

HARMONY BOROUGH COUNCIL MEETING And Hearing July 3, 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 L. McNeill
Wach R.
Harold Herr
Gary Habsburg
Cathy Rape
David J. Rice
Jeff Smith
Mason Gray
Pol Zelen
AIDAN FABIAN
Mark Lopez
Harris Kung
Mary Pille
Cathy Rape
Jim Smith
Chuck Beighey
Diane Brennan
AUDREY BUDNY
John Habsburg

Frank & Kathleen Hammond
Jordan Rice
Ann Kopyev
Thy R. Herr
Bob B. Dwy
Carolyn Mayer
Belle Thompson
David L. Mann

HEARING: The Hearing to hear public comments on an ordinance revising the flood plain was called to order at 7:15 PM.

Jeff Smith, Council President explained the changes to chapter 8 of the Flood Plain Ordinance stating that a developer cannot raise the flood plain more than 12". The change would be to lower the flood plain from 12" to 4".

Maureen Sweeney spoke on behalf TCDR. She brought to Council's attention section 508 of the municipalities Planning Code. "Once approval has been granted to a development, no subsequent change or amendment in the zoning subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Ms Sweeney stated that if someone is trying to stop Creekside Manor they are in the development rights and any changes to the flood plain Ordinance cannot be retroactively applied to their development.

Bob Budney Addressed Ms. Sweeney stating that they were not trying to stop Creekside but that they should build the plan according to the rules and laws.

John Ruch stated that he had tried to view the ordinance before the meeting but it wasn't in the Borough Office. He also stated that they don't have approval as they never went to the Butler County Planning Commission.

Mary Phillips showed Ms Sweeney pictures of the flood 4 years ago.

The hearing was closed at 7:24 PM.

CALL TO ORDER: The regular meeting was called to order.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: Dave Szakelyhidi made a motion to approve the June 5, 2007 minutes as presented. Gary Habsburg seconded the motion. Motion carried.

RECOGNITION OF GUESTS:

Tim Sapienza commented on 3rd Street/Edmond Street extension. With the new plan in Jackson Township there will be more traffic coming out onto the street. He suggested waiting to see what will happen with the plan first.

Jim John asked Council why they wanted to extend Edmond Street at this time. He doesn't feel that there is any need for it to go down to the park.

Charles Schramm stated that he has the same concerns as Mr. Sapienza and Jim John.

Diane Brenner stated that the corner of Edmond and 2nd Streets narrows. She feels that if the street is extended it will add to the danger.

Neal Nanna questioned if anyone had checked into the legal ramifications of 2 way traffic on a small street. He also stated that Spring Street is in horrible condition.

Fred White stated that the streets should be surveyed before anything is done.

CORRESPONDENCE AND ANNOUNCEMENTS:

1. Jeff Smith, Council President, presented Chuck Beighey an award for Outstanding Council Member for the year 2007 for Western Pennsylvania
2. The 4th of July Celebration in Zelie will be from 11:00 AM to 10:00 PM.
3. Letter of resignation from Sharon Goehring effective as of January 1 2008. Chuck Beighey made a motion to accept the resignation. Harold Herr seconded the motion. Motion carried.
4. WBCA May Minutes
5. Butler County Tourism increased their dues to \$100.
6. Notice from Pema – A check for \$4300 was received for administration for the 3 properties that the Borough acquired through the Hazard Mitigation Grant.
7. Letter from DCED requesting inventory of development in the flood plain. Jeff Smith stated that he had responded to the letter asking if Harmony Borough is in compliance with the Ordinance.
8. Penn Prime (insurance brokers) offered \$1,000 grants. Jeff sent in the applications. A \$1000 grant was awarded for a security system at the Municipal Building. A \$1,000 grant was also awarded to the Water Authority for an air compressor.

Mayor Rape questioned the letter from DCED and stated that she felt everyone should have received a copy.

Jeff Smith explained that it was just an information letter. There was no action required. It had previously been stated that there would be no development until all conditions of the regulations were met. The letter offered no additional information.

Dave Szakelyhidi made a motion to put the mailboxes back where they were. Discussion Motion died for a lack of second.

Discussion concerning distribution of the letter and placement of the mailboxes for the council members mail.

Sharon McCormick explained why she didn't make copies of the letter and that the mailboxes were moved for security reasons.

SOLICITOR'S REPORT:

Attorney Marshall presented Council with an opinion letter concerning Creekside.

Discussion concerning EMS Tax Collection and the state ordinance.

COG:

There will be a COG meeting in August of interested municipalities. Harmony Borough's fee will be a little under \$200 a year. Chuck Beighey made a motion to adopt a resolution to join Cog. Harold Herr seconded the motion. Motion carried.

HARB:

Dave Szakelyhidi made a motion to appoint Jodi Correl to fill the unexpired term on HARB. John Rice seconded the motion. Motion carried with Harold Herr abstaining.

HARMONY WATER AUTHORITY: No Report.

PARKS BOARD: No Report.

LIBRARY: No Report.

PLANNING COMMISSION: No Report.

PSAB: No Report.

WBCA: No Report.

ZONING: No Report.

VACANCY OFFICER No Report.:

STAFF/OFFICE:

A chart was presented on the cost of copiers to purchase or lease. Chuck Beighey made a motion to lease a copier from Hagan. Dave Szakelyhidi seconded the motion. Discussion concerning the maintenance. Chuck withdrew his motion and tabled it until the next meeting. Sharon McCormick is to check the maintenance agreement costs on all the bids.

SUPERINTENDENTS REPORT:

Attached.

The Methodist Church is looking for projects for the youth of the church to do. Council had no objections.

OLD BUSINESS:

Streets: They are still working on Mercer Street.

Public Safety: The grass needs mowed at the retention pond at Yorktowne. A letter was sent to Yorktowne requesting they address it but it is still ~~not~~^{not} mowed. They are now in violation.

Gary Habsburg made a motion to immediately start fining Yorktowne Casket \$25.00 a day until the grass is cut. Dave Szakelyhidi seconded the motion. Discussion. Motion carried.

Gary Habsburg made a motion to issue another letter to the owners of the retention pond next to the walking trail to properly mow and maintain the area. Dave Szakelyhidi seconded the motion. Motion carried.

Revised Flood Plain Ordinance: Discussion. The cumulative depth would be 4" in answer to John Ruch's question.

Jeff Smith stated that Creekside may not be impacted by the ordinance.

Discussion on not being able to issue building permits.

Dave Szakelyhidi made a motion to approve the changes to the ordinance. Chuck Beighey seconded the motion. Cathy Rape questioned why the change is 4" instead of 1 ½".

Attorney Marshall stated that he was not able to find any documentation that took it down to 1 ½". A number was picked within the standard. He recommended that 4" is the furthest the ordinance should go without documentation.. It has to be a rational number.

John Rice – No
Russ Ottney – No
Dave Szakelyhidi – Yes
Jeff Smith – No.
Gary Habsburg – No
Harold Herr – No
Chuck Beighey – Yes

Motion denied.

Personnel: Harold Herr made a motion to purchase shelving at a cost of \$359.00 plus shipping. Dave Szakelyhidi seconded the motion. Motion carried.

Finance: No Report.

Streets:

John Rice is to get estimates for 3rd and Edmond Street.

Questioned if the turn-around on Wood Street is a "No Parking" zone. Have to check the ordinance.

Public Safety: Russ Ottney questioned if the signs in the center of the sidewalks are legal. Gary Habsburg stated that the sign needs to be on the owners property.

BILLS PAYABLE:

Gary Habsburg made a motion to pay all bills as presented. Russ Ottney seconded the motion. Motion carried.

PUBLIC COMMENT:

Neal Nanna asked if 20' wide is standard.

Bob Ziegler commented on the volumes of traffic for Harmony Lakes. He also asked if DEP had been notified concerning the wetlands at Harmony Lakes. Also has PennDOT made any recommendation to traffic on 68 and the entrance into Harmony Lakes?

Denice Kuntz questioned if the cul-de-sac was wide enough. She also questioned the weight limit and stated that she is concerned about safety issues.

July 3, 2007

John Ruch commented on Mr. Wilson's letter. He also stated that there are likely to be consequences if there is no response to having a meeting. He also stated that the Ordinance that was voted on was not available at the Borough Office and also commented that the Sign Ordinance is not on line. Jeff Smith stated that signs are under chapter 27.

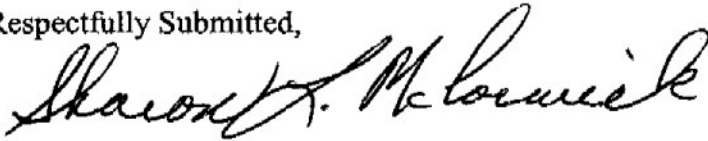
Bob Ziegler stated that there is a copy of a petition against the development with 119 people's signatures.

EXECUTIVE SESSION: called at 9:10 PM. Out of Executive Session at 9:27 PM.

Dave Szakelyhidi made a motion to accept the police contract at \$43,000 a year and 5% annual increase for 5 years. Chuck Beighey seconded the motion. Motion carried.

Meeting adjourned at 9:28 PM.

Respectfully Submitted,

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

Sharon L. McCormick, Secretary