

HARMONY BOROUGH COUNCIL MEETING And Hearing September 6, 2011

COUNCIL MEMBERS PRESENT: Frank Luek, Dave Szakelyhidi, Jack Shanks, Tim Sapienza, Jill Allman, Dave Eberle, and Mayor Cathy Rape. (John Rice on speaker phone)

OTHERS PRESENT:

Wade Lon

JACK SHANKS

Frank Luek

Tim Sapienza

Jill Allman

Mayor Cathy Rape

John W. Rice

Colleen Pearce

Sandy Ferraro

David Rape

James Duling

John Ruch

Joe White

Tom Murray

Jim Mulh

Suzie Altman

David Stein

Dave Straubridge

Cheri Spink

HEARING
Ordinance #390

CALL TO ORDER:

Jack Shanks, Council President, called the Hearing to order at 7:00 PM. The purpose of the hearing was to hear public comment on Ordinance #390 pertaining to the airport district overlay.

Attorney Racunas stated that the ordinance was properly advertise. The Harmony Borough Planning Commission gave their approval. The Butler County Planning Commission gave no response. Attorney Racunas gave a brief summery of the ordinance. There was no public comment.

The hearing was closed and the regular meeting called to order at 7:05 PM.

Jack Shanks stated that John Rice was on vacation and wanted to be included on two items that were going to be discussed at the meeting – cell phones and painting the name on the water tower.

Attorney Racunas called John Rice and placed the call on his speaker phone.

PLEDGE OF ALLEGIANCE:

MINUTES:

Frank Luek made a motion to approve the August 2, 2011 minutes as presented. Tim Sapienza seconded the motion. Motion carried.

CELL PHONE:

Jack Shanks stated that it was his interpretation that the reason they got into the cell phone discussion was because of the lack of coverage at Wade's house with Sprint. Dave Szakelyhidi stated that it hadn't been a problem for all these years and Nextel was cheaper. Last meeting Tim had suggested just going to one phone and the Borough would pay any overage on his personal phone. Wade said that he didn't want to use his personal phone for Borough business. After Jack explained the quote as he understood it. Sprint's quote is \$89.97 with 25% off which brings it down to about \$65.00 a month. He has tried to get hold of them but they don't answer and don't get back to him. He would like a formal quote in writing. He questioned if there is insurance on the quote. Dave Szakelyhidi said that there is insurance and there has been insurance all along. Jack asked the question "do they want to go with Nextel or stay with Sprint?" Wade said that he wanted to stay with Sprint. There was no need for a vote and the cell phone will stay with Sprint and the Borough will receive a discount.

WATER TOWER NAME:

A bid was received from Sign Innovation to paint the name Harmony on the water tower. Jack said that he called the state to see about cutting trees and trimming trees. Jack talked to the manager of the state right of way and the manager said "No you

can't cut or trim trees on the right of way unless you fill out an application." So the manager sent an application, a manual and paperwork to look at. You can trim the lower 24% of a tree without an application. Trimming requires a liability insurance certificate, performance security bond, ownership and compliance statement, must talk to all the property owners around the right of way to get their permission, need a detailed site plan, a desirable vegetation report, location photos, maintenance agreement if there is vegetation. Zelig is holding off on their decision. Attorney Racunas stated that he would like to contact their legal department and see if something can be worked out.

Thomas Murray stated that originally he had no objection to the Water Authority trimming trees. But he is now concerned what the definition of "trimming" is. There are significant buffers there. He is concerned about them cutting too much and getting rid of the buffer he and his neighbors now have. He asked Council to reconsider what they agreed on last month. He said that he doesn't think they can trim the trees without putting a road in.

Dave Szakelyhidi responded that they are cutting branches in front of the letters. They don't want to cut the trees down and are not building any roads.

Attorney Racunas stated it was already voted on and passed contingent that the expense can be taken out of the Heritage Fund. He checked the Heritage Fund and it is an acceptable expenditure.

Mayor Rape stated that she voted "yes" because she was under the impression that Tom Murray was OK with this but now is hearing different.

Jack Shanks stated that they are voting on putting the name on the tank without cutting any trees. That is a separate issue.

John Rice made a motion to rescind the motion of putting the name on the water tower for under \$2000.00. Dave Eberle seconded the motion.

Tim Sapienza stated that they voted to put the name on. The trees are a separate issue. He said that he doesn't have a problem with putting the name on. If you can only see it for 6 months then it's 6 months.

Jill Allman asked if the Borough could have some kind of agreement with the Water Authority that they don't have trees cut without the Borough agreeing.

Attorney Racunas is going to contact PennDOT to see if the Borough can enter into a perpetual maintenance agreement with PennDot. PennDot doesn't like disturbances and that's why they make you go through all the steps. They don't want you to disturb things in their right of way. John Rice stated that if the Borough is funding the project it should be up to them as to whether the trees are trimmed or not.

Clair Spink asked if Council would wait and consider it in a year or two. She felt that it was a frivolous expenditure at this time.

Dave Eberle Stated that he doesn't see how Council can vote to spend \$2000.00 to paint a name on the water tower when the meeting room floors are in terrible shape.

Dave Szakelyhidi responded, "I thought I had already explained about putting \$5000.00 in one pocket and taking \$2000.00 out of the other pocket. What do you have left? You have \$3000.00. You're worried about spending \$2000.00 when at the end of the day you'll have \$3000.00 extra in your pocket. Zelig's giving you \$5000.00 to put Zelig on the one side of the tank. If you get that money and spend \$1850.00 to put Harmony on the other side, it looks to me like you're ahead about \$3000.00 more that you wouldn't have if you wouldn't do this job." Jack stated "that's assuming Zelig puts their name on the tank".

Vote on the motion:

John Rice – Yes
Frank Luek – No
Dave Szakelyhidi – No
Jack Shanks – No
Tim Sapienza – No
Jill Allman – No
Dave Eberle – Yes

Motion did not carry. The sign will be put up for \$1850.00.

John Rice left the meeting at 7:41 PM.

SOLICITOR'S REPORT:

Tim Sapienza made a motion to adopt the Skateboard Ordinance. Frank Luek seconded the motion.

Dave Eberle asked if little children ride their bicycles and tricycles on the sidewalk if the police could take their toys and fine them?

Gary Rice stated that he rides on the sidewalk with his grandchildren. He doesn't feel it's safe to ride on the streets.

Donna Hess stated that her children ride up and down the sidewalk in front of her house. She will have a 2 year old. How can she ride in the street? She is concerned about safety.

Attorney Racunas stated that the ordinance gives the ability to ratify a situation.

Chief Miller stated that there is a state law to prohibit riding bikes on the sidewalk.

Tim Sapienza withdrew the motion until it is discussed further.

Dave Szakelyhidi stated that he is in agreement with Donna Hess concerning little children riding on the sidewalks. He said that he has seen people drop off kids on Main Street that don't even live in the Borough. He can see both sides.

The ordinance was tabled until the next meeting.

Dave Szakelyhidi made a motion to approve the airport overlay district ordinance. Tim Sapienza seconded the motion. Motion carried.

Attorney Racunas gave Council Park's rules and regulations to look over and discuss next month.

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

BOARD REPORTS:

COG: The next COG meeting will be Thursday. Topic at the meeting will be LED lighting.

Parks Board Susie Altemus gave an update on preparations for the Silvester Race and T-shirt orders.

Jack Shanks expressed the past procedure for ordering shirts.'

Frank Luek made a motion to order the shirts. Tim Sapienza seconded the motion. Motion carried.

Shared Services: Discussion on street signs. Tim Sapienza asked if the Borough had to get the signs as it isn't mandatory. He questioned if the Borough could stay within the grant amount. Jack agreed.

Police Report: Was received. Tim Sapienza stated that Officer Kapp requested that a white strip be painted at Spring and First.

SUPERVISOR'S REPORT:

Wade Ion reported that they had used the crack sealer on the streets, painted the white strip on the road, and removed a tree at the square

FINANCE:

Jill Allman reported that the audit response is done. She requested that Council let her know if anything is needed for the 2012 budget.

CSX LOT

HBA and the Historic Society said that they would pay the bill for the rent.

Dave Szakelyhidi made a motion to pay the CSX bill contingent on getting an agreement with HBA on the maintenance of the lot. Tim Sapienza seconded the motion. Motion carried.

WEIGHT LIMITS:

Jack Shanks reported that he had discussed the weight limit on the streets with Mr. Marburger. Jack stated that he would like to send a letter to Carl reminding him of the weight limit on the streets and asking him to put up a construction fence at the bottom of his property so stuff doesn't roll into Moyer's property.. He said that he would like the letter coming from Matt.

Tim Sapienza made a motion to purchase 2 weight limit signs. Jill Allman seconded the motion.

Dave Szakelyhidi stated that there are rules and regulations about putting a barrier up and having dirt put against it.

Dave Szakelyhidi is to call Bill Hummel to look at it. Jack said to hold off on the letter until Bill has a chance to look at it.

Motion carried.

SCHOOL ZONE SIGNS:

The School Zone signs are up. The stencils are too big. Cathy Rape suggested painting a white line on the street at the school zone. Jack asked if a white line needs to be painted? There is a crossing guard there now. The Police Chief said that he will look into options of stencil sizes.

VIDEO CAMERAS:

Cathy Rape reported that she had looked into getting video cameras for the square. The cost for the cameras and labor to install them would be \$3684.00 for a year and after that the cost would be \$22.00 per month. Tim Sapienza suggested talking to businesses to share the cost.

PENN POWER POLES:

Jack Shanks reported that Penn Power had come in and put a new set of poles in. Old poles are cut down to where the Verizon lines were. Verizon is going to remove their lines. The last one off the pole is to remove the pole. Jack will follow up on it.

TREES ON THE CREEK:

Trees in the creek need removed. Jack will contact Don Rogers with TCDR about removing trees on his property. Attorney Racunas will write the letter that is to go to the property owners who need to remove their trees.

LOG CABIN:

The Planning Commission approved the log cabin improvements.

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BANK BIDS:

Bank bids have come in from Fidelity Bank and ESB Bank. They were given to the Finance Committee to look over.

PERSONNEL:

The Committee needs to schedule a meeting to go over the policies.

GAS AND ODOR NOTIFICATION:

A bill came in for gas notification and yearly subscription. The Water Authority used to pay for the subscription but Jack feels it should be split and the Borough pay half. Council had no objections. The gas odor was caused by the gas company. The bill for gas odor notification is to be sent to the gas company.

PROBLEM DOGS:

An email was received concerning problem dogs chasing people and children. Chief Miller stated that there is a leash law in Pennsylvania.

COG:

Jack is going to contact COG and see what the bids are for energy collective. He is also letting them know that Harmony Borough is interested in LED Lighting.

HBA:

HBA is interested in moving the Farmers Market from the parking lot at the end of Mercer Street up to the square. Business owners have no problem with them having it there. Tim Sapienza made a motion to close the North side of the Square. Frank Luek seconded the motion. Motion carried.

NEWSLETTER:

Jack reported that the newsletter went out. He thanked everyone who submitted articles.

JACKSON TWP. MEETING:

Jack reported that he had attended the Jackson Township meeting. He spoke to them about the dumping behind the red barn.

Jack also talked to Jackson TWP about the stormwater pipe and retaining pond for Jackson Manor. The pipe is plugged and the retaining pond is so overgrown it doesn't hold water anymore. Also Jackson Township police need a new building and are looking into possibly moving into the warehouse at the end of Mercer Street.

BILLS PAYABLE:

Tim Sapienza made a motion to pay all bills as presented, modifying the bill from Zelenople for renewing the Swift 911 notification subscription and the cost of the alert for gas odor paying \$107.58, the Water Authority paying \$107.58 and sending the bill for \$58.25 for the alert for gas odor to the gas company. Frank Luek seconded the motion. Motion carried.

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PUBLIC COMMENT:

Colleen Pierce asked if there was anything going to be done about the intersection at Mercer Street and Evergreen Mill Road?

Dave Szakelyhidi stated that Butler County designed the Bridge and it is in Jackson Township.

Frank Davis stated that he had to pay \$475.00 to have dirt hauled away that was left when the Borough put in the storm drain on Park Way. He questioned if he had to pay it. Jack Shanks is to check on it.

EXECUTIVE SESSION:

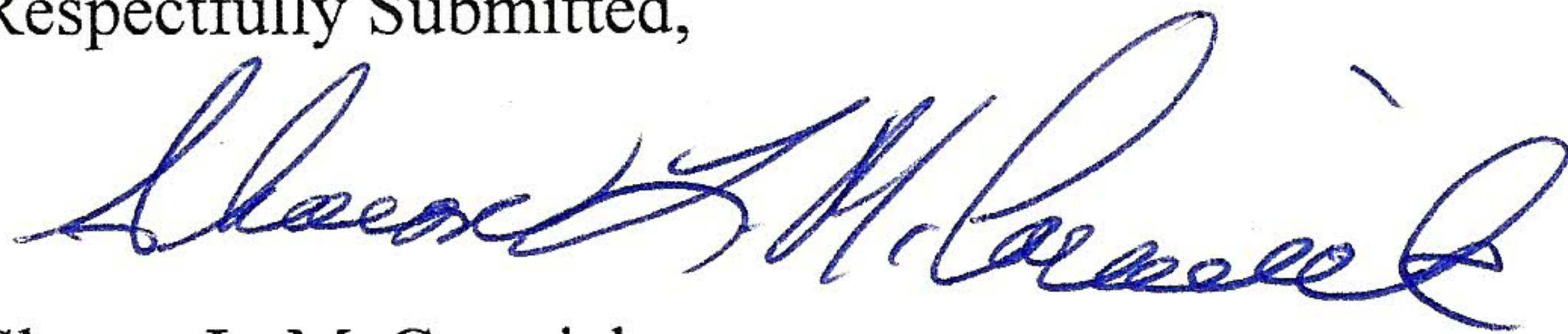
An Executive Session was called at 9:10 PM.

Out of Executive Session at 9:30 PM.

MEETING CONTINUED:

Tim Sapienza made a motion to extend the meeting to September 15, 2011 at 5:00 PM. Frank Luek seconded the motion. Motion carried.

Respectfully Submitted,



Sharon L. McCormick

Secretary

September 6, 2011

SEPTEMBER 15, 2011

5:00 PM

MEETING EXTENDED FROM

September 6, 2011

COUNCIL MEMBERS PRESENT: Tim Sapienza, Frank Luek, Dave Szakelyhidi, Jack Shanks, Cathy Rape.

CONSENT AGREEMENT:

Tim Sapienza made a motion to accept the Consent and Mutual Release Agreement from Sandra Mantia. Frank Luek seconded the motion. Motion carried.

CSX:

Harmony Borough is still waiting on the Maintenance Agreement from HBA. Jack suggested sending the CSX check this month and ratifying the payment.

Dave Szakelyhidi made a motion to accept the CSX bid and be reimbursed by HBA. Tim Sapienza seconded the motion. Motion carried.

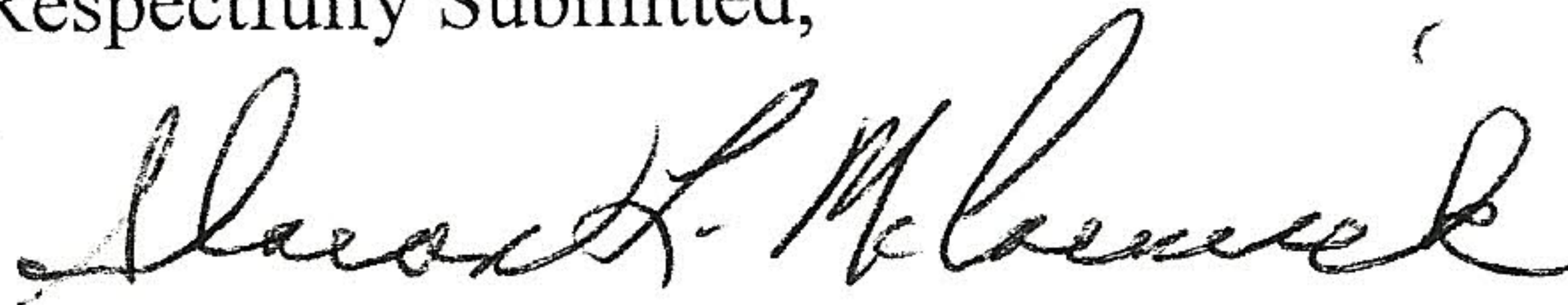
CELL PHONES:

Jack Shanks reported that he had looked into the bids from Sprint for cell phones. The bid did not include insurance or surcharges. Sprint agreed that there would be no extra charge for Sprint phones. Also, Sprint may have coverage in East Brady.

ADJOURN:

Tim Sapienza made a motion to adjourn. Dave Szakelyhidi seconded the motion. Motion carried. Meeting adjourned at 5:30 PM.

Respectfully Submitted,



Sharon L. McCormick
Secretary

CORRESPONDENCE

September, 2011

FROM:

SUBJECT MATTER

1. Sheryl Kelly
Cycle 9 forecast by municipality
2. Butler County
Butler County Delegation
3. Jennifer Ackerman
Sponsorship Request/Fall Festival Motor Show
4. Zelig-Harmony Chamber
Coffee & Conversation Info
5. Deb Lindewirth
Zelig-Harmony Business Assoc Agenda & Minutes
6. PSATS
911 Resolution
7. BCTCC
Tax Collection meeting
8. PennDOT
Bridge Inspections
9. Joel MacKay
Gas/oil well site plans to Butler Co. Planning Comm.
10. Joey Hamilton
BCTCB Board of Directors Meeting
11. Erin Wells
Managing Municipal Stormwater Seminar
12. Butler Co. Commissioners
Chemical & Electronic Recycling
13. Berkheimer
Tax collection programs
14. Golden Triangle Construction
I 79 closures
15. WBCA
Meeting Minutes
16. BCBA
Dinner Meeting
17. House of Representatives
Public Hearing on local impact fees/Marcellus Shale
18. Terri Dickow
August PSAB Update
19. PSAB
Fall Leadership Conference
20. COG
 - a. Utility Consolidation
 - b. EIT Comparison
 - c. Safe Routes to School Bicycle Education Training
 - d. Meeting Agenda