

COUDERSPORT BOROUGH COUNCIL

REGULAR MONTHLY MEETING

FRIDAY, November 18, 2022

5:45 PM

The Coudersport Borough Council held their regular monthly meeting on Friday, November 18, 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, Marty Fry, Jesse Minor, Jack Keifer, Todd Husson.

Also present were Manager Beverly Morris, Mayor Andy Dubots, Solicitor Dan Glassmire, Recording Secretary Georgeanna DeCarlo, Wayne Wentzel, Potter Leader Enterprise Reporter Donna LeSchander, Teresa Kisiel, Todd Brown.

VISITOR'S REQUESTS AND COMMENTS

SEVENTH STREET PROPERTY UPDATE

Teresa Kisiel gave council an update about her neighbor's property. She said that the neighbors were cited and had 30 days to clean their property which they have not done, and are continuing to add to a pile of garbage in their yard. She spoke with Police Chief Curt McClain who said that the people are paying their citations. She spoke with the property owner who told her that she thought that they were evicted. Kisiel said that there is a Sheriff Sale on the property which has been postponed for the second time to February. Mayor Dubots said that it was his understanding that the property was being cleaned, and that he will speak with Police Chief McClain and get back to Kisiel.

CHRISTMAS CAROLS AT THE ARBORETUM

Coudersport Arboretum Association President Wayne Wentzel said that Christmas Carols will be held at the Coudersport Arboretum stage on December 21st beginning at 5 pm with the Barbershop Quartet, and local civic groups and choirs.

APPROVAL OF THE MINUTES

Motion to approve Minutes for the October 21, 2022 meeting as presented made by Councilman Hults. Seconded by Councilman Keifer. 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 unanimous: 6 Yes, 0 No.

PROCEDURE CHANGE

Councilman Fry suggested a change in procedure that he discussed earlier with Manager Morris; alternating to beginning with the next person during a roll call vote so that it is not starting at the same place each time. Everyone agreed to the change.

VOUCHER LIST

It was motioned by Councilman Husson, seconded by Councilman Minor to approve the voucher list as presented in the following amounts: General Fund, \$186,779.04; Water Operating Fund, \$10,322.30; Sewer Operating Fund, \$23,008.18; Street Lighting Fund, \$3,512.74; Fire Protection Fund, \$1,057.58; Recreation Fund, \$1,817.98; Library Fund, \$3,063.00; Swimming Pool Fund, \$56.10. No discussion. Motion made by Councilman Fry to approve the Voucher List as presented. Seconded by Councilman Husson. Roll call vote taken: Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes. Motion carried unanimous: 6 Yes, 0 No.

REPORTS RECEIVED

Council members confirmed receipt of meeting notes, voucher list, fund balances, treasurer's report, police report, proposed and revised 2023 budget from Manager Morris. No one had questions.

NEW BUSINESS

GAS AND FUEL BIDS

Gas and fuel bids, quotes, will be handled at the December meeting.

SHORT TERM RENTALS

Manager Morris said that a main topic of discussion at the township meeting was short term rentals, and she wants direction from the council about how to proceed. ERB inspectors who implement the code answered many questions from township officials as the UCC code states that short term rentals must abide by commercial rules and regulations. Manager Morris has already discussed the situation with Solicitor Glassmire and Council President Hathaway. Solicitor Glassmire said that there are many different aspects to the subject but that basically, Council's first duty is to protect the health and welfare of the community. He used the example of liability if someone was renting an AirBnB property and a fire happened that affected more houses. Solicitor Glassmire said that as is the case with every liability scenario, the council has to decide how big of a risk that is, and to not be paralyzed about risk. He said that in Pennsylvania there is sovereign immunity- the legislature of Pennsylvania has decided that there are only certain limited situations in which people can sue a borough. Solicitor Glassmire's preliminary opinion is that the borough would be immune but he will research it more in depth.

He said that he is not concerned primarily about the liability, but whether it is a good idea theoretically to have inspections and other regulations. He said that Council as elected officials has to make the decision and weigh whether there are enough problems that Council wants to start regulating short term rentals including inspections and certification process, manpower, money, tracking and that additionally there would be liability of the regulatory process itself. He said that it's a policy decision, the Council has to decide whether this type of approach is necessary and that there is a possibility, which he will learn more about after researching it, that the borough could possibly charge a separate tax for certification and regulation of the properties which would primarily cover the cost of expenses. Solicitor Glassmire is recommending that Council study the situation more thoroughly, including getting feedback from the state association regarding how other boroughs and townships are handling the situation and to consider response from Coudersport Borough AirBnB property owners. Council members held a brief discussion and agreed that the situation is not something that needs to be addressed immediately, inspections are already happening when real estate is being purchased, that AirBnB property owners are in general doing what needs done to make their properties safe and attractive. Solicitor Glassmire said that he will provide a thorough report next month

MANAGER'S REPORT

The Water Authority (Coudersport Borough Authority) held their meeting Nov. 17, at 6:30 pm, the Sewer Authority (Coudersport Area Municipal Authority) will meet on Monday, November 28, 2022 at the Wastewater Treatment Facility at 6:30 pm. Manager Morris shared a map of tax exempt properties in Coudersport Borough with Council.

MAYOR'S REPORT

Mayor Andy Dubots said meters will be bagged for the holidays beginning the following week until January 2, 2023. Motion made by Councilman Husson to bag the meters from Nov. 21, 2022 to January 2, 2023. Seconded by Councilman Keifer. Roll call vote taken: Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes. Motion carried unanimous: 6 Yes, 0 No.

SOLICITOR'S REPORT

POOL

Solicitor Glassmire said that the borough has received a draft of a proposal bid from E&M Engineers, Chris Ernst, to deal with the pool which has been distributed to Council. He has looked it over briefly, and would recommend that if Council wishes to proceed that they do so noting that it is subject to the solicitor's final comments. He said that fortunately Manager Morris was successful in getting the grant extension until December 21, 2023. He said that he wants to give consideration to the idea of whether to ignore Premiere Pools or put them on formal notice that because of their default, the borough is moving forward in this manner. Council held a brief discussion regarding details of the pool, and fulfilling grant obligations. Manager Morris said that Christ Ernst is requesting Council to decide whether he should proceed with submitting the

proposal. Solicitor Glassmire said that he feels Council should make that motion, including subject to Solicitor Glassmire's comments. Councilman Fry made the motion to accept the E&M Engineers and Surveyors proposal and agreement dealing with the Coudersport Borough pool with the Solicitor's review of the contract. Seconded by Councilman Hults. Roll call vote taken: Councilman Hults, Yes; Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes. Motion carried unanimous: 6 Yes, 0 No.

SCHOOL

Manager Morris said that she heard from the school earlier that afternoon and that they have nothing to report at this time.

JUNIOR COUNCIL

No members were present.

PERSONNEL/POLICE

Manager Morris said that the borough police candidate passed the Civil Service exam and an interview is scheduled for next Friday, Dec. 2 at 11 am with the personnel committee at the borough office.

Councilman Fry said that members have met with the union and he is requesting that Council postpone discussion until the end of the meeting, at the solicitor's advice, to go into an executive session to discuss contractual employment details. Solicitor Glassmire said that an executive session for labor issues is permitted.

PROPERTY AND EQUIPMENT

REVIEW OF BIDS RECEIVED

Manager Morris said that six items were put out for bid on munici-bid. 2006 Ford Ranger, successful bidder bid \$1,250 if council chooses to accept the bid. Motion made by Councilman Husson to accept the bid. Seconded by Councilman Hults. Roll call vote taken: Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes. Motion carried unanimous: 6 Yes, 0 No. Second item is a set of tires that borough put on munici-bid earlier this year but the people didn't want them, so they were put out to bid again - this time the successful bidder bid for the six tires bid \$270. Motion made by Councilman Fry to accept the bid for \$270 for the six tires. Seconded by Councilman Minor. Roll call vote taken: Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion carried unanimous: 6 Yes, 0 No.

Third item is the 9' Fisher Plow, bid is \$410. Motion made by Councilman Hults to accept 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; Councilman Minor, Yes. Motion carried unanimous: 6 Yes, 0 No. Fourth item is the portable lift at the pool which is not needed anymore. Bid is \$1,050. Motion made by Councilman Hults to

accept the bid. Seconded by Councilman Keifer. Roll call vote taken: Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes. Motion carried unanimous: 6 Yes, 0 No. The turbidity curtain did not get any bids, nor did the original old pool pumps. Manager Morris will relist those items in the spring.

TRI-COUNTY ELECTRIC POLE

Manager Morris was contacted by Tri-County Electric requesting to place an electric pole on the borough dump property on West Branch of Dingman Run Road. It will be off the driveway entering the property, on the edge. There will be no cost to the borough. Solicitor Glassmire requested to see the written document, which Manager Morris will provide to him, and said that if Council passes the motion that it be subject to his review. Councilman Husson made a motion to put an electric pole on the dump property per the solicitor's review. Seconded by Councilman Hults. Roll call vote taken: Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes. Motion carried unanimous: 6 Yes, 0 No.

2022 DODGE DURANGO

Manager Morris said that Council had discussed ordering the 2022 Dodge Durango for the police department in 2023 but with the Charger still out of commission indefinitely, she has spoken with a few of the Councilmen and the recommendation is to purchase the 2022 Dodge Durango now. Outfitting will not have to be paid for until it's complete, after the first of the year. She said that entailed redoing this year's budget to include payment of the vehicle instead of next year's budget. Councilman Hults made a motion to approve purchasing the 2022 Dodge Durango. Seconded by Councilman Keifer. Roll call vote taken: Councilman Hults, Yes; Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes. Motion carried unanimous: 6 Yes, 0 No.

2023 PROPOSED BUDGET

Manager Morris said that the new budget is tight. The General Fund usually ends up paying for a lot of the expenses in recreation, which in the budget, is approximately \$8-\$10,000 short. Council members discussed percentages of the budget that were used last year compared to what was projected, allocated. Discussion was held regarding increase of costs of chemicals, utilities and expected revenue, donations, raising rates at the pool, raising rates at the pavilions, cutting hours of operation at the pool. Recreation is about \$8,000 short. Motion made by Councilman Husson to raise the recreation tax $\frac{1}{4}$ of a mil. Council held a brief discussion about the amount of a potential tax increase, and that the budget has to be approved by December 31, 2022. Motion seconded by Councilman Fry. Solicitor Glassmire discussed some potential changes to the budget that could be made with the understanding that it is an estimate. Roll call vote taken: Councilman Fry, Yes; Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, No; Councilman Hults, Yes. Motion carried: 5 Yes, 1 No.

Councilman Husson made a motion to advertise the budget. Seconded by Councilman Keifer. Roll call vote taken: Councilman Minor, Yes; Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes. Motion carried unanimous: 6 Yes, 0 No.

EMPLOYEE CHRISTMAS GIFT

Manager Morris said that in the past, Council has given a \$75 gift certificate from a local business of the employee's choice. Councilman Husson made a motion that borough employees be given \$75 gift cards from local businesses. Seconded by Councilman Hults. Roll call vote taken: Councilman Keifer, Yes; Councilman Husson, Yes; Councilman Hathaway, Yes; Councilman Hults, Yes; Councilman Fry, Yes; Councilman Minor, Yes. Motion carried unanimous: 6 Yes, 0 No.

EXECUTIVE SESSION

President Hathaway called for the council to go into an executive session at 6:45 pm.

Respectfully submitted,

Georgeanna DeCarlo, recording secretary