

October 1, 2013

# HARMONY BOROUGH COUNCIL MEETING OCTOBER 1, 2013

**COUNCIL MEMBERS PRESENT:** Phyllis Metz, Frank Luek, Dave Szakelyhidi, Jim Hulings, Harold Herr, Greg Such, and Mayor Cathy Rape.

**OTHERS PRESENT:**

*Council Meeting  
October 1, 2013*

*JAMES HULINGS*  
*Harold Herr*  
*Jim Hulings*  
*Linda Herr*  
*Cathy Rape*  
*Sandy Ferraro*  
*Phyllis Metz*  
*Frank Luek*  
*John Roca*  
*Susan Attorne*  
*FRANK GRANNON*  
*GREG SUCH*  
*ALLEN BAYER*

**CALL TO ORDER:**

A quorum was reached and the meeting was called to order at 7:00 pm by Council President, Jim Hulings.

**PLEDGE OF ALLEGIANCE:**

**MINUTES:**

In a motion made by Frank Luek and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the September 3, 2013 minutes.

**SOLICITOR'S REPORT:**

Solicitor Matt Racunas reported that the Butler County Commissioners responded to his letter informing them of the dumping of fill in the flood plain, Matt received a letter back and some additional information, but they are still claiming that the dump area is outside the flood plain. Matt was given some additional information to review and will report back on it. Dave Szakelyhidi commented that their map does not correspond with the FEMA map.

John Rice arrived at 7:10pm.

The Obstructions to Sidewalks Ordinance has been advertised and is ready for adoption. In a motion made by Frank Luek and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the adoption of the Obstructions to Sidewalks Ordinance. Ms. Rape inquired what the ordinance was. Harold Herr gave her a copy of the ordinance to review. Solicitor Matt explained what the ordinance was. Joan Busching inquired if businesses were allowed to place items on their sidewalks. Solicitor Matt responded as long as it does not restrict the sidewalk, we do not want a pedestrian to have to go into the street because that could cause dangerous conditions. Dave Szakelyhidi inquired about sandwich signs, could a wheelchair get passed. Matt responded that if there is a complaint, the zoning officer would address it. Mayor Rape commented about the Borough guys cutting overhanging trees/shrubs. Matt responded that this ordinance gives the Borough the ability to have the tree/shrub (obstruction) cut.

Matt reported that he made some head way with the Arborist and will report on it next month.

Matt asked for an executive session at the end of the meeting to discuss litigation.

**BOARD REPORTS:**

**COG:**

Jim Hulings had nothing new to report.

**HARB:**

Dave Szakelyhidi reported that three Certificates of Appropriateness were approved and recommended by HARB.

Bonnie Nolan at 636 Wood Street, the selection of door color for 638 Wood Street, the color will be either Mesa Red or Dark Chocolate.



Peter Hess at 330 Monroe Street, house reroofing with architectural dimensional shingles, the same color.

Historic Harmony, Inc. at 222 Mercer Street, a US Village Post Office Sign, 6' wide by 24-1/2" high, flush to wall, blue and white; will be partially over the Museum Shop door.

In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificates of Appropriateness for Bonnie Nolan, Peter Hess, and Historic Harmony, Inc.

**Water Authority:**

Dave Szakelyhidi reported the Water Authority has everything in place with the Consent Order and is waiting for the go ahead from DEP.

**Parks Board**

Susie Altemus requested approval for the Silvester (December 31, 2013) and Polar Plunge (January 1, 2014). In a motion made by Dave Szakelyhidi and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the Silvester and the Polar Plunge.

The daffodil bulbs came in and will be planted Saturday on the trail and the Wood Street Park.

The Grant - Jim Hulings reported that he and Dave (Szakelyhidi) met with Adam Dilts and Penn Power to get a quote to get power down the pole in the square. They talked to Mr. Pinkerton to inquire if it was okay to just have the power brought down the pole until we could get some money to finish it up. Jim is waiting to hear back from Adam Dilts, we have until the 10<sup>th</sup>; we could possibly get a grace period from Mr. Pinkerton.

Bluegrass Festival - Susie Altemus reported that she did not have a final report but will have it for next month. The Bluegrass Festival was a good week-end for the community, not so much for the Parks; some of the businesses doubled their business, Shelly McPharlin said it was the best day she ever had; several businesses profited from it. The Parks Board only used \$2,700 of the \$4,000 transferred from the Silvester fund. The Parks Board will meet to discuss if they will have a Bluegrass Festival next year, it's a big commitment.

**Planning Commission:**

Frank Luek had nothing to report.

**Sewer Authority:**

Harold Herr had nothing to report. Dave Szakelyhidi reported that WBCA asked the Water Authority if they could estimate readings and give an actual read once a quarter. The downside with estimated readings is a water leak, may not know about it for 2 or 3 months and the customer would pay extra because of the leak. The upside of estimated readings is it would cost less for labor if meter readings were estimated. The Water Authority will need to decide what they want to do.



**Zoning:**

John Rice had nothing to report.

**Shared Services:**

Jim Hulings reported that we're doing a little extra to help defray our indebtedness to Zelienople; Wade and his guys are helping out on a project at the recycling center.

**Parking/Signage & Events:**

Jim Hulings reported that Historic Harmony will have a Communal Studies reception on October 3<sup>rd</sup>.

The Sleepy Hollow Festival will be held Oct. 12<sup>th</sup> (9am- 7pm) & Oct. 13<sup>th</sup> (12pm – 5pm). Mayor Rape requested Police presents going into the evening on the 12th, the event is until 7pm. Officer Hart requested a copy of the event form; Jim will email it over to the Police Department. In a motion made by Dave Szakelyhidi and seconded by Harold Herr, the Harmony Borough Council unanimously approved the Sleepy Hollow Festival.

An Evening in Historic Harmony will be held Oct. 12. John Ruch stated it starts at 4pm at Stewart Hall; there will be speakers and vendors on paranormal, tours and an investigation in a couple buildings. Jim Hulings reported that the tours will be at 7, 8 & 9 pm.

Great Pumpkin 5K Race & 1 Mile Fun Race will take place over by St. Gregory's and runs down through the Sportsmen's Club.

The Christmas Market is November 9<sup>th</sup> & 10<sup>th</sup>.

Boat Launch Sign – Dave Szakelyhidi reported that a suggestion was given to him to have a sign placed at the corner of Main Street and Jackson Street pointing to the left for the Boat Launch. Visitors get to the stop sign at Jackson Street and do not know where to go to find the Boat Launch, discussion. Wade and Frank will put a sign on the stop sign marking the Boat Launch.

In a motion made by John Rice and seconded by Harold Herr, the Harmony Borough Council unanimously approved Trick or Treat to be on Thursday, October 31<sup>st</sup> from 6pm – 8pm.

**BOROUGH STAFF REPORTS:**

**Police Report:**

Chief Miller was not able to attend the meeting; Officer Hart had nothing to report.

**Office:**

Amy Brown had nothing to report.

## **BOROUGH STAFF REPORTS:**

### **Borough Supervisor:**

Wade Ion reported that the trees at Wood Street Park have been cleaned up. Signs have been changed from the Square down towards US Liner, working their way on Mercer Street.

Wade met with Bill Hummel, looking to pave Robinson next year. Dick Knapko was down, the road has a big crown in it; it should come out. Bill Hummel suggested mill the center out, scratch leveling one side, and flip water away from the residents on the right hand side. Wade is waiting for Dick Knapko to come back down to give a price on it.

We received a couple violations on sidewalks; Wade needs to talk to Allen on them.

### **Zoning & Code Enforcement:**

Allen Bayer's report attached.

Frank Luek inquired if a property owner could still fix their sidewalk before the hearing on the civil complaints filed at the magistrate's. Allen responded that they could, Harold Herr asked what it cost the Borough to file. It cost \$107.50 in filing fees per civil complaint.

Allen reported he received a call from a property owner looking for an Elevation Certificate for flood insurance; FEMA is requiring it for insurance renewal. Discussion, the property owner should start with their insurance company, or they may need a surveyor. It is the homeowner's responsibility; it is not a service the Borough provides.

## **OLD BUSINESS:**

### **Personnel:**

Harold Herr reported that the part-time water secretary resigned due to health problems.

### **Finances:**

Jim Hulings had nothing to report.

### **Streets:**

Jim Hulings had nothing to report.

### **Public Safety:**

Mayor Rape had nothing to report.

### **Facilities:**

Dave Szakelyhidi reported that the Welcome to Harmony Christmas banners need to be put up by November 9 for the Christmas Market.



**OLD BUSINESS CONT':**

**Business Development:**

Jim Hulings reported that on September 20<sup>th</sup> he met with the gentleman from Butler County Community College who has been working on our website, he gave a brief demonstration. He is working on it off-line, with no access to our website. He has added a lot of nice features, a calendar; there is access to Facebook and Twitter. Jim is trying to set up a demonstration for the December Council meeting.

**NEW BUSINESS:**

**Training and Conferences:**

Jim Hulings reported the usual packet of seminars and webinars has come in.

**Personnel:**

Jim Hulings reported that Carol (Brethauer) has resigned; her last day is October 8<sup>th</sup>.

**Finance:**

Jim Hulings reported that the finance committee has met and put together a preliminary budget for 2014. Jim asked for a motion to advertise the preliminary budget, stating that it can be amended after it is advertised if need be. A motion was made by Frank Luek and seconded by Phyllis Metz to advertise the 2014 Preliminary Budget. Roll call vote was taken. Roll call vote: Phyllis Metz – yes

Frank Luek – yes

Dave Szakelyhidi – yes

Jim Hulings – yes

Harold Herr – yes

John Rice – no

Greg Such – abstained, not prepared to discuss.

Motion carried. The 2014 Preliminary Budget will be advertised in the Butler Eagle.

Harold Herr reported the Water Authority is looking into renegotiating a loan for \$900,000.00 for some DEP problems that need corrected. The Water Authority currently has a \$740,000.00 loan and will add \$150,000.00 to it; it is out for bids. Harold reported the way it looks they should save 1% on it.

Jim Hulings reported the “wish list” for 2014 was sent out and prioritized; Jim has the list if anyone would like to look at it.

Act 13 – Solicitor Matt reported this is the Marcellus money, Council needs to decide where to use the money, there are very specific categories and a report has to be filed with the state. Last year's money was used for construction, reconstruction, maintenance and repair of roadways, bridges and public infrastructure; Matt read the other 12 categories. This year's amount is \$3,386.39 which is an increase from last year's \$2,836.77. In a motion made by Phyllis Metz and seconded by Harold Herr, the Harmony Borough Council unanimously approved using the Act 13 money for streets (maintenance and repair of roadways).



**NEW BUSINESS:**

**Streets:**

Jim Hulings had nothing new to report.

**Public Safety:**

Mayor Rape had nothing to report.

Phyllis Metz reported that she was asked to attend a focus group meeting for the South Western Pennsylvania Environmental Health Project who is a group of people who have done a lot of research on Marcellus Shale. They are non-project, funded by the Heinz Foundation. They want to educate people who are close to the natural gas construction activity; which we are because there is one on Hartmann Road. Our area is being impacted by it; it may cause potential health hazards. They want people to be aware of and to be able to educate themselves to protect themselves (air quality). They are not ready to present to the public yet, they are making sure all their data can be backed up by facts. Phyllis will keep us posted.

Jim Hulings reported on the flood insurance letters that will be sent out to property owners and renters in the flood plain. The FEMA map is very hard to read, you cannot get the detail needed. Jim took all the streets that intersected with the flood plain and letters will be sent to residents on those streets. This is a requirement of FEMA. FEMA revised the map; it is up to the Borough to contact the residents of the revision. The Borough needs to submit their Flood Plain Ordinance to FEMA, and if FEMA thinks it needs revised, then we have to revise our ordinance. We will send a copy of the Flood Plain Ordinance to FEMA.

**Facilities:**

Dave Szakelyhidi had nothing to report.

Greg Such reported that the Borough had a request to use the borough building, Council took an internet vote to approve it, and afterwards, Greg received negative feedback about that vote. Greg would like to have a discussion on the use of the borough building. Dave Szakelyhidi commented that in previous years different groups used the building, Council agreed not to rent it out because once it is rented to one group/company, anybody can come in and demand to use it. Plus the cleaning of the building went to the employees after the Post Office closed, there is not as much traffic. Jim Hulings reported that the Butler County Election Bureau and HBA (Harmony Business Association) are using the building; we've had a bargaining unit use the building, which paid handsomely for the use of the building. Jim stated that he is not aware of any problems with anybody using the building and feels the building belongs to the public and is here for their use and benefit; and we should allow them to use the building and not charge them, especially non-profit organizations. John Rice inquired if Council was going to pick and chose who could come in. Solicitor Matt stated you can't, it becomes discriminatory, it becomes first amendment, there are federal laws, picking and choosing who you want to use the building is not an option, legally. John Rice commented the Butler County Election Bureau is for governmental purposes.



## NEW BUSINESS:

### Facilities Cont':

Mayor Rape commented that she doesn't know why we wouldn't want to let HBA, the Planning Commission, or HARB use the building. John Rice stated it is open for them; that's governmental business. Frank Luek commented HBA is not governmental. Greg Such commented that it is a community facility and the Borough is the custodians but it sits here pretty vacant a lot of times. Harold Herr commented that it should be used for governmental use only. A motion was made by John Rice and seconded by Dave Szakelyhidi to leave the (borough) building closed to all organizations except for official government purposes only; Matt is to draft a Resolution. Public comment: Linda Nye commented that if open, the Borough could have a wheelchair accessible problem for the upstairs. Solicitor Matt stated that the building maybe grandfathered in from some ADA requirements. John Ruch commented that the Borough may want to check with Cranberry's experience, they have a lot of organizations use their facility. Frank Luek commented that Cranberry's is more specifically designed for public use. Greg Such asked Allen Bayer what Zelienople does. Allen commented that they tried to make it as available as they could. Mayor Rape commented that she thinks it is wrong that we can't leave our own businesses meet here. Phyllis Metz commented that we can't make exceptions, it's either open or it's closed. Roll call vote was taken.

Roll call vote: Phyllis Metz – yes

Frank Luek – yes

Dave Szakelyhidi – yes

Jim Hulings – no

Harold Herr – yes

John Rice – yes

Greg Such – yes

Motion carried. Jim Hulings asked if the Athletic Association could still use the building on October 3<sup>rd</sup> before the Resolution is written, Jim had already told them they could use the building and it will take 30 days for them to find a meeting place. John Rice asked Matt his opinion. Solicitor Matt stated to do an amendment to the prior motion that makes it affective on October 6th going forward.

Mayor Rape reported that a black bench has been purchased to be dedicated for somebody, she inquired if it could be placed on private property, and what liability would the Borough have. Mayor stated she is waiting to hear back from Grace Church, but is hoping to place the bench on their property right along the sidewalk. The ones who are donating it requested the bench be in the main area, the square has enough benches; Mayor Rape would like to see a few benches placed going up Main Street and possibly down Mercer Street. Solicitor Matt stated that he doesn't think the Borough has liability for putting it on their property. Jim Hulings suggested waiting to hear if the church agrees to have it placed on their property.



**NEW BUSINESS:**

**Business Development:**

Jim Hulings reported that it is time for the Butler County Tourism to put out their annual booklet. Harmony Borough had very little exposure last year, the booklet reaches 200,000 people all over the tri-state area; it goes directly to tourist, ends up in hotel rooms. Jim is proposing the Borough buy a one-page ad in the book, a draft of an ad was distributed to Council. Phyllis Metz inquired on the cost. Jim Hulings reported that the one-page ad cost about \$2,000.00. Greg Such inquired where we would get funding. Jim Hulings stated it would come out of the 2013 budget; the check is due by the 14<sup>th</sup> of October. Jim stated that he asked the Historical Society and HBA to join forces; they both responded they are doing their own thing; discussion. John Rice suggested passing on this opportunity; no motion needed.

**BILLS PAYABLE:**

The following lists of bills were presented to Harmony Borough Council for approval:

**General Bills Payable** in the amount of **\$69,465.52**.

**Bills Already Paid** in the amount of **\$2,871.49**.

**Liquid Fuels Bills Payable** in the amount of **\$18,757.88**.

**Parks Board Bills Payable** in the amount of **\$1,145.00**.

**Parks Board Bills Already Paid** in the amount of **\$8,672.00**.

**Welcome Sign** in the amount of **\$576.00**.

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

**PUBLIC COMMENT:**

Linda Nye suggested placing park benches at the Swampoodle Park for tired grandmas. Mayor Rape stated there are flat wooden benches at the Park that the Boy Scouts built.

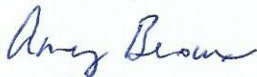
John Ruch commented that the Borough adopted a No-Riding Bicycles on Sidewalks Ordinance about a year ago but nobody knows about it because there is no signage. Jim Hulings stated we can put it in the Newsletter that will be going out in a couple of days, we can also do what Zelienople did, they have "No Skateboards/No Bicycles" stenciled.

Jim Hulings called for an executive session at 8:35pm to discuss litigation; came out of executive session at 8:45pm.

**ADJOURN: 8:46 pm**

As there was no further business to discuss, in a motion made by Harold Herr and seconded by John Rice, the Harmony Borough Council adjourned the October 1, 2013 meeting at 8:46pm.

Respectfully Submitted,



Amy Brown  
Secretary



## Code and Zoning Monthly Activity Report

### September 2013

1. 4 building permits issued in September and 88 building permits issued year-to-date. Of the 88 building permits issued year-to-date 60 were for sidewalk violations.
2. Status of sidewalk violations.
  - a. PERMIT ISSUED and REPAIR COMPLETED –53 properties – 89%
  - b. PERMIT ISSUED and NO WORK DONE or IN PROCESS and NOT PAST DUE - 4 Properties –6%
  - c. NO PERMIT ISSUED, NO WORK DONE and PAST Due. **Civil complaint filed with magistrate** - 3 Properties –5%
3. 6 zoning and code violation letters were sent in September and 105 zoning and code violations letters have been sent year-to-date.
4. 8 abandoned vehicles violations have been sent year-to-date. All abandoned vehicles have been removed except 1 which there is now a bench warrant for the property owner.
5. Performed final inspection and preparation of information sent to Matt for magistrate filing on 1 property due to past due sidewalk violations.
6. Fire inspection notification has been sent for 8 multi-unit dwelling rentals. Given the information we have it is not possible to determine how many remain. There will be a good accounting once all inspections have been completed.
7. Performed numerous violation follow-up inspections.
8. Attended September Council meeting.
9. Answered numerous phone calls regarding building permits, zoning & code pertaining to properties for sale, etc.
10. Followed up on several complaints that were brought to my attention.
11. Stopped by office daily for mail, etc.



12. Performed mailing of sidewalk repair appreciation letter.
13. Prepared notice of appreciation for sidewalk repairs to be placed in the next Harmony newsletter.
14. Prepared September Monthly Report.