

Johnsonburg Borough
Regular Meeting
August 14, 2023
4:00 p.m.

Call to Order
Silent Prayer
Pledge of Allegiance

Roll Call/Attendance	Title	Present	Absent	Excused
Cherry, Scott	Councilman	X		
Clopp, John	Police Chief	X		
DeAngelo, James	Councilman	X		
DePanfilis, James R.	Councilman	X		
Imbrogno, Louie	Councilman	X		
Imbrogno, Tom	Street Superintendent	X		
Johnsonburg Municipal Authority	Representative		X	
Kilhoffer, Rachel	Secretary	X		
Maletto, Alfred J.	President	X		
Miller, Ryan (ARS Engineering)	Engineer/ Code Enforcement	X		
Paget, Kyle	Mayor	X		
Poague, Eric	Councilman	X		
Thomas, John R.	Solicitor			X
Warmbrodt, Richard	Councilman	X		

Approval of Agenda: A motion was made by Councilman Warmbrodt and seconded by Councilman Poague to approve the agenda. Motion carried unanimously.

Minutes: A motion was made by Councilman Poague and seconded by Councilman Warmbrodt to approve the minutes from the regular meeting on July 10, 2023, the special meeting on July 19, 2023, and the emergency meeting on July 20, 2023. Motion carried unanimously.

Guests & Public Comment: None present.

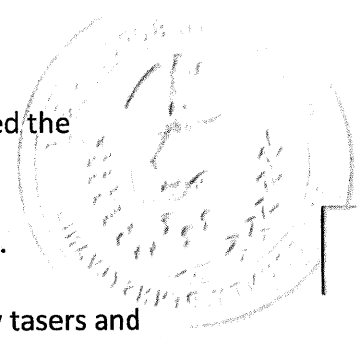
Monthly Reports

Mayor: Mayor Paget reported on community events.

Police: Monthly report is on file. Chief Clopp reviewed his report which included the following:

- The department completed their annual PCCD (juvenile justice) audit.
- The department assisted with community events held downtown in July.

Chief Clopp thanked the Elk County Commissioners for the Act 13 grant for new tasers and stated that the grant paperwork has been closed out.



The department has received a resignation letter from part-time officer Ken Heberling. A motion was made by Councilman Cherry and seconded by Councilman Warmbrodt to accept the resignation. Motion carried unanimously.

A discussion was held on the issue of tractor trailer traffic on the west end streets of town. The large trucks often get stuck causing property damage. Chief Clopp has asked Domtar to educate the trucking companies to stay on truck routes.

Fire Chief: Monthly report is on file. At their request, a motion was made by Councilman Poague and seconded by Councilman Warmbrodt to release \$100,000.00 from the fire equipment fund to the Johnsonburg Fire Department for the purchase of a new fire truck. Motion carried unanimously.

Superintendent: Monthly report is on file. A motion was made by Councilman Imbrogno and seconded by Councilman Cherry to purchase a new John Deere 570 mower for \$6,917.00 with an estimated trade-in of \$1,000.00 for the borough's used 350 mower. Motion carried unanimously.

Council Committees: The finance committee reviewed the half-year budget.

Finance & Bills for Payment: President Maletto read the borough's account balances and the bills. This month's bills include General Fund - \$4,783.88, Community Center Fund - \$3,251.17, Highway Aid Fund - \$630.00, Community Improvement Fund - \$43,591.96, and Street Light Fund - \$900.00. A motion was made by Councilman Warmbrodt and seconded by Councilman DeAngelo to pay the bills as presented and to accept the finance report. Motion carried unanimously.

Solicitor: Solicitor Thomas was excused. The public nuisance abatement letters sent to the property owners of 210 Mill St. and 508 Second Ave. were discussed. Ryan Miller gave an update on the condition of the Pena property at 508 Second Ave.

Engineer & Code Enforcement Report: Monthly report is on file. Engineer Ryan Miller reported on the collapse of the former theater building at 528 Market St. and thanked council, Cavalier Roofing, and Bucktail Excavating for responding so quickly to the emergency.

The borough's 2023 Pennsylvania Department of Community & Economic Development's Local Share Account grant application was discussed. This grant can be used for a wide scope of community projects. Projects under discussion were the theater building cleanup and redevelopment, flood control project, a new street sweeper, and sidewalk replacement.

A discussion was held on the Community Development Block Grant (CDBG) projects that were recently awarded which are the Julia St Stormwater Project and the Johnsonburg Hotel Site Cleanup. Both projects are projected to be completed by the end of the year.

Municipal Authority: Minutes are on file.

Recreation Board: Meeting minutes and reports are on file. The public works committee will meet with the recreation board to discuss some proposed projects for the center.

Old Business: 1. A motion was made by Councilman Warmbrodt and seconded Councilman Poague to purchase two additional trash cans for Market St. Motion carried unanimously. This purchase will be partially funded by a grant through the Johnsonburg Endowment Fund.

New Business: 1. A motion was made by Councilman Poague and seconded by Councilman Warmbrodt to allow St. John Lutheran Church to close a portion of Church St. on September 9th from 7:00 a.m. – 5:00 p.m. for their annual festival. Motion carried unanimously.

2. A motion was made by Councilman Poague and seconded by Councilman Cherry to set trick or treat for October 28th from 5:00 – 7:00 p.m. by porchlight invitation only. Motion carried unanimously.

A motion was made by Councilman Poague and seconded by Councilman Imbrogno to close Market St. from the gazebo to the community center from 3:00 – 5:00 p.m. for the annual Halloween parade. Motion carried unanimously.

3. A motion was made by Councilman DeAngelo and seconded by President Maletto to allow Secretary Rachel Kilhoffer to attend the Pennsylvania State Association of Boroughs Fall Leadership Conference in Erie on October 13th and to pay any expenses incurred. Motion carried unanimously.

4. A motion was made by Councilman DePanfilis and seconded by Councilman Poague to allow the treasurer to open PLGIT accounts. Motion carried unanimously.

5. Upon the request of a local business, the public works committee will research a location for them to receive dumpster service.

6. A motion was made by Councilman Poague and seconded by Councilman Warmbrodt to apply for the 2023 DCED LSA grants as previously discussed and to allow ARS Engineering to apply on our behalf. Motion carried unanimously.

7. A public hearing will be held on August 23rd at 6:00 p.m. to review the intermunicipal transfer of a liquor license on behalf of Nittany Mart.

Adjournment: A motion was made by Councilman DeAngelo and seconded by Councilman Warmbrodt to adjourn the meeting at 5:20 p.m. Motion carried unanimously.


Rachel Kilhoffer
Secretary



Johnsonburg Borough
Special Meeting & Public Hearing
August 23, 2023
4:00 p.m.

Call to Order
Silent Prayer
Pledge of Allegiance

Roll Call/Attendance	Title	Present	Absent	Excused
Cherry, Scott	Councilman	X		
Clopp, John	Police Chief			X
DeAngelo, James	Councilman	X		
DePanfilis, James R.	Councilman	X		
Imbrogno, Louie	Councilman		X	
Imbrogno, Tom	Street Superintendent			X
Johnsonburg Municipal Authority	Representative			X
Kilhoffer, Rachel	Secretary	X		
Maletto, Alfred J.	President	X		
Miller, Ryan (ARS Engineering)	Engineer/ Code Enforcement			X
Paget, Kyle	Mayor	X		
Poague, Eric	Councilman		X	
Thomas, John R.	Solicitor	X		
Warmbrodt, Richard	Councilman			X

President Maletto turned the meeting over to Solicitor John Thomas.

Business: Solicitor Thomas explained the purpose of the public hearing was to review the proposed acquisition of the Aiello's Café (Ridgway, PA) liquor license to the Nittany Oil Company at their location at the Nittany Mart (former Old Brickyard) store at 6827 Ridgway Johnsonburg Rd., Johnsonburg. The Johnsonburg Borough is required to advertise to the public and hold a hearing for public comment.

Attorney Mark Kozar, Flaherty & O'Hara of Pittsburgh, was present to inform council on the business model of the Nittany Mart corporation and the staff training required for serving alcohol.

There was no public comment submitted.

A motion was made by Councilman DePanfilis and seconded by Councilman Cherry to adopt Resolution 03-2023 which supports the intermunicipal transfer of the liquor license. Motion carried unanimously.

Adjournment: President Maletto adjourned the meeting at 6:14 p.m.

Rachel Kilhoffer, Secretary

Rachel Kilhoffer

JOHNSONBURG BOROUGH

RESOLUTION NO. 03-2023



**A RESOLUTION OF JOHNSONBURG BOROUGH, ELK COUNTY,
PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT
LIQUOR LICENSE NO. R-16446 BY NITTANY OIL COMPANY, INC.
INTO JOHNSONBURG BOROUGH**

WHEREAS, Act 141 of 2000 (“the Act”) authorizes the Pennsylvania Liquor Control Board (“PLCB”) to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant obtain from the receiving municipality a resolution or ordinance approving the inter-municipal transfer of the liquor license prior to the applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution or ordinance by the receiving municipality, at least one public hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding the applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Nittany Oil Company, Inc. has requested the approval of the Council Members of Johnsonburg Borough for the proposed transfer of Pennsylvania Restaurant Liquor License No. R-16446 from Aiello’s Café, Inc., formerly located at 102 North Broad Street, Ridgway, PA 15853 to Nittany Oil Company, Inc. to a convenience store/restaurant facility to be located at 6827 Ridgway-Johnsonburg Road, Johnsonburg, PA 15845, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Council Members of Johnsonburg Borough had held a properly advertised public hearing pursuant to the notice provisions of §102 of the Liquor Code to receive comments on the proposed liquor license transfer; and

BE IT FURTHER RESOLVED, that the Council Members of Johnsonburg Borough approves by adoption of this Resolution the proposed intermunicipal transfer of Pennsylvania Restaurant Liquor License No. R-16446 to Nittany Oil Company, Inc.; and

BE IT FURTHER RESOLVED, that transfers, designations and assignments of licenses hereunder are subject to approval by the Pennsylvania Liquor Control Board.

DULY ADOPTED this 23rd day of August, 2023, by the Council Members of Johnsonburg Borough.

ATTEST:

Rachel Kilhoffer

BY:

Arthur J. Martin III