

**Borough of New Stanton Council Meeting
February 5, 2009**

The February 5, 2009 Council meeting of the Borough of New Stanton was called to order by Council President Scott Sistek at 7:35 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, Todd Bartlow, Sally Kintigh, Thomas Smith, Robert Quinn, and James Mack. Also present was Mayor Joseph Kazan, Code Enforcement Officer Melvin F. Steele, Jr., Borough Solicitor John Campfield and Borough Engineer Emil Bove. Councilman Wilbur Bussard was absent.

General Business

A motion was made by Thomas Smith second by Todd Bartlow to pay bills in the amount of \$16,735.21. The motion carried.

A motion was made by Todd Bartlow second by Thomas Smith to approve minutes from the January 6, 2009 Council meeting. The motion carried.

A motion was made by Thomas Smith second by Robert Quinn to approve minutes from the January 15, 2009 Council meeting. The motion carried.

Council President announced that there was an executive session of Council held before this meeting that commenced at 6:30 p.m. and ended at 7:30 p.m.

A motion was made by Sally Kintigh to go into Executive Session at 6:30 p.m.

A motion was made by Todd Bartlow to come out of Executive Session at 7:30 p.m.

Public Comment

Mr. James Fox addressed Council about a grant program for water and sewage on Broadview Road. There was some discussion about the grant and that in order to apply for the grant all the preliminary work has to be done. Mr. Fox said every parcel will be given a pipe, a Y, and a stick. There was a lengthy discussion on the different avenues to pursue for grants and low interest loans for the water and sewage project on Broadview Road once the project is dig ready.

Administrative Reports

Code Enforcement

Melvin F. Steele, Jr.

Mr. Steele gave Council a copy of his report. I think it is self explanatory. Councilman Mack asked about Proscap and Mr. Steele said here are the photos and it is insulation.

Mr. Cammarata addressed Council and asked what the policy of Code Enforcement is. I received a phone call the other day to let people into my business to inspect and we are not doing

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anything. I feel that I am being harassed. I have delivers there every day. I don't understand what the problem is I am doing everything that I was told needed done. Mr. Steele said what is happening is that Mike Stack is being called by citizens of the Borough telling him that there is activity and that he needs to check it out. There was more discussion about Mr. Stack informing the Borough about the phone calls.

Mr. Steele said the other thing I have is the Ultimate Fitness Training people would like to have an extension of ninety days. There was some discussion.

A motion was made by James Mack second by Thomas Smith to grant an extension until March 31, 2009 to Ultimate Fitness contingent that we receive the request in writing. The motion carried.

Mr. Steele said that Mr. Friedel that lives on Hill Road asked if something could be done about the water at the end of his driveway. There was some discussion about what to do about the water.

A motion was made by James Mack second by Robert Quinn to put in a rock filled swale on Hill Road. The motion carried.

Solicitor

John Campfield

Mr. Campfield said you received Emil's comments on the Ultimate Fitness Complex and you have granted them an extension. As you can see there are a lot of comments and I don't know how long you want to go as far as us reviewing the plans when they come in. Ms. Hoffman said I think Emil was going to bring this up, but they are coming to Planning on Wednesday, February 11, 2009 and I think it would be a good idea for Council to be there. There was some discussion about the plans.

Mr. Campfield said I have two things on Kudrick. I have received from Anita today the advertisement for the Zoning Hearing Board meeting on February 23, 2009 on the appeals of the enforcement notices under the zoning ordinance and also request for a variance for the setback. Just so everybody knows legally it is the Borough's obligation to establish the violations that are set forth in the enforcement notice. It is Kudrick's burden to establish their claim for a variance. The Borough has to present the evidence on the violations. The key to that is the property line. The Borough received a copy of the church's survey and it would be best if the surveyor was present at the Zoning Hearing Board meeting. Mr. Campfield said what I have given you is from Mr. Stack. There was more discussion about this issue.

Mr. Campfield said I think everyone recalls what transpired at the last meeting on Stanmont; and what was to occur between then and now. The Ordinance was prepared, advertised, but the things that were to be done otherwise haven't occurred. I believe everyone has a copy of a fax that was sent to the Borough today. There was some discussion between Dr. Edge and Council about the Storm Water Management Best Practices Operation and Maintenance Agreement, the amount of the bond and the fees that were sent to him.

A motion was made by James Mack second by Thomas Smith on the following changes to the Storm Water Management Best Practices Operation and Maintenance Agreement with the first change dealing with notice and opportunity to correct to be added to paragraph 3, If an

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inspection reveals a condition which requires repair, correction or other activities to restore the BMP's to good working order the Borough Engineer shall give the Landowner reasonable notice and a time to perform required work on the BMP's. Such notice and time to perform shall be determined by the nature of the condition of the BMP. Paragraph number 8 would be changed by adding a new second sentence. The borough shall have the right to inspect the BMP's at a minimum of once every three (3) years to ensure there continued functioning. The Landowner shall pay for the inspections during the ten (10) year period from the date of this agreement. The cost of such inspection shall be borne by the Landowner and paid out of a security fund deposited with the Borough by the Landowner. The initial deposit to the security fund shall be \$2,000. The motion carried.

Council President said the Ordinance was advertised to be adopted at this meeting. Obviously without a bond and some other corrections that still have to take place, we cannot adopt this Ordinance tonight.

A motion was made by James Mack and second by Robert Quinn to re-advertise the Ordinance to be adopted at a meeting that is subject to the date that the bond is in the Borough hands with all criteria met. The motion carried.

Engineer

Emil Bove

Mr. Bove said the only thing that I have and that is that I suggested that Council attend the Planning Commission meeting with the Ultimate Fitness people. Mr. Bove said I will be attending the meeting. There was some discussion about Emil's comments on the Ultimate Fitness Complex.

Reports

Finance

Scott C. Sistek

Council President Scott Sistek read the following financial report.

Checkbook	\$558,928.45
Savings	\$201,091.72
Taxes	\$ 6,186.51

Building

Thomas Smith

Councilman Smith said we are still working on a few things. We have a meeting at the Fire Hall on Tuesday. The only other thing I have is there is a Gun Bash; February 28, 2009, tickets are \$15.00. They could use some help, doors open at 3:00 p.m. The Fish Fry starts February 27, 2009. Kitchen help is needed for the Fish Fry.

Mr. Steele said Council needs to talk to the people we are renting from and get a long time lease agreement in place if a building is not going to be built in the near future because they are talking about adding on for Westinghouse and Kennametal is interested in some space up there.

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Health & Safety

Todd Bartlow

Councilman Bartlow said some people at the school are mentioning the road going down to the school on these bad days. Mr. Steele said they are always bad especially when we have less salt to work with. There was some discussion about the salt situation.

Council President asked about the quote on the pole that was knocked down a couple of years ago. Council asked for a couple of quotes before purchasing the pole.

Council President said there is a seminar on March 3, 2009 from 10:00 a.m. to 12:00 p.m. at Westmoreland Community College on the Open Records Act. Mary Ann expressed an interest in going. I would like to go also.

A motion was made by Thomas Smith second by James Mack to send Mary Ann to the Open Records Seminar on March 3, 2009. The motion carried.

Council President said on March 5, 2009 Penn Dot is having their outreach meeting at the Community College at 1:00 p.m. and lasts about two hours on all the construction projects in the area. I go to this every year and I think Mel should attend as well.

A motion was made by Todd Bartlow second by Thomas Smith to send Mel Steele to Penn Dot's outreach meeting at the Community College on March 5, 2009. The motion carried.

Council President read a letter from Noreen Karnash thanking the Borough for keeping the streets clean the last week of January.

Mayor

Joseph Kazan

Mayor Kazan said I received a postcard from the Census Bureau asking if our boundaries have changed in the Borough in the last ten years. I also have a map of the Borough and I have marked what I know has changed. I am going to leave it in the office and if anyone wants to look at it please do and make corrections.

Mayor Kazan said I also received a thank you card from Szechuan Wok for all our efforts in helping them with the renovations to their restaurant.

Agenda

A motion was made by James Mack second by Robert Quinn to approve Resolution 2009-673 appointing Raymond Strosko to the Appeals Board. The motion carried.

A motion was made by James Mack second by Todd Bartlow to approve Resolution 2009-674 appointing Sam Grace to the Appeals Board. The motion carried.

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A motion was made by James Mack second by Robert Quinn accepting Richard Ramsay's resignation from the Public Works Department whose last day will be February 16, 2009. The motion carried.

Council had some discussion about the new employee having a physical and a drug test.

A motion was made by James Mack second by Todd Bartlow to have Mr. Campfield write a drug policy to add to our Borough Policies. The motion carried.

A motion was made by Robert Quinn second by Thomas Smith to transfer \$6,600 to the Recreation Board Account. The motion carried.

A motion was made by Robert Quinn second by Todd Bartlow to send Wilbur Bussard and Scott Sistek to the PSAB Conference March 22-25, 2009. The motion carried with Scott Sistek abstaining.

A motion was made by James Mack second by Thomas Smith to send \$100 to the Sewickley Creek Watershed Association. The motion carried.

A motion was made by James Mack second by Todd Bartlow to send Mel Steele to a seminar for Pesticides/Crop Day for a fee of \$10.00 on February 11, 2009. The motion carried.

A motion was made by Todd Bartlow second by Robert Quinn to place a ¼ page add in the amount of \$45.00 in the WCBA Annual Banquet book. The motion carried.

A motion was made by James Mack second by Thomas Smith to adjourn the meeting at 11:07 p.m. The motion carried.

Respectfully submitted,

Mary Ann Roll

Mary Ann Roll
Secretary