

August 1, 2023

HARMONY BOROUGH COUNCIL MEETING August 1, 2023

COUNCIL MEMBERS PRESENT:

Greg Such

Phyllis Metz

Frank Luek

Dave Szakelyhidi

Joe Dippold

Don Sims

Jason Sarver

Mayor Cathy Rape

OTHERS PRESENT:

Susie Altemus

Rodney Gasch

Frank Grannon

Chief Jim Miller

Andrew Orient

Larry Reynolds

Tom Thompson

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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 Jason Sarver, the Harmony Borough Council unanimously approved the July 11, 2023, Council meeting minutes.

SOLICITOR'S REPORT:

Solicitor Matt Racunas reported that the SALDO changes were sent to Butler County Planning and will be sent to our Planning Commission for review and comment. Matt reviewed the Southwest Butler County CoG proposed documents, there was a small change made to make it easier to opt out under a timeframe; Matt is fine with those documents. Solicitor Matt reviewed the changes that a resident had submitted to our Nuisance Ordinance, there are some legal issues involved if Council is interested or not interested in proceeding on that. If Council wants to amend the ordinance, Matt can look into what those issues might be and how stringent or non-stringent we can be with any updates to our current ordinance. Solicitor Matt also reported that the Volunteer Fire Department loan guarantee is in process; Anthony Ditka informed Matt that the loan will not impact the Borough's borrowing base. The next step is to prepare an ordinance to adopt. Greg Such reported on the Harmony Fire District loan guarantee that there will be a TEFRA hearing August 3rd, the TEFRA hearing provides the residents an opportunity to comment if the Fire District should be allowed to take a loan. After the TEFRA hearing, they will send the paperwork out. They were hoping to have the paperwork out by this meeting but they missed the date, we may need to have a meeting in the middle of the month or do a vote and ratify it at the next meeting. Greg reported that Zelienople voted to join the Southwest Butler County Council of Governments (CoG) last night at their meeting and would like Harmony Borough to join the Southwest Butler County CoG as well, it gives the Borough some oversight of the Fire District. In a motion made by Dave Szakelyhidi and seconded by Jason Sarver, the Harmony Borough Council unanimously approved joining the Southwest Butler County CoG. Mayor Cathy Rape inquired if the Southwest Butler County CoG was the four municipalities for the Fire Company or the Stormwater and asked if the Borough would need to pay dues. Greg Such responded that it is the four municipalities for the Fire Company and that the cost would be allocated according to the size of the municipality.

BOARD REPORTS/APPOINTMENTS:

Appointments:

Greg Such reported that Allen Bayer retired and welcomed Larry Reynolds as the new Zoning Officer. Greg also reported that Nick Hewlett resigned from the Water Authority Board and in his place the Board would like to appoint John Ziegler. In a motion made by Dave Szakelyhidi and seconded by Phyllis Metz, the Harmony Borough Council unanimously approved the appointment of John Ziegler to the Water Authority Board.

Council of Governments (CoG):

Greg Such reported that there was nothing from the Butler County CoG.

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HARB:

Dave Szakelyhidi reported that there was one Certificate of Appropriateness that HARB approved and recommends to Council.

614 Wood Street – Jodi Correll – Replacement of landing and step to the door on Foundry Alley (southside) not to exceed 40” x 40” and 20” in height; material is concrete.

Replacement of wooden fence on east, west, and south sides of property – modified picket, dog eared style, 42” in height. In a motion made by Dave Szakelyhidi and seconded by Frank Luek, the Harmony Borough Council unanimously approved the Certificate of Appropriateness for 614 Wood Street.

Harmony Water Authority:

Dave Szakelyhidi reported that they are currently working on a chlorine loop that will be implemented about a year out, it will increase contact time and hopefully bring the plant back up to designed capacity. Dave also reported that the Water Authority is in the process of looking to hire an operator. We have four licensed operators and both Engineers, Tom Thompson and Paul Cornetti have their license.

Parks Board:

Susie Altemus reported that RB Tree gave a quote of \$450 to remove the dead pine tree at Wood Street Park and asked if the Borough would cover it. Don Sims inquired if the \$450 was to drop the tree or drop the tree and remove it. Susie responded to drop the tree and remove it. In a motion made by Don Sims and seconded by Dave Szakelyhidi, the Harmony Borough Council unanimously approved R&B taking down and removing the dead pine tree at Wood Street Park in the amount of \$450. Susie reported that it took one week, at least 30 hours, to remove the thistles at Swampoodle Park and they are coming back already. Susie ordered two more gallons of vinegar to use. Torched is \$150 for 2.5 gallons, it is safe for playgrounds. Frank Luek commented that it may be time to put new membrane and fall chips down. Greg Such commented the roots of the thistles may be under the membrane. Greg Such suggested doing a square of vinegar and a square of torched to compare which weed killer last longer. Susie will order a gallon of torched and a gallon of vinegar. Susie Altemus reported the next concert is on August 10th with the John Burgh Band, it is the last concert of the summer. There was a great turnout for the previous concert, This, That and the Other Thing. Susie contacted Wolfe Creek to book them for the Silvester and is looking into getting shirts from them for the Silvester as well. Susie is working with the Museum to get signs for the Silvester to put up on the new sign on Rt. 68.

Library Board:

Frank Luek reported that the Library is sponsoring “Polkameisters in the Park” on August 15 at 7:00PM at the Zelig Park Amphitheater.

Planning Commission:

Frank Luek had nothing new to report.

WBCA:

Greg Such reported that Zelig voted last night to renew the Authority’s 50 year charter.

Shared Services:

Frank Grannon had nothing new to report.

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Parking and Signage:

Greg Such reported that there was discussion about the crosswalk sign, it will go behind the granite monument but will need HARB's approval. Sam Hopkins commented that he will buy a nicer, more historic looking sign. Cath Rape commented that she feels that it is a bad place for the sign, Greg agreed but stated he appreciates Dave's concern.

Historic Harmony:

Rodney Gasch reported that work will begin this month on the Ziegler Log Cabin roof, it is the cabin next to Grace Church. The slate was donated from an old barn in Chicora and a barn in Slippery Rock. There is a new event coming up in September, The Art of Harmony, it is a joint venture between the Bottlebrush and the Museum. The exhibit will feature art about Harmony, or by artists from Harmony. It will run September 16th through September 30th and will be in Stewart Hall and the Bottlebrush. On Friday, August 4th there is a reception in honor of Tim Shaffer who was a State Senator, a Judge, board member and long-time supporter of the Harmony Museum. The reception is for disbursement of Tim Shaffer last will and testament. The Museum will receive \$1.2 million dollars. Tim stipulated the money be used for Museum building repair and maintenance with limited spending per year. This gift will allow for new windows, paint and the bricks tuck-pointed on the main building. It will not cover all expenses, money to pay for programming, utilities, salaries, and property liability insurance will still need to be raised and volunteers will still be needed. Rodney also reported that the stairs and railing at Rapp's Seat were repaired and fallen trees were cleaned up by six students from Seneca Valley who had community service; Frank Luek supervised the projects. Rodney commented that the students are coming back to do some weeding around Stewart Hall. Greg Such commented that the Borough has curbs that need to be weeded if there is time when they come back.

HBA:

Cath Rape reported that Thursday, August 3rd is the next meeting at 6:30 PM at the Wunderbar patio.

Other Meetings:

Greg Such reported that the Commissioners' Communications meeting is August 3rd at 10:00 AM and the Stormwater meeting is August 9th at 1:15pm.

PUBLIC COMMENT:

Andrew Orient – Andrew stated he would like to revisit the over amplification of the music and voices at the Harmony Inn specifically Monday nights open mic and Tuesday nights karaoke, Andrew has videos/recordings of the last six events to send to Council. The Inn's website states they are open until 9:00pm on weeknights and it is 10:00 PM on their phone message but it was still amplified last night at 10:30 PM; it is a nuisance and how do we persuade them to be better neighbors? Andrew commented that it is important enough that the citizens discussed hiring a third-party sound expert to get a decibel reading to bring to Council to get Council to do more than say they sent the Inn an email. Mayor Cath Rape commented she doesn't like the idea of citizens paying for that themselves, it is up to Council to see for themselves or pay someone to monitor it. Greg Such commented that by 10:20 last night they were done but had music playing. Andrew Orient commented that if they could just be consistent and close at the proper time. Solicitor Matt commented that the ordinance doesn't give a decibel reading. Generally, you take the ordinance to whomever is

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PUBLIC COMMENT CONT.:

Andrew Orient Cont.:

causing the nuisance and try to work something out; which we've done a number of times over the years. There is a balance between them trying to run a business and use the outdoors vs. going over the top and annoying the neighbors. Jason Sarver commented that Council addresses it as soon as they get complaints. Mayor Rape commented that residents are tired of coming to Council and getting the same answer of we'll talk to management, or management changed let's give them another chance. Cath Rape suggested no amplified music, make it acoustic. Jason commented that the owner's response to that is that it doesn't draw the business. Frank Luek commented that you can hear it blocks away. Jason Sarver commented that some may say This, That and the Other Thing was loud; not complaining but it was loud and you could hear it blocks away and that was the Borough's event. Frank Luek commented that our concert was all done by 9:00 PM. Dave Szakelyhidi suggested limiting the Inn's music to 9:00 PM. Solicitor Matt commented that you don't want to infringe upon someone's constitutional right to earn a living. There is a balance with running a business but impacting residents in a negative way. Matt suggested starting a conversation with the business owner that the Borough ends their events at 9:00 PM, and suggest they take theirs inside at 9:00 PM. Andrew Orient commented that when you call 911 the police say it is subjective, and residents need to go back to Council to enforce their ordinance. Greg Such suggested letting it work for a little bit and see what happens. Jason Sarver will have a conversation with the Magistrate to see where she stands, in general, coming from a commercial district. Solicitor Matt commented that it is tough because it is mixed zoning - commercial/residential. In his experience the Magistrate will tell both parties to work it out and suggested before spending time and money trying to go the citation route, try to work it out and have an agreement on how to resolve the issue and then that agreement is breeched, then you go the citation route.

Don Sims inquired on the Nuisance Ordinance, does Council want Matt to look into if the Borough can make the adjustments that the resident had suggested or if Council was not interested in having it reviewed? Joe Dippold commented that he wasn't interested in reviewing it. Dave Szakelyhidi commented we shouldn't call any attention to it. Frank Luek asked Matt what he saw in our ordinance. Solicitor Matt commented that he hasn't really looked into it, his experience with what the resident is trying to regulate gets very passionate on both sides on how people feel about these types of things. Frank Luek commented that you can see it state-wide, every state that tried to make these ordinances have been struck down. Greg Such commented that Zellenople didn't want to go forward and their attorney's advice was that they cannot enforce it.

A motion was made by Don Sims and seconded by Frank Luek to review the resident's proposed changes to the Nuisance Ordinance. Roll call vote: Phyllis Metz – no, Frank Luek – no, Dave Szakelyhidi – no, Joe Dippold – no, Don Sims – yes, Jason Sarver – no. Council opted not to review the Nuisance Ordinance. Cath Rape will let that resident, John Beighey, know that no change will be made.

BOROUGH STAFF REPORTS:

Police Report:

Report submitted via email.

Chief Miller suggested changing the Borough's Nuisance Ordinance to include times.

Solicitor Matt will look at the Borough ordinance as some thought there were times listed.

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Office:

Amy Brown had nothing new to report.

Borough Director of Operations:

Frank Grannon reported that he's still doing a lot of mowing. The catch basins on Center Street are in. Shields will be in on August 11th to mill Center Street and Mercer Street, the pavers will be coming in after that, but the exact date not given yet. We will send out a notification next week that Center Street will be closed with no parking. Shields will do traffic control on Mercer Street for the milling and paving from the bridge out to the Borough line. Don inquired when they would asphalt, Frank responded probably Monday as they are milling on Friday. Don doesn't like waiting that long because of the structural integrity of the street. Cath Rape inquired if there was graffiti under the Rt 68 bridge, Frank Grannon responded that he removed it, it was about 1/2". Greg Such reported that they need to work on the catch basin grant, the MIP Grant as the bid came in twice as much as the grant. We have an itemized bid and is hoping to pick which to do and may need Tom Thompson's help on how to manage it.

Zoning and Codes:

Allen Bayer report submitted via email.

Larry Reynolds reported that 766 Spring Street put a concrete driveway down without any permits, the reaction from one of the homeowners was it's not my property. It is actually a paper street which is the property of Harmony. The paper street can be abandoned by the Borough and the two property owners get the property, or the Borough makes a stipulation that if the Borough ever wishes to activate the paper street the Borough will come in and rip up the driveway. Phyllis Metz commented that it is her and Tim's (Eppinger) driveway, they didn't realize a permit was required for a driveway. Zoning Officer Larry Reynolds commented that a concrete driveway requires a building permit. Phyllis applied for the permit. Solicitor Matt commented that it is already legally abandoned, after 21 years if a paper street is not opened the property owners get it. Frank Grannon commented that you cannot do that in this case because Phyllis's property is behind two houses and it is the only access to her property. Solicitor Matt reported that you cannot landlock a piece of property, that property owner has a legal right to access their property, it is called a prescriptive easement. Dave Szakelyhidi commented the Borough should allow the residents to concrete it and if the Borough needs access, they still have access. Greg Such commented that the Borough does not want it closed, it is to our advantage to leave it open. Solicitor Matt commented that the Borough does not own the paper street, a paper street says the Borough has a legal right to make it into a street, but after 21 years that legal right goes away. There are ways to get it back, you can have the owners petition to say they want it to be a street. Council agreed to allow the concrete driveway, Larry will issue the permits tomorrow. Larry Reynolds also inquired as the Zoning Officer if he is allowed to be on the Planning Commission board. Solicitor Matt commented that he is because the Planning Commission is an advisory board.

Engineer Report:

Engineer Tom Thompson reported that headway was made on routing the storm sewer system from Spring Street down on the Stormwater Project, they are working on those plans with the goal to have packets available at the September meeting to advertise and open in

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Engineer Report Cont.:

October. He will work with Matt on easements. For the Little Creek Road Stormwater Project he is working with Penn Dot to determine jurisdiction to see who is responsible for that, Tom is hoping to have an answer this week to be able to move forward. They started the GIS digitizing portion for the pervious area, when that mapping procedure is done, the Borough may want to add storm sewers to it for the stormwater mapping. On the Square Project, they are still waiting on data from Penn Power on layout for locations of power penetration. Tom also got the information from the Mayor on what Beaver did and will incorporate that in as one of the options and the surface treatments for the sidewalks. Dave Szakelyhidi inquired if the Borough should be looking at the grant money available for broadband, the last mile. Tom Thompson commented that it is geared towards taking broadband to areas that doesn't have it so we're limited to what we could do with it in areas that already have broadband. We are working with Armstrong; often times we can do an application and they provide a match for the application; if we can have them assist us in doing something that will benefit both parties that is what we want to do.

Cath Rape commented on the article in the Borough News about other areas having problems with the State, the State has to be accountable with the stormwater they are throwing off their roads. Tom Thompson commented that on new projects the State is taking responsibility but they will not do anything on old projects or previous issues. Solicitor Matt commented that the State is saying that Stormwater fee is not a fee but a tax because they do not want to have to pay the fee and are tax exempt.

Public Safety:

Phyllis Metz reported that she needs the Certificate of Insurance for the November 11th Event Form for the Memorial 5K, they said they would send it as soon as they could. Phyllis also reported that she will send a message out about the concert for Thursday, she is getting better at sending the announcements.

Business Development:

Cath Rape thanked everyone who helped with the new sign on Rt. 68, Paul Wegweiser made the sign for free except for the material cost, Frank Luek, Bob Franz, and Jason Kratochvil and Van Kratochvil moved the sign, and concreted it into the ground. Frankenstein Builder Supply donated the stone, Susan Franz will be painting the decorative part of the sign. Cath would like Amy (Borough Secretary) to be the contact to reserve the sign. The sign can be used/reserved by HBA members, the Fire District, and Robinson Fans, the maximum length to reserve the sign is two weeks for special events. Mayor Cath Rape also thanked Tom Tomayko, Sr. for his years on Council, Tom passed away July 13th. Joe Dippold suggested donating a book to the Zelig Library in memory of Tom Tomayko. In a motion made by Joe Dippold and seconded by Don Sims, the Harmony Borough Council unanimously approved donating a book to the Zelig Library in memory of former Councilman, Tom Tomayko, Sr. Cath Rape reported that the Flea Market held in the Borough lot was well received, there was a lot of foot traffic; \$166.00 will go towards the cluster box. Cath would like to propose that the Borough building/council room be open and a tent be set up in the Borough lot during the Christmas Market for an antique show; the profits will be donated to the Library and Parks. Amy Brown commented that the Borough has an ordinance stating the borough building cannot be used. Cath Rape commented that it would be a borough event. Solicitor Matt commented that he will look into the ordinance but the discussion was not to open the building up to any outside event.

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Personnel:

Jason Sarver commended Allen (Bayer) for helping with the transition of the new Zoning Officer, Larry Reynolds. It went very smooth. Greg Such reported that the Borough implemented a time off request form that the auditors wanted. Jason Sarver commented the form is for documentation. Frank Grannon commented that Amy, Sean and himself have all reached out to Steve and feels that Steve would appreciate a call from someone on Council or the Water Authority Board. Dave Szakelyhidi commented that he would call Steve and Jason Sarver commented that he will also call Steve. It was suggested that Dave call in August and Jason call in September.

Finance:

Joe Dippold had nothing new to report.

Streets:

Don Sims reported that limb pick up is this Thursday, August 3rd. Greg Such reported that a citizen volunteered to run the line striper and has a crew, it is Jim John, Ann John and Cath Rape. Cath Rape commented that she is sorry that it takes until August to get the crosswalks done. Frank Grannon responded that they are always done in August before school starts. In a motion made by Joe Dippold and seconded by Jason Sarver the Harmony Borough Council unanimously approved volunteers Jim John, Ann John and Cath Rape to do the line striping.

Facilities:

Greg Such reported that we need more time to check out another source regarding the building alarm system. Don Sims inquired about Amy's email regarding the invoice for the battery pack for the current system. Council agreed to use the new battery pack as it will take a little before a decision is made on a new system, the invoice will be paid and added to the list bills for September.

Grants:

Greg Such had nothing new to report.

Training & Conferences & Correspondence:

Listed on the Correspondence List.

Greg Such commented that there is a webinar from PSAB regarding zoning and codes, he will send it to Larry Reynolds. Chief Miller commented that Larry Reynolds needs to be sworn in to issue citations, the Mayor will swear Larry in next month. Mayor Cath Rape commented that she didn't swear Allen in. Jason Sarver suggested checking the ordinance and added that Larry will need to be sworn in at the Magistrate's in order to issue citations.

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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 **\$17,184.23**

Liquid Fuels Bills Payable in the amount of **\$5,200.91**

Fire Tax Bills Payable in the amount of **\$587.94**

Payroll in the amount of **\$7,510.85**

General Bills Already Paid in the amount of **\$16,494.45**

Parks Board Bills Already Paid in the amount of **\$1,520.00**

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.

Adjourned: 8:27PM

As there was no further business to discuss, the Harmony Borough Council adjourned the August 1, 2023 meeting at 8:27PM.

Respectfully Submitted,



Amy Brown, Recording Secretary

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

July 2023

1. I stopped by the office periodically to pick up mail, complete Building Permits and sign violations notices.
2. Filing and administrative work.
3. I spoke with Christina Gorman regarding property at 126 Scott Ridge Rd. I referred Christina to Jackson Twp.
4. I attended the July HARB meeting.
5. I prepared a warning violation notice for construction without a permit at 413 Center St.
6. I spoke to Mr. Mantia, he assured me that the back porch would be cleaned off by the weekend.
7. I completed 2 building permits, US Liner for roof membrane and 420 Center St. for front porch steps replacement.
8. I inspected Mantia's rubbish violation.
9. I inspected a vegetation violation at 431 E. Beaver St.
10. I spoke with Robert Altemus, 1134 Seneca Dr., regarding a building permit for garage extension.
11. I created a building permit for a deck extension at 743 Spring St.
12. I responded to Nancy Korczynski, 101 N. Pittsburgh St., regarding the need for a building permit for a roll-off dumpster.
13. I spoke with Matt Hillwig regarding when his building permit for his deck would be ready.
14. I attended the August HARB meeting and introduced Larry to the members.
15. I met with Larry Reynolds and gave him the grand tour of the borough from a Zoning Officer's perspective.

16. I completed a building permit for a Harmony Borough Activity sign on E. Grandview.
17. I met with Larry Reynolds and reviewed all facets of the position. Code, building and fire inspection.
18. I created building permit for front porch steps replacement at 413 Center St.
19. I spoke with Katrina, Scheffler & Co. regarding installing a parking lot on Astor Lane. Since this is in a flood plain area, I researched the FEMA ordinance and advised her accordingly.
20. I prepared a violation notice for 764 Spring St. for an unpermitted driveway.
21. I inspected furniture violation on Mantia's back porch. Still not corrected. He promised to have it cleared off by Tuesday, 8/1.
22. I spoke with Janine Barkley regarding a dumpster on Center St. for roof replacement.
23. I spoke with Susan Webb regarding location of scaffolding for roof replacement.
24. I created a vegetation violation notice at 558 Main St.
25. I spoke with Rodney Gasch regarding a building permit for the new roof on the Ziegler log cabin.
26. I attended the August HARB meeting and introduced Larry to the members.
27. I met with Larry to handover updated files and review outstanding violation notices.
28. I prepared July Time and Activity Reports.

Respectfully submitted,

Allen E. Bayer