

*Borough of New Stanton Council meeting
October 2, 2008*

The October 2, 2008 Council meeting of the Borough of New Stanton was called to order by Council President Scott Sistik at 7:00 p.m. The meeting was held at the New Stanton Fire Hall, 108 South Main Street, New Stanton, Pennsylvania. A Prayer and the Pledge of Allegiance were recited.

Members present were Scott Sistik, Todd Bartlow, Thomas Smith, Wilbur Bussard, Sally Kintigh, Robert Quinn and James Mack who arrived at 7:05 p.m. Also present was Mayor Joseph Kazan, Code Enforcement Officer Melvin Steele, Borough Engineer Emil Bove and Borough Solicitor John Campfield.

General Business

A motion was made by Wilbur Bussard second by Thomas Smith to approve paying bills in the amount of \$24,073.23. The motion carried.

A motion was made by Wilbur Bussard second by Todd Bartlow to approve the minutes from the September 18, 2008 Council meeting. The motion carried with Councilman Mack abstaining.

Council President Scott Sistik presented to Pat Ganter a citation from the Pennsylvania House of Representatives and State Representative Tom Tangretti through New Stanton Borough a citation recognizing Azie Stoner's 100th year with us. Pat Ganter said on behalf of my mother who was born and raised in New Stanton thank you very much.

Council Additions to Agenda

Council President Scott Sistik said I added the Arona Road Bridge under Old Business.

Councilman Mack said John there are two types of crime there is misdemeanor and felony. Misappropriation of Borough materials and Borough labor is some level of criminal activity and it should be brought to attention now and something should be done about it. What I am talking about is Borough labor putting an improvement to personal property with Borough employees and Borough materials that is not legal, right John. Mr. Campfield said that is not legal. Councilman Mack said Sally Kintigh has a parking pad in front of her house with Borough millings done by Borough labor what are we doing about it. Councilman Steele explained that when any road work is done the Borough goes through and does all the restoration work and that is what that was. Councilwoman Kintigh said I did not ask for those to be put there and my property does not go that far. Mayor Kazan said I think what Sally is saying is that where the millings were put is in the Borough right of way. There was some further discussion.

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Public Comment

Mr. Ilgenfritz said I had questioned Personal Care for B-1 zoning and I thought maybe John could answer this. I thought there was a mistake. Council President said John is going to address that in his report.

Anita Hoffman wanted to remind Council that we are in the process of having our map redone and we need a Council picture. Anita handed out some information to Council on map cabinets. There was some discussion and Council said they would look and see if we can find them locally or at a less expensive price.

Mrs. Kathy *Vollrath* addressed Council about having someone come to school to speak to her third grade class about the history of New Stanton. Mayor Kazan gave her his phone number to contact him.

Mr. Tom Bailey from Sewickley Street addressed Council about the millings and that they did a wonderful paving job and that some of the millings were added at the bottom of Sewickley Street to protect the curb.

Mr. Keilbach asked if Council had heard anything about the utilities on Broadview Road. Council President said it is now in the hands of the County and when I spoke to Terri she said that they did receive the letters that the residents on Broadview had sent.

Mayor Kazan asked that the committee meetings be listed on the agenda as well as the budget meetings.

Administrative Reports

Code Enforcement Officer

Melvin F. Steele, Jr.

Mr. Steele read the following Code Enforcement report. The permits for the month of September are as follows:

| | |
|--------------------------|--------------|
| Billboard-Arona Road | \$150.00 |
| Occupancy Permit | 25.00 |
| Porch Permit | 25.00 |
| Steps & Occupancy Permit | <u>36.25</u> |
| All permits totaling | \$236.25 |

There is other activity in the Borough and all follow ups are being acted upon as normal.

Mr. Steele also said he would like to address Council in an Executive Session about the possibility of litigation. If Council prefers I will speak to Mr. Campfield first.

Council President added Executive Session to the agenda for the possibility of litigation.

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Solicitor

John Campfield

Mr. Campfield said Mr. Ilgenfritz raised a question at a Council meeting and I was asked to look into the issues on Personal Care Homes. There was some discussion about Personal Care Homes.

A motion was made by Robert Quinn second by Todd Bartlow to remove the permitted use in R-2 of Personal Care Homes and add Conditional use of Personal Care Homes in the B-1 and B-2 Districts. The motion carried.

Mr. Campfield said on Kriebel Gas has applied for what they first described was a road crossing they are now describing as a road boring at some junction on Arona Road and the recommended financial security is a \$1,000.00. What Kriebel wanted to do was not post a bond or other security they wanted to provide a type of escrow through National City Bank. They submitted a proposed letter from National City Bank which I told them was not appropriate. In their most recent email they said they indicated that they may just post the security. I wanted Council to be aware that your Ordinance does provide that there can be an escrow of funds. I want you to be aware of the fact that when you are dealing with public utilities coming into the Borough streets that is one thing, we are talking about private companies and I propose that in the agreement and any permit that we issue for companies like this we clearly state that we are only giving them a permit as it relates to the interest that the Borough has in the street and the right that the Borough has to see that the work if performed properly; and we are not giving them permission to be in the street incase some individual property owner claims that they can't be there. There was a brief discussion on the subject.

Mr. Campfield said there was a question raised by the Water Authority about the Fire Inspection. Anita Hoffman said that she received the check today.

Engineer

Emil Bove

Mr. Bove said I have done a preliminary review of the plans for the Sports Complex but I need to review them further. There was some discussion about the Sports Complex.

Mr. Bove said for the street improvement projects we have a retainage that we held that can now be paid to Derry Construction.

A motion was made by Wilbur Bussard second by Todd Bartlow to pay the retainage to Derry Construction in the amount of \$4, 380.73. The motion carried.

Mr. Bove said this is the update on the Stanmont project. They have been working on the repairs on the storm drainage system. Mr. Steele has been with them most of the time and I have made some visits to see what has been done. The work that

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has to be done with in the road way will be completed and they are tentatively planning on paving next week. There was a brief discussion about the Stanmont Plan of Lots.

Administration & Personnel

Scott C. Sistik

Council President Scott Sistik said that we are going to begin performance and job evaluations for our employees. We would like to conduct these next week if possible. There was a short discussion on the day and time of the evaluations.

Finance

Scott C. Sistik

Council President Scott Sistik read the following financial report.

| | |
|-----------|--------------|
| Checkbook | \$613,830.22 |
| Savings | 206,606.71 |
| Taxes | 76,667.56 |

Public Works

Wilbur Bussard

Councilman Bussard said finally after a number of letters and complaints the Turnpike is going to put bigger signs and additional yield signs.

Councilman Bussard said we had to have some electrical work done at the Park and it is now completed.

Building & Real Estate

Todd Bartlow

Councilman Bartlow said at the last meeting Mr. Clark had some information about the building on Paintersville Road. Mr. Clark would you care to tell us a little more about this information and what you found. There was a long discussion about the building on Paintersville Road.

Councilman Bartlow said I would like to continue. I know that the Fire Hall was offered to us for what is owed on the building which is roughly \$147,000 and it was appraised for \$330,000; now if that's not the buy of the century, I don't know what is. Plus we would be helping the Fire Department. We would be keeping this end of town up so if the Fire Department went out of business we would not have another eye sore like we have down the road. I think we need to support this end of town, take care of the Fire Department. Mayor Kazan said I think there are other considerations besides the Borough getting into property for profit. I think there is a consideration of access to this building in the worst intersection in town. I think it is an old building and we are going to be spending more money for continued repairs on the building. I think there is more to this roof than meets the eye. I don't think it is conducive to a Borough Building; there is not one window in this place. I don't think anyone would want to work in a building without windows. Ms. Hoffman said what if our offices are here and people come in for Fire Department stuff. Now Mary Ann and I have to take care of that as well on top of

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everything else that we are doing. Councilman Bartlow said I don't know what you mean by Fire Hall stuff. Council President said no. Anita said you can't tell me that if our offices are going to be here that we are not going to be asked things about the Fire Department plus the fire alarm going off how are we going to hear anything. I personally think that intersection stinks. Councilman Mack said I witness that everyday; Kelly drives all the way up to Highland and then makes his turn. Councilman Mack said Joe buy it for \$150,000 and sell it for \$350,000 to Chili's or somebody and take the money and build a real building. Mr. Steele said keep the building you have make improvements up there buy some land off of Mr. May for parking area, leave us where we are at because you are not going to get rent any cheaper than that and help the firemen out with this building. Councilman Quinn said I agree we should buy this building have our meetings here, keep the building for the offices. We need to have a meeting to talk about this. There was some discussion about the Fire Department.

A motion was made by Todd Bartlow second by Sally Kintigh to authorize the Building and Real Estate Committee to negotiate an agreement of sale and purchase of the Fire Department property with a lease back of a portion of the Fire Department property to the Fire Department Committee to present the proposal and lease by the October 16, 2008 Council meeting. The motion carried with Councilman Bussard abstaining, Councilman Robert Quinn voting no and leaving the meeting at 9:37 p.m. Councilman James Mack left the meeting at 9:35 p.m. before the vote was taken.

Mayor Kazan got up and said Tom Smith may I address you please when you came on Council you said you were willing to listen to the people. Councilman Bartlow said I have talked to people all over this Borough and the only people I saw in favor of that Paintersville is the handful of people that you rounded up to come in here. Councilman Bartlow said didn't you go door to door knocking. Mayor Kazan said no. Let me finish my conversation with Mr. Smith. Tom when we were up at the building for the open house you said you wanted to sit down and discuss the requirements of a Borough building and before you were appointed to this Council you said you were willing to listen to the people and make decision and I am surprised at you this evening as just going along with this ramrod decision by Council without talking with the people having a meeting because there was a motion made to involve the citizens of the meeting in this discussion on the building. Please respond to my question. Councilman Smith said I have talked to different people and I have not found any of them that were in favor of spending that kind of money for a Borough building to house three employees. Council President said I have not heard one person either except about two or three here, yourself, Jim and Rob maybe. Councilman Bartlow said you are the people not listening to the people. Council President said how can you say that there is a group of seven people that say you are representing 2100 people and that is what 2100 people want. I have heard more than those seven people say no. Mayor Kazan said I think there were more than seven people at our circus meeting the other time and Councilman Bartlow said and a lot of those circus people were not in favor of that building. There was a lady sitting in the front row told me after the meeting that she wanted to say something but she was scared to death. She thought that someone was going to hurt her. Mrs. Arthurs said

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most of those people were there because of Edgewood and Melrose Drive. They had no idea they were going to bring up about that building. Mayor Kazan said no this was at a meeting of the Real Estate Committee not at a Borough meeting. Mayor Kazan said I don't know what a comparison with a kangaroo court would be but I think I have seen it here tonight and I am disappointed in Council. There was more discussion about how the meeting was being run.

Mayor Kazan said I am leaving in protest. Council President said Joe let me explain. I think it is in poor taste if you leave the meeting because you are a Mayor representing this town. Leaving the meeting you are not sticking up for your citizens if that is what you believe; you are leaving and ignoring their wishes because you don't like the results. Mayor Kazan said I don't like the way the results were arrived at and I am very disappointed that Mr. Smith after saying he was going to listen to the meeting and decide on the requirements for the building and none of that has been done yet. Mr. Smith we had that meeting up there and Todd could not get those people to settle down and listen. Councilman Bartlow said you are accusing us of not listening to the people of the Borough and you are wrong, we are listening to the people of the Borough. Councilwoman Kintigh said I have talked to many residents and they are not in favor in spending that kind of money. You have a lot of Senior Citizens living in this Borough how do you plan on paying for a building are you going to raise their taxes, they cannot afford to have their taxes raised. Mayor Kazan said I agree with you there. There was more discussion on the subject of the buildings. Council President said Joe I invite you to take a seat.

A motion was made by Todd Bartlow second by Thomas Smith to prepare a sales agreement and a lease agreement for purchase of the Fire Department and a lease back to the Fire Department. The motion carried with Councilman Bussard abstaining.

Health & Safety

Todd Bartlow

Councilman Bartlow said there is a problem on Arona Road if you are coming into New Stanton the left lane thinks they have the right of way for on coming traffic.

Council President said Emil has mentioned about the MS4 committee and we should put one together. Councilman Tom Smith was asked to be the Chairman of the committee.

Agenda

New Business

A motion was made by Wilbur Bussard second by Thomas Smith to acknowledge the personal day request for Anita Hoffman for November 19, 2008. The motion carried.

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A motion was made by Wilbur Bussard second by Sally Kintigh to pay an \$80 contribution and \$25 for our annual membership fee to Westmoreland Cleanways. The motion carried.

Old Business

Mr. Campfield said you need to have an Open Records Officer. There was some discussion about the Open Records Officer.

A motion was made by Wilbur Bussard second by Todd Bartlow to appoint Mary Ann Roll as the Open Records Officer. The motion carried.

Mr. Campfield said there may be some training come up on this and you may want to consider authorizing her to attend.

Council President said we need to get back on track for the Arona Road Bridge for the replacement. There was some discussion on the issue.

A motion was made by Wilbur Bussard second by Thomas Smith to have Bove Engineering do whatever portion he is allowed to do along with a quote for services on the project to get it moving. The motion carried.

Reports

President

Scott C. Sistik

Council President said there is a new Microsoft office 2007 product available and we can get the product for \$229. Our QuickBooks need upgraded also to the 2008 version for a total of \$318.00. The total would be \$547.00

A motion was made by Todd Bartlow second by Sally Kintigh to purchase Microsoft Office 2007 with the three licenses and two copies of QuickBooks Pro 2008. The motion carried.

A motion was made by Thomas Smith second by Wilbur Bussard to add \$50.00 to last year's donation to the Youngwood Fire Department. The motion carried.

Council President said that our Liquid Fuels tax allocation for next year is down and one of the reasons is the amount of fuel.

Council President said there was a petition sent to Council from the residents on Cortland Drive about having their street added to the list for next years paving projects.

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Mayor

Joseph Kazan

Mayor Kazan said I would like to apologize for my speaking out in Council the way I did. I always try and maintain some sort of order of civility and I encourage others to do so and I let myself down this time and I would like to apologize to the few people left in the audience and to the remaining Council members and to the people around the table. I thought before we made this decision, I thought we should have had the building evaluated by a building inspector to see what moneys would be involved in both purchase and upgrade of this building and that disappointed me.

Mayor Kazan said I had a call from a member of the senior's club, that they have not received their 2008 donation. The Borough secretary said they were sent a check last year that was never cashed and was not returned to the Borough. We are not sure where we got the address that the check was sent to.

A motion was made by Wilbur Bussard second by Thomas Smith to stop payment on the old check and reissue a new check to the Senior Citizens for \$1,000.00 to be delivered by Joseph Kazan. The motion carried.

Mayor Kazan said I have had several complaints from the neighbors about the neighborhood cats. Mr. Campfield said there is no state law regulating cats. There was some discussion about cats and what could be done.

Recreation Board Liaison

Wilbur Bussard

Councilman Bussard said I called Alan about the receipt and I have not been able to talk to him. The Borough secretary said she requested a copy of the receipt from Wal-Mart and they sent it in the mail.

There was some discussion about the banners and what all is needed for the banners and about a tree for this year.

Mr. Steele said both trucks are due for inspection and tires. We will also need tires for the backhoe as well. We did get some prices and Denny's Tire is the lowest price.

A motion was made by Wilbur Bussard second by Todd Bartlow to purchase tires for the truck and backhoe from Denny's Tire. The motion carried.

Councilman Bussard said the other signs for over at the Park. Mr. Steele said the sign needs to read the Park opens at 8:00 a.m. and closes at dusk.

A motion was made by Wilbur Bussard second by Todd Bartlow to have the signs to read the Park opens at 8:00 a.m. and closes at dusk. The motion carried.

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Executive Session

A motion was made by Todd Bartlow to go into executive session at 10:29 p.m.

A motion was made by Tom Smith to come out of executive session at 10:32 p.m.

A motion was made by Wilbur Bussard second by Todd Bartlow to authorize myself, Mel Steele and Michael Stack to meet with Mr. Kellner and his lawyer at Kellner's to resolve the dispute between Mr. Kellner and the Borough. The motion carried.

A motion was made by Todd Bartlow to go into executive session at 10:33 p.m.

A motion was made by Thomas Smith to come out of executive session at 11:03 p.m.

A motion was made by Wilbur Bussard to adjourn the meeting at 11:03 p.m.

Respectfully submitted,

Mary Ann Roll

Mary Ann Roll
Secretary