

**BOROUGH OF MARYSVILLE
RECONVENE MINUTES
June 23, 2009
6:30 PM**

Roll call

Roger Barrick	Present	Marcus Hite	Present
Lance Barthel	Absent	Ann Simonetti	Present
John Edkin	Present	Heather Casale	Absent
Mayor Troutman	Absent	Boro Mgr Harris	Present
Sol Altland	Excused	A. H, Jr. Council	Excused
Sec Zitsch	Excused	Eng Ron Brown	Excused
Sherree Knight	Present	Treas Tennant	Excused

New Communities Grant / Planning Grant

A motion was made by Ann Simonetti, seconded by Roger Barrick, and approved unanimously to extend contract C0000023087 until June 30th, 2011. The current contract expires June 30th, 2009.

Capital Tax Collection Bureau

A motion was made by Ann Simonetti, seconded by Roger Barrick, and approved with one nay vote to rescind the motion to terminate earned income tax collection with the Capital Tax Collection Bureau. Marcus Hite commented that he is upset with the council since the original vote was to go with another tax collector. Roger Barrick stated his main concern is split collection and multiple bills for business owners and that it did not make sense to switch in light of Act 32 taking effect in 2011. Ann Simonetti indicated that she spoke with school board members and she was concerned with split collection. Marcus Hite questioned if it was legal to bring up an item that was not on the reconvene agenda.

Developer's Agreement

Cliff Dillmann commented that this meeting was intended to be inclusive of the planning commission and that council should not be the only ones sitting at the table. Ann clarified that for the record they are inclusive and they are more than welcome to sit at the table if they feel inclined.

Ann Simonetti and Jennifer Tamm discussed items 4 and 10 and the difference between the maintenance bond and the performance bond. John Murphy clarified that the maintenance bond is in place for 18 months after the improvements are accepted by the borough. The borough will accept the improvements upon recommendation by the borough engineer.

Ann Simonetti commented on the rock-fall protection and if the right-of-way is 30 feet or 50feet. John Murphy stated that it should be on the highway occupancy permit that was issued and he will check to see what the right-of-way is.

Roger Barrick stated that 12-C implies that the borough will be sharing the costs of the improvements on the sanitary sewer system. Roger Barrick and Sherree Knight clarified that the borough is not willing to share the costs and have stated that from day one.

Lori Mohr stated the agreement refers to exhibits and without the exhibits being attached it is hard to comment on the agreement. The storm water exhibits are not attached and Yingst did not only the minimum storm water design and did not incorporate what the Planning Commission envisioned.

Ann Simonetti clarified that the traffic light will be maintained by the developer for a period of 5 years inclusive of the 18 month maintenance period.

Jennifer Tamm asked what the life span is for slip lining of a sewer pipe. John Murphy stated that as a rule of thumb it is 20-30 years.

Stephanie Stoner asked Forrest Troutman what the width of the trail would be and Forrest recommended Stephanie send him an email with her suggestions. Forrest reiterated that the trail on the Rye Township portion can't be set in stone at this point because the developer does not know what the ultimate use of the plot will be.

Ron Brown requested that each parcel be labeled so that the use of the parcel is clearly understood and delineated on the plan. Forrest Troutman will contact Dan on the issue.

Lori Mohr commented that the Homeowners Agreement should be in place prior to the approval of the development. Forrest Troutman explained that it is very costly to prepare the agreement and that typically the agreements are prepared when the development starts.

Jennifer expressed concerns on motorized vehicles on the private open space areas and how they are going to be regulated. Forrest indicated that they will be regulated and that it is listed as a condition on the preliminary plan. Forrest indicated that it would not be practicable to regulate non-motorized bikes since policing it would be burdensome.

Lori Mohr commented that Yingst should consider putting a playground on one of the open space areas. Forrest indicated that they are turning over 170 acres of open space and that if the borough desires a playground they can install one. Lori Mohr indicated that the developer has not done all that it could regarding the storm water best management practices. John Murphy commented that the storm water design has been approved by DCNR, DEP and the Perry County Conservation District. Ron Brown reiterated that the design was based on the assumption of the 100 year storm and that in his mind the design is suitable.

Joanne Horanic stated that the developer should be held accountable to the borough ordinances and that we need to make sure the architectural review board is aware of the ordinances.

Dee Stephens commented that once the storm water system fails who will be responsible for the repair and maintenance of the facilities. Forrest Troutman stated that it will be the responsibility of the homeowners association and that there are state laws regarding the funding of the association.

Cliff Dillmann commented that we need to be aware of the liability issued associated with the open space areas. Cliff stated that he is appalled that an agreement of this magnitude is being discussed and the borough solicitor is not present.

Dan Stephens Sr. commented that this is nothing more than a decision draft, but there is no decision. Where is the decision? There is a signature page but it is void of a decision. Everything in this town has been done wrong for the past 100 years and we continue to do it. Maley's was a mess and the storm water implications from this development are going to be much greater. This is a decision draft but where is the decision?

James Sabo commented that new construction by Yingst Homes is really sharp and that the borough should be lucky to have him and not some of the developers from the area.

Jean Raisner thanked Brian Harris for supplying the public with a copy of the developer agreement. Jean submitted a letter from the Concerned Citizens of Marysville expressing concern that Yingst Homes will need to adhere to all the applicable codes and zoning ordinances.

An executive session was held from 8:30pm to 9:20pm to discuss personnel matters.

A motion was made by Ann Simonetti, seconded by Roger Barrick, and approved unanimously to adjourn at 9:21pm

The next regularly scheduled Borough Council meeting is July 13, 2009 at 7:30pm.

Respectfully Submitted,

Brian D. Harris