

November 14, 2017

HARMONY BOROUGH COUNCIL MEETING November 14, 2017

COUNCIL MEMBERS PRESENT: Frank Luek, Dave Szakelyhidi, Greg Such, Joe Dippold, Don Sims, Jason Sarver

OTHERS PRESENT:

November 14, 2017
Council Meeting

Don Luek
Joe Dippold
FRANK GRANNEN
Dave Szakelyhidi
Susan Antonius
Katie McAfee
Diane Brenner
Frank Such
Jim Mullh
GREG SUCH
J
ALLEN BAYER
Blenda Beyer
Laura Ellis

November 14, 2017

CALL TO ORDER:

A quorum was reached and the President Greg Such called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE:

MINUTES:

In a motion made by Frank Luek and seconded by Jason Sarver, the Harmony Borough Council unanimously approved the October 3, 2017 minutes.

SOLICITOR'S REPORT:

Solicitor Kerry Fraas was in for Matt Racunas. Greg Such reported on the Opt-out Casino Resolution, the Pennsylvania General Assembly recently passed a new gambling expansion law legalizing new gambling forms and venues. Act 42 of 2017 authorizes the placement of ten Category 4 casinos in the Commonwealth. Act 42 grants municipalities the authority to prohibit the locations of casinos within the limits of the municipality. Tom Kolesar – German Street resident, Diane Brenner – Spring Street resident, and Brenda Benek – Liberty Street resident all stated they would be opposed to having a casino in Harmony Borough. Don Sims commented that he feels the Resolution would be redundant, stating that no category 4 casino could be located within 35 miles of an existing casino. Jason Sarver reported that Harmony Borough is 29 miles from Pittsburgh. In a motion made by Dave Szakelyhidi and seconded by Jason Sarver the Harmony Borough Council unanimously approved to pass Resolution #2017-11-14 opposing Category 4 Casinos in Harmony Borough.

Solicitor Kerry Fraas had nothing to report; there will be a full report at next month's meeting on the Primitive Zoning Overlay and Premier Craneworks.

BOARD REPORTS/APPOINTMENTS:

APPOINTMENTS:

Greg Such reported that we have an appointment for the Water Board, Edward Biller. Edward has lived at 411 Liberty Street since June 2016. Ed will replace Mike Clark who moved away before he could start his appointment on the Board. In a motion made by Dave Szakelyhidi and seconded by Don Sims, the Harmony Borough Council unanimously approved the appointment of Edward Biller to the Water Authority Board.

COG:

Joe Dippold reported that he went to a couple of meetings on the Butler Infrastructure Bank, it is a program that could help small communities like ours but doesn't think we have anything lined up for the first year that it will be in existence, will keep an eye on how it works. Greg Such reported that how it works is that you get a low interest loan, they are shooting for somewhere around 1.5% interest with a 10 year pay back. Greg feels it would make most sense to pair it up with a grant, so we could use it for our grant match and pay back much less. Mark Gordon has volunteered to walk the town with us to show us some possible ideas; what qualifies and what does not.

HARB:

Dave Szakelyhidi reported that there are two Certificates of Appropriateness that HARB approved and recommended to Council:

Murray Agency – 515 Main Street – Replace remaining old windows with new painted wood windows to match existing windows previously replaced in prior renovation. In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for 515 Main Street windows.

Two Fraus Bakery – 253 Mercer Street – Pretzel signage. In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for Two Fraus Bakery's pretzel signage contingent to 9 square feet of total signage space.

Water Authority Board:

Dave Szakelyhidi reported that the Water Authority is looking at state-of-the-art leak detection equipment.

Parks Board:

Susie Altemus reported that Sign Innovation will not be able to do the ball drop this year for the Silvester. Susie thanked everyone who helped find a replacement; Dilt's Electric will do the ball the drop this year. Susie thanked RB Tree Service for also offering to do the ball drop.

Susie reported on the Jackson Township purposed Resolution regarding the Multi-Municipal Comprehensive Recreation, Parks and Open Space Plan, it behooves Council to work with Jackson, for one they have a lot more available funding to enhance our trail and to connect it to Ecoz and other areas; biking lanes that will bring cyclist into town. Greg Such reported that Jackson Township has developed a comprehensive plan to work in concert with Harmony Borough, Zelenople Borough, Lancaster Township and Cranberry Township. The other thing that is going to happen is the land that the Harmony Trail is on will get signed over to Jackson Township and the Agreement that we have doesn't really prohibit that from happening. Jason Sarver inquired if they legally have the right to take the trail back in possession even with the maintenance and the grant money that was used.

Greg Such read from the Agreement, "This Agreement is not intended to be an admission, settlement, or otherwise impact the underlying legal title to any portion of the Trail Area, and the undersigned owner reserves the right to sell, convey or transfer the Creekside Manor Plan of Lots and the Trail Area." Don Sims inquired if there was grant money used, and criteria that came with it. Greg responded there was grant money used to establish it. Don Sims would like to hear Solicitor Matt's opinion. Allen Bayer commented that Zelig tabled the Resolution for now, requested an Executive Summary, Harmony Borough would be welcome to it. Susie Altemus suggested invite Jackson Township in to answer questions. Council agreed to table the Resolution for now.

Susie Altemus reported that Silvester needs a main sponsor. Greg Such suggested Mark West. Dave Szakelyhidi suggested Peoples Gas. Susie inquired if anyone had contact information for either sponsor suggestion. Dave stated that he may have something for Peoples Gas and Joe Dippold stated that Chris Rearick (Jackson Township) may have contact information for Mark West.

November 14, 2017

Planning Commission:

Frank Luek had nothing new to report, no action. Greg Such commented the last thing we saw from Planning Commission was the approval of the primitive zoning overlay.

WBCA:

Greg Such reported that the Sewer Authority has had a change in philosophy on how the operation of the sewage system is funded, they voted to raise sewage rates from \$5/1000 to \$8/1000 which will increase on average somewhere between \$8 and \$12. It was a split vote to raise rates, Greg voted no, based on the fact that not enough analysis was done and there was no thought towards some transitional sort of implementation, but it did pass. Frank Luek inquired if there was any comparison from other communities with rates, Greg responded no; their concern was that they have been funding operations from tap-in fees and they didn't think that would be fiscally responsible over the long haul and wanted to be able to fund operations from collection of monthly bills.

Shared Services:

Frank Grannon had nothing new to report.

Parking and Signage:

Greg Such had nothing new to report.

Historic Harmony:

No representative was present to report.

Harmony Business Association:

Laura had nothing new to report.

Commercial Fire Inspection:

Jason Sarver recommended to Council Tom McCosby for the Commercial Fire Inspections. Tom is familiar with our structures, which in Jason's opinion are unique comparative to other communities in our area. Don Sims commented that the Borough has a good history with Tom.

In a motion made by Jason Sarver and seconded by Dave Szakelyhidi, the Harmony Borough Council unanimously approved Tom McCosby as the Commercial Fire Inspector.

Fire District Meeting:

Joe Dippold reported that the Fire District is in need of more volunteers, money and Fire Police. Greg commented they need more volunteers especially during the day. Eugene Bartlett may be offering the first course to be a Fire Police so we can safety direct traffic. Greg Such reported on the Act 172 – Firemen Tax Credit, drafted by COG endorsed by County Commissioners granted tax credit through the Earned Income Tax with Berkheimer. Zelig is working on their ordinance, Harmony Borough will table it until the December meeting when Zelig should have their Ordinance and we can copy theirs, all four communities should have the same ordinance. Don Sims inquired what the impact would be on the Borough, Greg responded 8 firemen x \$250 = \$2,000.

PUBLIC COMMENT:

Brenda Benek – 444 Liberty Street reported a problem with the sewer gas odor on October 11th. Her neighbor, Tom Kolesar, was very concerned about the odor and believed it was hydrogen sulfate gas. WBCA came and identified a blockage. Autumn, WBCA Manager, said the sewer covers should not have been vented; the holes were capped until new covers come in. Brenda is asking Council for assistance with the problem, what is causing the problem, that it is addressed and not in a temporary way but with a permanent solution. Brenda is also asking for transparency, if there are things leaking into our neighborhood, they want to know about them. Greg Such commented that the next WBCA meeting is December 14th and invited Brenda to attend; there is an open forum to address the Board. Greg will also send a note to Autumn to follow up.

Tom Kolesar – 306 German Street commented that hydrogen sulfate gas is very dangerous, it could accumulate in the basement, the furnace could cause the house to blow up. Tom commented that if there is a problem, the Borough should give residents a hydrogen sulfate detector for their homes until the problem is satisfied. It can ignite all by itself and it can blow your home up. It is corrosive and poisonous.

Diane Brenner – Spring Street commented there is a problem with their new neighbor, ShuBrew at Edmond & Spring Streets having events playing loud music in a residential area, it also brings a lot more traffic onto Spring Street; cars are turning around in driveways or intersection of Second and Spring. A Pitt-Ohio truck delivered to ShuBrew and took a wrong turn and came up Spring Street decided to turn around and took Diane's cable line with him and almost the side of her house. The residents are not happy about the noise, the drinking or the increased traffic. Greg Such commented that the last time the music quit at 9:00pm and asked if they were not quitting at 9:00pm. Diane responded that she doesn't know. Greg Such stated that ShuBrew is in Jackson Township, he doesn't think there is a lot we can do, our Noise Ordinance states 10:00 or 11:00 for things to stop, if they are stopping at 9:00, they are within the bounds of our Ordinance. Greg suggested that Diane may want to talk to Jackson for another approach.

Katie McAfee – 745 Spring Street commented that she contacted Nikki at Jackson Township and was told that the property in question is assessed in Harmony Borough, and suggested she talk to Harmony or contact Zelig Police. Don Sims responded that the issue is with Jackson Township, the building is in Jackson. Greg Such stated that he is willing to talk to Zac at ShuBrew. Don Sims commented that he would be happy to talk to Jackson. Allen Bayer inquired with the Solicitor if there is a difference between taxation and the ordinance, if the property falls within Jackson even if they were paying taxes to Harmony, would they still be subject to Jackson Ordinances? Solicitor Kerry Fraas responded that if the property is there, they are regulating the activities in their municipality. Allen Bayer responded that it is where the physical property lies, it is a Jackson issue. Solicitor Fraas stated that the activities take place in Jackson that is where the enforcement needs to take place. Frank Luek inquired if it was a licensed tavern. Greg Such responded that they are brewing there, it's a tap room. Jason Sarver inquired if they are selling the alcohol. Katie McAfee reported that she has an email that says they have permits required for

PUBLIC COMMENT CONT.:

Katie McAfee – 745 Spring Street Cont.

operating the business, they had their manufacturing license transferred to this new building and the Zelig location is a satellite location; that is how it is referred to with the PA Liquor Control Board. As a manufacturer of malt beverages they are legally authorized to sell their beer as well as any Pennsylvania made beer, wines and spirits at any bar or location. At the Zelig location they do sell our beer but at the Harmony location they do refrain from doing so. Greg stated that he would stop over and talk to ShuBrew and ask them to be good neighbors, the rest needs to come from Jackson.

Brenda Benek also commented on the condition of German Street between Liberty and Robinson, it is crumbling, really deteriorating. There was a problem with extra traffic during the German Christmas Market; the Fire Police were directing traffic down German Street when the lots were full. They had parking at Sysco but it was not properly marked with signage. Frank Luek commented that even though they had a shuttle, people still want to come into town and look for parking spots. Brenda commented that a lot of people were from out of town and didn't know where Sysco was. Greg Such stated that Council would pass those issues on to the Museum.

Bob Ziegler - Bob reported that he and Frank met with Mike Mathis from Penn Dot and Ed Fausnought from the Department of Community Economic Development on 10/20 to go over three issues which were: the run on First Street where all the sediment is running back into the run again, cleaning underneath Rt. 68 culvert, and the berm and guardrails on Rt. 68 across from Kasing's. The Penn Dot guy said he would talk to the boss about it and said he thought the main problem with the sediment under Rt. 68 was Dambach Lumber's 24" drain pipe is too small or plugged, or partially collapsed. Bob suggested put a camera down the pipe to see what the actual problem is. Who is responsibility is the drain pipe, the Borough's or the landowners? Greg Such contacted 2 plumbers; the Borough will pay for the scoping, question for Solicitor Matt, who's responsible if Dambach's parking lot needs dug up. Don Sims commented the continual buildup of silt does not have velocity. Bob Zielger inquired whose responsibility is the run. New crate is working. Dave Szakelyhid commented the problem is that the pipe is not level, should use laser to get as much fall as possible. Greg Such commented that we will scope it and get back to Penn Dot. Don Sims inquired if Penn Dot will return to work on the slope; Bob Ziegler responded that it was a 3-4 year out project. Dave Szakelyhidi commented about the Fire District serving four municipalities right in that area, will they maintain two lanes of traffic. Bob Ziegler commented that they are holding a second meeting, fact finding meeting. Jason Sarver reported that the water in the run is running well, not happy with the leaves. Greg Such recognized Bob Ziegler for all the hard work he's done.

BOROUGH STAFF REPORTS:

Police Report:

Chief Miller reported submitted.

Office:

Amy Brown had nothing new to report.

November 14, 2017

Borough Director of Operations:

Frank Grannon reported that the end of leaf pick-up is Friday; leaves can be bagged until December 15th. Frank reported that residents are hiding sticks in the leaves, piling leaves up around poles or mailboxes making it difficult to get the equipment in. Jason Sarver inquired if the pick-up could start later. Greg Such responded only have 1 piece of equipment for leaf pick-up and snow removal.

Frank reported that the fence is up around Tod's.

A drain pipe collapsed on New Castle Street, Don sent an email out about it. The PA One call will be cleared on Friday, Barbish is already notified.

Frank will rent a lift to get the lights on the bridge cleaned and working, the cost is \$200 at T & M.

The stones were placed behind the (borough) garage, the paper is down, Frank would like to have mulch or stone down so the paper does not deteriorate. Stone would be about \$100; will need to take the leaf box off to get a load of cold patch before winter, and the stone before winter. Greg Such stated to do the stone.

Don Sims inquired if \$700 would be enough for the pipe; Frank responded that it should be.

Zoning and Codes:

Allen Bayer report submitted.

COMMITTEE and OTHER BUSINESS:

Public Safety:

Greg Such reported that an Event Form was submitted for the Reindeer Run on December 16th, along with the COI and map. Zelenople approved it, no Fire Police is requested. In a motion made by Dave Szakelyhidi and seconded by Joe Dippold, the Harmony Borough Council unanimously approved the Reindeer Run on December 16th.

Business Development:

Cathy Rape was unable to attend, no report.

Personnel:

Jason Sarver reported that the Health Plan needed to be ratified, it is the same as last year, the deadline was October 31st. There was a 9.9% increase that will be split between the Borough and the Water Authority. In a motion made by Jason Sarver and seconded by Frank Luek, Harmony Borough Council unanimously approved the ratification of the 2018 Health Plan renewal.

Finance:

Greg Such reported that the 2018 Tentative Budget was ready to be advertised. In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the advertisement of the 2018 Tentative Budget.

Streets:

Don Sims reported that Council needed to ratify the \$700 for the East New Castle Street collapsed drain pipe. Greg Such explained that a drain pipe collapsed under

November 14, 2017

COMMITTEE and OTHER BUSINESS CONT.:

Streets Cont.:

someone's driveway and needed repaired. In a motion made by Don Sims and seconded by Dave Szakelyhidi, the Harmony Borough Council unanimously approved the ratification of the \$700 drain pipe repair.

Facilities:

Dave Szakelyhidi reported that two new post lamps are up, Frank and Steve set them up; no globe will be a benefit.

Frank Grannon reported that the storage building needs new lights, the T12 bulbs are obsolete; requested or suggested two square lights like that are in the garage, the cost is about \$200. be added to next year's budget. Greg Such suggested getting two lights now. Don Sims stated do \$400 now and maybe on January 1st do another \$400.

Greg Such reported that some residents requested that the pad locks on the Moose bridge (locks of love) be removed.

Grants:

Greg Such reported that HBA's next meeting is December 7th, he will not be able to attend but requested HBA begin discussion, brainstorm some ideas for the Tourism Grant.

BILLS PAYABLE:

Greg Such reported that the following lists of bills were presented to Harmony Borough Council for approval:

General Bills Payable in the amount of \$ **18,141.04**

Bills Already Paid in the amount of \$ **57,255.56**

Payroll in the amount of \$ **8,209.62**

Parks Board Bills Already Paid in the amount of \$ **26.39**

Fire Tax Fund Bills Payable in the amount of \$ **162.18**

Fire Tax Fund Bills Already Paid in the amount of \$ **25.92**

In a motion made by Don Sims and seconded by Frank Luek, the Harmony Borough Council unanimously approved all bills for payment as presented on the lists.

ADJOURN: 8:25 pm

As there was no further business to discuss, the Harmony Borough Council adjourned the November 14, 2017 meeting at 8:25 pm.

Respectfully Submitted,



Amy Brown

Recording Secretary

Monthly Activity Report
Harmony Borough Code and Zoning Enforcement and Residential
Multi-Unit Dwellings Fire Inspection

October 2017

1. Stopped by the office two times each week to pick up mail, complete Building Permits and sign violations.
2. Filing and administrative work.
3. Attended October HARB meeting.
4. Performed 11 violation inspections resulting in 1 reminder, 2 warnings and 1 request for a District Magistrate hearing to be scheduled by Matt.
5. Performed 3 violation inspections. All have been corrected.
6. Performed one abandoned vehicle inspection in swamp poodle.
7. Spoke with Tina Bayer regarding replacement of shed.
8. Spoke with Brian Feast regarding have an outdoor controlled burned for fire extinguisher training at Sysco. Directed Brian to Jackson Twp.
9. Spoke with Attorney Sara Hancher regarding zoning for a home based business at 406 Center St. for firearms repair in the garage.
10. Spoke with Jim Farber, 131 Jackson St., regarding placing a utility shed in rear yard.
11. Spoke with Anoy Flacks of Caldwell banker regarding zoning for a driveway at 709 Spring St.
12. Spoke with Ed Piela regarding sidewalk repair on Liberty St.
13. Spoke with Ed Thomas regarding excavating for a driveway.
14. Performed 3 sidewalk violations inspections.
15. Requested Matt to schedule hearing with the District Magistrate for sidewalk violation at 640 Wood St.

16. Spoke with Rodney regarding temporary signage at the museum.
17. Received complaint of brush pile on sidewalk at 214 Division St. After inspection, I spoke with the property owner and she will have it removed immediately.
18. Inspected a pretzel sign at the bakery to approve and notified the owner, Joanie Sinz that a building permit is required.
19. Email with Mayor regarding Bill Thomas blowing leaves from his property.

Respectfully submitted,
Allen E. Bayer