

COUDERSPORT BOROUGH COUNCIL**REGULAR MONTHLY MEETING****FRIDAY, July 15, 2022****5:45 PM**

The Coudersport Borough Council held their regular monthly meeting on Friday, June 17, 2022 at the Coudersport Borough Maintenance Facility on Damascus Road.

The meeting was called to order at 5:45 pm by Council President Wayne Hathaway who led all in the pledge of allegiance.

MEMBERS PRESENT

Present were Council members Wayne Hathaway, George Hults, Todd Husson, Jesse Minor, Jack Keifer.

Also present were Manager Beverly Morris, Chief Curt McClain, Solicitor Dan Glassmire, Recording Secretary Georgeanna DeCarlo, Primax developer for Tractor Supply Adam Sellner, Teresa Kisiel, Nicole Stovel, Walter and Donna Foust, Tim Carr, Arthur Dickinson, Potter Leader-Enterprise Reporter Marilyn McCann.

VISITOR'S REQUESTS AND COMMENTS

Donna Foust said that the issues that they had pertaining to Tractor Supply have been dealt with, they are happy with the results, and that they attended the meeting to get updated about the project and see the new plans.

EAST SEVENTH STREET PROPERTY UPDATE

Theresa Kisiel was present to ask Chief MacClain whether any action had been taken against her neighbors because no progress had been made on the property. Chief MacClain said that three citations were issued; one to the gentlemen which he promptly pled guilty to for the garbage that had not been removed, his wife was cited for the vehicle which was registered to her, and the owner of the property was also cited and has not responded yet.

APPROVAL OF THE MINUTES

It was motioned by Councilman Hults, seconded by Councilman Husson to approve the minutes of the June 17, 2022 meeting as presented. Motion unanimously carried. Roll call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Fry, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

VOUCHER LIST

It was motioned by Councilman Keifer, seconded by Councilman Husson to approve the voucher list as presented in the following amounts: General Fund, \$72,806.63; Water Operating Fund, \$40,593.27; Sewer Operating Fund, \$52,414.76; Street Lighting Fund, \$3,630.28; Fire Protection Fund, \$1,432.42; Recreation Fund, \$17,821.52; Library Fund, \$63.00, Capital Reserve \$2,602.22. No discussion. Roll call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

REPORTS RECEIVED

Manager Morris asked for confirmation from Council members that everyone had received their packets containing meeting notes, voucher list, fund balances, treasurer's report, and police report. Everyone had. No one had questions.

OLD BUSINESS

TRACTOR SUPPLY

Manager Morris said there are three different points that Tractor Supply is requesting be addressed: 1. Requesting approval for the Tractor Supply Development plan. She said there were two copies present for people to view; 2. Requesting approval of amendment to Cherry Street Exception and Reservation - Solicitor Glassmire has reviewed; 3. Requesting a waiver of the required stormwater clearance (15' required- 7.5' on each side) CTS is requesting to have 4' on one side at the narrowest section.

Solicitor Glassmire said that he will address each point individually; council can make a motion if they agree, and have a roll call vote. He said that he would recommend that council make a motion to grant the subdivision and redevelopment plans presented in the document on the Tractor Supply project. He said borough approval does not give Central Tractor approval of permits or anything else, Central Tractor must still go through all the other processes. Solicitor Glassmire asked Tractor Supply Developer Adam Sellner whether that action seemed agreeable. Sellner said that it was. Solicitor Glassmire explained that in the past, there had been some confusion about what exactly the borough was approving and he wanted it clear that no permits or other approvals were being addressed, just approval of the plan. Councilman Hults made the motion as presented by Solicitor Glassmire. Seconded by Jesse Minor. Roll Call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

Solicitor Glassmire said that he would recommend that council approve a variance for Tractor Supply or a waiver, either one or both, so that when they construct their building they will end up at places being as close as four feet to the borough's stormwater underground pipe but with the understanding that the borough will get from Tractor Supply an indemnification so that if anything goes wrong in the future because of that close proximity, Tractor Supply will indemnify and hold the borough harmless of that. Solicitor Glassmire asked Adam Sellner whether he was agreeable with that. Sellner said that based on the language in the agreement, yes. Solicitor Glassmire said if a councilman would like to say, "so moved," the motion could be made.

Solicitor Glassmire. Seconded by Councilman Hults. Roll Call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

Regarding the Cherry Street agreement, Solicitor Glassmire said that this is a multi-faceted document, talking about amending an exception and reservation, talking about an ordinance, but what it really is, is a right-of-way agreement that sets forth the understanding between the parties with respect to a 66' wide underground corridor for utilities, as the borough deems proper. Solicitor Glassmire said that he thinks the document is very good, so he would recommend that the motion be made to approve it and advise the borough officials to execute it as the official act of the borough. Some discussion was held about the length of the corridor. Councilman Hults made the motion to approve as presented by Solicitor Glassmire. Seconded by Councilman Husson. Roll Call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

Solicitor Glassmire and Manager Morris asked Sellner if there was anything more needed from the borough. Sellner said no. He said that they were waiting on the DEP Environmental for the Building Permit. Solicitor Glassmire said that the borough has already received notification from LaBella, the borough's engineer on water issues, who has approved the Tractor Supply plans. Sellner said that Central Tractor had received a final approval from DEP regarding the stormwater plan. Sellner said the only outstanding issues was paperwork, getting the final DEP approval for environmental which he said DEP has already approved all the testing that's been done, there's just an agreement that needs to be signed that says Tractor Supply will restrict the lot in certain ways; mainly that Tractor Supply will not put a well on the site for drinking water and a couple other restrictions. Sellner said that after the document has been completed, Tractor Supply will be finished with the DEP requirements.

SOLICITOR'S REPORT

Solicitor Glassmire said that he also wanted to address an issue; a local tavern that he felt was unfairly picked on for a state statute regarding amplification of music - someone heard the music on the sidewalk, and the Liquor Control Board (LCB) gave the business owner a bad time, so the borough passed a noise ordinance which is in affect, but there was a long process to get the approval of the LCB. Solicitor Glassmire said that due to issues with Covid, the process was interrupted. He said that it worked out well because now there is a new statute in Pennsylvania that changes LCB's old statutes so that they now allow amplified music at a level of 75 decibels, the borough's was 70, and the statute gives longer hours, which treats the merchants better. Solicitor Glassmire said that he feels it is not necessary to spend additional money to finish the last step of the process already begun, that the borough waited it out, and got a great deal.

Councilman Hults asked Solicitor Glassmire if he'd reached a conclusion about what was going to happen with the dilapidated garage, the Bellinger property, on North Main Street. Manager Morris said that council had approved taking down the garage per the dangerous building code.

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Solicitor Glassmire said that the borough has to have someone with the right credentials, degrees, to confirm what the borough already knows - but it needs to be assessed properly, and needs to be extremely specific. He has a plan about how to get a search warrant for a civil matter. Solicitor Glassmire said that it is a step by step process- get it into the condemnation phase, and the borough will be the owners of it because the borough has the power to condemn. He said that the borough needs to do it step by step to make sure that everything is properly issued, that the building is not habitable, that the building is a problem to the health, safety, wellness of the community's people and then the borough will condemn it. Solicitor Glassmire said that it is still possible for the borough to change its mind. The Constitution is clear that if the power of eminent domain is used, it should be used well and properly and just compensation must be paid. He said that the borough will be ahead of the curve because the borough will have a good basis by knowing what the before value is, and the after value. No money will be owed by the borough for an improvement to the property. Discussion was held about who would visit the property to make the official determination. Solicitor Glassmire said that he would prefer to have two experts- he would like to show the judge, the court, and the public that the borough is using its power of eminent domain in a very limited, cautious, and careful manner. Solicitor Glassmire said another point for council to consider is that after the building has been removed and the property has been cleaned, what the borough will do with the property because using the power of eminent domain is not to be used like a real estate business, the borough can't use the property for a traditional commercial purpose. Solicitor Glassmire asked council to consider the long term plan for the property, and he has some ideas that he will elaborate on later.

NEW BUSINESS

FALLING LEAVES FESTIVAL

Manager Morris said that the borough has received a request for the Falling Leaves Festival which will be held on Sept. 30th-Oct. 1st. There is a parade on Saturday, Oct. 1st, the parade route is North Main Street, participants will line up on Allegheny Avenue and go up North Main to Fourth Street. The group is requesting permission for the parade, assistance from the police department to assist with traffic control, that the meters be bagged, and closing Third Street and North East Street. Motion to approve Falling Leaves Festival made by Councilman Husson. Seconded by Jack Keifer. Roll Call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

MANAGER'S REPORT

Manager Morris said that the Coudersport Borough Water Authority will meet on July 21, 2022 at 6:30 pm, and that the Coudersport Area Municipal Authority will hold their next meeting on July 25, 2022 at the Wastewater Treatment Facility at 6:30 pm.

ARLI GRANT

Manager Morris noted that to include in the activity report, that in between meetings, an ARLI grant which is the Automated Red Light Enforcement, came up. She said it was a short window, and she applied for a couple grants, there is no match, no admission fee. First one was for East Second Street and Main Street to improve the lighting above the traffic signals; Chief MacClain agreed that the area is very dark. She included in the request that if there is additional money leftover, that they can adjust the pedestrian walk sign that has been hit and damaged by semis repeatedly. The other spot is at South Main and Chestnut Streets to put better lights there and get a new radar monitor that will help alleviate some of the traffic issues there. Discussion was held about the radar not working properly at the site. Manager Morris said that in the funding request, she included the addition of ground wires which will help.

MAYOR'S REPORT

Police Officer Lord is resigning.

POLICE REPORT

Councilman Hults made a motion that the borough advertise for another full time police officer position. Council held discussion, asked Manager MacClain's opinion. Officer MacClain said that his opinion has not changed - the borough does not have any certified officers in the local area and officers will not be willing to drive to the area for a part-time position. Discussion was held about tabling the issue. President Hathaway asked if there would be a problem with waiting until the following monthly meeting to decide. Chief MacClain said that would be fine. Council agreed to table discussion for the next monthly meeting.

JUNIOR COUNCIL

No members present.

COMMITTEE REPORTS

UTILITIES, STREETS, BRIDGES, AND TREES

Manager Morris said that DEP and Army Corp conducted their annual channel/levee inspection. There are repairs to be made, and the crews have already started work on them. She said that the borough has not received the official report; the condition is minimally acceptable as it has been for the last 20 years.

PROPERTY AND EQUIPMENT

2022 FORD F-150

Regarding the purchase of the 2022 Ford F-150 replacing the 2005 Ford Ranger, Manager Morris said that the MSRP was \$40,215- subtract \$7,843 for the costars pricing. The bed has been spray lined and wheel inserts were included which will be installed on Monday. She said the total price including notary fees is \$33,112, which needs to be ratified. Motion made by Councilman Hults, seconded by Councilman Minor. Roll Call vote taken: Councilman Keifer,

Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

BID FORD RANGER

Councilman Husson made a motion to advertise the Ford Ranger on munici-bid. Seconded by Councilman Keifer. Roll Call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No. Discussion was held about whether council would rather contact Kightlinger's, who has offered to take borough vehicles to auction. Council decided to list the Ranger with a reserve, and if the reserve is not met then they could decline bids and pursue considering sending it to auction or selling it for scrap. Manager Morris said that she will talk with Scott Miller to get an idea of the value of the Ranger.

RECREATION/LIBRARY

SWIMMING LESSONS/SWIM TEAM

Councilman Husson said that \$8,290 has been received for free swimming lessons, and acknowledged the generosity of the community members. Manager Morris said that the swim team has had a couple meets, and that it has been going well.

SCHOOL CONTRACT

Discussion was held about whether the council has received notification from the Coudersport School District about the price that they will pay to utilize the fields at CARP. Manager Morris said that she has not received any information from the committee. It was suggested that a letter be sent to the school informing them that a contract needs to be established before the start of the 2022 season. Manager Morris said that it was her understanding that the school was waiting to hear back from the borough council regarding terms of a contract. Discussion was held about the amount to be charged to the school, responsibilities of maintenance of the fields, that in the 1980s the school paid \$25,000 and the amount has decreased through the years. Manager Morris said that if council provides an amount, she can work with Solicitor Glassmire to create an agreement, a lease.

Motion made by Jesse Minor that Solicitor Glassmire and Manager Morris will work cooperatively to come up with an agreement to present to the school for \$20,000 as an annual contract to be able to use CARP fields. Seconded by Councilman Husson. Roll Call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No. President Hathaway made an amendment to the motion to include all recreational facilities at CARP. Seconded by Councilman Husson. Roll Call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Minor, Yes; Councilman Hults, Yes and Councilman Hathaway, Yes. Motion carried: 5 Yes, 0 No.

ADJOURNMENT

President Hathaway asked for comments, questions from the public and council. There were none.

Meeting adjourned at 6:34 pm.

Respectfully submitted,

Georgeanna DeCarlo, recording secretary