

December 5, 2017

HARMONY BOROUGH COUNCIL MEETING December 5, 2017

COUNCIL MEMBERS PRESENT: Phyllis Metz, Frank Luek, Dave Szakelyhidi, Greg Such, Joe Dippold, Don Sims, Jason Sarver, and Mayor Cathy Rape

OTHERS PRESENT:

December 5, 2017
Council Meeting

FRANK GRANNON

GREG SUCH

Joe Dippold

SS

Cathy Rape

Don Sims

Frank Luek

Don Sims

Phyllis Metz

M. Johnson

Susan Aronson

ALLEN BAYER

Joe White

Brenda Benek

Rodney Gasch

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CALL TO ORDER:

A quorum was reached and the President Greg Such called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE:

MINUTES:

In a motion made by Don Sims and seconded by Jason Sarver, the Harmony Borough Council unanimously approved the November 14, 2017 minutes.

SOLICITOR'S REPORT:

Solicitor Matt Racunas reported the Primitive Zoning Overlay. It was sent to Butler County Planning and Harmony Borough Planning Commission for comment, neither had any comment. It is ready to advertise for a public hearing and the ordinance itself. In a motion made by Dave Szakelyhidi and seconded by Don Sims, the Harmony Borough Council unanimously approved the advertisement of the Primitive Zoning Overlay hearing and Ordinance. Matt will give Amy the advertisement the hearing will be held 15 minutes before the meeting on January 2, 2018 at 6:45pm.

Matt also reported on the Premier Craneworks, Allen Bayer will start the execution process. Greg Such reported that January 2nd will be a reorganization meeting prior to the regular council meeting. Solicitor Matt commented that the Reorg meeting should start at 6:45pm, the public hearing at 7:00pm and the regular meeting immediately following.

Greg Such inquired if we need to advertise the meeting dates for 2018, Amy Brown responded that we do, waiting on HARB do give their approved dates.

BOARD REPORTS/APPOINTMENTS:

APPOINTMENTS:

No appointments

COG:

Joe Dippold had nothing new to report.

HARB:

Dave Szakelyhidi reported that there are two Certificates of Appropriateness that HARB approved and recommended to Council:

539 Main Street- Dennis & MJ McCurdy – Painting of building – burgundy with ivory railings and balcony and green door. In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for Dennis & MJ McCurdy.

Cluster Mailbox - Main Street – Placing of cluster mailbox at Southwest corner of Visitors' Information Center, Main Street. In a motion made by Dave Szakelyhidi and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for the Cluster Mailbox at the Visitors' Center on Main Street. Cathy Rape commented that she will get it ordered when she gets some monies in; Joe Dippold inquired how much it cost. Mayor responded \$1400.

Water Authority Board:

Frank Grannon reported on the GIS procedure where they global positioned all the value boxes/curb boxes. Paul Cornetti, Frank and one of the operators located about 75% of the valves are all marked. So when they need to go out and shut off everything will be laid out on a map, they can pull it up on the computer and know exactly where it is at. Dave Szakelyhidi reported that the Water Authority purchased a state-of-the-art listening device, may relocate the line that is under Rt. 68 in the Spring.

Parks Board:

Susie Altemus reported that the Silvester is coming along; they are about 11 people less than last year at this time, but they are coming in. They are short sponsors, about \$2,000 less than last year. Parks took a hit from the matching grant, could use funding about \$3,000 if Council could find some and put some funds into the Parks they really need it. The Events can pay for themselves but the only way to take care of the Parks and Trail is through grants and we have to match it. Frank Luek inquired how much they would need to make it. Susie Altemus responded about \$3,000. Mayor Rape inquired if the Silvester did not pay for itself. Susie responded that it does, but it doesn't provide much more to do for the Parks.

Susie also reported that ShuBrew wanted to host the Polar Plunge this year but it's too late, it is something they would like to consider for next year. ShuBrew would like to serve beer; have everyone sign a waiver. ShuBrew would donate ½ the proceeds to the Park and the other ½ to the Firemen; this is something to consider for next year; 2019. Greg Such commented that there will not be a Polar Plunge this year (January 2018) because the window is too short.

Susie reported that Chris Rearick would be happy to talk to any of the Council members regarding the Jackson Township Multi-Municipal Comprehensive Recreation, Parks and Open Space Plan. Jackson hopes to apply for a large grant this spring on Trails; they would really like the Borough to agree with the plan. Susie reported that the hillside on the Trail is in bad shape, we could really use their (Jackson's) help. Greg Such reported that Jackson did send a sample Resolution; it is going to need a little bit of work at the end. Zelienople passed a similar Resolution last Monday in support of the over-all parks program. Greg asked for a motion to adopt the Resolution. Don Sims commented that he read thru the Resolution, looks at it as a contract, we are entering in as an Agreement. We already have a park system and fund it, if we lose control of the maintenance of the Trail, we lose the Trail; Don doesn't want to lose the Trail. Don feels the Borough is entering into an Agreement that it doesn't need to, we are completely self-sufficient.

Dave Szakelyhidi commented that later on the Agenda we have money to bring a paving company in to spread limestone we received with grant money on the Trail, we born the whole cost if we approve it tonight and that is what we have to do to keep ownership of the Trail; it stays Harmony Trail if we maintain it. Dave's fear is that part of Jackson's plan is to use the Trail as an emergency exit to this big housing plan. Susie Altemus commented that Chris Rearick said that's not a deal breaker and suggested to talk to Chris about it. Greg Such commented that we have a couple of things going on here, adopting a Resolution, he does not feel it is a contract; all we are saying is that we support the Parks Plan. Solicitor Matt commented that he has not read it, but we can have a Resolution that approves a contract, it depends but there is usually an exhibit with it. Mayor Rape commented that she's been involved

Parks Board Cont.:

with the Trail from the beginning, it was done with grant money as a bicycling/pedestrian trail only and this Agreement with Jackson is calling for a multi-modal trail which means separated from vehicles but then at the very end of the contract or agreement it says in accordance with the Creekside Development Plan which was passed by the Supervisors and Planning Commission over there that it can be an emergency access exit and entrance. Mayor Rape also added that Jackson Township does not have an Ordinance that says the development has to have an emergency exit or entrance so don't put it in this Agreement. Mayor Rape has a call into the Senator's office; they have not gotten back to her because they have to check with the DCED about the grant money and whether it can be changed now to a different type of trail. Don Sims inquired if Jackson allowed Rodgers to decrease the width of his entrance at his request; and asked why the Borough is entering into an agreement with people who change rules all of the time to their benefit. Mayor Rape commented that the head of the Planning Commission who is now on the Supervisors again, he says you have to keep modifying the rules because different things come into play. Mayor Rape stated when you have Ordinances, follow the Ordinances and you do it the right way and you advertise to change Ordinances; you don't change it because of a developer has a plan. That Comprehensive Plan was asking Jackson Township people for their opinion, and yes they all do want park properties and she would love to see the Trail expanded but that Trail is still Harmony Borough's and should stay ours and according to this Agreement with Don Rodgers from 2002, but the Borough still has a 20' perpetual right-of-way for that Trail as long as we maintain it. Rodgers can give the property to Jackson, but the Trail is ours. Susie Altemus commented to maintain the Trail, the Parks Board is going to need more than \$3,000 that hillside is bad. Mayor Rape commented that the hillside is bad because of the developer cutting trees and running vehicles on it; and didn't put it back. Susie Altemus commented that it's the rain, it happens every time. Don Sims commented that any time you remove the top growth on any slope it is going to start moving every time it rains. Solicitor Matt inquired if the issue is that Council does not agree with the Plan itself. Dave Szakelyhidi responded they do not want the Trail to be used as an emergency access. Solicitor Matt commented that is the development, the Plan itself is not going to address that issue. Jason Sarver commented that Council is afraid what it is opening us up to. Mayor Rape commented that Harmony does not get any more tax dollars but Jackson is growing; they are going to get a lot more tax money to maintain this Parks Agreement, Harmony gets nothing. Mayor Rape asked what Harmony's financial responsibility is to this agreement. Greg Such responded that our only agreement is supporting the Trail, supporting a regional park rule. Cathy Rape commented there was the reservoir property, the Harmony Junction property/Porter's Cove, the Zelig Park, they encompass a lot of stuff. Greg Such inquired if Zelig was planning on enhancing Porter's Cove. Dave Szakelyhidi commented that Zelig is planning on getting money from Jackson for their swimming pool, Zelig will benefit that way. Allen Bayer responded, not as a result of this Plan. Dave Szakelyhidi stated he is not against a regional plan; he is against giving up Harmony's Trail. Greg Such asked for a motion to accept the Regional Plan. Mayor Rape responded not with that Creekside Development in accordance to that, using the Trail as an emergency exit; that is in the Regional Plan. It is not in the summary. Don Sims commented that we don't need anything we are already self-sufficient, why enter into an agreement

Parks Board Cont.:

where we will get no benefit. Zelenople entered into an agreement that they will gain. Allen Bayer responded that Zelenie has entered into no agreement, it is only a plan. Solicitor Matt commented that Zelenie has approved the conceptual regional parks plan. Allen Bayer commented there is no agreement, no financial commitment, no commitment what so ever. Solicitor Matt agreed with Allen. Solicitor Matt commented that some of Council is okay with the regionalization and some are not. Greg Such commented that the Resolution states that we are in support of that Plan and in support of them (Jackson) going for grants. Dave Szakelyhidi commented that the Plan has to change. Jason Sarver inquired if it was something that the Borough could change later down the road. Greg Such and Allen Bayer both responded yes. Allen Bayer commented that it is only a Plan, there is no commitment on the Borough's part and when the times comes to make commitments that is the time the Borough could change it; if in fact the Borough wants to support the Plan. Solicitor Matt commented that the Borough can choose what they want to do and what they do not want to do. A Resolution can be changed with another Resolution. Matt inquired who the Engineer is; the Engineer's name was not listed. Greg Such recommend to table it tonight and have Chris come in to present.

PLANNING COMMISSION:

Frank Luek had nothing new to report.

WBCA:

Greg Such reported that corrective action was been taken on Liberty Street, and commented to Brenda Benek that she failed to tell Council is that she needs to talk to her landlord and get a sewer trap installed because of the possibility of sewer gas back up into her basement because of the fact that trap is not there. Brenda thanked Greg. Greg also reported there was some odor up on Main Street up around Pat Kipin's store and that is being researched.

Shared Services:

Dave Szakelyhidi commented shared leave pick-up. Greg Such thanked Allen Bayer for Zelenie picking them up.

Parking and Signage:

Greg Such had nothing new to report.

Historic Harmony:

Rod Gasch invited everyone to the Holiday Potluck Dinner on Tuesday, December 12th at 6:30 pm, let Kathy Luek at the Museum know if you can attend and bring a dish to share. There will be a special guest, Abraham Ziegler, Harmony Pioneer who died in 1836 (as portrayed by Jack McMichael) will be there and talk about his life and times when he arrived in Harmony after the Harmonist left. Dave Szakelyhidi commented that he is very good. Rod reported they have open nominations for historic commendations for restorations or rehabs on buildings, the awards will be presented at the Harmony Fest in March. Historic Harmony will be active with the Silvester again; they participated with Parks on the ad in the Butler Eagle. They will have the Bleigiessen – dropping the lead in cold water to predict what the new year may bring, will have the pork and sauerkraut dinner which will bring good luck

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throughout all of 2018, they will have the tree toss again. Rod also reported that he appeared at HARB last night HH is contemplated replace the shack to be more permanent and historically appropriate structure; just at the beginning stages. Rod inquired if there are any building trades, or if BC3 had any that would be interested in building it for HH. Cathy Rape commented that a few years back the Seneca Valley Shop classes build garages. Greg Such commented that the Borough has received volunteer projects from Eagle Scouts. Greg Such reported on the Silvester, we need one more food vendor.

Harmony Business Association:

No representative present.

Other Meetings:

Greg Such stated there was nothing to report.

PUBLIC COMMENT:

Brenda Benek – 444 Liberty Street stated that she supports Council who are concerned on keeping control of the Trail, they need to research more before entering an agreement. The Trail was developed as a Trail between two historic properties to be used for recreational use to be used as a hiking and biking trail. She is against using it as an emergency access. She also supports the Mayor's comments.

BOROUGH STAFF REPORTS:

Police Report:

Chief Miller was unable to attend, report submitted via email.

Office:

Amy Brown had nothing new to report.

Borough Director of Operations:

Frank Grannon reported that leaf pick-up is done. The drain on New Castle Street is completed; we have \$128 in materials plus whatever Mr. Barbish charges for digging. He is set up for salt; they are calling for it this week-end.

Dave Szakelyhidi commented on the leaf season, because we only have one truck that is used for the salt spreader and the leave box, we traditionally make the switch at Thanksgiving because we have to be ready to salt the bridges in the morning for the school buses. Frank has been good enough to advertise that you can bag leaves after Thanksgiving until December but we had an incident on Pittsburgh Street and Zelig was kind enough to pick them up under Shared Services because they're still in leaf pick-up mode. The leaves came from a Jackson Township resident who put them on Pittsburgh Street, we thought that it was better to give Jackson the opportunity to send their own road department out to pick up the leaves instead of going after the resident, or the other alternative was to have Zelig Police go into Jackson Township and site the person. We took the course we thought was appropriate and contacted Jackson. Chris Rearick wrote back that they are not authorized to come into Harmony Borough and they don't have anywhere to put the leaves. We have always picked up on both sides on Old Little Creek Road; Dave feels if that is their attitude or decision, then we should just stay in Harmony Borough next year. Don Sims inquired if the Borough has reaped any benefit from

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picking up on the Jackson side of Old Little Creek. Jason Sarver inquired why we would pick up leaves in another municipality. Frank Grannon commented that in the past if we didn't pick them up, the residents would drag them across the street to the Borough side. Dave added which basically what they did on Pittsburgh Street this year. Don Sims commented that maybe the residents would request their Township to have leaf pick up. Greg Such commented that we would be further off to talk to Chris (Rearick) and air these views. Dave Szakelyhidi suggested inviting him to our meeting. Frank Luek inquired if the home owner bears some responsibility knowing he is not in Harmony Borough. Greg Such responded yes, this resident has no frontage in Harmony; he raked them across the school property or a Harmony's property and piled them on the street. Zelig Police agreed to give a warning, and Zelig to send him a bill. Don Sims commented that we can do that next year if we pick up any on the other side.

Greg reported that we could not get to the limestone spreading on the Trail, had some mix ups with trying to get labor in and need to move it and get it spread. Frank Grannon reported that it is collecting water and when it thaws it is running out and freezing going across the parking lot and out on the road. Greg Such commented that we haven't honored our terms of the grant. Greg reported that Frank came up with a good idea to have Voelker Paving to use their asphalt spreading machine to lay down the limestone dust and roll it. The price is \$3750; we have \$1000 in Consulting Services budgeted plus enough money to use in miscellaneous. Don Sims commented that we have money on road way personnel this year too; he feels we are justified in spending it because we could have spread it if we had the personnel. In a motion made by Don Sims and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved to hire Voelker Paving to spread the limestone.

Zoning and Codes:

Allen Bayer report submitted.

COMMITTEE and OTHER BUSINESS:

Public Safety:

Phyllis Metz had nothing to report.

Dave Szakelyhidi reported on the EMA, he thinks there is a misunderstanding between him and other members of the EMA. Don Pepe wants out and Dave probably wants out too. We have an EMA because it is mandated, we have to have it. There is \$60,000 between Zelig and Harmony, the EMA started and we were getting flooded and before that when we had the tornadoes come through. We have been managing that money, Dianna the Treasurer has been putting it in the Money Market and managing that money, growing it, and she just recently retired. They are in need of a new Treasurer. Don has been Harmony and Zelig's director and he wants out, we found a young guy who will take it, John (Kovacic). At some point they assumed the new name should be the Seneca Valley EMA. Dave thought their goal was to make the EMA consistent with the Fire District which was Zeligople, Harmony, Jackson and Lancaster and that's what it ended up being, all four have come together to become the new EMA but he's not sure where the name Seneca Valley EMA came from. The school district is named that, the Seneca Indians there's proof that they were never here, the Seneca name was thrown out for the Fire

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District and the facilitator threw the name out because it needed to be more descriptive; why are we back to Seneca. Dave inquired why we don't make it the Harmony EMA like the Harmony Fire District. Mayor Rape inquired who decided on the name, Dave wasn't sure but stated that Don Pepe stated there was a meeting that Dave sat in on and should have heard it. Greg Such inquired if there was a document that needed to be signed. Dave responded there isn't a document. Dave is not sure what made this name official. Joe Dippold inquired when the meeting was. Dave responded the ones we attended at the Fire Hall. Greg Such responded it was not discussed there. Solicitor Matt reported that the Borough has a Resolution or an Ordinance approving the EMA and designating the director, there is an Agreement, unless they amend that Agreement and documents he doesn't think anything is official until that happens. Dave Szakelyhidi stated he is not comfortable turning that amount of money over, he wants it to be legal. Solicitor Matt inquired who is authorizing the changes; who is the solicitor. There are processes that need to take place, you can't just change a name, and the bank would need to see the incorporated documents. Dave was unsure who the Solicitor is. Greg Such inquired if this was being driven by Jackson joining. Dave responded Jackson and Lancaster. Greg commented that we need more information he will talk to Don Pepe. Solicitor Matt stated if Greg has any questions to let him know.

Business Development:

Cathy Rape reported the next meeting is Thursday, December 7th at Bottlebrush at 6:30 pm all of Council is invited for a meeting and small Christmas party. She is organizing caroling on December 16th at 4:00 pm meeting at the Borough Building if you would like to sing and go around town. Cathy was talking with Armstrong and because the Steelers are playing on New Year's Eve day they are going to give the Borough a cable drop in the Square and possibly a big screen tv and have a tailgate party and watch the game in the Square at 1:00 pm.

Cathy reported she had to contact the bank regarding the property at 562 Main Street, the person she talked to did not have a problem with their mailbox being part of the cluster box, she didn't really have authorization to say it, but she didn't have a problem with it. There is a sheriff sale coming up on it, it may be around the 1st of the year.

Greg Such requested that Cathy talk about the Butler County Tourist Association Grant at the HBA meeting, he may not be able to attend. He would like people to start thinking about it so they can apply for it, it would have to be a three way between HBA, Historic Harmony and the Borough to make it work. Cathy Rape reported their (Tourism) PR person, Debbie Crumb is coming also. Greg Such recommended asking her for a few ideas.

Personnel:

Greg Such reported that we need to vote to do the wage increase, it was discussed in executive. There was a vote but for "Water" employees, we need the vote for "Borough" employees, just a minor formality. In a motion made by Dave Szakelyhidi and seconded by Don Sims, the Harmony Borough Council unanimously approved Borough employee wages the same as the Water employee wages.

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Finance:

Greg Such reported that Act 172 Firemen Tax Credit is still being worked, Zelig has a draft Resolution they are still refining, when that is refined and the criteria that defines what an active Fire Policemen is provided by the Fire District then we will go ahead and vote on that, probably next month.

Frank Luek inquired on the budget, if Council could get a little money for Parks (for the Silvester); there is \$4,000 in miscellaneous. Greg Such responded that we could take a little bit out of miscellaneous, we have a little bit in building maintenance we can try to move those. Frank Luek commented that Susie needs \$3,000 not sure if we can do \$3,000 but if we could do \$2,000. Greg Such commented that we're actually going to get her \$5,000 when it's all said in done because of what we voted on tonight (\$2,000 plus the \$3750 for Voelker Paving). Frank commented that the \$3750 doesn't go into the Parks; Dave Szakelyhidi responded that it doesn't come out either.

Streets:

Don Sims reported that the lights for the (storage) garage have not yet been ordered. Frank Grannon reported he is getting ready to order a load of salt.

Phyllis Metz reported that they will clean out the basement to store cones and barricades, easier access for events.

Facilities:

Phyllis Metz reported that the windows in the Borough building have been cleaned.

Grants:

Greg Such reported one grant is the Tourism Grant. Greg sent a note to the tree people asking when the grant opens up, he has not heard back from them yet.

Jason Sarver made a public announcement regarding Small Parts Machine in Jackson Township on Mercer Street. A friend of his came into town with her handicap father-in-law and six kids, stopped to get coffee at the Wunderbar, didn't know any better and parked in Small Parks Machine parking lot; they did not have the cones and all that up, it was just an empty parking lot. The owners called the Jackson Township Police, \$85.00 parking ticket. Just a heads up for the community, don't park there. The officer who issued the ticket was very kind but stated the owners are very persistent and they issue tickets. Mayor Rape commented when she spoke to Jackson Township they said that the Borough can set their parking ticket amount by Ordinance; Jackson Township goes by the State Citation.

BILLS PAYABLE:

Greg Such reported that the following lists of bills were presented to Harmony Borough Council for approval:

General Bills Payable in the amount of \$ **10,718.85**

Bills Already Paid in the amount of \$ **2,538.52**

Payroll in the amount of \$ **2,700.81**

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

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Council President, Greg Such called an executive session at 8:15 pm to discuss a legal issue, out of executive session at 8:30 pm.

Finance:

Note: The budget was accidentally skipped under the Finance session.

In a motion made by Don Sims and seconded by Joe Dippold, the Harmony Borough Council unanimously approved the 2018 Budget.

ADJOURN: 8:33 pm

As there was no further business to discuss, the Harmony Borough Council adjourned the December 5, 2017 meeting at 8:33 pm.

Respectfully Submitted,



Amy Brown

Recording Secretary

Monthly Activity Report
Harmony Borough Code and Zoning Enforcement and
Residential Multi-Unit Dwellings Fire Inspection

November 2017

1. Stopped by the office two times each week to pick up mail, complete Building Permits and sign violations.
2. Filing and administrative work.
3. Attended November HARB and Council meetings.
4. Created October Time and Activity Reports
5. Email with Greg regarding Bill Thomas blowing his leaves on the Moyer property.
6. Spoke with Jim Hulings regarding setting up room for voting and burning violation.
7. Spoke with Tim Eppinger regarding building construction on Spring St. property.
8. Spoke with Pat Murray regarding HARB meeting and window replacement on Main St. house.
9. Processed disapproved building permit for pretzel sign at The Two Fraus Bakery, sign was too large. Stopped by the business and reviewed disapproved permit with owner Joanie Sinz. Joanie later advised that Sign Innovation will replace the pretzel sign with one conforming to the ordinance in size.
10. Spoke with a lady regarding obtaining space for Christmas Market this weekend to sell fudge and hot chocolate.
11. Spoke with Jessica Schmidt of Cornerstone Appraisals regarding zoning district for 425 E. Center St.
12. Spoke with Carrie Baker, 427 Center St., regarding repair to sidewalk up to house and installation of a railing post in the front yard.
13. Received a complaint regarding recreation fire material and location. I met with the resident and determined that there is no violation.

14. Spoke with Braighton Carner of Berry Metal Co. regarding house demo. I referred him to Jackson Twp.
15. Spoke with Grace of Jacobs Telecom regarding ATT tower upgrade on Swain Hill Rd. I referred her to Jackson Twp.
16. Removed two illegal signs on Rt. 68 across from Fox Pizza.
17. Spoke with Chuck Vit of Vit Construction. Property is in Jackson Twp. and I referred him to Jackson.
18. Follow up on leaves illegally piled onto Pittsburgh St.

Respectfully submitted,
Allen E. Bayer