

Mill Village Borough Minutes: Wednesday, May 7, 2008

Ted Szall called the Mill Village Borough Council meeting for May to order at 7:30 p.m. Those present were: Kathy Williams, Ed Falconer, Linda Falconer, Borough Solicitor-Tim Sennett, employee Dawson Bogert Sr., John Letzo-Zoning Officer and Sally Peters-Secretary.

Absent from meeting: Roberta McLaughlin, Rustin Peters, Mayor Joe Sam and Steve Sherred.

Guest(s) Present: Ms. Mary Ann Mook, Ms. Julie Simon, Mr. Don Mulson, and Mr. Dan Petruso from Selective Insurance.

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

Linda Falconer made a motion to approve the consent agenda, seconded by Kathy Williams, all in favor, motion carried.

-Consent Agenda as follows:

- -Approval of minutes from April meeting.
- -Treasurer's report: General Fund: \$12,466.87 State Fund: \$74,266.80 Capital Reserve: \$10,601.91
Depot Street: \$18,798.65 Petty Cash: \$59.63

Borough Maintenance Report from Dawson Bogert:

- Transfer Station Day May 17th-Dumpsters will be dropped off on May 16th and picked up on May 19th (open gates early AM)
- LeBoeuf Township notified to grade road two weeks before transfer station day.
- Dawson will put up transfer station signs and mark area at transfer site for dumpster locations and which way dumpster doors are to face.
- New lawn mower picked up and delivered to Borough. Dawson has used it twice and said that it needs to be leveled because it is not cutting correctly.
- Area has been marked for gravel and gravel has been dump at the site by Mr. Glover and graded by Ted.
- Dawson wanted permission to remove two old dead trees in boro lawn before they come down. Ted, Linda and Ed said they would like Dawson to take them down.

Jobs for Borough Employee

- Ted wanted the Boro Flag Pole painted and gravel swept off of driveway.
- Ted said the memorial needs to be moved because Mr. Yovich is ready to install his small flow treatment center.
- Ted asked Ed if he had talked to Bob Rohrer regarding this. Ed said Bob would move the memorial to the new fire hall. Ted said if Bob didn't move it that Mr. Yovich would move it with a backhoe. Ted said the flag pole also needs moved.

Public Comment:

Scheduled Speaker: Mary Ann Mook just wanted an update on the Depot Street Bridge. Ted explained to Mary Ann that as of last Friday that DEP must do a permit approval process. Ideally this month we should have permission to start this project by July. Mary Ann also wanted to know if the creek would be cleaned out so that flooding did not happen in the future. Ted said only 50 feet on each side of the bridge area could be cleaned out. He also told Mary Ann Mook that Kathy Williams is working with the PUC to try and get the railroad to clean out their culvert area downstream by Church Street and North Main Street. Ted said he would be looking into a "growing greener program" to help clean out the stream area in the future. Kathy also said to Mary Ann that the railroad has agreed to clean out their culvert by Church Street when the water flow is at a lower level. Kathy told Mary Ann that she had filed a personal grievance with the PUC regarding the railroad not maintaining this culvert area and that is why they will be cleaning it out.

Ms. Julie Simon brought pictures to show council regarding a public health hazard at the Douglas Lord property on Woods Road in the Borough. Ms. Simons said that there is raw sewage on the ground, rats and also a toddler living at this residence. There is also a camper parked on the property and during the summer a man and his daughter live in the camper. Plus Ms. Simon said she is dealing with traffic screaming up and down the road and the traffic is coming from this property. Ted told Julie that she would have to call the health department regarding the raw sewage being dumped. Tim Sennett said the zoning officer would have to site Mr. Lord for failing to comply with the Nuisance ordinance. Ted said that John should let Mr. Lord know that he could clean up his area and take it to Transfer Station day on May 17. Tim Sennett said if Mr. Lord does not clean up his property by Transfer Station day then Council should notify the health board and take him to the district justice for not complying with the ordinance. Tim said it is up to Mr. Letzo to send Mr. Lord a letter with a copy of the Nuisance Ordinance attached.

-Julie said she is also upset with the four wheelers screaming up and down the roads in the borough. Tim Sennett told Ms. Simon to call the State Police when she sees them and to also take pictures of the people doing this act. Mr. Sennett said Council cannot

pass a law that has already been address by the state legislature. Mr. Sennett said “the bottom line is you need to contact the State Police and give the names of the people riding the four wheelers or give the police pictures you have taken of them riding the four wheelers on public roads.”

-Ms. Simon also wanted to know if a blinking light on Route 6 near the school could be put up to slow down traffic. Tim Sennett said there is a process that Ms. Simon could start which is called a “petition for dangerous conditions”. If Ms. Simon could identify a dangerous condition, such as numerous accidents or deaths in an area, get signatures from parents, administrators and teachers to sign the petition, have the school board pass a resolution about the concerns of safety at this area and obtain reports from State Police, and then she could submit the petition to PennDot. PennDot has an obligation to respond to the petition once it is submitted. Julie said she would tell the PTO what was said at this meeting.

Mr. Mulson asked council what he had to do for a variance hearing and why did it take so long to get a hearing. Sally explained to Mr. Mulson the processes that had to be completed and the issues regarding advertising and scheduling the hearing. Mr. Mulson said he had no idea it would take so long. Mr. Sennett told Mr. Mulson that this is a standard procedure in any community and that it is not unique to Mill Village Borough. Sally assured Mr. Mulson that she would do whatever possible to get the hearing scheduled for the earliest possible date. Sally also told Mr. Mulson that the costs of the hearing would be well over the \$135.00 and the difference would have to be paid before a permit could be issued. The last hearing in 2004 cost the borough approximately \$400.00. This final hearing cost must be paid whether or not a permit is granted at the hearing.

Reports and Presentations by Invited Guest Speakers:

-Scheduled Speakers: Dan Petruso

Dan went over the Borough’s current Worker’s Compensation Coverage and Commercial Policy Coverage. Kathy made a motion to approve the new policies with the noted increases: up policy to \$25,000.00 for coverage on contents (adds approximately \$14 to the policy for a year) and add \$1000 coverage for contents kept off of borough property, such as files (Mr. Petruso said the computer is covered no matter where it is kept at no additional cost). Total cost for both packages would be \$10,363.00 for the year (an approximate combine total of \$38.00 increase over last year). The motion was seconded by Linda Falconer, all in favor, motion carried.

Items Removed from the Consent Agenda: None

Committee Reports:

- Ted & Ed –Report on Depot Street Bridge Project (covered above).
- Ted wanted someone to volunteer to look into the Growing Greener Project. Kathy said she would get information on it for Council.
- Ted–Report on Firemen’s response to filling EMS Director’s position. Ted said he did not hear about anyone wanting this position so he asked Linda to check with the firemen to see if someone would fill this position.
- Kathy & Linda-Report on sidewalks and community day get together. Linda said the community day would have to be moved to a different date because the fire hall was being used on the June date. July 12th would be a better date for the Community Day Lunch or Dinner. Nothing on sidewalk report for this meeting.
- Ted and Ed - Report on new zoning book progress from Mark Corey. Ted said he did not get a chance to check with Mark. Tim said he got a call from the school district and said they would send their response to the letter.
- Ted & Ed-Report on Transfer Station gravel delivery and spreading out gravel. (covered above)
- Ed-Report on moving old memorial to new fire hall. (covered above)
- Ed-Report on selling old lawn mower. Council suggested that the mower be offered for \$400.00 or best offer. Linda said she would take care of putting this on the bulletin board.

Correspondence

. Letters Received From:

- Knox, McLaughlin, Gornall & Sennett: Re: Invitation to the 2008 Municipal Law Symposium on May 6, 2008 at 1:15 p.m. at the Ambassador Banquet & Conference Center.
- Knox, McLaughlin, Gornall & Sennett: RE: Kathleen Williams v. Western New York and Pennsylvania Railroad, Mill Village Boro, Erie County, Commonwealth of Pennsylvania Department of Transportation. Complaint Docket No. C-2008-2032752. Tim filed a response saying that Mill Village Borough has no responsibility for this culvert area.
- DCED Grant for Depot Street- Close out report due before June 30, 2008. Monies must be dispersed for engineering fees and interest on \$45,000.00 returned to DCED by June 30, 2008. Ted said he wanted Sally to file for an extension because he felt that Mark should not be paid in full until the Bridge is completely in and Council is satisfied with the project. Sally said she would send a letter to DCED to file for an extension on the

grant money. Ted said he would check with Mark on the final bill to see why he was not keeping to the agreed price. Sally said she would look back in the minutes to make sure what that actual price was so Ted could talk to Mr. Corey about this issue.

- Mark Corey-RE: final engineering bill of \$15,000.00 for Depot Street Bridge Project. Council decided not to pay this until they could see if the grant could be extended and what the actual price should be, then pay Mark after the project was completed.
- Foulkrod and Associates- 2007 Borough Audit completed and no deficiencies found. (report in with bills)

Letters Sent To:

- Information Guide at Post Office
- Waste Management RE: Transfer Station Day
- Lincoln Metal RE: Transfer Station Day

Unfinished Business:

- Review list of items on Council's tablet still open.
- Linda Falconer made a motion to pay monthly bills, seconded by Ed Falconer, all in favor, motion carried.
- Kathy made a motion to pass advertised, Realty Transfer Tax ordinance #40, seconded by Ed Falconer, all in favor, motion carried.
- Ethic Forms due. Steve Sherred still needs to turn one in.

New Business:

- Ed made a motion to pass a resolution #59 by Council to remove taxes for the year 2001 and all future years for deleted trailer on tax record 34-006-009.0-001.74 owned by James Klawuhn on 14565 Depot Street Lot 4 on Nicholson Mobile Home Park. Motion was seconded by Linda Falconer. All in favor, motion carried.
- Kathy wanted a letter sent to Mr. and Mrs. Sundberg, to stop putting leaves and sticks and debris in the creek area by their house. Kathy felt that if they continued this practice that it would eventually add to the flooding problem downstream. Kathy made a motion to send a polite letter to the Sundberg's, second by Linda Falconer, all in favor, motion carried.

General Comments from Council President: None

General Comments from Borough Solicitor: Permission to prepare a resolution to appoint a public records officer for the Borough. Ted told Mr. Sennett to go ahead with the resolution.

General Comments from Council:

- Mayor Sam – absent from meeting
- Councilwoman Kathy Williams – Kathy sent a letter to Mike DePaoli from PennDOT regarding the resurfacing of Route 6. She did not get a response back from Mr. DePaoli as of this meeting.
- Councilwoman Roberta McLaughlin: Absent from meeting
- Councilman Peters – Absent from meeting
- Councilwoman Falconer – No report
- Councilman Falconer – Ed asked Council if they would want a “used safe” to keep records in if he would ever come across one when his employer is demolishing different sites. Council agreed that this would be a good idea to have a safe at the borough building if it is fire proof.
- Councilman Sherred – Absent from meeting
- Secretary- No report

Public Comment: None

Ed Falconer moved to adjourn meeting @ 9:24 p.m. Seconded by Kathy Williams all in favor, motion carried.

Next meeting will be held on June 4, 2008 at 7:30 pm.