

***Borough of New Stanton Council Meeting
November 1, 2007***

Council President Scott Sistek called to order the November 1, 2007 Council meeting of the Borough of New Stanton at 7:00 p.m. The meeting was held at the Municipal Building, 451 North Center Avenue, New Stanton, Pennsylvania. A Prayer and the Pledge of Allegiance were recited.

Members present were Scott Sistek, Wilbur Bussard, Todd Bartlow, Jerry Ilgenfritz, Thomas Theis, James Mack and Junior Councilperson Sara Loucks. Also present Mayor Joseph Kazan, Borough Solicitor John Campfield, and Borough Engineer Emil Bove of Bove Engineering. Code Enforcement Officer Michael Stack and Councilman Robert Quinn were absent.

General Business

Wilbur Bussard made a motion second by Todd Bartlow to pay bills in the amount of \$12,902.55. The motion carried.

Jerry Ilgenfritz made a motion second by James Mack to approve the minutes from the October 18, 2007 Council meeting. The motion carried.

Mark Leonard-Development Plans

Mr. Leonard said first off I guess I need to ask for another extension. Do we know that to be a fact? Mr. Campfield said the question is whether you can get things resolved tonight as I understand it today's the deadline on the current extension that you have. Is that correct? Mr. Leonard said yes that is correct. Mr. Campfield said so if you don't get things resolved this evening then you need another extension. Mr. Leonard said and I don't foresee that we will probably do that. I was under the impression and I'm sure you are going to correct me that the extension or the time frame was given for review of the plans and submittal. Once it's reviewed and approved by Council that time line was null and void. The time frame was for review and approval by Council and it has been approved. Mr. Campfield said it was approved subject to the conditions that you agreed to the Developers Agreement, the Rain Tank Agreement and that is where we don't have agreement. You haven't agreed to those agreements so it was a conditional approval that was given by Council at the last meeting so that's the difficulty since you haven't agreed to those two (2) agreements you haven't met the approval that Council gave. Mr. Leonard said it is not worth arguing about it if we could have a 30 day extension to wrap these up. As far as I'm concerned my Engineer is revising a couple of items for the HTMA plan that will be done probably tomorrow. That agreement is being finalized. Other than these few issues we're very close; but obviously it is not going to happen tonight. If we could get a thirty (30) day extension that would take care of everything. Mr. Campfield said I was sent a copy this afternoon from Anita that it was a thirty-six (36) day extension. I just wanted to clarify the length of the extension. Mr. Leonard said I am asking Council to approve a thirty-six (36) day extension.

*Borough of New Stanton Council Meeting
November 1, 2007*

James Mack made a motion second by Thomas Theis to grant Mark & Amy Leonard a thirty-six (36) day extension on their plans. The motion carried.

Mr. Leonard said thank you and I guess now would be the time to discuss the issues that we need to get resolved to get this finalized. I had some issues with the agreements that John put together and he was OK with some of the changes that I requested not so much with several others. Mr. Leonard said the rain tanks in general what I am asking, John wants and I guess Emil wants the rain tanks part of the storm water system. I grant you that it is part of the overall storm water system but the rain tanks are basically small storage tanks to temporarily store roof runoff water from the houses that will be built on those three lots. However, until those houses are built and the downspouts are tied into those tanks, those tanks don't do a thing. I would have to locate three tanks on each of the three lots which by the way one lot is not mine. I don't know if I could legally put a rain tank on somebody else's property. I would have to locate the rain tanks on the lot before the building is even built for no reason at all. What I am asking is can we set aside the rain tank portion of the storm water. I'll install the catch basin, the storm water pipe the fifteen (15) inch corrugated pipe tie it all in and get it inspected and approved by Emil and once that is approved working efficiently get that signed off and that will take care of my agreement and release my bond. However, if you guys want to handle the rain tanks with a separate bond possibly, I would be willing to do that but it would be a much smaller bond and it would release me from all the other work. I don't think the rain tanks should be tied in with the biggest part of the work. Those three houses may not be built for ten years. Mr. Mavretish asked Mr. Leonard if he was going to build up there and Mr. Leonard said not if he could help it.

Mr. Bove said the situation is going to be coming up more often than not with the way the State wants you to do storm water management now a days by keeping the storm water facilities, the BMP's (Best Management Practices) closer to the site that is causing the storm water specifically in residential housing plans you are going to see this more. You are going to see less huge retention ponds, you are going to see more individual BMP's on the lot. This is something that is going to come up again and unfortunately for Mark it's the first time. Your Ms4 agreement kind of has a method to handling this sort of thing and basically its just more documenting everything such as documenting on the plan to be recorded with notes on the plan regarding the necessity storm water tanks on each lot, the maintenance of the tanks, there are various things that need shown on the plan. That is one way it will be recorded on record; every person that would go and buy the lot would have notice that this facility needs to be placed on the lot. That still doesn't entirely notify the Borough, let's say ten years from now that someone comes in and applies for a building permit for that lot that it requires storm water BMP. Mr. Campfield said the essence of the issue here is your storm water management ordinance requires that you use Best Management Practices and that's what BMP's refer to and that's what this whole rain tank issue creates. As Mr. Leonard has indicated that you would not build these rain tanks until you are to the point of building a home. The problem from the Boroughs standpoint is that these rain tanks are part in parcel of the Storm Water of Management Plan so that there isn't a storm water problem. Before this

*Borough of New Stanton Council Meeting
November 1, 2007*

whole new concept of BMP's and rain tanks came in as you know you were putting in big retention ponds, detention ponds other things that dealt with the whole development. As Emil indicated it is now to be approached closer to the source of the water and also to recharge the water back into the ground as opposed to just storing it some where and letting it run down into some channel or stream. Councilman Mack said we know all that he is asking about timing. Mr. Campfield said the question is then how do you make certain that whoever has the property knows that there is an obligation to put in the rain tank. These plans that have been submitted here that show the rain tanks are not in recordable form. Emil and I have talked about this as a possible way to deal with this issue and that is if you were approving and signing a plan that is recordable and was recorded in the Recorder of Deeds office, therefore, anyone that would be buying a lot would be placed on notice with what is on that plan and you showed the rain tanks and you placed a covenant on there that said anybody who buys one of these lots is going to have to put these rain tanks in and comply with the Storm Water Management Plan that's approved then you have put a potential buyer on notice of what they are getting into. Councilman Mack said why can't we do that? Mr. Leonard said this subdivision was done a long time ago and the covenant is already done. I am simply extending utilities and now this new BMP comes into play. That is fine, I am not arguing that fact anymore we will put the rain tanks in, the fact that I am debating is when they have to be installed and under what permit do they have to be installed. My argument is when the builder goes to build a house, there are a lot of things that he does not know that are required for that lot. When he goes to purchase that lot and build a house he will come to the Borough and say OK what do I need to do? Councilman Mack said I see your point of some type of separate bond or addendum to the situation to have a transferable responsibility. I can understand your motivation there, it does seem a little silly to put tanks in now and you don't know where the house is going. Councilman Bartlow said can that be attached to the plan? Mr. Campfield said that is one thing; Mark has indicated a separate bond and I don't know what Emil's thoughts are on it, I think that can be done from a legal standpoint. How you would calculate the bond for the rain tanks and then you would have to have a bond in place until the lots are developed. Mr. Leonard said if you say OK we need you to do this. How do I do it for the third lot that I do not own? Mr. Campfield said that is a problem with regard to the rain tanks. Mr. Leonard said I don't understand the bond why that would even be necessary. If you go to build on this property, the new laws indicate that you need a rain tank. Let's say we did not do anything at this time and you say OK we will forgo the bonds for that rain tank, we are not going to force you to put the rain tanks in at this time. When the purchaser, whoever builds the house, when they go to build that house is there any way they could build that house without installing the rain tanks that you require. Mr. Campfield said that is not the real issue as we see it. The real issue is when the person comes and the Borough doesn't give them a permit unless they are going to put in this rain tank and they say I didn't know anything about putting any rain tank in, I'm not going to put it in. Mr. Leonard said that is me, when I bought this property and knew nothing about the rain tanks until three or four months ago and I already had plan approval. Mr. Campfield said the point is if you approve a Storm Water Management Plan part of which is you have to

*Borough of New Stanton Council Meeting
November 1, 2007*

have these rain tanks, then you need to see that they go in or that there is security there to see that they go in; because what in all likelihood could happen is the person who buys the lot from Mr. Leonard comes in for a building permit, Borough says you have to put a rain tank on this property and they say I didn't know anything about that, Mr. Leonard did tell me anything about that, you didn't have any information out there of record to let me know that I had to put in a rain tank; they are going to say either to New Stanton or Mr. Leonard put in the rain tank and then your back here with a controversy over who's responsibility is it to pay for the rain tank. Mr. Leonard said can I do that now? Can I tell New Stanton that I didn't know anything about it and you're responsible for putting it in, because six months ago there was no rain tank? That is a fact. Mr. Campfield said your plan that was approved five plus years ago, the Ordinance wasn't in place. That plan had a five year life span, it expired. This is a new plan in the interim the MS4 Ordinance came into play, law says once your plan that was approved expires you are subject to what ever changes occurred in the Ordinance. You are subject to this Ordinance. Mr. Leonard said so basically I've started from scratch just recently. Mr. Campfield said right. Mr. Leonard said OK just like a new buyer would be starting from scratch, they would come in and say we want to build on this lot and you would say you need rain tanks and they would say I didn't know about that. That is my position now; six months ago I started this initially there were no rain tanks, it was just recently the rain tanks came into effect. Mr. Leonard said the rain tanks came into effect when you and eventually your engineer and Emil were working through a Storm Water Management Plan. Mr. Bove the rain tanks came about because one of the outstanding issues besides the sewer line was the Storm Water Management. That is basically when I got involved with the whole thing was to see that a proper Storm Water Management Plan was developed for these improvements. Mr. Leonard said about what time frame were those rain tanks added to the plan, two or three months ago. The fact is I did not know anything about the rain tanks six months ago when I started the second phase of this development. Mr. Bove said there is another way that you can manage the storm water on the property such as doing other things with the storm water pipe that you are going to have, other ways to promote infiltration or doing more storage of water. The rain tank was a component to help minimize the other controls. If you take away the rain tanks you need to beef up your storm water somewhere else. Mr. Leonard said I will put the rain tanks in. The debate right now is why should I have to guarantee those? Maronda Homes, all those lots that are not developed, when they go to build on those lots, a year or six months from now are they going to be installing those rain tanks? Mr. Bove said they are under an approved Storm Water Management Plan already. Mr. Leonard said did my approval from the Conservation District expire? I know my plans with you expired but I had approval for a Storm Water Management. Mr. Campfield said the Conservation District would be looking at and E&S plan and they simply make comments. The Borough enforces the Storm Water Management Ordinance. Mr. Bove said the Conservation District can comment on Storm Water Plans if you submit it to them. If I recall your WCD comments were only for the E&S. The whole issue here is pretty much the State has kind of given you a method to do this as far as recording, maybe adding a few more notes that they have on here. To have a bond posted on these sorts of things, you are going to need a bond in the amount of what it is going to cost the

*Borough of New Stanton Council Meeting
November 1, 2007*

Borough to put that in. I don't think you want to carry a bond for \$5,000 for each tank for who knows how long. Mr. Leonard said no I do not and I don't want to have to start this process all over again with recordable plans. We did not subdivide. Mr. Bove said it is not a recordable plan as far as a subdivision it is recorded as part of the BMP agreement. The State actually recommends that the BMP Plan be recorded with the BMP agreement. Mr. Leonard said the rain tanks that strictly to handle roof runoff water and filter as much water back into the ground. It is for roof runoff and until the roofs are there it is useless why are we wasting everybody's time on this. Councilman Ilgenfritz said why can't the rain tanks be part of the sales agreement? Council President said that is a private agreement. Councilman Ilgenfritz said we won't let them build until they put them in. Mr. Leonard said it is part of your ordinances; you can't give them a building permit until they agree with it. Mr. Campfield said it is an issue because the rain tanks are part in parcel of the whole Storm Water Management Plan. The whole system you are putting in, the rain tanks are an integral part of the whole system. Mr. Leonard said are splash blocks part of the Storm Water System. Mr. Campfield said no, and Emil just indicated to you that if you wanted to eliminate the rain tanks you can do it by changing the other parts of your proposed Storm Water Management System to deal with the water. We are saying you can do it that way but that points out the fact that this is one integrated system and I go back to what was said earlier from the Borough's stand point that if they approve this Storm Water Management system, their obligation is to see that the system goes in, so that there is a system in place that works to control storm water. Mr. Leonard said I do not agree with that. I don't think it is one integrated system. We have been taking roof runoff from houses for thousands of years and it has never been an integrated system. Mr. Campfield said you can go argue with the Government about that. Mr. Bove said it is only integrated once the house is built. Mr. Leonard said can you go to any County or Municipality in the area where they are doing this. Mr. Campfield said we represent Manor Borough and several months ago we had a meeting with Jim Pilsbury, Droste, the Developers in Manor and the Borough's Engineer about the rain tanks. A model rain tank was brought down by the Conservation District that is to be installed. I was just up on a development in the northern part of the County where this whole issue came up about there were to be rain tanks installed and the Developer forgot to tell people. There were the noises of threatened law suites because the people who bought the lots did not know anything about rain tanks being part of the Storm Water Management Plan. Mr. Leonard said if I install the rain tanks, I will install them when I install the complete storm water system, they will be inspected; will you sign off and release the bond if I install the rain tanks. Mr. Campfield said yes but I don't know if you would install the rain tanks now if that's what he is saying. Mr. Bove said you generally would not install them. Mr. Leonard said I will put them in, but I do not know how I am going to put it in the third lot that I do not own.

Mr. Campfield said you are running three laterals up for three lots including the lot you do not own. Mr. Leonard said without his permission I am only going to the right of way line, the property line. That is actually where I would take it anyway. The lateral would not go on his property. Council President said he has agreed to put the rain tanks in fine that will help the whole situation, but if he runs into a road block where does he

*Borough of New Stanton Council Meeting
November 1, 2007*

go. Does that put the whole development at a stand still? Mr. Campfield said Emil has to answer the question if a rain tank does not go in on lot 2 how that impacts storm water. Mr. Bove said that would need to be re-run as far as calculations are concerned. You would need to take that out of the equation. I honestly doubt that it would have a severe impact. Mr. Mavretish said why don't you sale the two lots? Mr. Leonard asked Mr. Mavretish if he wanted to buy them without utilities. Mr. Leonard said when I talked to Woody he said there would be no problem. Mr. Campfield said do you think you could contact the estate and find out if they would give you permission to install the rain tank. Mr. Leonard said I sold this to a lady so that she could build a house on, lost her deposit, I have a law suite over that. I don't think that guy is going to be to willing to do anything for me. Mr. Campfield said he wouldn't permit you to come on the property to install the rain tank. Mr. Leonard said I highly doubt it but I will talk to the gentleman but I would be surprised if he would budge and inch for me. I hate to leave this room tonight based on hoping this guy will allow me to install a rain tank. I don't understand why we can't guarantee those rain tanks some other way. There is simple water runoff from a roof. Six months ago they were going to be splash blocks or piped down to the catch basin. Council President said we are looking at the possibility of not being able to put a rain tank in, how would that impact the entire system if a house was put on that. Is there something maybe a combination here that there is a way to increase part of the plan in the overall to forgo that one rain tank in the event that he cannot get the permission to put that tank on. Mr. Bove said I think it would be possible to design some further controls on that. Mr. Campfield said there are all kinds of controls to recharge the water. Mr. Leonard said swales are what we had talked about. Mr. Campfield said if I can go back and try to get to possible solutions, one would be shrinking this map, attaching it to the rain tank agreement to be recorded and that is going to deal with lots 2 and 4. You still have the issue of how you deal with lot 3 which Mr. Leonard does not own. Mr. Bove said it is possible that the engineer could re-run the numbers with the elimination of that tank. Mayor Kazan asked Mr. Leonard what he preferred to see if he could get permission to put the rain tank on that lot or redesign and eliminate that rain tank. Mr. Leonard said I'd prefer to walk out of here with approval eliminate the rain tanks from the storm water and if anything the cost set for the installation of those rain tanks in a separate bond and if they are not built within set a time limit 10 years on the bond, 5 years and if they are not built by then so be it. I would rather put a separate bond because I don't foresee him agreeing to a rain tank on that. Mr. Campfield said are you talking about a separate bond just for lot 3? Mr. Leonard said no 2, 3 & 4. Actually I would prefer a separate bond for each lot so if we build a house and eliminate one rain tank we could release that bond. Mr. Campfield said you could do separate bonds that is not a problem. You can separate the bonds from the other Storm Water improvements. Councilman Mack said why don't we do that. Mr. Campfield said you just have to come up with a number for the bonds for each lot. Mr. Leonard said it would be the price of the rain tanks and the installation.

Mr. Leonard said if we go the route of a recordable plan I am going to need a ninety day (90) extension before I leave here. I cannot get that done in thirty days (30) and you are not going to give me approval without that. You are talking about the BMP agreement that we already have. We're going to shrink this down attach the drawing to

*Borough of New Stanton Council Meeting
November 1, 2007*

the agreement that we already have and that will be a recorded agreement. If that's the case and it is recorded attached to the block then we wouldn't need the bond. Mr. Campfield yes you would because it has to go in, there has to be security there to see that it goes in. Mr. Leonard said the recorded agreement is recorded for each lot. Mr. Campfield said the recorded agreement is recorded and indexed against you and your wife as the owners. The map that is attached shows the three lots. It is not going to be effective as to lot 3 without lot 3's permission. Mr. Leonard said unless I misunderstood, Mr. Campfield said earlier about if we recorded it and somebody bought the property a recorded document would come up and they would therefore know the requirements of that property before they buy it. Let's go ahead and do that. Shrink these down have three agreements one for each property record them. Mr. Campfield said we cannot record one for lot 3 without permission of the property owner. Mr. Leonard said that would eliminate the bonds for lots 2 and 4 and since I don't own it and cannot control the owner for lot 3 we would do a bond for that lot. Mr. Bove said you could have your engineer redo the calculations for the other two lots make the rain tanks larger to compensate and do away with one tank. Mr. Leonard said get my engineer try eliminate the third one and increase the two revise the drawings puts them in front of you, you are OK with them. We also have him shrink this down to document size attach it, two separate agreements one for lot 2 and one for lot 4 sign them and record them. Lot 3 we eliminate the rain tank there is no issue.

James Mack made a motion second by Wilbur Bussard to rescind the previous motion granting Mark & Amy Leonard a thirty-six (36) day extension on their plans. The motion carried.

James Mack made a motion second by Jerry Ilgenfritz granting Mark & Amy Leonard an extension date on their plans until February 7, 2008. The motion carried.

Mr. Mavretish asked Mr. Leonard if anybody could use the private road. Mr. Leonard said yes and Mr. Mavretish said and you are going to pay for it. Mr. Leonard said unfortunately yes.

Mr. Leonard said the one hundred twenty (120) days on this agreement to get the work complete, I would like to have one hundred eighty (180) days. There was a brief discussion.

Wilbur Bussard made a motion second by James Mack to grant Mr. Leonard one hundred eighty (180) days instead of one hundred twenty (120) days to get the improvements down. The motion carried.

Mr. Leonard said there is a statement in the agreement for Bove Engineering's inspections; it just says that I have to cover his costs. I would like some hard numbers attached to the agreement. Mr. Bove said yes we can come up with an estimate for Mr. Leonard and Council.

*Borough of New Stanton Council Meeting
November 1, 2007*

Mr. Leonard said it states in there that I must pull a road opening permit. We moved that sanitary out of the road into the property right of way. I will not be cutting asphalt. Why do I need to pull a road opening permit? Mr. Campfield said the Ordinance says that if there is any activity in the Borough right of way. The part that applies is Part 2 of the Ordinance. The bond is to guarantee the proper repair of the street. Mr. Leonard said it is in the wording in the bond through Hempfield Township and the Borough is the third party to that bond, so that work is covered. Mr. Campfield said the bonding in the HTMA agreement deals with the installation of the sewer line. This is for the restoration of really the surface area that is going to be disturbed. Mr. Leonard said I thought because of a letter from their attorney, I thought that was being revised. Mr. Campfield said we are waiting for an agreement Emil talked to them I did not. The agreement that HTMA has sent to us at this point specifically addresses that Mr. Leonard has to get a road opening permit from the Borough. I don't think anyone wants him to over bond anything; the question is, is there security. You have an Ordinance that says there has to be a bond to guarantee the restoration of the area that's disturbed. Emil can tell you what the bond would be in this instance. Whether it is incorporated into a bond that HTMA gets is issue number one, number two would be whether HTMA is going to inspect to see that you are satisfied with the restoration or whether they are only going to inspect for the sewer line. Mr. Bove said they inspect the backfill of the material under pipe. They may watch the rest of the material being placed but I don't know if they particularly are commenting on anything as far as the restoration. I honestly do not know. I spoke to Amy and they are adding a clause particularly related to the concrete driveway and the retaining wall. I don't know if they are incorporating their bonding to reflect that. For example for this particular sewer line installation of ninety-five (95) feet total length, the street opening fee would be \$59.50 and the actual bond as per your Ordinance would be \$2,900 and I am using a two foot wide trench. We could eliminate both of those if John verifies that the wording in the agreement with HTMA is to his liking. Mr. Bove said I don't think you can eliminate the street opening application fee. That is if you are doing any work within the Borough right of way. It's whether the HTMA bond is sufficient to include these. Mr. Campfield said typically this is what happens. After the installation of a sanitary sewer line in a street, HTMA is going to send the Municipality a letter wanting a response saying that whatever has been disturbed has been restored to your satisfaction send us a letter. That generally means then that the Borough has inspected that work as it was going in and they are satisfied as to the work that has been done. Either one of two things either you are totally deferring to HTMA to do the restoration and that's going to involve two things one you are disturbing area of the right of way some of it maybe grass and obviously to the Zerilla's and important thing is the restoration of their driveway. If you are deferring to HTMA then the Zerilla's then should be looking to HTMA to make sure their driveway gets restored. Mr. Bove said the way the Borough bond is set up, it is not set up to include any additional walls, driveways and so for. It is based on square footage of opening regardless of whether it is in the pavement or in the road right of way. Mr. Campfield said the key components here are that there is sufficient bond for both the restoration of the work for the installation of sewer line and restoration of the surface area and who is going to inspect it so that both entities are satisfied. Mr. Leonard said I am asking Council to have Mr. Campfield

***Borough of New Stanton Council Meeting
November 1, 2007***

review and revise HTMA's agreement to include all items such as retaining wall, driveway, grass, pavement under that bond and include a statement that says before release of bond, New Stanton Borough's Engineer has to inspect and approve those restorations. Council President said and do you think HTMA is going to agree to that. Mr. Leonard said they would have no problem with that. Mr. Campfield said in that case I suggest that Emil talk to HTMA to make sure the amount of the bond so they clearly understand that it is going to cover not only the sewer line but the restoration as well.

Mr. Leonard said while we are on the subject of the restoration, the planting of the grass is not going to match the existing grass. The retaining wall it should go back exactly as it is, somebody breaks it taking it out we have to buy new ones the color will not match. The concrete, I am willing to pour the concrete up to the first expansion joint and that maybe beyond the property line so I am going to need written approval to do that from the homeowner and the replaced concrete will not match the old concrete.

Wilbur Bussard made a motion second by Todd Bartlow to have two separate bonds one for the road opening and one for the restoration. The motion carried.

Mr. Leonard said wording regarding the restoration are we going to include something. Is that going to be part of your bond now? Council President said that would have to be part of ours.

Mr. Leonard said there is a statement on here regarding construction vehicles parking on Virginia Drive. John you had an issue with my request. I will need construction vehicles sitting on Virginia Drive and I would like the agreement revised to indicate that. Mr. Bove said this is more implied to the activities up beyond Virginia Drive and probably would not want these vehicles sitting on Virginia Drive all day while you are working up on top. Mr. Campfield said it was designed to deal with the issue that Emil had just indicated that if you are building your storm drainage system and your roadway up on the private end of this thing that you don't at night park all of your vehicles at the end of Virginia Drive. Mr. Leonard said my suggestion to Mr. Campfield was that I would like to add with the exception of the necessary construction equipment to install the sanitary and storm water systems along Virginia Drive only. He was not acceptable to that change. After some discussion Mr. Leonard, Council and Mr. Campfield came to a solution.

Wilbur Bussard made a motion second by James Mack that all construction vehicles can be on Virginia Drive and other Borough streets between the hours of 7:00 a.m. to 5:00 p.m. daily. The motion carried.

Council President said Mr. Jim Fox is not on the agenda he was supposed to be on here so we will squeeze you in at this point.

Mr. Fox addressed Council about the nuisance violation that he received from the Borough. My property is located on Arona Road and would like to plant trees in the

***Borough of New Stanton Council Meeting
November 1, 2007***

Spring and the lot would be in compliance V-1 Village Forestry. I spoke to Denny told him I was going to plant trees put up a fence and I asked him to stop mowing the lot.

Denny said before you build the fence I will talk to my neighbor Brandon Todd and see about purchasing the lot and splitting it between them. Denny called me about purchasing the lot but it was more than they were willing to pay. There was some discussion on the subject.

James Mack made a motion second by Thomas Theis to grant Mr. Fox an extension until April 15, 2008 for a hearing. The motion carried.

Council additions to the agenda

Councilman Bussard said I have a letter that I am going to pass out to everyone and I would like you to read it out loud. Council President read the following letter.

Council President said this letter is dated October 29, 2007, its letterhead from the State Ethics Commission in Harrisburg, addressed to Wilbur Bussard, 101 Sewickley Street, New Stanton, PA 15672; in regard to file no. 07-083.

Dear Mr. Bussard:

The Investigative Division of the State Ethics Commission has received a complaint alleging that you violated Section 1103 (a) of the State Ethics Act when you used the authority of your public position for private pecuniary gain by utilizing council employees, equipment and supplies in furtherance of your re-election for a position on borough council, specifically when you directed that a township employee create labels and campaign signs advocating your re-election to council.

After a preliminary inquiry of this allegation, it has been determined that the activity in question was de minimis in nature. The Public Official and Employee Ethics Law provides that a conflict of interest shall not include an action having a de minimis economic impact. As such, no further action shall ensue.

Very truly yours,

*John J. Contino, Esquire
Executive Director*

Recreation – Alan Wagner

Mr. Wagner said last night we had our Trick or Treat booths one at where Suzie's Cut Above used to be and one in Chanticleer at the model home. I have been hearing different Council members saying that was the wrong thing to do. I spoke to Mr. Bussard and he said it was unsatisfactory with Council. There were people on Council who were upset that we were not having a parade for Halloween last night. We did ask to have the

*Borough of New Stanton Council Meeting
November 1, 2007*

parade through Stanton Heights and all we got was an answer from Jane Sistik that we couldn't have it. Why is it such a big deal that we didn't have a parade for the kids? Council President said she brought that up at your Recreation Board meeting. There were different reasons for that. One there is no staging area to set up all the children to have a parade in Stanton Heights. Two the streets are too narrow, parking would be an issue. Mr. Wagner said we weren't allowed to have the parade through Stanton Heights. Council President said nobody said you weren't allowed. Mr. Wagner said your wife told us we weren't allowed. Council President said no don't you dare do that. She did not tell you that you were not allowed it was her opinion that you could not do it there because of the restrictions. She is only one vote and she got out voted as she always does. Mr. Steele said my grandchildren did not even get a treat from the booth because all the people from Youngwood were up at Stanton Heights. There has to be a unified effort for the Children of our Municipality. When I was on the Recreation Board we were an entity of the Borough we were not a separate entity and that is something else that has to change. Council President said there were some that were alienated from your booths because they did not live in the two plans. There are a lot of other kids in this Borough. I think what we need to do is a Community effort and try and make something work. Councilman Bartlow said you know I have always been a fan of the Recreation Board and always helped them out but it was a little disturbing last night. I go to school on Wednesday nights and I came home, talked to my daughter and she said she went over to the table and went to pick up a candy apple and she was told no you can't have that you need to pick from this bowl over here. She felt very humiliated by that and there was another girl and the same thing happened to her and I'm sure that hurt her very deeply. There was a heated discussion and some vulgar language from Mr. Wagner aimed toward Council President.

Administrative Reports

Solicitor-John Campfield

Mr. Campfield said there was a question brought up at the last meeting about snow and ice removal. The agreements that were done were supposed to last a year. There was more discussion.

Wilbur Bussard made a motion second by Todd Bartlow to have John do agreements for Snow and Ice Removal for Stanmont, Chanticleer, and Stanton Square Partnership. The motion carried.

Mr. Campfield said I received word that the deed for what we are referring to as the Hepler property is being prepared by Penn DOT so that can go through.

Mr. Campfield said Mary Ann gave what we need to further deal with DeBlasio.

*Borough of New Stanton Council Meeting
November 1, 2007*

Engineer-Emil Bove

Mr. Bove said at some point we need to go over a procedure policy with bonding overweight hauling on Borough roadways. You have some applications that you are using and need updated.

Mr. Bove said we had notified Chanticleer Developer regarding the wetland issue and the concerns of the Conservation District.

Mr. Bove said the Salt Bin roof has been started and will possible be done tomorrow.

Mr. Bove said John has been helping me out on this with the Water Authority to resolve some issues regarding some utilities that they had installed.

Mr. Bove said Stanmont wanted to put their final pavement on their roadway and due to the other work that needs to be done in that plan, obviously they are not going to do that this year. We haven't received the final as built yet.

Agenda

Entertainment in the Park

Mr. Vecchio and Rich Rosky from the New Stanton Business Association addressed Council about concerts in the Park.

Wilbur Bussard made a motion second by Jerry Ilgenfritz to go forward with the planning of concerts in the Park. The motion carried.

Council President said next is a motion and vote on the Proposed Budget, Proposed Liquid Fuels Budget and Tax Ordinance. Councilman Mack said there are some issues in here that I would like to discuss and considering the hour I would like to table this until the next meeting.

James Mack made a motion second by Jerry Ilgenfritz to table the Proposed Budget, Proposed Liquid Fuels Budget and Tax Ordinance until the November 15, 2007 meeting. The motion carried.

Fax/Scanner for Copier

Assistant Secretary Anita Hoffman briefly explained a few things about the fax/scanner for the copier. There was some discussion.

Wilbur Bussard made a motion second by Todd Bartlow to get more information on a fax/scanner. The motion carried.

*Borough of New Stanton Council Meeting
November 1, 2007*

James Mack made a motion second by Wilbur Bussard to pay the Solvency Fee in the amount of \$123.44. The motion carried with Jerry Ilgenfritz voting no.

Reports

Mayor-Joseph Kazan

Mayor Kazan said the Halloween Party and Parade was a huge success.

President-Scott Sistik

Council President asked Mr. Steele to explain about the phones need to be updated. We are past our contract time for renewal. We have looked at a Bluetooth package.

Thomas Theis made a motion second by James Mack to upgrade the cell phones and the Bluetooth capabilities. The motion carried.

Council President said everyone received a copy of the meeting dates for next year. Please take a look at it.

Also at the end of this year there are a number of positions open for next year.

Wilbur Bussard made a motion second by James Mack to advertise for positions expiring at the end of the year with applications to be back by November 30, 2007. The motion carried.

Junior Councilwoman Sara Loucks told Council that her brother participated in the Halloween Festivities last night and he had a good time. Whenever you need volunteer work for an event, my one class part of our grade is volunteer work so just let me know and I can get forty kids that are willing to do stuff.

Councilman Bussard said the mower broke the other day so I gave the guys permission to get it fixed. The tires on the #1 truck need replaced before winter. Denny always gives us the best price. We have a seal on the backhoe that is leaking and needs repaired. We had some pipe and top soil that is on the other side of our Park was stolen and reported to the State Police and Insurance Company. Mr. Steele said on Painter Street we have about three foot of road that needs cut and the saw broke so we will be using the jackhammer to finish it up. Councilman Bussard said water at the Park was shutoff.

Mr. Steele mentioned to Council about a Lube Master Grease. This grease will not mix with water and heat does not affect it and it will not separate.

*Borough of New Stanton Council Meeting
November 1, 2007*

Wilbur Bussard made a motion second by Todd Bartlow to order a case of 48 tubes of grease for \$307. The motion carried.

Finance-Todd Bartlow

Councilman Bartlow read the following finance report.

Checkbook	\$531,196.90
Savings	185,980.13
Taxes	91,981.94

Planning & Zoning- James Mack

The illegal abandoned sign was taken down.

Thomas Theis made a motion to adjourn at 10:28 p.m.

Respectfully submitted,

Mary Ann Roll
Secretary