Councilperson Castano Yes, Councilman Hathaway Yes, and Councilman Hults Yes,
Councilman Ruane Motion carried 6 Yes 0 No.

There is a traffic study being conducted in the Borough at Costas lot on Route Six West. Manger
Morris has a few concerns and if anyone has any other concerns please let me know.

PROPERTY & EQUIPMENT

Drainage problem on East Second St and Park Ave. PennDOT has met with Manager Morris and
going to try and work together. There is a drain that is going into a residence yard.

FINANCE & ORDINANCE

2018 MMO

The 2019 Minimum Municipal Obligation for the Police Pension in the amount of \$47,675, and
the non-uniform pension in the amount of \$ 140,447.

COUNCIL COMMENTS

Councilman Husson comments make a vote for the solicitor to make a document to ask for relief
from the courts. Solicitor states, "you can make a motion to the effect that if there are any
available means by which you can ask the court to grant you an award of attorney fees, costs and
expenses, which would be well based in law in which the Solicitor feels as a proper adequate

foundation, that you could make a motion to that effect. If it gets a second then once we have a good foundation then I could do something without having to bring it back to the table.”
Seconded by Councilman Hathaway. Roll Call vote taken: Councilman Walaski Yes, Councilman Husson Yes, Councilperson Castano Yes, Councilman Hathaway Yes, and Councilman Hults Yes, Councilman Ruane Motion carried 6 Yes 0 No.

ADJOURNMENT

It was motioned by Councilperson Castano, seconded by Councilman Ruane to adjourn at 8:02pm

Respectfully submitted,

Holly Hyde