

Waterford Borough
May 3, 2010 Minutes

Regular session of the Waterford Borough Council meeting was held in the Municipal Building on May 3, 2010 with the following members present: Gary Brown, Richard McGuire, Judy Cline, Laura Breon, William Strohmeier, Eric Keiser and Mayor Brian Skelton. Visitors present were: Benny Hunt, UnaMae Vandyke, Brian Lydick, Scott Wonsettler, Joe Skurka, Andy Konen, Regina Smith, Kim Green, Steve Stafford, Elaine Stafford, Louise Blose, Justin Blose, Charlene Skelton, Scott Alexander, Amy Alexander, Kent Mitchell, Kevin Cromwell, Ted Goring, Bonnie Goring, Pat Molitor, Karen Molitor, Maylon Sanders, Curtis Sanders, Bill Hilliker, Chris Hilliker, Raymond Majerik, Jill Hopkins, Kent Mitchell, Dick Reinwald, Irena Reinwald, Jim Bonito, Trish Bonito, Marcia Musser, Mary Blose, Tom Blose, Mary Jundzilo, Darlene Kinnear, Jeff Horneman, Holly Alexander, Zona Miller, Nancy Peres, Tricia Steves.

Roll call and meeting called to order at 6:30 P.M. by President Strohmeier followed by the Lord's Prayer and pledge to the flag.

Latta introduced Joseph Skurka, project manager and Scott Wonsettler from United Refinery in Warren. United Refinery took tanks out at the Kwik Fill in 2007. Leak was discovered and that started regulatory process. Guesstimate is that the leak was perhaps 50-100 gal. Ground was tested to determine the spread of the leak. This is a slow release and standard. Site characterization report will be prepared and we will receive copy of this document within 2-3 weeks. Remediation action plan is to install ground water extraction system.

Mayor Skelton introduced Regina Smith who is running unopposed in the primary for the 3rd District State House seat.

Benny Hunt – Outside commercial concessions during Heritage Days are causing the local non-profit food vendors who normally set up in the park to withdraw. Mr. Hunt asked that an ordinance be drafted to prevent commercial concessions from selling outside the park during Heritage Days weekend. After reviewing options and input from solicitor, a draft will be presented for council approval at the June meeting to regulate the number and set the fee for outside commercial vendor permits on private property. This would apply year-round.

Public Hearing commenced at 7 P.M. Solicitor Betza reviewed what the rezoning from R2 to R1 means and the portion of properties that this rezoning defines. Ted Goring asked if potential rezoning is for parcels at 6th and Chestnut and if that was supposed to have been sold in five single family lots and if this property was previously zoned as R2. Betza explained that the parcel at 6th and Chestnut is not the focus of this public hearing. It is to address rezoning from R2 to R1 on all parcels as advertised in the public notice. If council votes not to rezone, the parcel to be developed will not be addressed. If council votes to rezone the area, the issue then would be whether the property to be developed would be non-conforming use, which will be voted on by council

Public comments:

Elaine Stafford, 617 Chestnut St, expressed concern about long-term effects of not rezoning to R1 including safety. She asked if permits have been issued for development at 6th and Chestnut. Asked that council approve rezoning to R-1.

Justin Blose, 630 Chestnut St., moved here 1 year ago. Moved here because it is a small town and a community built on roots. Wants families to come and build single family homes. Requests rezoning to R1.

Karen Molitor asked if borough would be required by the Erie Planning Commission to provide for additional R-2 acreage in town if parcels in question are rezoned to R1. Solicitor addressed the question by saying that the borough still has a lot of R2 space, but council will take a look at that if review of comprehensive plan is warranted.

Kevin Cromwell, 923 Chestnut St. E 6th Street is not made for the amount of traffic usage to support more cars that will result from more apartments. Concern is that there is no police department in Waterford. Requests R1 rezoning.

Dick Reinwald, Corner of 6th and Chestnut St. Moved here 22 years ago. Moved here to be in nice quiet neighborhood. Wants to see rezoning to R1.

Mary Blose, Lot 2 at 6th and Chestnut. Requests rezoning to R1 due to influx of population which will put strain on borough infrastructure- streets, sewer, water, police, and also concern for student safety.

Darlene Kinnear 118 E 6th, 20-year resident. Wanted her children to live in quiet community. There are too many apartments in the area as it is, and traffic is already heavy on 6th Street. Requests rezoning to R1.

Karen Molitor 28 E. 5th St. Due to vicinity to school and increased traffic and congestion, supports rezoning to R1.

Marcia Musser 210 E. 5th St. Concerned with renters not being good caretakers. Also concerned with litter, and no play area for children. Water run-off and sewer systems will be a problem with removal of trees. Many drivers don't stop at the stop signs, so increased traffic is safety hazard to school students. Supports rezoning to R1

Jim Bonito 131 E 6th St. Lived here more than 50 years. Requests rezoning to R1 for integrity of Waterford.

Amy Alexander 147 E. 6th St. Concerned about impact on fire and ambulance service. Renters don't make contribution to Waterford. Favors R1 rezoning.

Steve Stafford 617 Chestnut St. In order to enjoy community, and family homes, he asks that council support community and to consider rezoning to R1.

Maylon Sanders 611 Chestnut St. 51-year resident. Says the area was rezoned about 20 years ago from R1 to R2 to allow building of apartments behind his house. He now has water problems in his backyard. Requests R1 rezoning.

Bonning Goring 835 Chestnut St. Concerned with keeping safety and security in our town. We would need more resources such as fire department, water retention if multi-family housing is built. People did not understand that zoning allowed for anything other than single family homes. Requests R1.

No other comments, and public hearing closed at 8 P.M.

Breon moved to enact ordinance to rezone said area from R2 to R1. Keiser seconded the motion. Keiser also pointed out that the opposition to rezoning is not in attendance. Keiser favors single family homes. Skelton asked Solicitor what legal action we might face if we rezone to R1. Betza could not address concerns about possible legal action in a public meeting. Roll call vote was taken: Brown, McGuire, Cline, Pugh, Breon, Keiser, Strohmeyer, voted yes to motion to enact the ordinance to rezone from R2 to R1.

Betza said that someone needs to look at the comprehensive plan and bring recommendation back to council. McGuire moved that our current comprehensive plan be referred to the local planning commission for suggested long-term revisions to include revisions to incorporate the rezoning ordinance and that Erie County Planning be involved. Second by Brown. Vote all yes.

Betza explained to visitors and council what non-conforming use means pertaining to 6th and Chestnut St. proposed development known as LeBoeuf Gables. Parcel (46 003 0110 02,03,04,05) and building of apartment building there.

Kevin Cromwell asked if the three lots have been requested to be zoned as one lot. What about the setback from property lines? These issues have been addressed. He wanted to know if permits have been issued. They have not.

McGuire asked if council has a choice-does this become non-conforming automatically. What are our chances of winning at appeals court? What monetary value might the borough be liable for if sued? Betza could not answer these questions in public session.

Justin Blose asked if we were going to vote on non-conforming property and why we would do that if zoning already has been approved to change to R1. Betza replied that the issue is the right of the property owner to construct on his own property. Several more questions were asked about the non-conforming issue. Betza stated that this issue has to do with property owner's rights and does the developer have a right to build?

Executive session was called at 8:45.

Meeting resumed at 9:05

Brown moved that said property at E. 6th and Chestnut owned by David Russell and known as LeBoeuf Gables be non-conforming use. Second by Pugh. No additional discussion by council.

Roll call vote: Keiser, Breon, Cline, McGuire vote no. Brown, Pugh, Strohmeyer vote yes. Motion failed. Property remains R1 and must comply with R1 zoning.

Jeff Hornaman representing Waterford Cemetary Association – The cemetery is expanding to Old State Road in Waterford Township. There are only 250 lots available in cemetery on E 3rd St. New cemetery has 5600 lots. Drawings were presented to council.

Discussion on Floodplain Management draft sent to the National Flood Insurance Program. No action is required until we are contacted.

Sewage Facilities Plan revision- request sent from Bruce Coffin to adopt resolution to update minor act 537 plan. Keiser moved to table the request until Coffin can attend a meeting to explain the resolution. Second by McGuire. Vote all yes.

Breon moved that minutes be approved with corrections. Second by Brown. Vote all yes.

McGuire moved to approve corrected treasurer's report. Second by Breon. Vote all yes.

Committee Reports:

Recycling: Strohmeyer will call Blakeslee about having the dumpsters set down rather than sliding them back which makes a mess. Illegal recycling items are being left. Installation of light is on Penelec's list.

Sidewalks: Mayer Brothers started working on sidewalks again on 5/3/10. Extension was granted and work should be finished by 5/31. Latta explained where the ADA intersections are. Keiser asked when landscaping would be completed. Latta asked if sidewalks and hydro-seeding should be completed at 6th and Chestnut. The answer is yes. PNC will pave their drive-thru and parking lot to replace asphalt. PNC asked to put in cement sidewalk from the sidewalk to the curb on E. 2nd St. Council does not have a problem with it. Strohmeyer will get estimate on sidewalk repair for E 5th Street in front of Burns property and lien the property if necessary. Also estimate for sidewalk in front of Zielinski property on E 5th. Zielinski had indicated they will pay for sidewalk. Latta asked that a letter be sent to Salmon about sidewalk repair on Cherry Street between E South Park Row and E. 2nd Street.

Parks- Cline reported work being done at West Park, East Park, Judson House, Washington Park, and Porter Park.

McGuire reported that our bid for an appropriations grant from Congresswoman Dahlkemper did not make the cut. He reported that there may be a buyer for Gallagher property. He asked if we need to rebuild Hazel Street bridge. Penndot will be re-inspecting the current bridge as there is evidence of deterioration. Betza discussed easement which provides for vehicles in excess of three tons. Secretary will contact Mark Corey about this project to determine what has been accomplished on the bridge project.

Streets: Brown moved that we put out bids for new engineer for the borough. Second by Cline. Vote all yes. The plan is to go forward on recommendation of new engineer for which we have bids. Interested bidders to attend June meeting. Secretary will inform Tom Alcorn that we are going to proceed in building a new Hazel Street bridge, and that we are in the process of reviewing the hiring of a new engineer.

Work on E 6th Street has been completed. New 4" leech pipe was laid, it has been graveled and crosswalks are coming for end of the street.

New backhoe is not in yet. Streets crew has been working on Porter Park, buildings and parks.

McGuire reviewed paving project for 2010 that will be sent out for bid. Bids will be reviewed at June meeting.

Discussion of W 2nd St. and what the right-of-way is. The road will remain where it is now.

There have been resident requests for stop signs at E. 1st and Cherry and E 2nd and Cherry. In order to do this an ordinance must be passed and then a traffic study done. McGuire moved that solicitor draft ordinance for 4-way stop signs at these intersections. Second by Pugh. Four yes votes, and two no votes.

There was a question about what the speed limit s in the borough. Secretary will get the ordinance to Latta.

Buildings: Breon asked for bids to repair overhang on Municipal building as well as the posts and gutters. The building will also need painting. Only one bid was received to repair overhang and posts and gutters and eaves. Breon will wait for more bids. Breon has requested bids for pressure washing the municipal building. Leaks and gaps at the garage were repaired. Latta will get bid for sealing of parking area around the municipal building.

Personnel: Keiser and Breon will meet on personnel issues.

Breon reported that Mr. Leonard from Berkheimer and Associates agreed to repayment of \$10,000 immediately and \$5000.00 paid at the beginning of each year until paid debt is paid in full for reciprocal taxes owed. A paper trail will be submitted listing those we are repaying. McGuire moved that we repay the \$10,000 and have a spot check audit done by Monohan and Monohan on the 2004-2005 audit report done for the school district by Felix and Gloecker. Second by Keiser. Vote all yes.

Elaine Stafford reminded council that yard sales will be held on June 4-5. She requested permission to hang a banner on the back stop. Granted.

Skelton talked briefly about the PSAB conference held in April.

Ordinances: Borough Secretary will contact General Code and ask that they attend a council meeting to discuss the codification project.

Breon moved that the County of Erie tax sale be approved for mobile home at 301 E. 1st St for purchase for \$250. Second by McGuire. Vote all yes.

Breon moved that we pay for ad for football parents. Second by Pugh. Vote all yes.

Secretary will contact Mark Corey to attend June council meeting.

Parking ordinance will be reviewed and voted on at June meeting.

Latta reported there is compost available.

Fire department will clean streets on May 19.

Streets will put the flags up.

Firemen's chicken Bar-B-Que will be on May 16.

Latta explained EMS choice that may effect our fire department. He will attend meeting with Barry Grossman, County Executive.

Meeting adjourned at 11 P.M..

Respectfully submitted,

Janet Parke
Secretary