

Mill Village Borough Minutes: Wednesday, March 5, 2008

Ted Szall called the Mill Village Borough Council meeting for March to order at 7:30 p.m. Those present were: Kathy Williams, Ed Falconer, Linda Falconer, Roberta McLaughlin, Rustin Peters, Mayor Joe Sam and Borough Solicitor-Tim Sennett. Employee present: Dawson Bogert Sr. Absent from meeting: Steve Sherred.
Guest: Mark Corey

Linda Falconer made a **motion** to approve the agenda as presented, seconded by Ted Szall, all in favor, **motion carried**.

Ed Falconer made a **motion** to approve the Consent Agenda, seconded by Rustin Peters, all in favor, **motion carried**.

- *Consent Agenda: Approval of minutes from February meeting.
- *Treasurer's report: General Fund: \$4,557.79 State Fund: \$62,094.10 Capital Reserve: \$10,546.44 Depot Street: \$18,700.29 Petty Cash: \$59.63

Borough Maintenance Report from Dawson Bogert:

- Report on winter plowing schedule: Dawson said the plowing is going fine, no complaints.
- Dawson fixed the heater in the garage area.
- Ted wanted Dawson to purchase an extra thermal coupler for the garage furnace.
- Dawson said he would be changing the filter on the water system soon. Last changed on June 2007.
- Junior Firemen will take down Xmas wreaths when weather permits.
- Dawson asked Sally to pick up some cleaning supplies and paper for the building.

Jobs for Borough Employee

- Cemetery Association will be using the Borough Building for a meeting on April 8, 2008 at 7:30 pm. Please make sure doors are unlocked.

Public Comment:

- Scheduled Speakers: None.
- Unscheduled Speakers: None.

Reports and Presentations by Invited Guest Speakers (8:00 pm):

- Mark Corey reviewed the Depot Street Bridge proceedings, the proposed new zoning proceedings and the Erie County Storm water plans with Council. Mark said he has not heard as of yet from Representative Curt Sonney, but he would be talking with Curt tomorrow regarding the permit from DEP. Ted said that he also was told by Rep. Sonney that he would be getting back to him within the next 10 days regarding the permit. Mark said that Mr. Sonney had a meeting scheduled with DEP within the next 10 days. Ted said that if Mr. Sonney's meeting doesn't make any difference then Mark needs to call Ted as soon as possible.

Ted said he also wanted to make a motion to council the, "I personally feel that if we can't get permission from all these people, we just go ahead and do the project and see what happens." "And if we have to pay for it out of our State money, we have \$50,000.00, is that the number?" "Can we get something in there for that amount of money?" "And the heck with the Federal Government and to heck with all of them." "If they want to put us in jail, they can start right here." "Because we have waited long enough and this is our street and there is no reason for that thing being out for 4 years." Ed said, "Are you talking about the bridge or the culvert?" Ted answered, "The bridge." Kathy said, "Without a permit?" Ted said, "Just put it in." Kathy said, "Why don't you ask the taxpayers of this community if they want to pay a \$50,000.00 fine because you can't wait on the permits." "Is that a good expense for taxpayers' money?" Ted said, "Does the DEP have the right to keep us out of a street for two years?" Kathy replied, "Obviously they do. There are rules and regulations in place and you can't just hopscotch over whatever you don't like." Ted said, "Then you can sit here and play the game for another year." Kathy said, "You've got to do it right. That's what we are here for, to represent the community."

Kathy said, "There are a lot of other communities that have been without their bridges longer than our community." Ted said he wanted Curt Sonney to know how long it has been since our bridge has been out and Kathy replied that Curt Sonney already knew "because he was the one that gave us money to fix it, that's why we are asking him to help us get the permit with DEP now." Linda said she did not agree with Ted on putting the bridge in without the proper permits. Linda said the residents should be calling or writing their representatives in higher places if they don't want to wait for the bridge to be fixed. Linda said, "Maybe that would get things moving more quickly." Tim Sennett said, "I think with that being said, you really can't go out on your own without a permit from DEP and subject Council to various issues." "I don't think your community would want you to do that." Tim went on to say that if Curt Sonney can't get DEP to give the permit without the hydraulic study being done, then maybe that would be the point at which Council could start to put pressure on DEP by holding a press conference at the bridge area. Tim also warned Council that they would have to be very careful if they did go the route of holding a press conference; because they would be embarrassing the people that Council would need to give them the permit. Mark said that if Mr. Sonney can't get DEP to give the permit without the study being done, then Council should ask to meet with DEP at a meeting.

- Mark also told Council that the M.V. Planners need to have a public meeting to allow comments on the new zoning rules. Sally said she would schedule an advertised meeting for March 19, 2008 at 7:00 p.m.
- Mark then said if the Planners and residents have no changes or comments, then the planners can make a motion to have the plan sent to Council for their approval to advertise a public hearing on the new zoning rules.
- Mark said the Act 167 is just in the planning stages; however, he has documented the borough's storm water problems so that they are on record regarding all the water problems in the borough for future years. Erie County now has a formal document stating the problems.
- Kathy asked Mark if DEP needed a hydraulic study done when Melnicks put the trailer on the property by the Depot Street Bridge. Mark said, no, and that that was a good question as to why they didn't.

Items Removed from the Consent Agenda: None

Committee Reports:

- Ted & Ed – did not report on the lawn tractor purchase for the spring mowing season. Ed said he would look into the price of a lawn mower for the next meeting. The budgeted amount for this purchase was set at \$3000.00 maximum. Bert said she would like a nice basic unit purchased. Nothing fancy. Council agreed.
- Ed & Linda – attended the Firemen's banquet along with Kathy and Randy Williams. Linda said it was a very nice banquet and Kathy agreed. Ted asked if Linda or Ed asked any of the firemen if they were willing to fill David Sterns' EMS Director position. Linda said they did not get a chance to ask anyone at the banquet.
- Linda reported on sidewalks. Linda said she called Cheryl Capela (Secretary for Union City) and said that Cheryl told her that Union City received grant money for their sidewalks and Linda called Waterford and they said they also received grant money for their sidewalks and passed the savings on to the residents. Kathy asked Linda if this was the same grant money that Mill Village had received for the sidewalks in the past. Linda said she was not sure if this was the same grant or not.

Correspondence

Letters Received From:

- Lee DeBrakeleer – RE: will accept reappointment to Zoning Hearing Board
- Erie County Recycling Program: Brochure included in bills
- Knox, McLaughlin, Gornall & Sennett: Realty Transfer Tax proposed updated ordinance. Tim reviewed this letter with Council. Tim said the current ordinance for the Borough needs to be updated from 1998 so that it would allow the Dept. of Revenue to collect this transfer tax for the borough. All council members received a copy of this letter.
- Mark Corey – RE: Depot Street Project and DEP Permitting. All council members received a copy of both letters.
- Knox, McLaughlin, Gornall & Sennett: Act 167 Storm Water Management information. Mr. Sennett read council the explanation for Act 167 and all council members received a copy of his letter of the explanation.

Letters Sent To:

- Thank you sent to Rockdale Township regarding WC payment.

Unfinished Business:

- Ted reviewed list of open items on Council's tablet
- Linda Falconer made a **motion** to pay monthly bills, seconded by Roberta McLaughlin, all in favor, **motion carried**.
- Linda Falconer made a **motion** to re-appoint Lee DeBrakeleer to Zoning Hearing Board, seconded by Rustin Peters, all in favor, **motion carried**.
- Rustin Peters made a **motion** to appoint Judy Dinsmore to fill the vacant seat on the Planning Commission Board, contingent on her submission of a letter of intent for this position to Council. Motion seconded by Kathy Williams, all in favor, **motion carried**.

New Business:

- Ted decided against appointing a committee to find a less expensive trash hauling services for Transfer Station Day since the pricing for Waste Management seemed to be very reasonable and Lincoln Metal pays Council for scrap metal.
- Ted appointed Ed Falconer and himself (Ted Szall) to a committee to order bank gravel for the Transfer Station and Ted said he would take care of spreading it out before Transfer Station Day. (\$600.00 maximum to spend and council wanted this project started and completed in April 2008).
- Ted wanted a letter sent to the M. V. Fire Co. asking for a volunteer to fill David Stearns' EMS Director position for the borough. Ed made a **motion** to send the letter, seconded by Roberta, all in favor, **motion carried**.
- Linda made a **motion** to advertise the proposed updated Realty Transfer Tax ordinance only if a reasonable price could be given by the Erie Times Legal Department to council for this advertisement. Seconded by Ed Falconer, all in favor, **motion carried**. Time Sennett said he would fins out a price and email it to Sally Peters.
- Kathy made a **motion** to authorize, submit and advertise council's new zoning ordinance to the planning commission for their approval of the new zoning ordinance and amendment to the comprehensive plan and also authorize submittal to the Erie County Planning Commission and all other necessary bodies. Seconded by Ed Falconer, all in favor, **motion carried**.

No reports or General Comments from Council President

No reports or General Comments from Borough Solicitor

Reports or General Comments from Mayor and Council Members:

Mayor Sam – No Report

Councilwoman Kathy Williams – Re-Typed ordinance 1 thru 18 and put in PDF format for easier use. She will continue with the rest of the newer ordinances and resolutions. Tim Sennett suggested that a copy be sent to the Erie Law Library to have on file. Kathy also told Council that she personally filed a complaint to the PUC regarding the railroad culvert area by Church Street.

Councilwoman Roberta McLaughlin: No Report

Councilman Peters – No Report

Councilwoman Falconer – No Report

Councilman Falconer – No Report

Councilman Sherred – Absent

No report from Secretary

No Public Comment

Ed Falconer **moved** to adjourn meeting @ 8:40 p.m. Seconded by Rustin Peters all in favor, **motion carried**.

Next meeting will be held on April 2, 2008 at 7:30 pm.