

HARMONY BOROUGH COUNCIL MEETING December 4, 2018

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

OTHERS PRESENT:

Council Meeting

Dec. 4, 2018

Jason Sarver

JASON SARVER

FRANK GRANINON

Joe Dippold
Cathy Rape

Frank Luek

GREG SUCH

Don Sims

Mark Barkley

JENNIFER BARKLEY

Phyllis Metz

AILEEN BAYER

Jim Miller

Susan Attegnus

Susan Attegnus

Jim Willard

Kevin Trebaugh

Rodney GUSCH

December 4, 2018

CALL TO ORDER:

Council President Greg Such called the meeting to order at 7:00 pm.

PLEDGE OF ALLIGANCE:

MINUTES:

In a motion made by Frank Luek and seconded by Don Sims, the Harmony Borough Council unanimously approved the November 13, 2018 Council meeting minutes.

SOLICITOR'S REPORT:

Solicitor Matt Racunas reported on the Barkley parking, Frank Luek reported that Planning Commission met and reviewed with no issues. Matt reported that Amy was sending it to the Engineer, haven't heard anything back from the Engineer yet; we can issue the permit once we hear back from the Engineer assuming there isn't any problems with the water.

Solicitor Matt reported on the Armstrong Cable Franchise Agreement, it is standard, the fees are not negotiable because they are set statutorily, we could request free cable/internet. They did remove that with the last contract. Matt will reach out to Mr. Taylor and request free cable/internet be put back into the Agreement for the Borough Office, Garage and the Water Plant.

Solicitor Matt reported on the Pension being switched from a defined benefit plan to a defined contribution plan for new hires after 2015, the defined contribution is more like a 401K. In order to make those changes an Ordinance was drafted and advertised, it is ready for adoption. In a motion made by Frank Luek and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the Pension Ordinance.

Solicitor Matt Racunas also reported that he will be attending the Sheriff's sale on January 18th to protect a water lien; Amy is to check on Borough taxes.

BOARD REPORTS/APPOINTMENTS:

APPOINTMENTS:

No appointments.

COG:

Joe Dippold had nothing to report, no meetings yet.

HARB:

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

Harmony Museum's Wagner House – Install two piece scribed exterior casing to brick and add stone sills to two street level windows on front. Greg Such inquired if this was for all windows? Rodney Gasch replied it is for all windows on the Wagner House. In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for the Wagner House.

Harmony Museum's Gluhwein Shack – New event shack/storage shed 10'x10' with 4'x 10' porch, horizontal hardboard siding (white and blue trim). Rodney Gasch reported that they will apply for a variance to move back towards Mark Sapienza's fence. Butler County Vo-Tech will be building the shed; the Museum is working on funding for the materials.

HARB CONT.:

Harmony Museum's Gluhwein Shack Cont.

In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for the Gluhwein Shack. Joe Dippold inquired if the shed would be more to the left than back, Rod responded yes. Mayor Rape inquired on the roof; she read that it will be slate on the shed and metal on the porch, she inquired if that will look good with two different types of material. Rodney Gasch commented that the porch roof is kind of flat and slate doesn't like a low slope because water may sit a little bit, it could crack the slate. Mayor Rape inquired why not do all metal then. Rodney Gasch said they would leave it up to the construction people.

Water Authority Board:

Dave Szakelyhidi reported that there was a water break on Division Street Friday under a sidewalk, the sidewalk was replaced today. Greg Such inquired when the Water Authority would be accepting their budget, Frank Grannon responded the 19th.

Parks Board:

Susie Altemus reported that they are looking for sponsors. Parks Board will be joining with Historic Harmony on marketing for the Silvester; the deadline for sponsors to be listed on the shirts is December 10th. Phyllis Metz inquired on the Polar Plunge, Greg Such responded that they haven't talked about it. Susie Altemus commented that they may possibly have it later in the year on Ground Hog Day.

Library Board:

Susie Altemus reported that the Library meets tomorrow night, inquired if she could report anything back on funding. Greg Such replied, same as last year.

Planning Commission:

Frank Luek reported that Planning Commission met, they did not have any issues with Barkley's parking. Greg Such commented that Calvin will be at the Planning meeting on December 18th.

WBCA:

Greg Such had nothing new to report.

Shared Services:

Dave Szakelyhidi reported that in this month's Borough News there was an article, "Boroughs Receive Grants to Expand Local Recycling and Leaf Collection Programs." Dambaugh's was too wet for us to get into to dump leaves this year and Zelig had the same problem where they dump. Dave and Al (Bayer) talked over the weekend and wondered if this was something the two municipalities could go together on to be higher up for the grant application. Dave would like the Borough to look into this. Dave suggested getting some place the trucks could back into regardless of weather, and some place closer. Dave commented on the property that used to be Zelig's dump, beyond Penna Flame, the airport owns the property.

Parking and Signage:

Greg Such inquired on the Watch Children signs, Frank Grannon will look into it. Cathy Rape inquired on the Grant signs; Greg responded that they are ready to be delivered.

Rodney Gasch reported on the Washington Trail Sign, this is a small square sign for a phone tour. The sign used to be in the Square, they were taken down during the movie and got put up next to the barn; they would like to have signs put back up in the Square. Rod called Walsh and the signs would be about \$48. In a motion made by Don Sims and seconded by Dave Szakelyhidi the Harmony Borough Council unanimously approved the purchase of two signs. Joe Dippold inquired if they have the QR Scan Code vs the 800 number. Rod responded that they committee was concerned about vandalism with the QR codes. Frank Luek inquired if this would be in the 2018 or 2019 budget. Greg Such responded to see where we stand, planned purchase is for 2019.

Historic Harmony:

Rod Gasch reported that the Christmas Market attendance was down 25%, about a 15% drop in profits. Tuesday, December 11th is the Potluck Dinner at 6:30pm, bring a dish to share and a baby picture; we'll see who can match attendees to the proper baby picture. Working with Susie on the Silvester, the Museum will have the tree toss and wreath toss for kids, pork and sauerkraut dinner for good luck, and the movie in the wine cellar. They are accepting nominations for the Heritage Award, give nominations to Kathy Luek at the Museum Office, deadline is January 31st. Winners will be announced at the HarmonyFest dinner on March 9th.

Harmony Business Association:

Joe Dippold reported that the HBA Christmas Party is December 6th at 6:30pm at the Bottlebrush, bring something.

Joe also reported that the EMA is waiting on Scott Frederick's presentation.

Other Meetings:

Greg Such reported on the Harmony Fire District meeting, Scott gave a presentation and sent slides around. They continue to train and raise money. The meeting was not well attended; Scott was a little upset over that. Greg Such commented that they do not have a Board to supervise them, being at the meeting is the only way to know what is going on.

PUBLIC COMMENT:

Dave Szakelyhidi -209 Mercer Street - Dave commented about the cartoon in the Butler Eagle, politics aside we need to set an example for our youth, if somebody would do a cartoon like that at the High School they would end up in trouble. Dave feels the Butler Eagle is setting a bad example to the youth, they have freedom of speech but that is not appropriate.

Kevin Trobaugh – Calvin Church – Kevin is the chairman for building and grounds and an elder at the church here to deliver letter in hand and separate any permits or applications. Jim Willard was the lead man on the project working with Wilson Excavation, Contractor.

PUBLIC COMMENT CONT.:

Jim Willard – Calvin Church – Jim gave all of council a letter stating that it is in immediate response to our Solicitor's letter dated November 13th, that letter referenced Calvin's apparent disregard to an August letter which they never received. Jim stated he contacted the Borough on February 15th to see what the process or steps were to demo a house and garage, and was guided towards submitting a demo permit application. There were hiccups, curb cut on Division Street, the lack of attention to the one way exit on Division Street that was a concern from neighbors. The one way exit was created back in 2006 when the expansion was done. Neighbors expressed concern that it was being used as an entrance not as an exit only, in order to be good neighbors Calvin put up signs, which was a violation. Kevin Trobaugh reported that he got a storage pod delivered, not knowing the need for permits for the sign and temporary storage container; stepping into a new role he wasn't aware of the need for permits and they want to make sure things are done the right way. Jim Willard commented that it is certainly their intent to be compliant. The Solicitor's letter prompted Jim to read some of the Minutes, some of the things that were stated in the summer, there is some incorrect information and it's probably something that needs to be addressed. They need to determine what they need to do to be right with the Borough; Jim added that it's a misunderstanding. Jim inquired what they need to do; they received a violation notice on the storage pod, which was placed in March. They do not have the documents that were attached to the August letter; they still have a shed that they want to build to replace the demoed garage and get the temporary storage shed out of there. Frank Luek commented that would be with a building permit. Frank also reported that with Planning Commission any time there is a change of use with property from a house to a parking lot that has to go through Planning with Engineering and drawing of the design of the parking lot, Solicitor Matt commented that they have a site plan, when you put something in like that you have water runoff which need to be reviewed by Planning and Butler County, they would make a recommendation to approve or deny and ultimately you get approval from Council. It is similar to the reverse subdivision you referenced before. Solicitor Matt stated that our Subdivision and Land Development Ordinance is online, it will lay out the process for you. Matt commented that it is procedural; it has to be reviewed and approved. Jim Willard commented that the repaving of a lot that hadn't been paved in 30 years was broken up, part of the project they donated paving to the Borough on Highland Avenue from Grandview Avenue. Solicitor Matt commented that he agrees there is just a miscommunication here, don't take anything in his letter too personal it is a standard type letter; Calvin will need a simple land development plan. Matt suggested to start by pulling the SALDO online and read about parking, if they have any questions they can call Matt. Jim Willard commented that they do not have a professional consultant to do drawings for them, it is a volunteer committee, they all have their day jobs, they will have to look at how they accomplish that. Solicitor Matt commented that this is backwards, we're assuming everything will be fine. Jim Willard responded that we are rectifying it after the fact. Phyllis Metz and Cathy Rape inquired about the permit for the sign. Jim Willard responded that they applied for the permit, after they realized there was an issue with the sidewalk they applied for the permit, after they put up the signs and found out there was a permit, they filed that. Kevin Trobaugh commented that they need to apply for the SALDO, a permit for the temporary storage unit and a permit for the new shed. Jim Willard commented on the time limit on the storage unit, he is

PUBLIC COMMENT CONT.:

Calvin Church Cont.:

not sure if they can meet that 30 days. Allen Bayer, Zoning Officer commented that they have 30 days from the time it was placed, but he is going to take it 30 days from the day he saw it which was recently and they're allowed an additional 30 days per Boro Ordinance anything beyond that would be in violation. Solicitor Matt inquired if they needed to get the permit within 30 days of the day Allen saw it. Allen Bayer responded that the PMF storage unit is already there so there is a violation. They have 30 days from the time he wrote the violation and they have an additional 30 days by Borough Code beyond that. Solicitor Matt inquired why they couldn't do that. Jim Willard responded that the new shed needs to be in place to take the contents from the temporary unit. Frank Luek commented that the shed does not have to go through Planning. Solicitor Matt commented they should be able to do that. Dave Szakelyhidi commented about depending on where they place it, it needs to be within setbacks. Jim Willard commented that if they need to request a Variance, the 10' set back would put the shed in the middle of the driving area. Allen Bayer commented that he doesn't know if a Variance could happen within the 60 days because they would have to schedule a hearing, send out letters to all the adjoining property owners. Frank Luek inquired if they could place the shed and then apply for a variance, Allen Bayer commented that they could but if a variance isn't issued they would need to move it. Jim Willard commented that would require two crane mobilizations. Jim Willard inquired if the storage pod was a problem, Solicitor Matt responded that it is a problem under the Ordinance, it is not compliant and you have 60 days to bring it compliant. Solicitor Matt recommended to immediately apply for the Variance to get that started, the Zoning Board is a completely separate entity, the hearing will need to be advertised, make sure their Board is available, schedule the court reporter, make sure their Solicitor is available. Dave Szakelyhidi commented that there is a \$250 application fee to cover the court reporter. Kevin Trobaugh inquired to be compliant on the temporary storage unit, could they just remove it within the 30 days, Solicitor Matt responded yes it would be within 60 days. Jason Sarver commented don't feel attacked; we have to enforce our ordinances.

BOROUGH STAFF REPORTS:

Police Report:

Report submitted via email.

Office:

Greg Such reported that the January council meeting will be on the 8th due to New Years Day and the November council meeting will be on the 12th due to Election Day. Meeting dates need to be posted.

Greg Such reported on the BCTCC, Frank Luek is the liaison and Phyllis as agreed to be the alternate. Phyllis Metz commented that she has been the alternative for BCTCC for 3 years, but they still had Jarod Stewart listed; Amy will update with BCTCC.

Borough Director of Operations:

Frank Grannon reported that curb leaf pick-up is done, all piles were picked up on Sunday. Leaves can be bagged until December 16th. Frank thanked Dave

December 4, 2018

Borough Director of Operations Cont.:

(Szakelyhidi) and Frank (Luek) for helping Sunday evening. Greg Such thanked Frank for working Sunday. Frank Luek inquired if everyone knew that Frank had been taking the leaves up to his place, appreciate that. Don Sims commented that Frank sent Don a list of his loads and the Borough will be compensating him. Greg Such added that we should get that in this budget year.

Zoning and Codes:

Allen Bayer report submitted.

Greg Such reported that the building code has been updated to the ICC2015. Solicitor Matt reported that if we want to adopt that version we would need to do that via ordinance. Matt commented that it is not mandated but recommended. Jason Sarver commented that if there are sections that you feel better suit your borough from 2009 you can amend it. Solicitor Matt will send Bellevue's Ordinance to Allen and Greg. Allen Bayer commented to confirm that Tom (McCosby) is inspecting to that, the Borough will need to adopt it if Tom is inspecting to that level.

COMMITTEE and OTHER BUSINESS:

Public Safety:

Phyllis Metz reported that she gave Chief Miller a copy of the streets for Silvester and will put the Swift Reach out.

Business Development:

Greg Such reported that the HBA meeting is December 6th.

Cathy Rape inquired on the list she gave last month to report on, Joe (Dippold) hasn't heard back from the owner of US Liner, Peter Smerd about setting a meeting up regarding flooding issues. Greg Such suggested Cath to call him. Phyllis Metz reported that she needs to contact US Liner about the trucks during the Silvester.

Greg Such suggested Phyllis draft a letter and Greg will sign it.

Dave Szakelyhidi inquired about street closures for the Silvester. In a motion made by Phyllis Metz and seconded by Don Sims the Harmony Borough Council unanimously approved the street closures for the Silvester from 2:00pm – 8:00pm on December 31st. Frank Luek inquired if they have a countdown person yet. Greg Such commented that Cath Rape can be our fall back if they don't find a German speaker; they are looking for a true German native.

Personnel:

Jason Sarver had nothing to report.

Finance:

Greg Such reported that the preliminary budget is in Council's packet, he also emailed one out last week. Dave Szakelyhidi commented that we saved money on Penn Power street lights by changing to LED, he would like some money put away to replace the light that are no longer available. Joe Dippold commented that there is \$7500 in the budget under street lights. Mayor Rape inquired on Christmas decorations/ flowers/ fireworks, all the money gets used for fireworks then we do not have any money for decorations or flowers. In a motion made by Don Sims and seconded by Joe Dippold the Harmony Borough Council unanimously approved to post the 2019 Preliminary Budget. Greg Such reported that we will come back on

Finance Cont.:

December 18th at 6:30pm to accept the budget. Joe Dippold inquired on the Silvester money. Greg Such reported that the Silvester fund is short because we had a bad year last year, \$1500.00 was fronted for fireworks out of the General fund. Frank Luek commented that hopefully we will have a good turn out and can reimburse the Borough; Greg commented that is the plan.

Streets:

Don Sims reported that we are ready to plow snow, leaves are done, can be bagged until the 16th. Don inquired on the Jake Brake notification; we were going to send a letter. Greg Such responded that he did not write it. Greg will write the letter. Don inquired about people putting stuff in the streets; leaves are blocking water and flooding the streets. Greg Such responded that it was put on the front page of the October Newsletter. Chief Miller commented to call police, they will give a reminder. Mayor Rape inquired about when they do patrols; Chief Miller responded that they need to know who put it there. Mayor Rape commented if it's in front of their house, Solicitor Matt commented they're not saying to cite them just if you see it on the street to go knock on the door; Chief Miller responded that they're not going to do that. Don Sims commented that with public safety when stuff is placed out in the public roadway it just says there's nothing I can do unless I see someone doing it. Allen Bayer commented that we have an Ordinance that you can't block the sidewalks; if Council wants to entertain amending that ordinance to include streets then he can enforce it. Solicitor Matt commented that we can look at that because we probably already have that for snow, you cannot put snow in the street. We can amend that ordinance. Don Sims would like to amend that ordinance. Don Sims inquired if Jackson Township was contacted about the pipe. Greg Such responded that he called Chris (Rearick). He basically said they looked at it and it's ok. Greg inquired if they had any complaints from residents and Chris said they have not had any complaints.

Don Sims also inquired if we sent notification to CSX about the injured individual, Greg responded that we did.

Don Sims reported on the drainage issue at the Center Of Harmony, it is all corrugated metal pipe from the Creek up to the manhole on Aster Lane then it starts as corrugated pipe then turns into indiscriminate piping, the clay/terracotta. The issue is what can we do about it and how much will it cost. Don came up with a couple proposals. The owner of the Center told Don that if the water was moving there isn't an issue. One option would be to leave everything there existing, place a 1-way check valve in at the end; it is a single phase 8" pipe. The cost for the work would be approximately \$31,000-\$32,000. Another option would be to remove the cross pipe, place new inlets in front of the Center, pipe between the buildings and tap into the inlet on Aster Lane. The cost for the plastic and inlets it would be approximately \$20,000 and for the concrete about \$35,000. Don commented that it could be done in phases. Frank Grannon commented that we don't have elevation for it. Greg Such commented that it would need to be bid. Cathy Rape commented that she likes the second option getting it away from Tod's basement and the Center's basement. Cathy Rape commented that Mark Gordon from Butler Planning Commission wants to help Harmony with flooding so if we could get some grants from piecing it each year. Don Sims added that we would need owner permission; Solicitor Matt commented that we would have to acquire easements. Joe Dippold inquired when

December 4, 2018

Streets Cont.:

HRG would finish their flood study. Greg Such responded that he spoke to Mark about that, it is supposed to be complete before the grant completion that we asked about. Joe inquired if we should give HRG a heads up to see if it affects their study at all. Greg responded that the study should already be finished. Frank Grannon inquired what the life expectancy is on the pump. Don Sims responded that he asked that and was told it depends.

Facilities:

Phyllis Metz reported that Joe (Dippold) and Jason (Sarver) are working on cleaning out the cellar. Greg Such reported that Scott Eldridge knows he won the bid but he has not yet been by. Jason Sarver reported that his vehicle was broken into and would like town to consider security camera. Jason will do research on cost. There are multiple uses, help community and there are only two entrances into and out of town. Frank Grannon reported that the four security cameras at the water plant cost about \$2600. Chief Miller commented not to go cheap; traffic cameras solved case on break-ins. Basic system with ADT is about \$25/month and \$500 per camera, they are pretty clear.

Dave Szakelyhidi reported that he and Allen dealt with a fiber optic company that came through the Historic District, the company gave the installer the wrong map, they put it up and took it down today. It is going from 4G to 5G.

Grants:

Greg Such reported that the signs should be in on Thursday, they need to be up by the end of the year.

Training & Conferences:

Greg Such reported training and conferences are listed on the Correspondence List.

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 \$ **10,199.93**

Bills Already Paid in the amount of \$ **6,430.92**

Payroll in the amount of \$ **3,091.42**

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

RECESSED: 8:52 pm

As there was no further business to discuss, the Harmony Borough Council recessed the December 4, 2018 meeting at 8:52pm.

Respectfully Submitted,



Amy Brown
Recording Secretary

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

November 2018

1. Stopped by the office two times each week to pick up mail, complete Building Permits and sign violations notices.
2. Filing and administrative work.
3. Created violation warning for Calvin Church regarding no permit for exit sign.
4. Created building permits for a storage unit at 1208 Harmony Heights Dr. and a Street Opening Permit at 213 Charles St.
5. Completed October Time and Activity Reports.
6. Attended November HARB meeting.
7. Inspected sewage line repair at 213 N. Charles St.
8. Inspection of vegetation violation at CVE on Parkedge Dr.
9. Spoke with Ryan Bechtold regarding purchase of 747 Spring St. and zoning related questions.
10. Spoke with Ted Nixon, Appraiser, regarding zoning at 560 Main St.
11. Spoke with Bob Luzanne, Berkshire Hathaway, regarding zoning at 508 Grandview Ave.
12. Inspected hole at Main St. bridge.
13. Spoke with Dawn, Calvin Church, regarding zoning for erecting a shed in the rear of the parking lot.
14. Created building permit for Calvin Church parking lot exit sign onto Division St.
15. Created building permit for gravel parking area in front yard at 106 S. Pittsburgh St.
16. Created violation notice for Calvin Church having no permit for PMF storage container at rear of parking lot.

Respectfully submitted,
Allen E. Bayer