

January 4, 2022

# HARMONY BOROUGH COUNCIL MEETING January 4, 2022

**COUNCIL MEMBERS PRESENT:**

Greg Such

Phyllis Metz

Frank Luek

Dave Szakelyhidi

Joe Dippold

Don Sims

Jason Sarver

Mayor Cathy Rape

**OTHERS PRESENT:**

Frank Grannon

Chief Miller

Matt Racunas, Solicitor

Susie Altemus - virtually

Rodney Gasch - virtually

Sam Hopkins - virtually

Josh Meeder - virtually

Tom Thompson, Engineer - virtually

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**CALL TO ORDER:**

Council President Greg Such called the meeting to order at 7:00 pm. This meeting was held in-person and remotely through Zoom virtual meeting.

**PLEDGE OF ALLIGANCE:**

**MINUTES:**

In a motion made by Frank Luek and seconded by Don Sims, the Harmony Borough Council unanimously approved the December 7, 2021 Council meeting minutes.

**SOLICITOR'S REPORT:**

Solicitor Matt Racunas gave an update on the LGUDA for the RACP loan, the bank will need to do the forms as the forms Matt had will not work for the type of loan. Matt will follow up with the bank solicitor.

Solicitor Matt spoke with the Solicitor regarding the CVE Easement, we are still waiting on a drawing/map of the playground equipment placement/location, their solicitor will follow up with Emily.

The 2022 Tax Rate Ordinance is ready to be advertised, the tax rate includes the fire tax millage increase.

In a motion made by Don Sims and seconded by Joe Dippold, the Harmony Borough Council unanimously approved to advertise the 2022 Tax Rate Ordinance.

Dave Szakelyhidi inquired on Jackson Township, they raised their Fire Tax to 2.5 mills and gave a lump sum that is equivalent to the 3 mills according to the paper (Butler Eagle).

Harmony's motion was that all three municipalities would be the same for the Fire Tax millage. Don Sims commented this motion is to advertise the Tax Rate Ordinance. Solicitor Matt commented that it is a municipal election year and the Borough has until February 15<sup>th</sup> to reopen the budget and change things around. Amy Brown inquired about the Local Millage report that was due by January 5<sup>th</sup> to Butler County. Solicitor Matt commented that he doesn't know about Butler County, but per Borough Code we can reopen the budget until February 15<sup>th</sup>. Greg Such commented that they would need to reprint the tax cards if we change the tax rate.

Solicitor Matt reported on the Resolution for the Butler County Hazard Mitigation Plan. Harmony Borough does not set or establish their own Hazard Mitigation Plan but opt into Butler County's.

In a motion made by Don Sims and seconded by Joe Dippold, the Harmony Borough Council unanimously approved to adopt the Resolution for the 2021 Butler County Hazard Mitigation Plan.

Matt also gave an update on the Right-to-Know appeal with the Office of Open Records. The Borough received a Right-to-Know from a resident, the resident filed an appeal with the Office of Open Records. Matt asked for mediation on the issue, the resident declined mediation, that forced the Borough to file a brief with the Office of Open Records. The Borough received final determination back, we were successful on one issue and the other issue the Office of Open Records wanted us to get the emails from Council. Matt had Amy get the emails from council and Matt will be getting those to the resident and that will close the matter. Jason Sarver inquired if Council should always copy Amy on emails and if we did anything wrong. Solicitor Matt responded no we did not do anything wrong. Matt respectfully disagrees with the decision we received. The request that came in requested Borough emails, in Matt's legal opinion, Borough emails are only emails from Amy's

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**SOLICITOR'S REPORT CONT.:**

account or anybody in the office not Council members' personal email even if it is Borough business.

Matt reported that the Borough received another Right-to-Know for information in regard to the Borough's pension, it is from an investment advising firm; we will be working on that with Attorney Randy Rhodes.

**Police Report:**

Report submitted via email.

Chief Miller commented that the Silvester brought more people than anticipated, will look at it next year to possibly increase security.

Frank Luek inquired on the signage for Truck Route on trucks coming from Evergreen Mill Road. Chief Miller will get with Frank Grannon to see what they can come up with.

**BOARD REPORTS/APPOINTMENTS:**

**Appointments:**

Greg Such reported the appointments were done at the Reorganization meeting last night.

**Council of Governments (COG):**

Phyllis Metz reported that the next meeting will be later in January.

**HARB:**

Dave Szakelyhidi reported that there wasn't anything brought before HARB except the Neff House sign. Greg Such commented that there are two issues, one is what is the definition of a sign at ground level and the other issue is if the sign is going in the Borough right-of-way. Mayor Cathy Rape inquired how wide is the grass area. Sam Hopkins responded that the grass is 5'5" wide and the sign is 4' wide. Frank Luek inquired if the size of the sign will set a precedence for the Historic District. Sam Hopkins commented that the sign is allowed to be 32 square feet, he sent an email to Amy, she forwarded the email to council. The email had examples of signs in the Borough that are not ground level. There is a sign three doors up that is basically the same style on two posts about 7' tall and the sign/words do not touch the ground; not to pick on Robinson but their signs were easy pickings, there were pictures of Robinson's signs with the same style with the posts. Sam commented that he needs to raise it off the ground because if it snows everything will be under the snow, especially with the road being plowed. Greg Such commented that we already have precedence, we need to figure out going forward what the definition is of ground level. Solicitor Matt commented that it maybe something Council wants to look at and do a quick revision to the Ordinance to clarify it. The fact is that it is not defined; to him ground level does not include the post. The interpretation to Matt would literally be at ground level, if wanted on post they could go to Zoning for a variance. Sam Hopkins commented that he was going on precedence of existing signs that have just been put up and approved by HARB, Council and Allen where they don't touch the ground and are up on post. Don Sims inquired if the sign will be placed on Borough property. Sam Hopkins responded yes in the grass strip. Don Sims replied that is Borough property and inquired if there are any other signs on Borough property. Sam responded that a couple doors up, Creative or Beauty Creations, that is on probably on Borough property. Solicitor Matt inquired if it is

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Borough property or Borough right-of-way. Sam Hopkins commented that his pin starts at the brick, then the sidewalk which is Borough property but he has to maintain it, there is a concrete wall and then the grass strip and then the road. Sam mows the grass strip and he maintains the sidewalk and he wants to put the sign on the grass strip. Matt commented that in that grass strip there are utilities underneath. Sam responded that they did a PA One Call to locate all the utilities. Matt cautioned Sam that if his sign is in the utility easement, the utility company will remove the sign if they need to access the lines. Sam commented that the only other option would be to put it on his property but then it would be below the street. Don Sims commented that having a sign next to the road is not a good idea. Greg Such inquired if a bracket on the building like the Wunderbar sign. Sam replied that the bricks are too soft. If placed on the fence, the sign would not be seen. If placed on the cement wall, kids will walk the wall and hang on it and possibly damage it. Jason Sarver suggested meeting with the sign manufacturer to come up with idea. Sam responded that he did meet with Ray at Sign Innovation. Greg Such suggested it be tabled for now. Joe Dippold suggested to take it to HARB and talk to Brett.

**Water Authority Board:**

Dave Szakelyhidi had nothing new to report, requested an executive session.

**Parks Board:**

Susie Altemus reported that it was a great day for the Silvester, had a really good turnout. There were 342 people sign up for the 5K and 97 for the 1-mile. This was the first time using Wolf Creek Time Management, they did a really good job, the finish was real nice and there were no issues. The fastest male runner had a 4.55 mile and the fastest female runner had a 6.20 mile. Cathy Rape thanked the Parks Board. Greg Such commented we had more people than expected and thanked Susie. Jason Sarver commented nice work!

**Library Board:**

Frank Luek reported that there was a pop-up bar at the Kountry Kitchen as a fundraiser for the Library, it was a good money maker.

**Planning Commission:**

Frank Luek had nothing new to report.

**WBCA:**

Greg Such had nothing new to report.

**Shared Services:**

Greg Such reported on the leave pick-up, it was suggested that the Borough do one final with Zelig picking them up. Frank Grannon commented that there are only seven piles out. It was decided that it was not worth the expense, the residents could bag them and put them in their garbage.

**Parking and Signage:**

Greg Such had nothing new to report.

**Historic Harmony:**

Rodney Gasch reported that the Silvester was real successful, huge lines at the Gluhwein hut, the Christmas tree toss lasted an extra hour than it was supposed to, there were real nice crowds. Nominations for the Heritage Awards are being accepted through January 31<sup>st</sup>. Greg Such inquired if Historic Harmony would be interested in paying for a port-o-john during the Silvester, Parks Board was thinking about doubling the number of them, if Historic Harmony and the Fire District could pay for one. Rodney said they could possible put one over by the Gluhwein hut. Rodney reported that there were prizes of gift certificates of \$20.22 for the Enchanted Olive, Wunderbar and the Lauger Haus for the Christmas tree toss. There was a men's division, women's division and the kids' wreath toss. Rodney also reported that the Parks Board, the Museum and some stores usually do a full-page ad in the Cranberry Eagle promoting the Silvester. Rod approached Sherry (Cepek) to see if HBA could chip in and Sherry said it was too late to get approval but Sherry and the Enchanted Olive will cover the cost of the full-page ad. Rod thanked Sherry for that.

**HBA:**

Sherry Cepek was unable to attend, Cathy Rape reported that they had a Christmas Party meeting at Bottlebrush, it was not well attended. Greg Such reported that the Silvester also got a listing in the Outdoor Magazine which is a national publication. Susie Altemus reported that he called her, he was from Austria and said that the Silvester is very popular over there like the Turkey Trot is here so he was very interested in it. It was a nice little plug. Greg Such thanked Susie for that.

**Other Meetings:**

Joe Dippold reported on the EMA Zoom call, the trailer that they had is going to be refit as a flood response trailer run by the Fire District. Scotty Garing is going to be the temporary EMA Coordinator while Robbie and John are out of town. Greg Such reported that there was a Storm water meeting he was unable to attend. Cathy Rape attended and reported that Jackson Township is on board with the Swampoodle area being one of the projects.

**PUBLIC COMMENT:**

**Josh Meeder – 253 & 257 Mercer Street** – Josh Meeder inquired on the budget and storm drain and movement on Mercer Street and the larger plan from Butler County was coming in. He wanted to see about work getting done this year to relieve some of the stormwater issues from Swampoodle, under Tod's shop and Josh's building with that storm drain. Greg Such commented there was a stormwater meeting in December and there will be one in January, the plans for what we do along that whole area are indetermined; we do have a little bit of money set aside to do something. Josh Meeder commented that he didn't realize it was put in with the stormwater, he inquired if that amount has been made public, any idea when we will have a plan and move that forward. Don Sims commented that until Jackson comes up with their plan of what they want to do with Swampoodle, right now that is the control point, they are going to try to address the water fall flow. Frank Luek commented that Tom Thompson has been looking at Tod and Josh's area. Greg Such commented that the Engineer's Report is later in the meeting.

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## **BOROUGH STAFF REPORTS:**

### **Office:**

Amy Brown had nothing new to report. Cathy Rape inquired on the calendar of things to be done. Greg Such commented that it was a calendar on our website, it is internal not public. Cathy inquired if it could be on the Agenda as action items that need done. Solicitor Matt suggested to do it internal, and not put it on a public agenda. Don Sims commented that leaf pick-up and limb pick-up are on the water bills. Greg Such commented it is also in the Newsletter. Cathy commented that it is also things that Frank needs to get done; like line painting, she would like the lines painted by a certain time. Greg Such commented there is an internal calendar on the website but somebody needs to make a list. Don Sims commented that she is talking two separate list, action items and calendar items that are performed. Calendar items like leaf pick-up and limb pick-up we put that out on water bills. Cathy commented that is for public but she is talking about jobs that need to be done by Borough people. Don Sims inquired what that would be. Cathy Rape replied line painting. Don Sims replied that is done as needed. Greg Such commented that we do have a calendar that we have the opportunity where things can be posted but somebody needs to write the list.

### **Borough Director of Operations:**

Frank Grannon reported that there is graffiti on the bridge, he contacted Butler County they will come down in warmer weather to look at the barn stone to see what they can put on it, do not want to damage the sandstone more than the graffiti did. The four LED lights ordered last year are here and inquired where Council wants them. Cathy Rape commented that Siebel requested that the one light be replace on 68. Don Sims inquired if that was decided last year. Dave Szakelyhidi suggested let Frank decide. Greg Such commented that maybe one of the ones we take down could be put at Mark's. Joe Dippold will talk to Mark about rewiring that light. Frank Grannon is to get the price to Don Sims and Don will send out an email for ordering four more lights. Frank Grannon reported that the employees did a good job filling in while he was out.

### **Zoning and Codes:**

Allen Bayer report submitted via email.

### **Engineer Report:**

Tom Thompson reported on the Diminno area, the issue they have is trying to locate stormwater mapping that is accurate that would tell the slopes and the capacity of the existing pipes. The goal is to design the stormwater system that handles a 10-15 year storm. They do not have the slopes or the exact sizes of those pipes to be able to see if there are any area of those pipes that are more restrictive of that area. Don Sims has an email from Ziegler where he gave all the elevations, Don will send the email to Tom Thompson. Tom also reported that the January 18<sup>th</sup> Stormwater Management Zoom meeting at 1:00pm is supposed to be earmarked towards getting movement on some of the projects that are on the list and we will have a little more direction from that meeting to see if any of those can move forward or how quickly they can move forward to get a push on the projects that will certainly help the area as well. Greg Such inquired on the email from Penn Dot in response to inquiry from Bill Thomas where Penn Dot basically said they have looked at the culvert under 68

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and it is not their problem. Tom Thompson reported that Penn Dot looked at it and said there are no restrictions or causes for any water related issues because of their culvert is open and can transfer the water that is needed. Greg Such commented that one thing they neglected to mention is all the water that runs off 79 and runs down through the Spring Street valley. Tom Thompson responded that we can remind them of that, Zelienople had reminded them of that with the drainage that goes through the Park essentially what they were told was when 79 was installed there weren't any regulations that required stormwater run off control and they wouldn't have the capability of providing for easements and controls at this time for something that was created in the past. Tom Thompson and Greg Such will write a letter to Penn Dot. Tom also reported that he is working on a proposal for the electrical to do the wiring aspects in two phases, one in the Square and one to extend out of the Historic District so when a design done the design is complete and you would only bid out portions of it; Tom should have this for the next meeting.

**Public Safety:**

Phyllis Metz had nothing new to report.

**Business Development:**

Mayor Cathy Rape had nothing new to report.

**Personnel:**

Greg Such reported that an executive session is needed.

**Finance:**

Greg Such reported that Ann John had asked if the Borough would pay her association tax collector dues, it is \$20 for 4 years.

In a motion made by Dave Szakelyhidi and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved paying the \$20 association tax collector dues.

**Streets:**

Don Sims reported salt is good, equipment is all good and waiting for spring to look at our road conditions to see where we want to pave. Phyllis Metz reported there is a hose by Thomas and Lutz's house that runs out into the street and is causing an ice on the street. Frank Grannon will look at it tomorrow, Allen Bayer may need to look at it.

**Facilities:**

Dave Szakelyhidi reported that two more lights are needed in the garage, they are \$99 each.

In a motion made by Don Sims and seconded by Dave Szakelyhidi the Harmony Borough Council unanimously approved the purchase of two lights for \$200.00 Phyllis Metz reported on the old records upstairs, there is a lot she can get rid of that does not need to be shredded. She would like to have the guys load up the truck and take it to the dump as it may be easier than putting it in the dumpster once it is sorted. The cost is \$65/ton and they prorate it down. Frank Grannon commented that we have to use the pick-up as we do not have a Dot number for the dump truck and cannot dump without it. Cathy Rape inquired if they would need to throw it off

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by hand. Frank Grannon responded yes but it would probably be cheaper than paying for an extra dumpster pick up. Amy Brown reported that John Rice suggested using the Paper Retriever. Phyllis Metz commented that they are always full. Don Sims commented that he thinks Phyllis has a great idea, if it is out in the dumpster then somebody could go through it. Take it in the pickup truck to the dump will be inexpensive and it will go right in the landfill.

**Grants:**

Greg Such had nothing new to report.

**Training & Conferences & Correspondence:**

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 \$ **12,856.09**

**Silvester Fund Bills Payable** in the amount of \$ **3,190.03**

**Payroll** in the amount of \$ **7,413.43**

**General Bills Already Paid** in the amount of \$ **6,914.93**

**Silvester Fund Bills Already Paid** in amount of \$ **300.00**

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

Council President Greg Such called for an executive session at 8:20pm, out of executive session at 8:47pm.

**Adjourned: 8:47pm**

As there was no further business to discuss, the Harmony Borough Council adjourned the January 4, 2022 In-person and Zoom virtual meeting at 8:47pm.

Respectfully Submitted,



Amy Brown, Recording Secretary



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

**December 2021**

1. Stopped by the office periodically to pick up mail, complete Building Permits and sign violations notices.
2. Filing and administrative work.
3. Called Ray Racoon, Sign Innovations, regarding sign permit for Sam Hopkins, left voice mail to return my call.
4. Called Brett regarding a certificate of completion for an office in Harmony, his voice mail box was not set up yet therefore could leave no message.
5. Spoke to Matt regarding if there is an ordinance in Harmony regarding removal of leaves from resident's lawn. He is annoyed by his neighbor's leaves blowing over his property.
6. I received a call from Dale Craig regarding his purchasing 119 Jackson St. and settlement on the property on 12/10/2021. Dale would like to meet to discuss constructing a garage in the rear of the property. I reviewed Ordinance 425, construction in flood prone areas in the borough. I then contacted Dale and set up a meeting on 12/8/2021 at 1:30 to discuss the requirements.
7. Attended December HARB meeting.
8. Requested Matt to schedule a hearing for sidewalk violation at 733 Spring St.
9. Reviewed drawings for sign at Neff Haus.
10. I took pictures of the sidewalk violation at 733 Spring St.
11. I met with Dale Craig, 119 Jackson St., to review flood plain ordinance 425 for construction of a garage in rear yard.
12. Spoke with Dale Craig, 119 Jackson St., regarding additional zoning and code questions.

13. Various communications with Greg and Matt regarding sign permit for Neff Haus. Contacted Sam Hopkins to discuss his sign building permit for the Neff Haus. Sam will attend the 1/3/2022 Council meeting to further discuss the Neff Haus sign.
14. Inspected abandoned vehicles at 248 Mercer St. They are still there. I sent a Warning Violation Notice.
15. I prepared December Activity and Time Reports.

Respectfully submitted,

Allen E. Bayer