

**COUDERSPORT BOROUGH COUNCIL**

**REGULAR MONTHLY MEETING**

**FRIDAY, MARCH 17, 2023**

**5:30 PM**

The Coudersport Borough Council held their regular monthly meeting on Friday, March 17, 2023 at the Coudersport Borough Maintenance Facility on Damascus Road.

The meeting was called to order at 5:30 pm by Council President Wayne Hathaway who led all in the pledge of allegiance.

**MEMBERS PRESENT**

Present were Council members Wayne Hathaway, George Hults, Marty Fry, Todd Husson, Jack Keifer.

Also present were Manager Beverly Morris, June Moore, Solicitor Dan Glassmire, Police Chief Curt McClain, Mayor Andy Dubots, Recording Secretary Georgeanna DeCarlo, Wayne Wentzel, Potter Leader-Enterprise Reporter Donna LeSchander, Todd Brown, Dale Anderson, Kevin Kenyon, Greg Snowman, Eric Linden.

**VISITOR'S REQUESTS AND COMMENTS**

**DARK SKIES**

Coudersport resident Greg Snowman operates Potter County Stargazing Tours. He shared information with the Council about the importance of protecting Coudersport's Dark Skies. He said that he has been involved with Potter County stargazing since 2010 when he worked at Cherry Springs State Park as an Environmental Education Specialist presenting astronomy programs. He said that Coudersport needs to be proactive, numerous business owners have taken the initiative to use methods to protect the night sky, but the ones who are not are canceling the work of others. He expressed appreciation to the Council and asked them to share the information with business owners. Council members thanked Snowman for his input and asked whether he was requesting an ordinance. Snowman said that he hoped that educating business owners would bring about the necessary changes but stressed the importance of taking immediate action. Solicitor Glassmire said that Council has made recommendations to property owners to be sensitive to avoiding light pollution.

**ALLEY REPAIRS**

Kevin Kenyon asked who is in charge of maintenance of the alley between Shop 'n Save and other businesses including Hauber's, Buchanan's. He said that he spoke with a local contractor who thought that the borough had a Right-of-Way through the alley. President Hathaway asked Solicitor Glassmire who he said has reviewed the issue many times for his input. Solicitor Glassmire said that there are some cases where there have been ordinances adopted that deem an alley as a public road, but there is not one rule that applies in every situation. He said without reviewing his files, he said what may be true of this particular alley, is that originally the block could have been owned by one person who sold off lots and created the alley to be useful; essentially a private drive that benefits the adjoining properties. Solicitor Glassmire asked Manager Morris whether the alley is one of the roads listed for the Liquid Fuels, she said that it is not, and he said that is a good indicator that it is a private understanding- what happens in some situations is that the property owners will hire someone to do the work. He said that an ordinance could be passed to make it a public street or public alley and then the maintenance would be the Borough's responsibility.

Council members said the subject of maintenance of the alley has been discussed many times previously and the understanding is that it is the responsibility of adjoining property owners. Solicitor Glassmire said property owners whose property abuts the alley have the ancillary right to use the alley, each property has an easement right that goes with the property and that ideally the property owners would work together to establish a budget to maintain it. Solicitor Glassmire said that the Borough has an ordinance that says property owners can petition to make a public street or public alley, but that the property owners would need to make necessary improvements to bring it in alignment with the standards.

### **SOUTHWEST STREET SIDEWALK**

Dale Anderson said that Southwest Street, going from Beech Street to Pine Street, along the Tractor Supply building, now has curbing and sidewalk that has narrowed the street immensely and he thinks that before the Borough gives Tractor Supply final approval, that adjustments need to be made to the street. He said that he has already spoken with some Council members, Manager Morris, Mayor Dubots and Solicitor Glassmire, about the sidewalk being put out to the edge of the street which he said that he and many other people do not like and is requesting that the situation be reviewed to see if something different can be done. Solicitor Glassmire said that it is difficult since the project received preliminary approval. Anderson said that he had voiced his concerns prior to construction. Solicitor Glassmire said that he has been very pleased working with the attorney for Tractor Supply, and suggested that Anderson create a fairly specific proposal about what could be done differently that could be submitted to Tractor Supply. President Hathaway asked Manager Morris about conversations with PennDOT, and she said that the street is the same width that it was. Todd Brown asked whether Tractor Supply had built as the plans were approved. Manager Morris said that she would check on that. Council agreed to review the situation.

### **LINDY MOTEL CAMPGROUND**

Eric Linden said that he is the owner of Lindy Motel, would like to put a campground on the property where it was before, and was told that he needs to request a variance. Manager Morris told him that the variance is obtained through the Zoning Committee. Council congratulated him on working to re-establish the campground and asked for details. Linden said that the plan is to put in 10 primitive and 10 camper camp sites. He said that the motel is nearly 100 years old, that he has postcards from the 1920s showing campers parked in the area that he is requesting to reinstate as a campground. Manager Morris asked Linden to contact her to schedule meetings with the appropriate committees.

### **APPROVAL OF THE MINUTES**

Motion to approve Minutes for the February 17, 2023 meeting as presented made by Councilman Hults. Seconded by Councilman Keifer. Roll call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion carried unanimous: 5 Yes, 0 No.

### **VOUCHER LIST**

It was motioned by Councilman Fry to approve the voucher list as presented in the following amounts: General Fund, \$30,556.69; Water Operating Fund, \$24,855.89; Sewer Operating Fund, \$23,494.31; Street Lighting Fund, \$3,685.23; Fire Protection Fund, \$1,237.00; Recreation Fund, \$4,445.56; Library Fund, \$63.00; Swimming Pool Fund, \$943.50. Seconded by Councilman Hults. Roll call vote: Councilman Fry, Yes; Councilman Hults, Yes; Councilman Hathaway, Yes; Councilman Husson, Yes; Councilman Keifer, Yes. Motion passed unanimous; 5 Yes, 0 No.

### **REPORTS RECEIVED**

Council members confirmed receipt of meeting notes, voucher list, fund balances, treasurer's report and police report from Manager Morris. No one had questions.

### **OLD BUSINESS**

#### **PARKING ORDINANCE NO. 627**

Manager Morris presented Ordinance No. 627; amending the Code of Ordinances for the Borough of Coudersport: amending provisions so as to delete some angled parking on Main Street, amending provisions to delete some parking prohibitions on Water Street on certain days and hours amending special purpose parking zones so as to delete three such spaces on East Second Street and delete two such spaces on West Third Street and amending provisions relating to violations and amending penalties so as to increase the cost of a fine for violations in some instances from \$5 to \$10 per occurrence. Manager Morris said that Ordinance No. 627 has been duly published and that Council members have all received copies. Motion made by Councilman Husson to approve Ordinance No. 627. Seconded by Jack Keifer. Roll call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion passed unanimously; 5, Yes; 0, No.

Todd Brown asked Council how the Ordinance would affect parking on West Third Street where has a parking lot. Manager Morris clarified that the part of the street being referenced is by the Artisan Center, that the Ordinance had stated parking for the ATA Bus, which had not been used for many years. She said that the part of Water Street referenced is from when the school was there, and that Ordinance No. 627 is just updating usage.

## **NEW BUSINESS**

### **POOL PROJECT BID OPENING**

Manager Morris said that one bid has been received for the pool project; repair to the pool, specifically the railing and some restoration work in the basement which was prepared and advertised by the engineer. She opened the bid from Francis J. Palo Inc. from Clarion, PA and said that there are many addendums- the original for the base is for \$141,96.69; an addendum for an option to replace the pump house stairs for another \$27,285 and alternates including switching to stainless steel railings which adds \$8,000 to the bid. Manager Morris recommended that Council review the bid before deciding how to proceed. She noted that the bid request stated railing barrier replacement painted steel and an alternate bid for stainless steel which is \$112,900, price to replace the original rails with painted steel is \$104,664; replacement with galvanized prior to painting is \$100,825.

Council agreed to refer the bid to the engineer, Chris Ernst. Manager Morris stressed the need to handle the matter quickly, as work needs completed before the pool opens. She will set up a meeting with Ernst and Council members on the recreation committee as soon as possible. Motion made by Councilman Huss to table the bid. Seconded by Councilman Fry. Roll call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion passed unanimously; 5, Yes; 0, No.

### **RESOLUTION 2023-1 APPOINTMENT TO CBA**

Manager Morris said regarding the opening on the Coudersport Borough Authority to fill the term of vacancy by Chris Ianson, two residents applied: Judy Bear and Greg Oliver. She said both were very well received by the Authority, and at the Water Authority meeting the previous evening, Judy Bear was approved as a new member pending Council's decision. Motion made by Councilman Hults to approve Judy Bear as a new member of the Water Authority. Seconded by Councilman Keifer. Roll call vote taken: Councilman Fry, Yes; Councilman Hults, Yes; Councilman Hathaway, Yes; Councilman Husson, Yes; Councilman Keifer, Yes. Motion passed unanimously; 5, Yes; 0, No.

### **MAPLE FESTIVAL & PARADE MAY 5th & 6th**

Manager Morris said the Chamber and Rotary are making the usual requests for the Maple Festival May 5th and 6th; no parking around the courthouse, blocking off Third Street from Main to East and East Street from Second to Third; parade on Saturday, May 6th at usual time, 2:00 pm lineup, parade at 3:00 pm. Motion made by Councilman Husson to approve the request of the Maple Festival committee including the parade. Seconded by Councilman Fry. Roll call vote

taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion passed unanimously; 5, Yes; 0, No.

### **BLACK FOREST FALCONS DUCK RACE**

Manager Morris said that the Borough has received a request from Terry Gerhart for the Black Forest Falcons to hold their third annual Duck Race on August 12th. The group releases the ducks at CARP and retrieves them at Sheetz. She said that it has been customary for the Borough to allow the group usage of the pavilion at CARP that morning at no charge. Motion made by Councilman Fry to approve allowing Black Forest Falcons to hold the race as requested. Seconded by Councilman Hults. Roll call vote taken: Councilman Fry, Yes; Councilman Hults, Yes; Councilman Hathaway, Yes; Councilman Husson, Yes; Councilman Keifer, Yes. Motion passed unanimously: 5, Yes; 0, No.

### **MANAGER'S REPORT**

Manager Morris said that the Coudersport Borough Authority held their meeting the previous evening, March 16th at 6:30 pm; Coudersport Area Municipal Authority will meet at the Wastewater Treatment Facility at 6:30 pm on Monday, March 27th.

### **STORMWATER GRANT**

Manager Morris said that the Borough has been approved for the Local Share Grant for the stormwater project on Ross Glen for \$395,270. She said that the funding did not require any financial match and expressed appreciation for the work that many people did to help obtain the grant. She contacted Chris Ernst who will prepare a proposal for work to begin. She said that the Borough will apply again this year for another Local Share Grant.

### **ARLE GRANT**

Manager Morris said that the Borough was not granted funds requested through the Automated Red Light Enforcement (ARLE) program for new radar on Chestnut and Main Streets and new street lights. She said that she will be re-applying for the grant.

### **MAYOR'S REPORT**

Mayor Andy Dubots said that he signed Proclamation 811 Safe Digging Month which Manager Morris assisted him with. He said as the Emergency Coordinator he contacted Manager Morris regarding the recent fire on Main Street and was thankful that the fire didn't progress to any worse than it was. He expressed appreciation to the Council and to members of the public who have been supportive of him during his family's recent crisis.

### **POLICE CHIEF'S REPORT**

Police Chief Curt McClain said that officers are planning to attend a one-day event at the Police Academy in Hershey in April. Motion made by Councilman Fry for officers Jared White and Ian Creech to attend the free training session and to cover the cost of their lodging and travel. Seconded by Councilman Husson. Roll call vote: Councilman Keifer, Yes; Councilman Husson,

Yes; Councilman Hathaway, Yes; Councilman Fry, Yes. Motion passed unanimously: 5, Yes; 0, No. Manager Morris noted that there is a discounted rate because they are police officers.

### **SOLICITOR'S REPORT**

Solicitor Glassmire said that he has nothing to report at this time.

### **COMMITTEE REPORTS**

#### **PERSONNEL/POLICE**

#### **SEWER OPERATOR TRAINEE**

Manager Morris said that per union procedures, the Sewer Operator Trainee position was offered to employees first and nobody wanted to switch positions, now the position can be advertised. Motion made by Councilman Hults to advertise for a Sewer Operator Trainee. Seconded by Councilman Keifer. Roll call vote taken: Councilman Keifer, Yes; Councilman Hults, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion passed unanimously: 5, Yes; 0, No.

#### **UTILITIES, STREETS, BRIDGES, AND TREES**

Manager Morris said that the Borough has received a request from people at the Artisan Center that the handicap spot on the corner of Third and Main Streets, on the Third Street side, be moved to Main Street during the winter due to less sunlight on that side of the street causing more ice/snow buildup. Motion made by Councilman Hults to approve the request. Manager Morris said the change would require an ordinance change. Solicitor Glassmire said that an ordinance change had just been approved by Council and recommended that the request be taken under advisement, that making an ordinance change for every individual request is not cost effective. Manager Morris said that she informed the people who made the request what she had been told by the police, that a handicap placard can be used to park in any parking space without being ticketed. Motion by Councilman Hults to approve the request died by lack of a second.

#### **ELECTRIC EASEMENT FOR TRACTOR SUPPLY**

Manager Morris asked Council if they would like to amend the agenda to include the easement for the electric for Tractor Supply. Motion made by Councilman Fry to add the easement dealing with West Penn Power Supply and Tractor Supply to the agenda. Seconded by Councilman Husson. Roll call vote: Councilman Fry, Yes; Councilman Hults, Yes; Councilman Hathaway, Yes; Councilman Husson, Yes; Councilman Keifer, Yes. Motion passed unanimously: 5, Yes; 0, No.

Manager Morris said that work is continuing to finalize the wording of the easement, and is requesting that Council make a motion to approve signing the easement once the wording has been approved by the Solicitor and Engineering. Councilman Husson made the motion to approve signing the easement as requested. Seconded by Councilman Keifer. Roll call vote

taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion passed unanimously; 5, Yes; 0, No.

## **RECREATION/LIBRARY**

### **CARP AGREEMENT**

Manager Morris said that the agreements with the school have all been signed and distributed on both sides. She said that the Borough received a check for \$5,000 that day along with a copy of the school's liability insurance. Councilman Fry thanked the board for working so diligently to settle the issue with the School District, said he supported Councilman Husson's comment at the previous meeting that it would be helpful to get financial support from all the townships in Coudersport School District.

### **SWIM LESSON DONATIONS**

Manager Morris said that the Friends of the Coudersport Pool sent out a request for funds, to date \$2,705 has been received for free swim lessons. She said that last year 159 swim lessons were given at \$40 each, amount received so far would cover about 1/3 of the anticipated cost but there is about \$2,000 left from the previous year; about \$9,000 was received in donations and about \$7,000 was spent.

## **FINANCE & ORDINANCE**

Manager Morris shared an information sheet with Council regarding the liability insurance quote that the Borough received from Zurich American Insurance. She said that the liability insurance increased with increased value of commercial property which was basically the water and sewer plants, noting that the amount is split between the facilities based on their values and that the amount for the worker's compensation decreased about the same amount as the liability insurance increase making the payment for this year about the same. Total liability insurance from April 18, 2023 through April 18, 2024 is \$41,992. She said that another quote was received from a different company which cost about \$8,000 more. Motion made by Councilman Fry to accept the insurance through Zurich American Insurance Company as presented. Seconded by Councilman Husson. Roll call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion passed unanimously; 5, Yes; 0, No.

## **COUNCIL COMMENTS**

Councilman Husson said that the agreement with the School District leaves the Borough short on funding and that he would like to find a way to increase revenue to recreation. He said that he would like to speak with Solicitor Glassmire about charging a parking fee at CARP. He would also like to speak to people about restarting the recreation committee. Councilman Fry suggested that the Recreation Committee could try to establish a meeting with representatives from each of the townships of Coudersport School District.

Councilman Keifer asked Solicitor Glassmire whether the ordinance that specifies that sidewalks are to be about five feet in width is a federal mandate. Solicitor Glassmire said that he does not know of a federal reason but there could be, origins of any particular ordinance is difficult to determine without reviewing what historically initiated it, maybe templates from other municipalities were used when that ordinance was adopted. Manager Morris said that it could be due to ADA compliance. Councilman Keifer said that he often walks around town and noticed that the roughest parts of the sidewalks are typically on corner lots that are often empty. He said homeowners that are in between houses are responsible for a smaller portion of the sidewalk and he is wondering if people who own the property on the corner lots aren't caring for the sidewalks as well because of the additional expense for the increased footage and whether a corner lot owner could have an option to taper in six inches on each side so that the width of the sidewalk is four feet to save expense. Council members discussed options including that the homeowner is aware of the responsibility when purchasing the home and has the advantage of additional parking.

#### **ADJOURNMENT**

As there was no further business, the meeting adjourned at 6:35 pm.

Respectfully submitted,

*Beverly Morris for Georgeanna DeCarlo*  
Georgeanna DeCarlo, recording secretary