

**COUDERSPORT BOROUGH COUNCIL  
REGULAR MONTHLY MEETING  
MARCH 20, 2019  
6:30PM**

The Coudersport Borough Council held its regular monthly meeting on Wednesday, February 20, 2019 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, Brian Ruane, Gary Walaski, and April Castano.

Also present were Mayor Andy Dubots, Manager Beverly Morris, Solicitor Glassmire, Holly Hyde, Jr. Council Member Hannah Taylor, Chief McClain, Todd Brown, Robert Wagner, Wayne Wentzel, Chris Herzig, Mike Plummer, Tom Majot, Lou Karija, Robin Fink, John Norquist, Eric Monger, Will Hunt, Jake Ostrum, Representative from Mountain Valley Services, and Hailey Kine.

**VISITORS REQUESTS AND COMMENTS**

Attorney Plummer stated that he would like to report on the hearing regarding the Arboretum. “Mr. Majot and Mr. Plummer have carefully reviewed Judge Williamson order and believe it was improperly entered and the court ignored the most important issue that was raised, that being the issue of the April meeting where Council specifically stated they would not anything to restrict the options future Councils. It’s also obvious that Judge Williamsons misapprehended several facts in the case. For instance he makes the statement that the friends of the Arboretum approached the Council in 2004 and the friends of the Arboretum did not exist prior to 2018. He is also under the impression that the Chamber of Commerce owns the Caboose, neglecting the fact that he said during the hearing that the only evidence as the ownership of the caboose was the bill of sale from the Chamber of Commerce to Bill Majot and the judge’s observation during the hearing to the effect that the Chamber of Commerce was free to sell the caboose. That said regardless of the fact the court misapprehended and ignored the fundamental argument. I have advised Mr. Majot that we should not take an appeal of the judge’s opinion, its mainly for the reason that Sheet patience are exhausted and we have been asking them to keep the store open and keep the future of the store open long enough to have our position tested. Their patience is exhausted and they are going to move. It was certainly Mr. Majots intent to put \$352,500 in the

Boroughs pocket which could be used to move the Arboretum, to improve the Arboretum, and to pay for the over run on the swimming pool. That ship has sailed and at this time we are letting the judgment go final a week from tomorrow and we ask that the Borough refund Mr. Majot deposit in the amount of \$ 150,000. I believe that this completes my representation as special Counsel for the Borough. I believe that Mr. Majot has completed his responsibilities as the agent of the Borough in connection with this matter. Mr. Majot and I would tender our resignations effect immediately and ask if the Council would approve that. Before I sit down I would like to thank Council for taking a brave stand and give us the opportunity to present our case to the court and I especially want to thank Manager Morris and her entire staff they were extremely responsive and helpful in putting the facts together to help us present our case.”

Solicitor Glassmire states he was monitoring the case lightly. Mr. Majot and Attorney Plummer made a first class run at that argument and you don't always win. Solicitor Glassmire asked Attorney Plummer if his client was going to sue the Borough. Attorney Plummer states that Mr. Majot has no intention to sue the Borough.

It was motioned by Councilman Husson, seconded by Councilman Walaski to not approve any further appeal let the judgment become final and oblige our agent Mr. Majot and special Counsel Mr. Plummer with appreciation and thanks on what they have requested, and authorize a check for \$150,000 be provided to Mr. Majot. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

It was motioned by Councilman Walaski, seconded by Councilman Husson to approve any and all interest that accrued be also refunded to Mr. Majot. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

It was motioned by Councilman Ruane, seconded by Councilman Walaski to dedicate the Arboretum officially and declared as a park on May 1, 2019 as a park. There was discussion on where the Arboretum is and describes the location of where it is? Roll Call vote taken: Councilman Husson No, Councilperson Castano No, Councilman Hults No, Councilman Hathaway No, Councilman Walaski Yes, and Councilman Ruane Yes. 2 Yes and 4 No Majority rules motion did not pass.

Mr. Wagner states that Mr. Majot has liability insurance on the caboose this was after the judge's ruling on the caboose. The Caboose is the oldest part of the Arboretum it was put there is 1998 then everything else built around it.

Solicitor Glassmire stated” that his opinion is the one that Council expressed by formal vote that it is the owner of the caboose, I don't remember any vote taken where they rescinded that position. We did also acknowledge some manner or form that we understand that the ownership is contested that Mr. Majot has a claim of ownership to the caboose. There has been a motion

passed by Borough Council that no one is permitted to go onto the property to remove anything specifically the Caboose. If any such activity too physically goes on there and engage in which is known as self help will be viewed as a trespasser and the Borough has directed its Mayor and Police Department to arrest them for trespassing.

Lou Karija is requesting permission to finish the handicap assessable ramp to the rail car.

Solicitor Glassmire stated he will take this under advisement.

It was motioned by Councilman Ruane to allow a handicap ramp be built on the rail car and a written dedication from the Lions Club to the Arboretum. Motion dies for a lack of a second.

John Norquist seasoned local surveyor is present to discuss 22 acres of the Monger property on Route 875. Eric Monger owns property that has previously been deeded in Eulalia Township. Eric contacted John to ask him why he was reassessed and has to pay taxes from the Coudersport Borough for the 22 acres. Mr. Norquist has found all the deeds and has always been in Eulalia Township. Conflict with the GIS (Global Information System) map and on this there is a disclaimer on this map that the boarders or not legal boundary lines.

Will Hunt spoke on behalf of the GIS map and does not disagree with John. This is a municipal boundary dispute and there are Township codes and Borough Codes for a boundary line dispute like this.

Jake Ostrum based his assessment on his maps that show different boundaries.

Eulalia Township has sent a letter to the Commissioners and the Coudersport Borough can do the same thing.

Solicitor Glassmire will take this under advisement.

### **APPROVAL OF MINUTES**

Council President Hults asked if there were any changes or corrections to the minutes of the meeting of February 20, 2019. As there were none the minutes will stand as presented.

### **VOUCHER LIST**

It was motioned by Councilman Ruane, seconded by Councilperson Castano to approve the voucher list in the following amounts: General Fund \$30,068.34, Water Operating \$22,469.71, Sewer Operating \$21,884.43, Street Lighting Fund \$2,818.92, Recreation \$5,465.50, Library Fund \$48.00, and Pool Fund \$3,000.00. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

## **REPORTS RECEIVED**

Police, meeting notes, voucher list, fund balances, treasurer's report and Arboretum report.

## **NEW BUSINESS**

**Mowing Bids** at the following locations Arboretum, cul de sac on Market St, and the Maintenance building.

Seeley Rentals \$100 per mow

Phil's Lawn Care \$75 per mow

Beau Gross \$205 per mow

It was motioned by Councilman Walaski, seconded by Councilman Husson to reject all bids. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

## **Sidewalk Bids**

### **Mountain Valley Services**

\$7.49 4" per square foot

\$10.12 6" per square foot

### **Concrete man**

\$7.00 per square foot 4"

\$7.75 per square foot 6"

It was motioned by Councilperson Castano, seconded by Councilman Walaski to accept Concrete Man bid for the sidewalks. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

## **Pool Loan Proposal**

It was motioned by Councilman Ruane, seconded by Councilman Husson to accept the pool loan proposal in amount of 200,000 from Northwest Bank at a rate of 3.58 % for 15 years and adjustable after 7 Years. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

It was motioned by Councilman Ruane to approve Solicitor Glassmire and Manager Morris to approve decisions that comply with the local laws and Unit Debt Act for the pool. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

### **MEMORIAL DAY PARADE**

The Memorial Day Parade will start on Main St at Allegany Ave to Third Street and into the Court House square on May 27, 2019. It was motioned by Councilman Husson, seconded by Councilperson Castano to approve the Memorial Day Parade on May 27, 2019. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

### **DANIELS DAY CARE TRIK A THON**

It was motioned by Councilperson Castano, seconded by Councilman Walaski to approve the partial closure of 6<sup>th</sup> street. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

### **RESOLUTION 2019-1 NATIONAL POLICE ENFORCEMENT WEEK**

It was motioned by Councilperson Castano, seconded by Councilman Ruane to approve banners being hung for National Police Enforcement week under Resolution 2019-1. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

### **RESOLUTION 2019-2 ELLIOT NESS FESTIVAL**

It was motioned by Councilman Ruane, seconded by Councilman Hathaway to approve a third banner be placed on Seventh St. and Main St. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

Councilman Ruane stated that Penn Dot has approved the road closures for the Festival and needs Council to approve. Much discussion and Council decides to have Councilman Walaski, Councilman Ruane, and Mayor Dubots meet to discuss the closures.

## **MANAGERS REPORT**

CBA meeting will be held March 21, 2019

CAMA meeting will be held on March 25, 2019

Manager Morris states she has been asked to be a voting delegate at the PSAB Conference. It was motioned by Councilman Husson, seconded by Councilman Walaski to be a voting delegate at the PSAB Conference. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

Manager Morris has been working with the Liability Insurance this week. The policy runs from April to April and will increase \$1,606.00 with a total amount of \$32,353.00. It was motioned by Councilman Husson, seconded by Councilman Walaski to approve the liability insurance. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

## **No Parking Signs**

Penn Dot stated that we do not need their permission to place No Parking signs by the Dollar General Stores. It was motioned by Councilman Husson, seconded by Councilman Walaski to place no parking signs along the corner of South West St and Chestnut St and East Second St and RT 872. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

## **POLICE CHIEF'S REPORT**

Requesting to attend Chiefs of Police Conference at the Kalahari Resorts Pocono in July would need to cover cost of conference and hotel stay for 4 nights. It was motioned by Councilman Ruane, Councilman Walaski to approve the Police Chief Conference in July for 4 nights stay. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

Chief McClain stated that the landowner of 7 East Beech St has been cited and pled guilty for the garbage. The owner has contacted B & S Disposal to clean up the bags as soon as the weather warms up and they can get into the yard without sinking. Roll Call vote taken: Councilman

Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

### **MAYORS REPORT**

Mayor Dubots stated he has performed two weddings in the past month.

### **SOLICITOR REPORT**

Solicitor Glassmires stated that he and Manager Morris along with other folks have been dealing with some labor issues and believe this is a management issue.

It was motioned by Councilman Husson, seconded by Councilman Walaski to advertise for leasing out for the concessions stand at the pool. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

### **PERSONNEL/ POLICE**

Manager Morris has advertised for a water/ sewer operator, and is looking for a part time summer employee. It was motioned by Councilman Walaski, seconded by Councilperson Castano to hire two part time summer help. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

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

Keim Logging has provided us with a check in the amount of \$7402.50 for ½ of the timber bid on old dump property.

### **PROPERTY & EQUIPMENT**

2019 Ford 550

It was motioned by Councilman Walaski, seconded by Councilman Ruane to accept Kightlinger's bid of \$ and need to be sure it comes with a chrome bumper. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

There is a 2006 Kenworth dump truck with 14,000 miles for \$50,000

It was motioned by Councilman Walaski, seconded by Councilman Ruane to approve the purchase of the 2006 Kenworth dump truck as long as it passes a driving test and not to exceed \$50,000. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes,

Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

It was motioned by Councilperson Castano, seconded by Councilman Walaski to pay the request from Premier pools for the filter and work completed in the pump house. This has been looked over by Chris Ernst (E & M Engineers) in the amount of \$84,100 subject to a current schedule. Roll Call vote taken: Councilman Husson Yes, Councilperson Castano Yes, Councilman Hults Yes, Councilman Hathaway Yes, Councilman Walaski Yes, and Councilman Ruane Yes. 6 Yes and 0 No

### **FINANCE & ORDINANCE**

Charter Communications shares have received the letter on March 12, 2019 so they should be sending them using that day as the market price.

### **ADJOURNMENT**

It was motioned by Councilman Husson, seconded by Councilman Ruane to adjourn at 8:31pm

Respectfully submitted,

Holly Hyde