

HARMONY BOROUGH COUNCIL MEETING March 6, 2007

COUNCIL MEMBERS PRESENT: John Rice, Russ Ottney, Dave Szakelyhidi, Jeff Smith, Gary Habsburg, Chuck Beighey, Harold Herr, and Mayor Cathy Rape.

OTHERS PRESENT:

Sharon McQueen
Harold Herr
Chuck Beighey
① Dave Szakelyhidi
Justin Pivak
Cathy Rape
Gary Habsburg
Jeff Smith
W. Pivak
Frank & Andrew Lamm
Marty Smith
Marty Smith
Diane Egan
Bob Budny
Dorothy Pivak
Selma
Dorothy Pivak

HEARING ON ORDINANCE #374:

Jeff Smith, Council President called to order the hearing on Ordinance #374 at 7:04 PM. The purpose of the hearing is to hear public comment on the ordinance which is to promote and protect the public health, safety and welfare of the residents of the Borough of Harmony, Butler County, Pennsylvania, and for the purpose prohibiting the feeding of certain waterfowl within the Borough of Harmony

PUBLIC COMMENT:

Fred Grannon stated that he is in favor of not feeding the waterfowl.

Diane Brenner stated that people on Spring Street feed the ducks and a few geese in the morning. The large flock of geese does not go to the end of the pond where the people are feeding the geese. A lot of people feed birds and squirrels. They can't help it if ducks or geese go into the yard and eat the bird feed.

Dave Morrow stated that he is in favor of the ordinance. He is for taking steps to discourage the geese coming to the park.

Robert Budny stated that the problem Harmony Borough is having with the geese is because we live in a water shed and they won't be kept out as it is their natural habitat. It won't change by stopping to feed them.

Cathy Rape stated that she does not intend to stop feeding the birds.

The hearing was closed at 7:14 PM.

CALL TO ORDER:

Council President, Jeff Smith called the Council Meeting to order at 7:15 PM.

PLEDGE OF ALLEGIANCE:

MINUTES:

Russ Ottney corrected the February 6, 2007 minutes to state "purchase the Tyco property". Russ Ottney made a motion to approve the minutes as corrected. Chuck Beighey seconded the motion. Motion carried.

RECOGNITION OF GUESTS: (Agenda Items)

No comments.

CORRESPONDENCE AND ANNOUNCEMENTS:

1. Education Flyers
2. Invitation from the Board of Directors of the CDC to their annual meeting Friday, March 23 at the Butler Country Club
3. Letter from Commonwealth of PA in reference to an ordinance restricting sex offender's residency

4. Email concerning the Senn Bridge being within the Harmony Society property.
5. Notice from DCNR - RE: revision to Community Conservation Partnerships Program Grants Application Cycle
6. Invitation from Senator Jane Orie - RE Grant Seminar April 19.
7. Letter from Historic Harmony - RE: questions on Creekside
8. Notice from the Cancer Society on "Daffodil Days"
9. Invitation from the Zelienople-Harmony Chamber of Commerce - RE: Annual Luncheon/Membership Meeting Thursday, March 29 at Hartmann's Waterhole Restaurant
10. Nims Compliance List on Nims adoption
11. Letter from Bill Hummel - RE: Storm Water Management – recommends adopting an Ordinance
12. Copy of letter to Wes Hamilton concerning Wild Waterways and removal of Harmony Dam
13. Western Butler County Authority's January Minutes
14. Letter from Bill Hummel concerning parking on Mercer Street
15. Form from Census Dept. – need a replacement for Tom Tomayko as the Census Contact Person

SOLICITOR'S REPORT: No Report

BOARD REPORTS:

COG: Meeting Thursday, March 8.

HARB: No meeting was held

WATER AUTHORITY:

Dave Szakelyhidi reported that the Harmony Dam was sold to Wild Waterways. Harold Herr questioned if it is illegal for more than one Council Member to be on the Water Authority Board. Attorney Marshall stated that it is not illegal.

PARKS BOARD:

Jeff Smith gave background information as to why the Ordinance concerning not feeding water fowl was presented for adoption.

Harold Herr made a motion to adopt the "No Feeding of Water Fowl" Ordinance. Dave Szakelyhidi seconded the motion. Discussion. Dave Szakelyhidi questioned how to enforce the ordinance. Jeff stated that he feels people have a respect for the law and will abide by the ordinance to help clean up the park. Motion carried.

The Parks Board would like to put up a small shelter. Chuck Beighey made a motion to pass a resolution to endorse the Parks Board applying for a grant (for the shelter). Harold Herr seconded the motion. Discussion. Russ Ottney recommended they construct a shelter that discourages birds from nesting. Motion carried.

PLANNING COMMISSION:

Justin Pivik with Just Mark Construction presented plans for Jadco's construction of a new building 125' X 180'. Attorney Marshall recommended tabling the plan until issues raised by the Butler County Planning Commission were looked into.

In reference to questions raised concerning Creekside, Jeff Smith reported that the plan approval lasts a minimum of five years. (plan was approved 3 years ago in March.) A change in ownership has no requirement on approval. Building permit is good for one year.

Mayor Rape stated that she would like a motion requesting the developer show the new plans.

Jeff Smith replied that the Borough has no input in Jackson Township. They met the conditions. It is not up to the Borough to determine if it is good or bad but to determine if it is legal.

Harold Herr stated that the Borough should try to protect Harmony.

Jeff Smith stated that the focus should be on getting the creek dredged.

Chuck Beighey stated that he thought no one could build in the flood area.

Cathy Rape stated that everything possible should be done to protect Harmony. She would like a letter sent to the developer and the County requesting that they not raise the property or put up a wall.

Dave Szakelyhidi stated that Bill Hummel is still not comfortable with it.

Jeff Smith stated that the Mayor could write them a letter.

PSAB: No Report.

W.B.C.A.: No Report.

ZONING: No Report.

VACANCY: No Report.

STAFF: No Report.

SUPERINTENDENT'S REPORT: Attached.

Wade reported that he had obtained a bid to insulate the garage from ICYNENE for \$4,733.00. Harold Herr made a motion to accept the bid for \$4733.00 to insulate the building. Dave Szakelyhidi seconded the motion. John Rice stated that 2 more bids are needed as the bid was over \$4000.00. Harold Herr withdrew the motion. Dave Szakelyhidi withdrew the second to the motion.

Wade Ion questioned about doing some maintenance work on alleys such as pot holes or plowing. Attorney Marshall recommended having an objective criteria to follow. Jeff Smith asked Wade and John Rice to make a list of what work might be done.

Wade Ion questioned what is going on with the Mantia property as MDIA put a cease and desist order on him. Attorney Marshall is to look into it.

PERSONNEL:

Harold Herr made a motion to hire Frank Grannon full time at \$12.00 an hour. Chuck Beighey seconded the motion. Motion carried.

Harold Herr made a motion to get dental insurance for the employees at \$20.00 each per month. Harold withdrew his motion until the employees check to see if their dentist will take the insurance.

PUBLIC SAFETY.

The police are supposed to be given a donation by Senator Orie. Mayor Rape and Russ Ottney will be present for the presentation.

BUSINESS AND DEVELOPMENT:

Jeff Smith and Gary Habsburg went through the Tyco facility. CDC and Jane Orie's Office were contacted concerning funding. Unless there is a job creation, there is not much chance of getting a grant. The Water Authority does not want to bottle water. Jeff Smith wrote a letter to the Post Office to see if they were interested in using it for a distribution center. He hasn't heard back from them.

Dave Szakelyhidi made a motion to authorize Bill Hummel to write a letter to Fema about the Tyco building (concerning the distance from the creek and the impact this might have during a flood). Chuck Beighey seconded the motion. Motion carried.

Russ Ottney suggested the Post Office taking over the Borough Building and increasing the rent.

NEW BUSINESS:

Streets: Wade Ion is looking at what Streets need work on them.

BILLS PAYABLE:

Harold Herr made a motion to pay all bills as presented. Dave Szakelyhidi seconded the motion. Motion carried.

PUBLIC COMMENT:

Dave Morrow made comments concerning Oak Alley. He stated since the Park has been put in there is a lot of traffic using the alley. He questioned if the Alley could be closed to traffic. John Rice stated that all property owners abutting the alley must agree.

Diane Brenner commented on Creekside. She questioned what harm could it be to ask them to come and show their updated plans?

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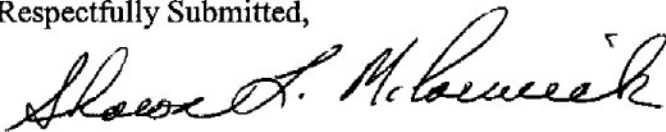
Robert Budny asked the Solicitor what would the Borough's responsibility be knowing the plan is on a flood plain. Attorney Marshall stated that Council's obligation is to enforce its ordinances.

Mark Sapienza thanked Wade Ion and Frank Grannon for the work they did.

John Ruch stated that there may have been misrepresentation by the developer of Creekside. If there was deception, is that grounds for taking another look?

Meeting adjourned at 8:55 PM.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Sharon L. McCormick".

Sharon L. McCormick
Secretary