

Harmony Borough Council Meeting 11/4/08

Attendee's: John Rice, Frank Luek, Cathy Rape, Jeff Smith, Matthew Marshall, Michelle Barto, Gary Hapsburg, Dave Eberle

Call to order: 7pm

Pledge of Allegiance

Approval of previous minutes: Gary emailed Sharon changes and Gary made motion to approve minutes with those changes. John II motion carried

Recognition of Guests:

John Ruch: Historic Society; Creekside proposal. Will there be comment time from audience on any questions they may have after presentation? What does Zone AB mean. Harmony should be AE. Confusion around the Fema LOMR vs CLOMR, why is there an urgency for a decision? He acknowledged the letter he received from council. Council has not consulted FEMA, DCED, and PEMA.

- Cathy and Dale Reisinger: Concerned about opening of 5th street. Developers want access to 5th street to a road in the industrial park. They do not want extra traffic in front of their house. All access roads should be kept in Jackson TWP
- Dave Eberle: Wants to know who is answering requests such as Nancy Hoffman. Jeff will respond to her request

Correspondence

1. PVE Sheffler: questions raised by Bill Hummel related to Creekside project dated Oct 31st
2. Assortment of LGA training sessions
3. Letter about HWA property that PennDOT is taking
4. Letter about first emergency response
5. Georing Rutter and Betrim: Michael Parish 5th street request
6. WBCA Minutes
7. Final copies of invoice pay requests for storm water project
8. Jane Orie ; salt shortage
9. Ron Goehring-notifying us that minutes on website 90 days old
10. Information from library
11. Dave S received correspondence from Wes Hamilton related to electronic recycling day
12. Notice from Sherriff's office related to no more collections of taxes and liens on sheriff sale properties
13. Berkheimer time schedule/time table
14. S.Ferrainola: ZHB findings related to house on Pittsburgh street
15. Letter to HWA from S. Ferrainola about billing
16. Planning Commission meeting related to the non recommendation for Creekside project
17. Exec summary of the Connequenessing Creek Conservation Plan

Board Reports Old Business

1. **Cog:** 2009 right to know law changes, shifts burden of proof to the municipality. Training will be Dec 11th.
Salt will be \$76.00/ton vs \$113 because of COG
2. **HARB:** Nothing to report

3. **Water:** Gary and Dave S spoke and cost of living not passed on. Rent was flat on budget but Dave states that rent was raised for past 3 yrs
4. **Parks:** Nothing to report
5. **Library:** Karen Sharrar gave council copy of proposed budget and flyer. New mission statement. Still requests monetary support from Harmony
6. **Planning Commission:** Jeff read letter from Planning Commission related to outcome of decision of Creekside.
 - Lack of permits from DEP, AC Engineers and Conservation
 - No final Fema Report
 - New traffic study recommended on impact to borough

Presentation from Creekside Developers

Bob Blumingly: Requests final approval for Creekside Manor. In 2004 council gave approval then developers re-situated buildings and plan re-submitted this year. Attorney Blumingly gave summary of plan as follows:

New plan with 4 buildings in Harmony and 4 straddling Harmony boarder. All 8 will be in Harmony Taxes. R2 Zoning District. Traffic study is valid. Matters of FEMA, CLOMR, LOMR and wetlands are EPA and Federal issues and out of Harmony Borough Jurisdiction

Gary Sheffler: Engineer PVA: presented original site plan. No development within 50ft of top of creek bank. Then construction fill to get to flood plain level. Revised plan: Same orientation of units and turned 2 buildings to have ½ into Harmony. Still 50 feet from embankment and 2 6ft retaining walls to accommodate embankment slope

Andy Banfield PVA Engineer: Discussed FEMA, CLOMR, LOMR process. CLOMR only required if plan will increase water 1ft or greater for the community. Any community member of NFIP can ask for KLOMR to be reviewed. Does not change map of flood plain. CLOMR uses 2000 map as latest reference. Gave projections vs 100 yr storm. Jackson TWP reviewed and approved it. Hummel approved it. Fema still needs to approve.

Dave S: Question: what will happen to water when fill added? Answer: it will go into channel downstream. Butler County will update flood map in 2010

Dave S: Question: What is depth of creek? Answer: they only looked at flood conditions for 100 yr flood

Difference of AE/AB Zoning: ordinance should be AE

Gary S : Question: Based on 100 yr flood level is Harmony under water at that point. Answer: Storm water mgt is onsite for project. Directed to a basin downstream

Cathy Rape: Nick Roberts says that new study will be available in NOV of this year and wants Mr. Banfield to speak with Niki.

Dave S Question: What will happen to Wetlands? Blumingly Answer: this is a Federal issue, there have been no determined wetlands in Harmony Borough. There is wetland vegetation in pond. Study needs to be completed.

Gary: Question around storm water mgt: Answer: The storm water mgt plan will handle Jackson TWP and new site and has been reviewed by HRG per Mr. Sheffler

Blumingly: Addressed land approval questions

Mike Muddrey: Traffic presentation. Provided handout. 2004 study is still relevant. Presented new information from handout that was conducted in last 2 weeks. Approved at Jackson TWP

Cathy Rape: Question from the Butler County Planning Commission letter

Matt Marshall: stated that Harmony, if denying needs to deny based on our ordinances.

Frank Luek made the following Motion:

Motion to deny based on the health, safety and welfare of citizens of Harmony compromised due to faulty engineering for stream flow and flooding

Dave S II motion.

Discussion: Jeff Smith and Dave Eberle

Roll call vote: For denying the plan: Frank L and Dave S

For not denying the plan: John, Dave E, Gary, Jeff and Michelle

Motion does NOT Carry

Gary made a motion to approve final land development approval for the Creekside Manor Development Plan. Amended, subject to the following terms and conditions:

1. The developer must submit bond in form and amount satisfactory to Borough Engineer and Solicitor
2. Developer must execute and deliver to Borough a properly executed Developers Agreement satisfactory to Borough Engineer and Solicitor.

Motion II by Dave S

Discussion: When to pay fees

Roll call vote:

Yes: John, Dave E, Gary, Jeff, Michelle

No: Dave S, Frank

Motion carries

Board Reports con't Old Business

7. Butler Co Borough Association: None
8. Sewer: DEP approved Harmony lift station equipment. Out to bid 1 million\$
9. Zoning: ZHB approved variance requested by Sign Innovation limited to vehicle storage only
10. Vacancy officer: None
11. Supervisors Report: nothing
12. Building inspector: Nothing
13. Personnel: had employee meeting and addressed issues around equipment needs and compensation.

14. Streets: Nothing

15. Public Safety: tree removal in creek. Need permission from property owners to remove from property

Fire Ordinance: Discussion by Mayor and spoke with Adams TWP and Zelienople and they do not have this ordinance. Not spoke with Jackson yet. Should this only be done for industrial and not for small business. Jeff cautioned against selective enforcement

Needs to be enforced or taken off books. Need a good definition of what commercial buildings are. Matt stated that a good definition of commercial is in Harmony ordinances and MDIA needs to enforce it. Dave E asked about how this will be billed.

17 Facilities: Need company for a bid on entire project. Jeff to call Swiss Company. Gary looked at lease and borough owns 100% of roof

18: Business and Development: Michelle discussed Multi municipal plan with Zelig and Pashek consultants have been selected for comprehensive plan project

New Business Board Reports

1. Personnel: Nothing

2. Finance: New budget proposed. Eliminate mileage increase. Roof loan could be at 5yrs. Gary Makes motion to advertise tentative budget. John II. All in favor. Motion carries

3. Streets: Received letter from GRB Developers related to 5th Street.

Mike Parish: requested that borough advertise to have a hearing to open 5th Street.. It is a one block street and street map was ratified in 1996. Construction would be at their cost. If opened for construction. John made motion to advertise to have a hearing to open 5th street. Gary II.

Discussion: Jeff says that he would like to see development plan and Mike Parish agreed to bring in plan. Cathy states Harmony is not getting any tax dollars from this development to keep up streets.

Motion passed. All. Mike Parish would like a "wish list" from Harmony before hearing. John Rice will be contact person.

Harmony will be buying salt at \$76 ton. Per resolution. John R approved, Dave S II and all approved. Resolution passed.

- Question raised as to whether Harmony wants to pursue inter municipal agreement for snow removal. Discussion.

4. Public Safety: Nothing

5. Facilities:

- PennDOT needs to use portion of property that water plant is on. Council has to sign off due to being a borough asset.

Dave S made motion to have Gary negotiate with Penn Dot

John II Motion carried. All

- Signs on Building: Post office has put up no parking signs. Defacing building. Per lease, does specify how much parking lot that PO has 2720 sq. ft. Need to specify what signage can be put up
- Cathy Rape states that volunteers are putting up greens and ribbons. Needs 75\$ for ribbon purchase for Christmas decorations

Dave S made motion to approve

Frank II

Motion Carried All

Bills to be paid. John made motion. Gary II. Motion passed all

Public Comment

Clare Sparks asked about status of Kasing lease. Jeff commented

S.Ferrainola: did not get decision on ZHB meeting in specified time. Wanted to know what she should do. Matt stated she needs to follow up with ZHB attorney.

She also would like to pursue raising chickens on her property and what is ordinance. Jeff referred her to website to check ordinances.

Todd Dimino: wanted to know why he need permit for dirt. Will pursue permit.

EXEC Session 10:30 PM

Discussion on Real Estate issues (Kasings) and legal matters (Mantia)

Adjourned 10:39 PM. Dave E and Gary II

Respectfully Submitted,

Michelle Barto
Acting Secretary

A handwritten signature in black ink, appearing to be 'MB', enclosed within a large, loopy oval shape.