

February 6, 2018

HARMONY BOROUGH COUNCIL MEETING February 6, 2018

COUNCIL MEMBERS PRESENT: Phyllis Metz, Frank Luek, Dave Szakelyhidi, Greg Such, Joe Dippold, Don Sims, Jason Sarver, and Mayor Cathy Rape

OTHERS PRESENT:

Council Meeting
February 6, 2018

FRANK GRANNON

Cathy Rape

Joe Dippold

Don Sims

Jason Sarver

Phyllis Metz

Leanne Babbitt

Greg Such

Jim Mully

Frank Luek

David L. Hill

Allen Boyer

Susan Attorneys

Gwen Lutz

Brinda Bennett

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PUBLIC HEARING:

Solicitor Matt Racunas opened the public hearing at 7:00pm to amend the Zoning Ordinance, Chapter 27 of the Harmony Borough Code of Ordinances to add provisions relating to Primitive Structures in a C-2 Zoning District. The proposed Ordinance would add a definition of Primitive Structure which would be anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, and other similar items that may, or may not, have utilities and are primarily used for the display of handmade, primitive, historical, and/or cultural items and artifacts. It would add a restriction of 15 ft. in height. No questions from the public or Council, Hearing closed at 7:02pm.

CALL TO ORDER:

Council President Greg Such called the regular meeting to order at 7:02 pm, following the Public Hearing.

MINUTES:

In a motion made by Don Sims and seconded by Frank Luek, the Harmony Borough Council unanimously approved the January 2, 2018 Reorganization meeting and the Regular Council meeting minutes.

SOLICITOR'S REPORT:

Solicitor Matt Racunas asked for a motion to adopt the Primitive Structure Ordinance. In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Primitive Structure Ordinance.

In a motion made by Don Sims and seconded by Phyllis Metz the Harmony Borough Council unanimously approved the 2018 Tax Rate Ordinance. (same rate as last year).

In a motion made by Frank Luek and seconded by Phyllis Metz the Harmony Borough Council unanimously approved the Act 172 Fire Tax Credit Ordinance.

In a motion made by Don Sims and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the Resolution for the Fire Tax Credit.

Solicitor Matt reported that he drafted a final demand letter to Premier Craneworks, included the certified judgement from the court and sent it certified mail and emailed it to everyone on their website. Matt received a call last week, the original person he was corresponding with was let go; he never passed along to Craneworks that this was an issue. Nobody in the company knew what it was about, Matt explained what it was, they asked for a copy of the Police Report, Matt emailed them a copy of the Police Report and they said they would be back in touch with Matt, but he has not heard anything since last week; but he does have a good contact now and will follow up. Don Sims inquired when this incident happened. It occurred in 2016.

BOARD REPORTS/APPOINTMENTS:

APPOINTMENTS:

No appointments

COG:

Joe Dippold reported the next meeting is February 8th. Phyllis Metz reported that she and Cathy Rape attended the Butler County Boroughs Association Identity Theft Protection and Scams luncheon. Phyllis is the back-up secretary for the BCBA. Phyllis reported that the Police Chief from Saxonburg is the one who spoke about scams and frauds; Saxonburg goes after scammers and has solved a lot of them. Mayor Rape commented that they have a program, she asked Tom Oliverio (Zelie's Mayor) to pass it on to Zelie Police and please get that program because she thinks it would be great to have a meeting place where the public can come to for the presentation.

HARB:

Dave Szakelyhidi reported that there is one Certificate of Appropriateness that HARB approved and recommended to Council:

Harmony Square – Hanging Planter Baskets, install double hanging baskets at all lamp posts in Harmony Square. Cathy Rape reported on a garden committee of volunteers doing fundraisers to buy new brackets for the light post so they can hang down lower (for easier watering), be out further away from the post so half of the plant doesn't die, and if enough money is raised, they would like to have planters in front of other buildings too, if the property owners would like to have them. This would beautify the Square, Main Street and Mercer Street; this would be strictly volunteers for the Borough. The first fundraiser is March 24th it is a German Buffet Dinner \$25.00 per person, must have a reservation at Stewart Hall. In a motion made by Dave Szakelyhidi and seconded by Don Sims, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for the Double Hanging Baskets. Don Sims inquired if anyone checked the weight to make sure it will not damage anything.

Water Authority Board:

Dave Szakelyhidi had nothing new to report.

Parks Board:

Susie Altemus reported that there was no activity. Greg Such reported the Summer Concert dates have been set June 28th and every other Thursday after, the last concert will be August 9th. Susie Altemus commented that the Parks Board would like Council to consider passing the Jackson Township's Multi-Municipal Comprehensive Recreation, Parks and Open Space Plan Resolution. Greg Such reported that he talked to Chris (Rearick), and there is no reference to the emergency access to Creekside in the Regional Parks Plan. Dave Szakelyhidi responded that it is not in the Parks Plan it's in the other Plan. Greg Such responded that it is in the preliminary application for Creekside and that Chris said they could not reopen that, but they will take it out when Don Rodgers comes back for secondary approval. Dave Szakelyhidi inquired how we would know that they are going to take it out, Greg Such responded that we wouldn't but we do have a notice in our Resolution that says the Borough takes exception to the use of the Harmony Trail as an emergency access to the proposed Creekside Development. In the event that the Creekside Development is approved by Jackson Township with an emergency

Parks Board Cont.:

connection to the Harmony Trail, the Borough will withdraw, by Resolution, from the Plan. Mayor Cathy Rape commented that she has numerous other points.

A motion was made by Frank Luck, and seconded by Joe Dippold, to approve the Comprehensive Recreation, Parks and Open Space Plan Resolution. Laura Ebbert commented that her only concern with the Parks Plan is the filling-in. They could potentially fill in the reservoirs. They (Indian Brave Campground) had a serious flood and had to evacuate the whole lower section. The plan to fill-in to create a Park is a concern because when she talked to Chris (Rearick) there was no definitive plan to insure that they address flooding in that Plan. Jason Sarver commented that is an excellent idea, one thing he has noticed with this flood, all this new construction has changed where that water is going. The water seemed to come up on the Harmony side, it didn't have the area on the right hand side to circle around like it used to and relieve it from coming over here. Greg Such commented that one of the things that is in the Resolution, there is a paragraph that states it forms an opportunity for continued communication between the communities and a policy basis for the development of master plans, ordinances, and joint boards to facilitate its continued implementation. Greg thinks if we do not sign the Resolution we may not have a seat at the table. Don Sims inquired who drafted the Resolution. Greg Such responded that Chris Rearick drafted it, and he (Greg) edited it. Dons Sims inquired if there was any willingness to wait until Jackson Township owns it. Greg responded that grant season is upon us. Dave Szakelyhidi commented when Zelienople signed the Resolution they got \$38,000/year towards their Park for 10 years, maybe Harmony Borough can do the same to get a benefit for signing it. Dave suggested sell Swampoodle Park to Jackson, it's already in Jackson. Greg Such commented that he thinks it's an overstatement regarding the dollar amount. Dave commented that they need a park to get their impact fee. Greg Such commented that the money they are getting for the Zelienople Park was being donated on behalf of the residents as an option to pay down what they pay for a pool membership. Allen Bayer commented Zelig is turning property over to Jackson, they have increased their donation to the Park, but not over a 10 period, Allen believes it's 3 to 5 years. Phyllis Metz inquired wouldn't it be better to sign the Resolution then talk to them about it. Don Sims commented that he would like to wait until somebody owns the property. We're making an agreement with someone who potentially, might, probably, should own a piece of property. Greg Such responded that we are not making an agreement; we are supporting a Master Parks Plan Resolution which isn't an agreement. Cathy Rape commented that there are four parks and the Trail intermingled through the Agreement, and Harmony Borough is named all through this agreement, how are you going to agree to something and then say you ticked us off we're out. When it says "potential" land dedication, just like Don said - potential. Why wouldn't he give it, it's a tax right off for him. Greg Such commented that if he did not give it and it remained Don Rodgers, we would still have the Trail and maintain it; and we would still want to participate in a Regional Parks Plan. Cath Rape continued that it says a number of Historic Farmsteads dating back to the early 1800s are visible from the walking trail, where are they visible, they are under 10 feet of dirt. The property has a number of wetland areas – yes. The asphalt trailhead and sign would define entry to the Harmony Trail; these are all words in this agreement. Greg Such commented that it is not an agreement it is a Plan. Mayor Rape continued, at least one ADA accessible path will be provided to

Parks Board Cont.:

the central viewing platform, which the platform takes off of the Trail and comes back onto the Trail, proposed improvements: improve walking surface and the Trail experience, ADA accessible, realigning the bend in the Trail on the Harmony Borough end to meet slope requirements, Mayor Rape stated that she wants Council to hear before they vote yes on something they think they can get out of; an elevated wooden pier with wooden rail for fishing and observing the river, to put that in the floodway the elevation would have to be 10 feet in the air and you will be fishing with a 20 foot line down into the creek. The picnic area that is proposed is in the floodway, you are not allowed to build anything in the floodway. Coordination with Harmony Borough who owns the Eastern end of the Harmony Trail, we own the whole Trail; will be necessary to ensure accessibility and sight furnishings are consistent with the portion of the Trail bordering the Creek; they are saying our benches now are not coordinated. Improve accessibility to the Harmony Trail in accordance with the ADA; members maintain responsibility, members maintain their own funding structures. Harmony Borough has tax dollars, which is the only way to raise our own funds. Page 98 – we would need a formal park plan, we need a formal risk management plan, we would need to train our employees who work in the parks CPR, page 103 job descriptions for employees involved with the parks would need to be changed, page 118 establish a well define an administration manual for each municipality, we have to have policies for rentals for non-resident and resident; page 119 to work closely with Historic Harmony Inc. to preserve and promote the history, Cath commented that they ruined the history over there, to coordinate efforts with Indian Brave, they are flooding Indian Brave. ADA compliant, signs posted, page 129-135 take a look at the recommendation for our park areas.

Solicitor Matt commented that it makes it easier to get grants when there is intergovernmental cooperation, so when communities are working together various agencies make it easier. It is Matt's understanding that the idea behind this Plan is to encourage intergovernmental cooperation so it is easier to get grant money so you can get some money to accomplish some of the recommendations. This Plan is not binding, it is not perfect, it is not going to be the end all or be all of what you are going to do, it is a general conceptual idea that formulates the basis for apply for the grant; if anything they probably include more stuff than you are ever going to do so that they can reach out in as many directions as they can and to get as much grant funding as they can. By doing it together you get more money. You are not binding yourself to anything. Dave Szakelyhidi commented that Jackson is going to implement an \$800 impact fee per new unit, they cannot implement that until they have a park; now they have Zelig's Park so they can implement that fee. We have three parks that we have applied and received grants for over the years, Zelig has a park and received grants for, Jackson needs to start working. Solicitor Matt responded that you don't have to do it, you can put your own Plan together for your own Parks; you have to have a Plan to apply for grants. Mayor Rape commented that they are looking for inter-municipal cooperation. She asked Solicitor Matt that anything written in the Plan we do not have to do? Solicitor Matt responded that you can rescind that Resolution with a Resolution. Don Sims inquired what happens if they get the money. Solicitor Matt responded they have to give the money back or they will still have to do it or ask the agency to change the language. Mayor Rape reported that Butler County Planning Director, Chris Rearick, Don Rodgers, someone else from the Conservation District and herself are invited to discuss the

Parks Board Cont.:

other side of the creek on the 19th of February. Don Sims inquired if Greg discussed anything with them, and if they said anything positive back. Greg Such commented that they volunteered to help us grate one end of the Trail; Mayor Rape responded that the Developer is responsible. Susie Franz commented that Scholars Run according to EPA Floodplain Management Executive Order, Section 3 B & D you should read because to her the reservoirs shouldn't be filled in, they should have been leveled back to their normal state; and the Don Rodgers project shouldn't have been moved in to a floodplain like that, he should have built his houses on stilts. Solicitor Matt commented that you are allowed to fill in a floodplain, you cannot build in a flood way; there are different regulations about that. Greg Such commented that we need to be at the table to represent, we cannot represent if we are not at the table. Roll call vote: Phyllis Metz – yes Frank Luek – yes
Dave Szakelyhidi – no Joe Dippold – yes
Don Sims – no Jason Sarver – yes
Greg Such – yes

Motion passes.

PLANNING COMMISSION:

Frank Luek had nothing new to report.

WBCA:

Greg Such reported the rates went up; they are lower than initial approved.

Shared Services:

Dave Szakelyhidi had nothing new to report.

Parking and Signage:

Jason Sarver reported Wood Street is still congested, to help with that they are making a turn-a-round at the end of Wood Street to the left; Jason will go over it with Frank Grannon.

Greg Such reported that Harmony Borough, Historic Harmony, and Harmony Business Association are working on signage as part of the Tourism Grant for marking the parking lots.

Historic Harmony:

Gwen Lutz asked for a letter of support for the PHMC Grant application supporting the window project. Greg Such will edit and send the letter. Gwen reported that they have put a video on Butler County Tourism's website. The Butler County Commissioners have agreed to back them and they are going to do a Coffee with Kevin segment that will air on their website. They have pledges and are optimistic to raise the money for the matching funds. The HarmonieFest is March 17th.

The Triangle Agreement has been revised and sent to Solicitor Matt for review.

Greg Such commented that the Bottlebrush German Dinner is the same night as the HarmonieFest. Gwen responded they've had events on the same day and it's not an issue.

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Harmony Business Association:

No representative present.

PUBLIC COMMENT:

Brenda Benek – 444 Liberty Street – Brenda inquired who is responsible to maintain alleys. Don Sims inquired as far as snow removal or over-all maintenance. Brenda reported that ice building up on the alley has caused an accident, not sure who caused the accident but the car ended up in Rich's garden and did some damage to his property and did not stick around. Rich did not report it because he did not know if someone was trying to get into his shed, or pull out his trailer. Brenda commented that they concluded that someone came down the alley and hit ice and ended up in his garden. Don Sims commented that a grant comes out for gravel but our Borough doesn't get those grants they are designed for rural areas. Don also commented that snow removal of alleys is low priority obviously we start with the main streets, then the secondary streets. Brenda stated that whatever car came down their jumped across the street and into somebody's garden, fortunately there wasn't anyone on the sidewalk or a car parked there; nobody was hurt and the damage was minimal but it's a concern. Brenda Benek also reported that German Street is deteriorating from Main down to Robinson's. Harmony has events that use the parking lot on German Street. Don Sims responded that they will take a look at it; their main priority is where the school buses run. Brenda commented that they would like to be somewhere on the list it's not like they don't have much traffic, Robinson traffic comes up German Street too and the residents have to use them too and they're a mess.

BOROUGH STAFF REPORTS:

Police Report:

Report submitted via email.

Greg Such reported that the Fire District has dropped the Fire Police support. Zelig Police Department is trying to put together an auxiliary to do things similar to what the Fire Police used to do. Chief Miller responded they are working on ideas nothing definite. Greg Such commented that it is important to Council because of all of the events here. Jason Sarver inquired if Chief Miller feels comfortable with volunteers. Chief Miller responded that if Council authorizes it they assume liability. Greg Such asked Solicitor Matt to look at the Fire District's contract to see if they are allowed to make material changes within their organization without asking the sponsoring organizations. Chief Miller commented that it is State Law to have the power to appoint or not appoint Fire Police. Dave Szakelyhidi inquired if there is an emergency water line break on Rt. 68 can Police help or if we have a longer project can we hire contractors/flaggers to come out. Chief Miller responded yes. Dave inquired if the Borough could hire flaggers and pass the cost on. During the Ivan flood Council had asked Zelig Police to have a police presence at night and our contract at the time did not allow for someone to be here all night so Cathy (Mayor Rape) was adamant about it and Council looking into hiring a guard. Dave inquired if that was still the case with our contract. Chief Miller commented that you don't want to mix emergency and non-emergency issues. The Police will handle emergencies; your issue is going to be non-emergency events. Phyllis Metz reported

Police Report Cont.:

that Debbie Crumm from the Tourism had mentioned the Army recruiters could possible help; they have to do public service. Greg Such commented that there is a liability with that. The Shamrock Shuffle on March 17th, Joella Baker has someone who helps her with races. Laura Ebbert commented that for their 50 mile charity motorcycle ride the Blue Knights Association help, they are active or retired police officers. They are covered under Laura's insurance, they donate their time. The Butler County Fire Police also help. Don Sims commented the Butler County Fire Police may be our solution.

Office:

Amy Brown had nothing new to report.

Greg Such reported the audit starts this month, Feb. 26th.

Borough Director of Operations:

Frank Grannon reported most of the month was salting streets and sidewalks; patched some potholes. The Zero Turn needs around \$380 in parts for repair and maintenance. Frank also reported we need to pencil in some money for the sidewalk repairs. Dave Szakelyhidi inquired if Frank was going to purchase an orange triangle slow sign. Greg Such inquired if we had enough quotes for the sidewalks. Frank Grannon responded that he had some but they're all old so probably no good. Don Sims inquired where the sidewalk violations were. Allen Bayer responded 4 or 5 violations are from last year. Don Sims made a motion to authorize up to \$400 for parts for the Zero Turn. Phyllis Metz seconded the motion. Frank Luek inquired if a motion was necessary on an expense like that. We have x amount of money in the maintenance budget. Solicitor Matt responded that it depends on how you want to handle it, some municipalities give a threshold of under \$500 they will let him go ahead and do it; you have to vote eventually now or on the bills payable.

Zoning and Codes:

Allen Bayer report submitted.

COMMITTEE and OTHER BUSINESS:

Public Safety:

Phyllis Metz reported she received an Event Form and the Certificate of Insurance for the Shamrock Shuffle, Phyllis will work on getting Fire Police.

Phyllis received an Event Form for the Wine Walk on June 9th but does not have the Certificate of Insurance yet; can do it next month. Phyllis also reported she was contacted by Eric Seaman from ZHUM Church about their Glow Run, nothing submitted yet.

Business Development:

Cathy Rape reported that Zelig is notifying Harmony Borough residents they will be billed for P.O. boxes starting in May. Dave Szakelyhidi commented that there is no Post Master in Zelig; Mike and Brian are Acting Post Masters. The P.O. boxes were free because when the Harmony Post Office closed they did not have delivery in the area; they had a provision that allowed rural carriers with rural mailboxes or a P.O. box in Zelig; now they are making you pay. Cath Rape would like to see about putting another cluster box by the Borough Building. Cath Rape said she was told

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Business Development Cont.:

there are about 60 people with P.O. boxes in Zelig. Laura Ebbert suggested asking the Post Office to give the 60 Harmony Borough residents a letter for the cluster box. Greg Such stated that Amy can do a mailing to those 60 people. Cathy Rape gave the Borough a letter stating she will front the money for the cluster box (by the Visitors' Center).

Personnel:

Greg Such reported that we need an executive session. Jason Sarver reported that he and Phyllis Metz created some necessary human resource forms.

Finance:

Joe Dippold the audit is coming up and then we can close the books for 2017.

Streets:

Don Sims reported that Frank has enough salt, he has salt on order. Greg Such inquired on Water Street. Dave Szakelyhidi reported that he talked to Eppinger's who own the house on Grandview Avenue where the sidewalk is missing. Dave tried to make a motion to split the cost with Zelig to put a sidewalk in; Allen Bayer said it may be Zelig's. Allen Bayer researched it; and Eppinger's had Wes Hamilton research it and it came back that it's Harmony Borough's paper street. Allen Bayer reported that it is Water Street and it comes down from Grandview behind US Liner across Mercer Street to the Canoe Launch. Water Street was vacated from Mercer to the Canoe Launch. Allen Bayer reported that Frank Grannon said that Water Street was vacated up to WBCA as well. Solicitor Matt commented that after 21 years if a paper street is not opened, it is vacated by operation of law. Matt stated we could do an Ordinance to actually vacate it, we would have to have the Engineer draft up the legal description of the area, or Solicitor Matt could just say it. We would have to define the area, but the way the law works it is already vacated. Allen Bayer commented that it runs along Zelig's Border, if half the paper street goes to adjacent property owners (whom is Eppinger's), will it change Zelig's boundary line? Greg Such commented that Harmony Borough has property that is half in the Borough and half in Jackson. Allen is to call Matt to discuss.

Facilities:

Dave Szakelyhidi reported that he's working on a deal with the County to buy 6 new lights for the bridge.

Grants:

Greg Such reported they are working on the Tourism Grant application. Local Government Academy has administrative interns for \$5/hour or \$5.50/hour, if we want them we need to find a project. Joe is going to look at it. Lori Kennedy from the Department of Labor & Industry contacted Greg, they are holding classes at Camp Kon-O-Kwee for kids to learn various skills and one of the skills was landscaping, that class will end in June and they will identify who would be available.

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Training & Conferences:

Greg Such reported they are listed on the Correspondence List.

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 \$ **21,485.67**

Bills Already Paid in the amount of \$ **3,279.41**

Payroll in the amount of \$ **9,207.63**

Fire Tax Bills Payable in the amount of \$ **42.02**

Silvester Fund Bills Payable in the amount of \$**1,681.00**

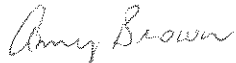
In a motion made by Dave Szakelyhidi and seconded by Don Sims, the Harmony Borough Council unanimously approved all bills for payment as presented on the lists.

Council President, Greg Such called an executive session at 8.30 pm to discuss a personnel issue, out of executive session at 8:45 pm.

ADJOURN: 8:46 pm

As there was no further business to discuss, the Harmony Borough Council adjourned the February 6, 2018 meeting at 8:46 pm.

Respectfully Submitted,



Amy Brown
Recording Secretary

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

January 2018

1. Stopped by the office two times each week to pick up mail, complete Building Permits and sign violations notices.
2. Filing and administrative work.
3. Created December Time and Activity Reports.
4. Spoke with Pat regarding zoning of Rite Aid at the Plaza. I referred her to Jackson Twp.
5. Created the 2017 Violations and Permits Summary Report.
6. Spoke with John Beehy, 110 Peffer St., regarding house addition and related zoning.
7. Returned call referencing 161 Scott Ridge Rd. and referred the lady to Jackson Twp.
8. Responded to EQT Natural Gas Pipeline Safety questionnaire.
9. I drove down Mercer St. to inspect the flooding at Mercer and Utah, US Liner loading dock, US Liner parking lot and the creek water level. I talked with Tania Hart, US Liner Production Planning Mgr., regarding flooding. She was out of town and referred me to Tim Crawford, US Liner Plant Mgr. I spoke with Tim and he assured me that necessary movement of material along the creek side of the building has been pulled back and they will continue to monitor the flooding and take further corrective action if necessary.
10. Talked to Linda Powles regarding fence zoning.
11. Talked to Tim Sapienza regarding fence at the fire department.
12. Talked to Dave and Greg regarding flooding in Harmony.
13. Worked on updating FEMA ordinance.

14. Created one dog running at large and 4 snow removal violations.
15. Created one fence violation notice at 754 Spring St.
16. Spoke with Ryan McClain, 406 Center St. regarding zoning of home-based business of gun manufacturing and smithing.
17. Created letter for Mr. McClain stating that his home-based business was allowed if he adhered to the conditions in the letter.
18. Met with Greg to review FEMA ordinance.
19. Spoke with Josh Inman at 754 Spring St. regarding fence in side and rear yard and need for permit.
20. Talked to Tom at 566 Main St. regarding snow removal violation.
21. Spoke to Realtor Dawn regarding closing at 709 Spring St. and need for a temporary dumpster permit.
22. Performed two property inspections as a result of two complaints resulting in the creation of one rubbish and one nuisance violation notices.

Respectfully submitted,
Allen E. Bayer