

***Borough of New Stanton Council meeting
August 3, 2006***

Council President Scott Sitek called to order the August 3, 2006 meeting of Council at 7 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 Scott Sitek, Robert Quinn, Todd Bartlow, Wilbur Bussard, Jerry Ilgenfritz, Thomas Theis, and James Mack. Also present Mayor Joseph Kazan, and Solicitor John Campfield.

General Business

Wilbur Bussard made a motion second by Todd Bartlow to approve the bills in the amount of \$16,359.68. The motion carried with Thomas Theis and Jerry Ilgenfritz voting no.

Jerry Ilgenfritz made a motion second by James Mack to accept the minutes from the June 29, 2006 Council meeting with the correction. The motion carried.

Robert Quinn made a motion second by James Mack to accept the minutes from the July 20, 2006 Council meeting. The motion carried with Scott Sitek voting no and Todd Bartlow and Wilbur Bussard abstaining.

Additions to the agenda

Executive Session

Personnel-work delegations

Audience Comment

Rhonda Kline said I am here representing Youngwood Library; I am on the Board of Directors. We are asking the Borough of New Stanton to consider increasing their contribution to the Library. We've had a large number of new members from New Stanton area. Currently you are contributing a \$150.00 a year and we would like you to consider increasing that to help us keep the Library running. The number of people from New Stanton that are using the Library is 237. Councilman Bussard said I make a motion we increase it to \$250.00. Councilman Ilgenfritz said I don't mind spending money for a good cause but where are we going to get all this money all the time.

Wilbur Bussard made a motion second by Thomas Theis to donate \$250.00 to Youngwood Library. The motion carried.

Thomas Theis made a motion second by Jerry Ilgenfritz to approve a vacation request for Anita from September 12-15, 2006. The motion carried.

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Discussion on purchase of a furnace and air conditioner

After a brief discussion Council decide to call and get quotes on the purchase of a new furnace and air conditioner.

Wilbur Bussard made a motion second by Thomas Theis to rent an air conditioning unit if ours stops working. The motion carried.

James Mack made a motion second by Thomas Theis to get quotes on a new furnace and air conditioner. The motion carried.

Discussion on Liaison

Council President said this was brought up at the last meeting. I am going to take a minute here and get on my soap box. I have been told by a number of people in town that sometimes I don't express my opinions and this time I am going to express them. According to the minutes somebody said that they talked to someone who was on Council in Scottdale and they have this program on community watch, liaisons, and volunteers whatever you want to call them, to look to see if there is anything they see wrong in the Borough to see anything that they thought might be interesting. After we talked about it and had a long discussion and talked to John about it I couldn't see anything wrong with it at the time but over the course of the last couple of weeks I just got a bad feeling about this. I took the liberty of calling a friend of mine on Council in Scottdale and I spoke to him about this program and then I called the Borough Manager in Scottdale Barry Whoric whom I have known for about twenty-five (25) years and he confirmed what the Councilman had told me. I asked him about the program and he said what program we don't have anything like that. We don't have a program of anything like that in the Borough. He was good enough to send us a letter to confirm our telephone conversation of August 1, 2006, please be advised that there are no volunteer groups in the Borough of Scottdale who patrol the community for the purpose of identifying and/or reporting any municipal code violations. Councilman Mack said you told them bogus information. It wasn't for code violations. Council President said they have no volunteer group's period. He has been there twenty-seven years they never had any groups. Councilman Mack said you worded it wrong. Volunteers to make suggestions, like there is a dead cat on Melrose Drive you need to clean it so the school kids waiting for the bus won't be offended by the squashed cat.

Council President said after listening to what he said, I am starting to think about a few things and one of them being a few months ago we got Alex Graziani to come down here from Smart Growth Partnership of Westmoreland County. Alex talked about progress, moving forward try to make this community grow with green space, with new ideas and grants and monies that were available for programs, Main Street programs, hometown streets and we took an hour and a half of his time to listen to all these good things; good things that we could do to make New Stanton a good community both for business, to attract new businesses for people to bring their families here and this is great. I saw a couple of people who just left Mike and Deb Proctor. They had come in here in

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the middle of last year and showed us a water problem that they had on Arona Road. We as a Council got together and said look we have to try and help these people. We have to try and do something to make it right for them and we did. We have a waterline extension which we will be talking about in a little while here. That is great, that is people helping people. That is making things work. People on Thermo Village Road approached us about a sewage problem. We are going to try and help them. We approved to go back out and get some surveys and try to get more information on what we can do to help those people out. That is what it is all about trying to help people. The next thing we did another good thing, somebody came in with a problem with parking with businesses down in our business district at TJ's. They said the cars were parked everywhere, blocking driveways, throwing trash, and we responded. We came out and said look we have no parking areas, permit parking areas and this is great we helped these people but in the middle of that all of a sudden it turned and then we are looking at wait a minute we are not going to give this guy a parking permit, we are not going to give these people parking permits, this business shouldn't get a parking permit, we are saying that people should find off street parking and park down around on their property someplace. Wait a minute we are not helping people anymore. It is getting a little difficult here to see where the goodness is coming out and that is wrong. Then we started talking about electing or reviving the constable program. Again, coming out to look to see what people are doing wrong not what they are doing right. The next thing was trying to get other people on Council maybe to give parking tickets out. That's not helping anybody that's just going out and trying to beat up on people all the time. We are looking at this like we are trying to do something, looking for something wrong with these people. The last thing now is this liaison issue where it is going to be your neighbor watching you. Your neighbor is going to be looking out the door to see if you're carrying a toilet in to see if you have a permit to install a toilet in your house. We are going to be fighting amongst each other, this is not right. This is what we are coming to and this is not right. What I am looking here tonight is to turn things around, let's look for progress not regress. Don't go backwards. We have moved forward for thirty-five years lets keep moving forward. These things are going backwards they are not looking for the good in people. What I want here is this liaison community watches whatever; I am looking for someone tonight to rescind that vote to drop this program. I think it is absolutely insane. I voted for it because I think I was hoodwinked into voting for it I do not believe it is right and I think we should rescind this program.

Councilman Mack said the firemen came in requested no parking across from their building for safety issues. No parking signs are safety issues. It is all about safety. Safety is a good thing for everyone. Safety is the most important thing so you are wrong on the no parking issue. I dislike the whole idea but when the firemen request something for safety you can't call that bad. Council President said I did not say that. Councilman Mack said you just said you are pitting people against each other. I want to get rid of the no parking idea. I don't want to hear it anymore but you were wrong no parking is about safety. Second thing is you want to pass a resolution that says no volunteers will ever be allowed to help New Stanton out. The volunteers were not about code enforcement. It was about OK, fifteen years ago I called the Borough building because it literally did happen a cat got run over in front of my house, it was right next to a bus stop and the kids

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were going to be there in about a half hour, so I called and said please send one of the road crew over here quick because this cat is squashed all over the street and it is going to upset the grade school kids. They came and cleaned it up. I called in that is all this is. The liaison thing was to get retired people involved with the town because we don't have enough people, it is hard to even find people to do stuff and it is like if you don't want any volunteer's fine make a motion and vote on we do not allow any volunteers to help the Borough. Council President said I did not say allow. You did that because you wanted to do that. Councilman Bussard said I wasn't here but this reads have people who are retired in town that would go out and overlook things. A cat isn't overlooking things. Councilman Mack said blame it on her she is the one who wrote it up. What I said was for volunteers to go out I did not say overlook things I said go out and look at the town see if there is any suggestions. It's not overlooking so I don't know where you are going with overlooking like it is some kind of Gestapo. Councilman Bussard said it is in the minutes. Councilman Mack said that is not the way it was worded. What I am saying to you is your thinking this is a Gestapo. All this is is for people to get involved. Council President said they can get involved anytime they want to get involved. People call here all the time with problems. Why do you need to organize people? You are giving them something to say oh well now I can look out and I can watch this and watch that; I don't like my neighbor but I'll get even with him now. This man has been in Scottdale for twenty-seven years, he said he never had any volunteer groups in the Borough. Councilman Ilgenfritz said maybe they will consider it now. Councilman Mack said I will get the guy to the next meeting that told us that. Council President said I just disagree with this. Councilman Quinn said we looked into the constable so we would have someone to enforce our laws. The problem was we're enacting these laws and we have no enforcement. Councilman Ilgenfritz said now we want to overlook them. Council President said we are not saying we will overlook them. Laws are laws and right is right but to have people out there looking to see what everybody is doing, your always worried about somebody looking over your shoulder it is not right. It is not right. Councilman Mack said you have taken something good and twisted it into something evil. It's all about volunteers trying to get people, the reason why it was brought up, you can ask around retired people have more motivation to do things. Older people make better employees at certain types of businesses. If you don't want the retired people to participate fine then make a motion. Council President said one of the things that John brought up at the last meeting was you can not limit it to retired people. I just don't feel that we should have anybody out there watch dogging and that is what it is going to turn into. Councilman Mack said who's watch dogging. Council President said they are going to watch everybody and that's the problem. Councilman Ilgenfritz said what do you think all those complaints come in for? Complaints come in because we are overlooking the things that need done. If they get overlooked then we need people to help us out. Councilman Mack asked how many people applied for this so far. The Borough secretary said none. Council President said I just don't feel we should have anything like this. Councilman Mack said you don't want any volunteers? Council President said I think if people have a problem and they feel there is a problem they should do the normal procedure and call the Borough office and say there is a problem. Councilman Mack asked Councilman Bartlow why he missed three meetings. Councilman Bartlow said because of work and other commitments. Councilman Mack

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said OK my point people have lives to live. You have places to go things to do. You have a family that you are committed to. I don't have a problem with that. The reason I said retired people is because they have more free time. It is costing me a lot of money and time just to be on Council. I could be seeing patients they love evening hours. Why it was brought up is old saying I could use all the help I can get. I just don't understand what the big speech was about something that was a good intention. Councilman Bussard said if people called in for this job of volunteers does the Borough, Council or whatever except them or do they just say OK you are on the list. Councilman Ilgenfritz said it is not a job. Councilmen's Theis and Mack said it is a volunteer thing. Council President said that worries me too because right then once you take their name they are on a quote unquote list. Therefore, the Borough has some responsibility because they are on a list. A person calling in from down the street has a problem a dog got killed or something anybody can call in and we encourage them to call in that is fine but I don't think we need to create a group. Councilman Mack said you have no idea how many times my office gets called Dr. Mack who do I call, who do I ask. I have this thing and who do I ask they don't know where to go. I get at least two calls a week if not more every week of the year who do I call. Make a motion to do away with all volunteers. Councilman Bartlow said does that include the Recreation Board too. Councilman Mack said they are on a list they are volunteers. Council President said that is a Board. That is an established board. Is there going to be a motion to rescind this? Councilman Bussard said let's go over this at a later time. I think we should table this and get more information. Councilman Bartlow said can we see if we have a problem with it and then rescind it. Overlook, I don't know if that is a good term. Councilman Quinn said that is the way it was discussed but in the motion it didn't say that. Councilman Bartlow said so it was discussed as overlooked and Councilman Quinn said yes and Councilman Bartlow said so Mary Ann wasn't really at fault then. Councilman Quinn said I am sure the word overlook was used. Councilman Ilgenfritz said there I agree with Wilbur let's table it so we can talk about it more sensibly. Councilman Mack said it was already approved at the last meeting. If we ever have a problem with it we can revisit the issue and take it out then. Why are we making a mountain out of a mole hill?

Reports

President Scott Sistik

Council President said I assume you are here about the waterline and I am glad you did because it is going in. Mr. Proctor said I have been calling to find out when it is starting. Council President said they are looking at starting sometime in September. The project has been bid out and almost all the cost has been covered with the exception of some tapins and so forth. Some of the low income families will have their taps paid for. They are hoping very seriously to have this done by Thanksgiving. That will extend all the way to Glenn Fox Road.

Mr. Proctor asked if Council had any idea when the Turnpike was going to start the wall. Council President said they are supposed to be starting this year which they haven't done yet. They have it pushed back until next year and anticipate starting with the

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interchange construction. The mainline is not going to be worked on right of way. It will be done in sections. The peripherals which are the sound barrier I don't know. They can do that concurrent with anything else that is going on. There was a little more discussion about the Turnpike project and the Center Avenue project.

Council President said Planning Commission meeting for August has been cancelled. Councilman Ilgenfritz said I wish they would meet because we just spent time with John going over all the work that he did in trying to get the proposed zoning ordinance moving. Let's get this information to them so they can discuss it. Mr. Campfield said I handed to you tonight the comments I had from going through it. Councilman Ilgenfritz said let's get this thing rapped up for pete sake. How did it get on there that it is cancelled? Council President said no plans came in and that is why she cancelled the meeting. Councilman Ilgenfritz said I'll call Anita tomorrow. Council President said she will have to coordinate it through them.

Council President said as most of you have seen there is a bucket truck sitting out there. There was a short recess to take a look at the truck which belongs to Penske Rental. There was a brief discussion on the bucket truck.

Thomas Theis made a motion second by Wilbur Bussard to go out for bid for a bucket truck with the same specs as involved on this vehicle advertising in the Advisor twice which would be the 10th and the 17th with the minimum requirement being State Inspection and full examination by a qualified mechanic with bids opening at the September 7, 2006 meeting. The motion carried.

Solicitor John Campfield

Mr. Campfield said at the end of March I gave you a proposed ordinance on the waterline project that was being considered. That ordinance has not been adopted and you need to adopt an Ordinance to do the project and to require people to tap-in and to pay any required assessments and tap fees. The Water Authority will not do the project and kick in the advance payments to the project without a mandatory tap ordinance. The one that I sent down before is the exact same one I gave you tonight, provides that any structure or building within 250 feet is required to tap into the line. It is up to you to set tap-in requirements. I don't know if you want 150 feet, 250 feet. If somebody has a piece of property that fronts on the road but their house is 500 feet back you probably would not want to require them to tap in because it would be quit an expense to run a line back that far.

Wilbur Bussard made a motion second by Todd Bartlow to advertise for adoption this Ordinance on mandatory tap-in for the waterline project on Arona Road. The motion carried.

Mr. Campfield said the other thing that I wanted to mention that I gave you was the review that I made of the zoning ordinance. What I looked at was simply the changes that Olsen made. I really urge you to sit down with that chart and the text because it

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doesn't match up. Council President said we definitely need to get Planning Commission to look at this. Councilman Ilgenfritz said especially the definitions should be consistent with the legal definitions, the State definitions. I would like the Planning Commission to try and get this stuff as soon as possible, even before the meeting if they can. Mr. Campfield said also I have not looked at the map so someone needs to look at that. After a brief discussion Council decided to advertise a work session meeting with Planning Commission on August 9, 2006.

Code Enforcement Officers Report

Councilman Bussard said the roller will be finished possibly next week. The mower came in it has been used, it works fine. We have been working at the park getting it ready for the picnic. The bucket truck is clean, runs well and is in good shape.

Councilman Bussard said a number of times I've talked about this and I can't seem to get it into our people or something that is our responsibilities of displaying address numbers. We have many people in town that do not have numbers up. It is a safety concern. Mr. Campfield said there was never a final sheet and you have to pass an ordinance.

Thomas Theis made a motion second by Wilbur Bussard to prepare and review an ordinance for house numbers. The motion carried.

Councilman Bussard said next line painting what happened or are we still talking about it. Council President said you have to check with Mr. Fyock because he had to measure the streets.

Councilman Bussard said salt bin are we going to build one this year or five years from now. We have the ground it is available, we have the specs. I think we need to go with it.

Councilman Bussard said I ordered them a hopper to clean that up over there where the DEP inspected. I did not get approval on ordering the hopper.

Council President said I would like to add to something that Wilbur brought up before and that is the guide rail on Pine Drive, which is terrible it is the old post and cable. I would like to get some quotes on what it would cost to replace that.

Council President said the other thing was someone brought up an issue of putting a stop sign at the bottom of Stanton Drive. Can we look further into this and see if it can be done.

Councilman Ilgenfritz said the Appeals Hearing with CC Realty, they lost the appeal. The new guys on the Appeals Board did an excellent job and they came to the conclusion that the problem really lies with CC Realty's Contractor. There was an issue over the definition of new construction, remodeling, and renovation. I asked Chuck of

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BIU the definition new construction and he said there isn't any, there doesn't need to be. I said I don't know how you can determine something without the proper definition. There is a definition on repairs, remodeling, and that sort of thing. I thought they made the right decision and it is out of our hands at this point in my opinion.

Finance Todd Bartlow

Councilman Bartlow read the following financial report.

Checkbook	\$192,675.53
Savings	\$305,550.55
Taxes	\$ 22,239.62

Councilman Bartlow said there is a Recreation Board meeting this evening. The Recreation Board wanted to know if at the park if permissible to do a 3D shoot with bow and arrow and charge \$7.00 per person to raise money for the Recreation Board. Mr. Campfield said I just mentioned to Mary Ann, I think years ago Council adopted rules and regulations for conduct within the Park and I don't think you can have any kind of weapons in the Park. Councilman Bartlow said well that would probably kill the second one, they want to have a gun bash as well. Mr. Campfield said you need to contact the Borough's Insurance Agency. Councilman Bartlow asked if we could contact the Insurance Agency to see if there is an insurance issue. Mr. Campfield said you have rules and regulations that prohibit weapons in the park. Councilman Bartlow said where can I get a copy of those. The Borough Secretary said she would put a copy of the rules in his mailbox.

Park-Health-Sanitation-Safety Robert Quinn

Councilman Quinn said last Saturday there was a problem with one of the renters. The dumpster down near pavilion C had a foul odor coming from it and the renters of Pavilion C were disturbed by this odor all day and called me to complain. I wanted to discuss this with Council first. There was a brief discussion and Council said to have the dumpster moved back. Councilman Quinn said do we want to refund part or all of her rental fee.

Robert Quinn made a motion second by Todd Bartlow to offer Ms. Reed a free rental when available. The motion carried.

Councilman Quinn said when we redid the rates for the rentals, I overlooked the fact that most of the Holiday's fall on a Monday or Friday and we did not specify that Holiday's are included in the weekend rate.

Robert Quinn made a motion second by James Mack to change the contract that Holiday's are the same rate as the weekends. The motion carried.

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Councilman Quinn said Ken Tomajko told me that there is a dead tree next to the basketball court. He told me he could remove it for \$250.00. Councilman Theis asked if that was taking out the stump as well and Councilman Quinn said yes. There was a little more discussion on the tree removal.

Thomas Theis made a motion second by James Mack to have Ken Tomajko to remove a dead tree and stump from near the basketball court at the park for \$250.00. The motion carried.

Mr. Hays said at the last council meeting I was here about people doing business in a residential area and they said to come back to this council meeting. Council President said I believe we asked you to send in or whatever a copy of your rental agreement. Mr. Hays said I brought my agreement with me but I don't have a copy. I wanted to see if I could get a decision, whether you decide that was a business or not. Mr. Campfield said looking at the lease rather quickly it says if the leases are all the same it is to be used exclusively for residential purposes. Councilman Bartlow said did the fellow that you complained against did he fill out a form stating that he was not conducting a business. Councilman Theis said so we are just having a dispute. Mr. Hays said to me do I get a decision whether he is or isn't. Councilman Ilgenfritz said we might have to talk more in executive session I would think. Council President said has there been an investigation? Mr. Hays said I tried to prove my point the last time I was here. I showed my cancelled checks and I have one more item I would like to present if I could. Councilman Mack said you have more items to present that's fine. Mr. Hays said this is just a small item. If this is not a business why would you burn your name and craft by in it? Councilman Bartlow said you purchased it from him? Mr. Hays said yes I did. Mr. Campfield said I stated the last time there is no notation on the check and Mr. Hays said I never put notations on the check. Mr. Campfield said I wasn't doubting your word I was just pointing out there was no notations on the check indicating the purpose of the checks. Councilman Mack said sir would you say that this was stamped in by hand or by a press? Mr. Hays said by a branding iron. Councilman Bartlow said the way zoning is in residential if I understand this correctly anybody is allowed to have a business in their house as long as there is no impact. Mr. Campfield said you can have no impact home based occupations. You would have to have a permit and I do not know whether he does. Councilman Mack said Todd you weren't here mainly he is objecting to the noise. Mr. Hays said on your ordinance here about noise in a residential area. Mr. Campfield said this is the current zoning ordinance. Councilman Ilgenfritz said have you carried this any further than just to Council. Mr. Hays said no just to council this is my second meeting I have been at. Councilman Ilgenfritz said I think we need to talk more about this in executive session. Mr. Hays said my biggest complaint was the noise. Councilman Mack said would you be satisfied with a communication from us tomorrow. If the secretary would write you up something about what we do so you wouldn't have to stay any longer. Mr. Hays said I just wanted to try and prove my point that is all. Councilman Mack said you don't have to stick around you can go home.

Mrs. Fontanazza said I live there too. If there was such a noise problem I think you would have more complaints. You two weren't here last meeting and I tried to

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explain that this is a feud between neighbors that escalated. When you say about a definition of what is a business and what is a hobby. You have to go by the guidelines. A business is where if you have to claim it and if you look it up there are guidelines considered by the IRS they can define what the difference is between a hobby, a trade and a business. Councilman Ilgenfritz said are you recommending us to get a better answer. Mrs. Fontanazza said I'm just saying that if you are going to constitute because you are up there discussing there being a business then you have to understand the terminology. A person is allowed a hobby, a person is allowed a trade, and a person is allowed if they receive a fee you have to determine the guidelines of how much time and for IRS records they can break it down. Councilman Ilgenfritz said you recommend that we precede that course then for a better definition. Mrs. Fontanazza said I am just saying for you to determine that the man is running a business then make sure you know. I am a neighbor there and this is a feud. Councilman Theis said if you are two doors up then the noise will be a lot less. Mrs. Fontanazza said the problem is there is no noise factor. The lease states about everybody respect each others neighbors. I have children, I have to respect when a certain time comes my kids can't run or be outside screaming. Everybody respects each other; to say someone can't make noise at 4:00 in the afternoon. Councilman Mack said are you going to join the gentleman that was here and didn't say anything earlier he informed me the other day that he is forming a residents association. You might want to talk to him in joining that if you want to be more active. Council President said for that plan. Councilman Mack said yes; he is a neighbor of yours. Mrs. Fontanazza said I explained at the last meeting that he has had a fall out with the people on the other side of him and I found out that he was sent a letter from a lawyer about defamation of character and harassment that is the only thing. I am here on the principle of right and wrong. You would not want him as a liaison because he is set off on being here at every meeting and picking on something because that is all he has time to do. Councilman Mack said Mr. Kohler who was here; he had a complaint about somebody else. He said he was coming to the meeting and I asked him if he was going to say anything and he said no I am just coming to listen but I am in the process or I am thinking of organizing a residents association you might want to talk to him. Mrs. Fontanazza said I don't have a problem with it. My understanding is our landlord if someone in fact in our area has a home business that he personally does not have a problem with it. Council President said true I agree with what you are saying but at the same time the Borough has jurisdiction over whatever his rules are. Mrs. Fontanazza said two weeks ago he stood here and said he didn't have a problem with anything if he wanted a business then he needed to move this business and tonight he stood here and said I just have a problem with the noise. There is no noise. Councilman Bartlow said so there is nothing in your lease prohibiting business? Mr. Campfield said the lease that he showed me, it says that the property would be exclusively for residential purposes. Mrs. Fontanazza said this is just a woodworking hobby. Mr. Hays is just trying to manipulate for his benefit to now call it a business. I just knew what he was doing and I was just here to say here is the other side and I think any of you would question yourself and say if this is such a nuisance where is everybody else's complaint. Council President said where is the person on the other side of him? Councilman Mack said according to this gentleman that was here tonight, he said his living room abuts on a garage wall. So he would be the one who would hear most of this. Council President said and so would the one on the other

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side. Councilman Mack said I think it impacts him only. Mrs. Fontanazza said he is affected over friendship I know the man that is why I said the only time I ever heard noise after dark he was standing there and he did not have a problem then. This is just a feud and I just don't think it is right that he is looking for every avenue because technically the bottom line is he is harassing. I just wanted to say that I did look it up and there are guidelines for IRS what is a business, what a hobby is, and what a trade is. Councilman Ilgenfritz said why don't we decide this in executive session. Mrs. Fontanazza said I have a printout of it. Council President said of what? Mrs. Fontanazza said of what the terminology is and I found it through the Social Security Handbook but it goes to the IRS and it defines. Mr. Campfield said the IRS is using that to determine whether or not you could make business deductions. Mrs. Fontanazza said I am just saying this is a hobby and he is saying it is a business. Mr. Campfield said I mean if you are spending a \$100,000 on equipment and making three dollars they don't consider it a business and they are not going to permit you to take \$100,000 in deductions. They are looking at it from a whole different perspective. Councilman Ilgenfritz said we could look into this a little bit deeper then. Councilman Mack said the whole issue seems to be noise. Mrs. Fontanazza said if it is noise then I would have asked him then where the other complaints are because he has someone who lives right smack even beside him.

Executive Session

Real Estate-PW bldg.

Litigation-Ethics Commission

Personnel-Work delegation

Councilman Bartlow made a motion to go into executive session at 9:27 p.m.

Councilman Bartlow made a motion to come out of executive session at 10:23 p.m.

Thomas Theis made a motion second by Robert Quinn to send a letter on Friday, August 4, 2006 to Walter Hays to let him know that Council will be continuing an investigation into his complaint. The motion carried.

Thomas Theis made a motion second by Robert Quinn to have BIU and their agent conduct an investigation into the allegations of Walter Hays. The motion carried.

James Mack made a motion second by Wilbur Bussard to have the Code Enforcement Officer Melvin Steele at the next meeting to include executive session on the August 17th meeting and he does not have to be present for the whole meeting. The motion carried.

Council President said are we doing anything with the Ethics Commission? Mr. Campfield said that is up to Wilbur whether he wants an advisor or an opinion from the Ethics Commission. Councilman Bussard said it is up to them because I am going to

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keep voting. Mr. Campfield said they cannot request it you have to request it. Councilman Bussard said I don't have a problem with it so I am not going to request it. I don't have a problem with it so I am going to continue voting. Councilman Ilgenfritz said if I was getting money from somebody I would certainly excuse myself from voting.

Councilman Bartlow made a motion to adjourn at 10:26 p.m. Meeting adjourned.

Respectfully submitted

Mary Ann Roll
Secretary