

May 7, 2013

HARMONY BOROUGH COUNCIL MEETING MAY 7, 2013

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

OTHERS PRESENT:

James E. Huling
Linda Powlus
Harold Herr
Dave Szakelyhidi
Jim Hulings
Cathy Rape
Wade Herr
Sandy Ferraro
Luek Luek
Frank Luek
Greg Such
Phyllis Metz
Diane Bremner
Harold Herr
Rob Stray
Doris Kelly
Mike Weckstein
Tina Bayer
ADAM EPPINGER
Rita Thorne
Josh Meeder
Don LeGrove
Jim Miller
Doris Schott
Jeff Bylo
FRANK & ANDREA
John Inman

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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 April 2, 2013 minutes.

SOLICITOR'S REPORT:

Solicitor Matt Racunas reported two ordinances have been advertised and are ready for adoption. The Fire Escrow Ordinance allows an insurance company to give us a deposit to tear down a building damaged by fire; the authority is given under the law.

In a motion made by Harold Herr and seconded by Dave Szakelyhidi, the Harmony Borough Council unanimously approved the adoption of the Fire Escrow Ordinance.

In a motion made by Phyllis Metz and seconded by Frank Luek, the Harmony Borough Council unanimously approved the adoption of the Fire Inspection Ordinance.

Public Comment: Fire Chief Neil Nanna stated he is in favor of the ordinance but feels it is too broad based and is concerned about the expense it may cost property owners. Solicitor Matt stated our main goal is to have the properties brought up to fire code to make sure there is not a danger. Neil stated the Fire Department is not pushing the ordinance, although they are 100% behind it and are always public safety minded, they cannot enforce the ordinance. Council President, Jim Hulings stated Harmony Borough will do the enforcement, PCI will be doing the commercial inspections and Harmony's Code Enforcement Officer will be doing the multi-unit residential inspections.

Josh Meeder, commercial property owner, expressed his concern with the cost of having to bring older buildings up to code. Jim Hulings referred him to the checklist that was available on the back table. Jim stated the safety of the community is the main concern.

Solicitor Matt reported that someone inquired at the April meeting on parking on Mercer Street, Matt has an ordinance where no parking is on Mercer Street. Matt gave the ordinance to Josh Meeder.

Council President, Jim Hulings reported there will be a Memorial Day Ceremony at 9:30am presented by the American Legion. The American Legion donated a new flag to the Borough.

BOARD REPORTS:

APPOINTMENTS:

Jim Hulings reported no appointments are required for this meeting.

BOARD REPORTS CONT':

COG:

Jim Hulings reported that the Council of Government is an organization we belong to that shares buying power. General correspondence was received by COG, meeting notices and minutes.

HARB:

Dave Szakelyhidi reported a Certificate of Appropriateness was approved and recommended by HARB for Jeff Byko at 309 German Street for the demo of a garage and to build a new one.

In a motion made by Dave Szakelyhidi and seconded by Harold Herr, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for Jeff Byko.

Dave Szakelyhidi reported a Certificate of Appropriateness was approved and recommended by HARB for Jane Skelly at 133 Jackson Street for a brick sidewalk in front of the house.

In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for Jane Skelly.

Mayor Cathy Rape presented a design for a sign to be placed in the monument area directing visitors to shops, parking, borough building and possibly the canoe launch. HARB reviewed at their May 6th meeting, Cathy is not requesting approval, just presenting the idea; the next step would be to find funding.

Water Authority:

Dave Szakelyhidi reported the Water Authority joined the Source Water Protection Program.

Parks Board

Bluegrass Festival - Susie Altemus reported sponsorships are still needed.

Funds for Fireworks - requested the donation jars be put out.

Summer Concerts - need one band.

Trails - Traco volunteers will be here May 17th to help plant flowers and clean up parks and the trail; community help is also needed. Mayor Rape will get the flowers and bill the Borough.

Parks - an infant seat has been ordered for the Borough Park.

Bat Houses - the bat houses have been placed behind Josh's (Center of Harmony) and the barn (Museum's red barn).

Planning Commission:

The Planning Commission had nothing to report.

Sewer Authority:

Harold Herr reported everything is going good.

BOARD REPORTS CONT':

Zoning:

John Rice was not present.

Shared Services:

Jim Hulings reported limb pick-up with Zelienople started May 2nd; it will be the first Thursday of every month. Call the borough office to be put on the list.

Parking/Signage:

Jim Hulings reported that he worked with Wade and Frank on a master list of all signs. The problem with trucks, the plan is to help keep trucks out of the square. Jim is also working with Penn Dot to put a safety island on Rt. 68 by Fox's Pizza.

Events:

Jim Hulings reported on the YMCA Youth Triathlon on July 27, 2013 (rain date is August 3, 2013) the course will be up around the Zelig Park and CVE School. Street closures are requested for 5 to 8 minutes, it will need to go to the Safety Committee. Solicitor Matt recommended approving the list of events as a group. Michael Corrigan from Grace Church requested adding to the list the Mosaic 5K to be held on September 14, 2013 at 5:00pm for the 1 mile fun walk and 5:30pm for the 5K race.

Jim stated the Fleatique is an event put on by McPharlin's and the Bakery; it will be May 25th, June 1st, and June 8th Saturday from 9am to 2:30pm, request to close half of the square.

The Bluegrass Festival will be September 6, Friday evening and September 7, Saturday, there will be 12 bands; there will be indoor seating for 500 people.

In a motion made by Frank Luek and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the list of events (listed on the agenda) including the Mosaic 5K.

Public Comment: Josh Meeder gave an FYI that the last day for the Fleatique will be the same day as the Herb and Garden Fair at the Barn, there will be a bus running through town that day.

BOROUGH STAFF REPORTS:

Police Report:

Chief Miller had nothing to report.

Office:

Amy Brown had nothing to report.

Borough Supervisor:

Wade Ion reported on the quote to paint 8' section on German and Main Streets "NO TRUCKS" with an arrow pointing towards the square, paint all lines in town and curbs; .45 cents per lineal foot, 1,000 feet of curbs, \$450.00, total quote is \$5,334.00, only \$4,000.00 budgeted; the quote is thru SHACOG.

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BOROUGH STAFF REPORTS:

Borough Supervisor Cont':

Mayor Rape passed out a hand out on traffic calming put out by Penn Dot. One suggestion was parking along the curb to slow traffic down; there is a safety concern in front of the Center of Harmony.

In a motion made by Phyllis Metz and seconded by Frank Luek, the Harmony Borough Council unanimously approved the painting bid from SHACOG in the amount of \$5,334.00.

Public Comment:

A resident inquired if it was typical practice to just get one bid. Solicitor Matt stated the bid is through SHACOG (Council of Government) and is as cheap as it is going to get; but also this bid is well below the public bidding requirement of \$18,000.00 or the 3 quotes requirement of \$10,000.00.

Josh Meeder suggested taking the truck sign out if over budget. Jim Hulings replied that was the purpose for it; to keep trucks out of the square. Wade suggested possibly taking \$1,300.00 from signs & materials.

Wade inquired where the playground equipment and recycling bins stored in the garage need to go. Jim Hulings replied he and Susie will make a list and get it to Wade Thursday.

Wade reported the county people are coming on May 9th to help with clean up.

PEMA called and needed the close out form for the 2010 snowstorm. Wade and Sharon are working on it.

Street signs – some were taken down over the winter, need to get more signs.

Wade reported when having the sidewalk repaired, they will have the bike rack formed and cemented.

Paving bid openings will be tomorrow, May 8th, Wade will be at a continuing education class; Frank Grannon is to go to the bid openings in Zelie.

Zoning & Code Enforcement:

Jim Hulings reported that Allen Bayer was not present; he is at a conference in Harrisburg. Jim read Allen's report (attached).

OLD BUSINESS:

Personnel:

Harold Herr stated there would be an executive session on personnel.

OLD BUSINESS CONT':

Finance:

Jim Hulings reported that once a year the Borough gets audited, they brought up some interesting points. We will be working on a book on policies and procedures on finances, and changing a few things about the way we do business. We may get an intern from the Butler County Community College accounting program.

Streets:

Previously discussed

Public Safety:

Mayor Rape reported she contacted an arborist, George Pegher from Evans City, he measured and counted the trees that should be taken down and reported that those trees have a value of \$23.76. Mayor Rape submitted the arborist's bill for \$300.00 to be added to the bills to be approved and paid.

Facilities:

Mayor Rape reported that the log cabin is supposedly going to be put up on Saturday.

Business Development:

The Council President reported that a gentleman from Butler County Community College will be doing an internship to help with our website. Jim met with him; he is very knowledgeable, has a lot of great ideas and will be working on a power point presentation to present to Council.

HBA (Harmony Business Association) has a new brochure, it should be ready Wednesday.

NEW BUSINESS:

Public Safety:

Mayor Rape suggested amending the burning ordinance to include clean wood. Council stated that the ordinance does permit recreational fires.

Harold Herr suggested amending the burning ordinance to allow burning two days a week, like Zelie. Jim Hulings recommended tabling it until next month. Solicitor Matt stated it is just a discussion, no action needed.

Mayor Rape inquired for the Museum's Christmas Market, if they purchased banners/flags would they be allowed to put them on the street lights. The flags would be about 18"x 36". Dave Szakelyhidi asked what the brackets would be, he would like to see the detail on it first; safety concern.

Jim Hulings reported HB received an offer to get involved in the sale of used equipment through 422 Auto Sales. Jim also asked Council if HB was interested in being listed in the Yellow Pages, Council is not interested.

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BILLS PAYABLE:

A list of bills in the amount of \$15,563.58 was presented to Harmony Borough Council as General Bills Payable.

In a motion made by Harold Herr and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved all bills for payment as presented in the Bills Payable list including the arborist, George Pegher's bill in the amount of \$300.00 for a total of \$15,863.58.

Phyllis Metz reported that she and Jim are working on a project to organize the storage area upstairs. Phyllis purchased storage bins for Christmas decorations. Jim Hulings passed out a plan to have a screen or gate placed to protect records. Dave Szakelyhidi inquired about the archived information. Jim Hulings replied he will bring in a computer guy to have the information put on a CD to store and destroy the computer. Records could be secured behind a locked wire mesh partition while the other area could be used as a library. Jim and Phyllis will work on a quote.

PUBLIC COMMENT:

Adam Eppinger – 401 E. Center Street – Mr. Eppinger questioned who was responsible for handicap sidewalks; he thought the Borough or the State put them in, however the Code & Enforcement Officer, Allen Bayer, told Adam he is responsible for the corner. He also stated the Borough trucks drive on his sidewalk and plow snow on his sidewalk causing damage; he passed out pictures dated 2010. Solicitor Matt stated a claim should have been filed when the damage was done (2010). Matt stated according to the Borough code, Allen is right with his assessment, Mr. Eppinger is responsible for the handicap sidewalk/curb. Matt will work with Mr. Eppinger and Allen on the handicap sidewalk/curb.

Josh Inman – 754 Spring Street – Mr. Inman stated he recently purchased the house and was not aware that a building permit was necessary; or required set-backs before he started building a garage. Allen told Josh he would need to apply for a variance and go before a Board because he was not within the set-back requirements. Solicitor Matt stated it is not this Board; he would need to go before the Zoning Hearing Board once an application for a variance was filed.

Doris Kelly – 437 Liberty Street – Ms. Kelly stated she lives on the corner of Liberty Street and Robinson Drive, the street is deteriorating, there is poor drainage on the sidewalk. She applied for the sidewalk grant in 2003 but did not receive it. She questioned where the grant money went and why her sidewalk was not repaired. Jim Hulings stated he has a spreadsheet on where that money was used, he will show her. He also stated there is literature on the back table. Doris stated that most people live on Social Security; it will take two of her checks to fix her sidewalks.

Marge Foley – 745 Spring Street – Mrs. Foley stated her sidewalk is cracked because there isn't a curb and trucks turning up Second Street drive over her sidewalk. She also questioned the 90 days limit; it is difficult to get a cement contractor to give an estimate. Marge also stated she would like a curb to keep the trucks off her sidewalk. Jim Hulings stated it has been in the newsletter for the last year that HB would be enforcing the sidewalk ordinance.

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Dave Szakelyhidi inquired what the residents could do if they see a truck on their sidewalk. If they call the police, and get a license plate number could that driver be given a ticket? Chief Miller stated it would be unrealistic, once they received the call and responded the truck would be gone, and a license plate is not enough to give a ticket, you need primal facial identification. Chief Miller suggested putting bells on the curb like Slippery Rock has.

Neil Nanna stated the garbage trucks are the ones doing the damage on Spring Street.

Bill Thomas – 735 Spring Street – Mr. Thomas stated he lives on the corner of First Street and Spring; his sidewalk is below street level, there are no curbs, flooding is an issue. Every time it rains his sidewalk and the Lutz's sidewalks are underwater, the water gets underneath and lifts the sidewalk. He has been asking for help with the flooding for 22 years, and the people who lived there before him for 18 years. He stated it would be a waste of money to replace it. Don Lefebvre commented to remove the sidewalk. Solicitor Matt stated a sidewalk cannot be removed, it is the property owner's responsibility, the ordinance enforces it; there is a liability issue. The Borough Code, state law that governs all boroughs, allows a municipality to require sidewalks and curb.

Sharon Lutz stated it is the Borough's responsibility to fix the flooding issue. Dave Szakelyhidi replied that it's a low spot, the Borough put in a larger culvert to try to help; but you cannot control water. Mr. Thomas stated a curb would help. Solicitor Matt stated the way the Borough Code is written, the property owner is responsible for the curb. Matt read Section 18 of the Borough Code, surface water is included.

Tina Bayer – 444 Liberty (German) Street – Ms. Bayer wanted to look at the ordinance and asked if there were specifications for a new sidewalk. Tina stated her sidewalk is slate. Council President referred her to HB's website for the ordinance, and Allen Bayer for the specifications. Solicitor Matt read the ordinance, chapter 22, section 606 for the specifications.

Council President, Jim Hulings recommended residents file a formal complaint at the borough office about their street or drainage on their street.

Rob Straw – 202 Mercer Street – Mr. Straw inquired how long the sidewalk ordinance has been in effect; Jim Hulings replied around 1986. Rob stated his sidewalk has been damaged for years, not just since he has owned the property over the past 4 years. He is upset that the Borough has decided to enforce the sidewalk ordinance now when it should have been enforced years ago. Mr. Straw is closing on his house at the end of the month, and now he is responsible to replace his sidewalk which will cost thousands of dollars. Rob lives next to Harmony Warehouses, trucks drive on his sidewalk. Dave Szakelyhidi questioned if he replaced the sidewalk how long would it last with the trucks.

Josh Meeder – Josh is renewing his request to do something on Mercer Street. The new sidewalk sign has been hit several times and is destroyed. Josh stated speed is a major problem. Chief Miller stated he has done three studies on that area, according to Penn Dot standards; there is not a speeding problem. It was noted that was before the speed divot was fixed.

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Josh Meeder Cont': The Mayor suggested a speed bump, Chief Miller stated it cost Zelienople about \$2,500.00 to put one in, Seven Fields Borough has several speed bumps; it has reduced their speeding complaint by about 75%.

Sharon Lutz – 739 Spring Street – Mrs. Lutz stated that she thinks it's wonderful that the Borough is trying to beautify Harmony, but she feels the Borough needs to consider the residents and be a little lenient with them; not everyone has thousands of dollars to put in a sidewalk.

Steve Madaffari – 213 Utah Street – Mr. Madaffari inquired if he is responsible for the pad missing on the sidewalk where a fire hydrant once was. Dave Szakelyhidi stated the Water Authority is responsible for that pad.

Steve also inquired why Utah Street and Liberty Street are not included in the street sweeping. Jim Hulings suggested filing a complaint at the office, and then Council will address it.

Marge Foley – 745 Spring Street – Mrs. Foley inquired if she has to put a handicap sidewalk in on the corner. Solicitor Matt stated he will work with Allen Bayer on that, he needs to research it.

Linda Powlus – 752 Spring Street – Ms. Powlus stated she spoke to Allen, the sidewalk is only on the Knauff property, it does not go anywhere. She inquired what the procedure was to request she have it removed. Council President, Jim Hulings, stated there isn't a process; the next step would be to go to the adjoining property owners and have them install sidewalks.

Diane Brenner – 747 Spring Street – Ms. Brenner stated we have a large population of people on fixed incomes and replacing a sidewalk for them is financially impossible. Diane inquired what people are to do who do not have the money to replace their sidewalk. Jim Hulings recommended talking to Allen about what can be done to repair it. Solicitor Matt stated from a legal stand point, the laws says if you do not repair it, the Borough has the ability to repair it and seek that cost from you, they could file a lien on the property; they could seek the cost through a civil action, plus they can seek penalties for violations up to \$600.00 per day. Someone from the audience stated and jail time, Matt stated that is in every ordinance. Rob Straw stated he feels that is why everyone was saying remove the sidewalk and plant grass, everyone can afford that; cement is a significant investment. Mayor Rape stated she feels we need to be lenient, she and Wade had talked about this; anyone could fall anywhere, it could be on a flat surface. Solicitor Matt stated it is negligent when something is wrong and the known problem is ignored. Council President, Jim Hulings stated the borough is going to enforce it (the sidewalk ordinance).

Jim Hulings called for an executive session at 9:10pm to discuss personnel; came out of executive session at 10:40pm.

BILLS PAYABLE:

A list of bills already paid in the amount of \$4,309.21 was presented to Harmony Borough Council as Bills Already Paid. A list of bills in the amount of \$2,420.70 was presented to Harmony Borough Council as Parks Board Bills Payable; and a list of bills already paid in

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the amount of \$86.60 was presented to Harmony Borough Council as Parks Board Already Paid.

In a motion made by Harold Herr and seconded by Frank Luek, the Harmony Borough Council unanimously approved all bills for payment as presented in the Parks Board Bills Payable list in the amount of \$2,420.70 and the Bills Already Paid list for General in the amount of \$4,309.21 and the Already Paid list for the Parks Board in the amount of \$86.60.

ADJOURN: 10:45pm

In a motion made by Frank Luek and seconded by Harold Herr, the Harmony Borough Council adjourned the May 7, 2013 meeting at 10:45pm.

Respectfully Submitted,



Amy Brown
Secretary

Code and Zoning Monthly Activity Report
April 2013

1. Attended HARB meeting to discuss front door violation in Historical District at 638 Wood St. Prepared and mailed violation notice. Property owner will attend 6 May HARB meeting to discuss the violation.
2. Attended April Council meeting.
3. Completed and signed 70 sidewalk violation notices that have been mailed.
4. Discussed demolition and construction garage permits with resident in the Historical District on German St. Permits have been submitted to HARB for consideration at their 6 May meeting.
5. Prepared and signed abandoned vehicle violation notice at 844 Edmond St. Both vehicles have been removed.
6. Visited outstanding violations to identify those that have been corrected. Rubbish on Charles St. has been removed. Semi-trailer on Monroe St. has been removed.
7. Developed multi-family fire inspection business process and related documents.
8. Responded to 37 residents' phone calls regarding sidewalk violation notices.
9. Issued 7 sidewalk building permits.
10. Issued side and rear yard fence building permit at 409 Liberty St.
11. Issued carport building permit at 1123 Seneca Drive.
12. Issued patios and sidewalk building permit at 410 Liberty St.
13. Visited 14 residents to review sidewalk violations with them.
It is interesting to note that several residents will also make sidewalk repairs that are not in violation however, will improve the appearance of their property.
14. Talked with resident at 754 Spring St. regarding beginning of construction of a pole building garage without a permit and is in violation of the 10 feet side and rear set-backs. Gave a

verbal stop work order until permit/variation is applied for and received. Building permit was submitted and refused based upon side and rear set-backs are less than 10 feet. Resident may request a variance.

15. Met with Jim H. to review multi-family fire inspection documents and business process.
16. Visited resident on Charles St. to discuss driveway and fencing requirements.
17. Visited resident on Highland Ave. to discuss garage extension, driveway and breezeway from home to garage.
18. Met with Tom Murray at 4 properties to review sidewalk violations.
19. Prepared April activity report.