



COUNCIL MEETING MINUTES

July 7, 2014 @7:00 PM
159 MONROE STREET
PROSPECT, PA 16052

CALL TO ORDER: President Bill Marciniak called the regular meeting of the Prospect Borough Council to order @7:00PM with a salute to the flag. The Council members who were present: Dave Stellfox, Sam Wagner, Mary Harmon, Pete Bryan, Glen Gitzen and Bob Boice; Mayor Jim Butler absent. GTN Solicitor; Romel Nicholas and KLH Engineer; Rob Horvat.

APPROVAL OF MINUTES: There was one addition made to the June 2, 2014 Regular Council Meeting Minutes. Motion made by Ms. Harmon to approve; Mr. Bryan 2nd. Motion carried.

VISITORS: Marge and James Pifer, Nick Vaccarello, Mr. Skrak plus more residents of the Prospect Borough (see attached sign-in sheet).

Marge Pifer told the council they made them lose a sell on their home because we told the realtor and their prospective new buyer that they had no additional tap on their adjoining property. Ms. Pifer had letters stating they did have a tap. Ms. Harmon said the Borough has paperwork that show the Pifer's relinquished this tap about twenty years ago as they could not afford to pay the monthly fee. When they relinquished the tap is was capped at the end. There was a house on the property at one time but in 1993 the house came down. Mr. Nicholas read the letter and the letter said the removal was permanent; sewer line plugged at the main line. There was also a motion made and the motion carried by Council on May 3, 1993 for the sewage bills to be stopped and that the line be kept by the original tap for six months. Mr. Nicholas said this was all in a reasonable request that the tap was given up. Ms. Pifer said that Mr. Ed Robinson and Mr. Marciniak went to their home and a letter was written (dated September 28, 2012) to the fact that they did have a sewer connection. Mr. Nicholas said he will study all the paperwork and take recommendations under advisement.

Mr. Vaccarello told council the things in his agreement were not completed; manhole on driveway to be lowered, southwest fence corner on Todd Wilson's right of way (one foot over lane), grading not according to plan, drainage, etc.

Mr. Vaccarello said first he gave his right of way with no fees to the Borough, second someone needs to tell the Butler Eagle that the Butler Fair is located in Prospect Borough not Franklin Township and third Mr. Vaccarello will put all his

grievances in writing and will give to our KLH Engineer to look at, review and then we will rediscuss these issues.

Mr. Boice wanted to thank Mr. Skrak for the speed control sign and that this did help lower the speed in the Borough.

Mr. Skrak proceeded to ask when we would be issuing sewage taps and if there was a sewer permit application for this. The council told him we were not issuing any sewer permits at this time as we have a self-imposed moratorium. Mr. Skrak said the DEP told him there is no reason why he cannot have a tap. Mr. Skrak asked if we were telling him the system cannot handle another tap and/or he cannot just tap into the sewage system; he then said maybe he should get an attorney. Mr. Wagner told Mr. Skrak about the over flows at the Park. Mr. Marciniak told Mr. Skrak that Mr. Wagner and he were having a meeting with Dustin Drew; DCNR, to go over these issues. Mr. Skrak asked if the Borough had a holding tank ordinance; the reply was no, he then asked if we had a no septic tank ordinance; and the reply again was no. Mr. Nicholas asked if they would ask in advance about some of these issues they would have time to research further to get them an answer.

Bill Deemer wanted to discuss the new ordinance mentioned in the Borough's Prospector; any taps in the residents ground they will be charged. Mr. Deemer said this was illegal to print in the Prospector. It was mentioned to him we still have many costs involved; maintenance, the EQ Tank, degreasers, etc.

Mary Ann Mahan had a mother that passed away and her mother's trailer and tap are on her property. Her mother always paid her sewage bills on time and now the trailer has been removed and no need to use the tap and would like to know why she would have to pay for this as it is not being used. We have to impose a fee to include the debt service. Mr. Nicholas said the situation is not simple; many customers are not paying their bills and it is a complicated analysis. Mr. Nicholas said to give fairness to the current council as it came into quite a few problems and they are trying to fix them; it takes time. Per Mr. Vaccarello the bookkeeping was horrendous and when the sewage came to the Borough the resident had to tap in whether or not they wanted it. Mr. Marciniak said we need to get everyone to pay their sewage bills to fix many of these problems. In regards to customers wanting taps, the frustration is that the park (DCNR) is telling us no and now you are saying the DEP is saying yes. Mr. Marciniak wants the solution to be above board and legal for all of us. Mr. Marciniak had the paragraph noted in the Prospector approved by our solicitor. The moratorium is not lifted as the EQ Tank project is not completed yet. Mr. Boice made mention to the fact that the DEP lifted our moratorium as soon as we got the \$1,000,000 loan and had not even started the repairs yet; does this make sense, NO.

Ms. Robinson said in 1991 all mobile home courts were charged the same throughout the entire year on taps based on homes whether they left or not. Ms. Robinson said McGowan had asked council to not charge for empty lots.

Mr. Stellfox said all points are well taken; the Borough needs to manufacture an ordinance for mobile home parks as they contribute to one third of the Borough's income. We need to be careful, considerate and use caution as we do not want to drive the business people out.

LIBRARY: See attached Report.

SIDEWALKS & PUBLIC SERVICES: Mr. Gitzen had nothing to report. He mentioned hopefully in the Fall with the Borough participating in another survey and the State doing the budget at this time will free up some funds for us.

EMA: Mr. Stellfox had nothing to report but Nathan Blackwood has still not heard back from his 911 contact.

PLANNING COMMISSION: Alan Vagasky had nothing to report.

PARKS and RECREATION: Mr. Bryan went to the Park and all is well. He also checked in with the Library.

STREETS AND STORM WATER: Mr. Boice is waiting on the engineer for Wilson Road to get the ditch filled in. He stated we need to get the ditches cleaned and mowing done before we do the sealing on the roads. We can rent a grader at \$110.00 per hour from Connoquenessing, use Franklin Township's grader and mower for \$75 per hour or he would like to talk to Voelker as they could clean all dirt and streets. He will contact them to find out the charge. The completed bids are in so the cleaning needs done before the roads are sealed.

There were two bids; Russell Standard \$22,585.30 and Voelker Paving \$23,316.50. Dick Knapko at Penn Dot told Mr. Marciniak that we must take the lowest bid; Mr. Nicholas also agreed. This will be voted under New Business.

Mr. Boice wanted to see if Robert Hixson could put up the weight restrictions signs in the Borough (approved to purchase last meeting) per the Road Weight Limit Report from Keller Engineers. Mr. Nicholas noted this does not need to be advertised. Mr. Stellfox motioned to allow Mr. Hixson (Higgy) hang up the signs and that we do not need to advertise; Mr. Boice 2nd. Motion carried.

We received a formal complaint from James Shearer regarding the water running of the road into his driveway. We received a report from John Nath, Zoning Officer, that the side of the road does not have any curbs or catch basins. He suggested we talk with an engineer for cost analysis. Mr. Boice said we could try a cold patch to help him out; this may channel the water. Mr. Nicholas said if we

attempt to fix it then we are in for the total fix. He suggested in all fairness have an engineer take a look and see if that would work.

Wagner Agreement to be discussed in the Executive Session.

Mr. Boice said that cars are pulling onto sidewalks while parking at the Corner Store. He suggested to the owner to put some bumpers down or use signs. Mr. Boice will continue to check on this.

Mr. Stellfox said we need an ordinance regarding yard sales signs. Mr. Marciniak said the Municipal Code Book 19-15 has one and he will have our solicitor, Tony Colangelo, incorporate this into one of our ordinances.

It was also mentioned about the Butler Fair signs still being up; the ordinance requires to take down seven to fourteen days.

MAINTENANCE & FACILITY, BUILDING & GROUNDS: Mr. Bryan said all doors and window frames were painted and wanted to thank the maintenance crew. He mentioned they will continue to see how to correct the door on the adjacent building.

Mr. Bryan wanted to know since we now have a time clock in place if there was any reason any employee should be working at home. Chuck Tatton, Police Chief, says he makes calls at night at home. Mr. Vagasky said when he worked sometimes he also had to make calls from home at night but it should all depend on the type of job you are working.

Mr. Bryan said the price for the air conditioning system from Mr. Sarvey was \$2,700.00 with the unit being put behind the building. Mr. Bryan said this is up to council now. Council is unsure as is it really worth it as we would be only cooling two rooms and only once or twice a month or just purchase a wall/window air conditioner; they make them to run quiet now. Mr. Bryan made motion to have Mr. Hixson (Higgy) purchase an air conditioner for up to \$311.00; Mr. Gitzen 2nd. All approved but Ms. Harmon. Roll call was taken: Mr. Stellfox; no, Mr. Gitzen; yes, Mr. Boice; no, Mr. Bryan; yes, Ms. Harmon; no, Mr. Wagner; yes; and chair; yes. Motion carried.

PERSONNEL: Mr. Marciniak has started the evaluations with the employees and that the next ones will be done in December 2014.

MAYOR: Mayor Butler was absent so nothing to report

POLICE: Officer Tatton went over the new monthly police report which included past years with comparisons (see attached).

The police did another speed survey at 6:20PM and caught three speeding coming into town and they will be doing two more studies in July.

Officer Tatton said that Mayor Butler have his 360 evaluations to the police officers and that all copies were given to Ms. Marzullo to file.

He is still following up on the software that needs installed on the new equipment and will need tested too. Officer Tatton asked about the Internet connection to the police computer and Mr. Marciniak told him this needed hard wired first. Mr. Marciniak told Officer Tatton we are paying \$100 a month for cards that are used for the new latitudes and why is the new equipment not being used. He said they have to get traffic studies, etc. first and he will check with Mayor Butler.

Officer Tatton was asked how many hours he actually worked in June and he stated 30.7 hours.

Ms. Harmon asked Officer Tatton about Rubes Run if all is in sync with the Butler County Fire Police. Officer Tatton gave Ms. Harmon the contact information he had.

SEWAGE: Rob Horvat went over the Consulting Engineer's Report (See attached).

Rob asked that the Penn Vest Pay Request#9 for \$49,704.88 to be approved for payment. Ms. Harmon made motion to pay the Penn Vest Pay Request#9 for \$49,704.88; Mr. Wagner 2nd. Motion carried.

Eric asked that the Contractor's Pay Request#8 for \$46,643.17 to be approved for payment. Ms. Harmon made motion to pay the Penn Vest Request#8 for \$51,066.58; Mr. Wagner 2nd. Motion carried.

Drnach Environmental will be removing their meters as soon as the Fair is over.

Wilson restoration has submitted a bid for \$7,000.00 to perform work on the wetwell at Wilson Road. Mr. Horvat says that seems too high to him and he will get in touch with Shawn Hildebrand, Hoffman Construction, and check on this further. This is not part of Penn Vest this is a separate, contracted to Prospect Borough.

Mr. Wagner Palco Sales Corporation can maintain and service two generators yearly at an annual cost of \$1,758.57. Mr. Wagner made motion to have Palco Sakes Corporation do annual maintenance and service to our two generators; Ms. Harmon 2nd. Motion carried.

OLD BUSINESS: Mr. Marciniak said we need to approve the Ordinance for Rules of Order/By-Laws; Ordinance 2014-08 and 2014-09. Mr. Boice made motion to approve the Rules of Order/By-Laws Ordinance 2014-08 and 2014-09; Mr. Bryan 2nd. Motion carried.

Mr. Marciniak has a Resolution 2014 for Purchases that need approved by council. Mr. Stellfox did not have a copy and was given one. Mr. Boice and Mr. Stellfox thought for purchases less than \$2,000.00 was too high and should be a lower cost. Mr. Marciniak said for all council to review it and give him your recommendations within a week. We will revisit this Resolution at the August 4, 2014 Meeting.

Mr. Marciniak asked for someone to entertain a motion to approve Resolution 2014-10; removing Marion Cannon's name and adding Ms. Marzullo's name to Berkheimer. Mr. Stellfox made motion to approve Resolution# 2014-10 for Berkheimer; Mr. Gitzen 2nd. Motion carried.

Mr. Marciniak had received a letter pertaining to lower rates for rubbish if used only one trash hauler. This paperwork was given to Mr. Gitzen to review and make necessary calls. Will revisit next meeting.

Mr. Stellfox made motion to appoint George Rambacher a Zoning Hearing Board Officer as Jim Hill resigned; Mr. Gitzen 2nd. Motion carried. Mr. Hill is to send us a resignation letter. Jan McDonald is chairman.

Mr. Stellfox said he is making progress on the burning ordinance. He stated that he has gotten with Bill Davis, who has the DEP requirements, and Penn Township. Will revisit next month's meeting.

Bill Marciniak had the agreement for the Fire Company that needs approved by council. This is a five year term agreement to have them use the garage space. The agreement is only between the Prospect Borough and the Fire Company. Mr. Boice made motion to sign the agreement; Mr. Gitzen 2nd. Motion carried.

It was brought to the Council's attention we need to have an agreement between Prospect Borough and the neighbor beside out building. The original agreement was that the neighbor could have use of the Borough property as long as he kept the lawn cut. We paid the lot for a cost of \$16,000. Mr. Nicholas is looking into this. Will revisit next meeting.

We received an email from Jim Butler regarding the Tinker Property. They would like to donate their property to the Borough in return for the Borough removing the tree and displaying a family memorial plaque. This was discussed and Mr. Wagner made motion not to accept this donation; Ms. Harmon 2nd. Motion carried.

The three old computers need hard wired and reconfigured. Two of the three computers need wiped clean to remove all information. The total to have this done should be around \$540.00. Mr. Stellfox made motion to have the computers cleaned and reconfigured; Mr. Bryan, 2nd. All approved but Mr. Gitzen and Mr. Boice. Roll call was taken: Mr. Stellfox; yes, Mr. Gitzen; no, Mr. Boice;

no, Mr. Bryan; yes, Ms. Harmon; no, Mr. Wagner; yes; and chair; yes. Motion carried.

NEW BUSINESS: Mr. Boice made motion to award the Seal Coat Bid to Russell Standard for \$22,585.30, Mr. Stellfox 2nd. Motion carried. We will notify Russell Standard that we need to know ahead of time as we have some pre-work to be done first.

Ms. Harmon mentioned the Trustees at the Church wanted to get some smoke detectors checked out and should they call the Zoning Officer for this. They should call the Fire Company or Firefighter's for inspection.

Mr. Marciniak said that Ms. Harmon, Ms. Marzullo and he were getting ready for the 2015 Budget. He asked all council committees to get figures ready as he would like to have the budget completed in October or November. He told Officer Tatton to get together with his officers for the police part of the budget. We all need to stay focused on next year's budget.

We received an invoice from paruralwater for \$407.00 for the 2014 membership dues. Mr. Marciniak said that Mr. Hixson (Higgy) needs this to continue as he receives information for classes, etc. Ms. Harmon made motion to pay the paruralwater \$407.00 for 2014 membership dues; Mr. Wagner 2nd. All approved but Mr. Gitzen. Roll call was taken: Mr. Stellfox; yes, Mr. Gitzen; no, Mr. Boice; no, Mr. Bryan; yes, Ms. Harmon; yes, Mr. Wagner; yes; and chair; yes. Motion carried.

We have been paying for a phone from Century Link monthly for \$38.03 at the EQ Tank and do not use. Mr. Stellfox made motion to have this phone disconnected; Mr. Boice 2nd. Motion carried.

We received a letter from Tower Point regarding our lease with American Tower to see if we wanted to sell the lease or not. Per council's decision no; disregard letter but Mr. Nicholas stated he will look at the American Tower Contract and get back to us with his recommendation.

Walsh Equipment has sent us a bill for a \$300.00 for a fee that was for repair to a starter for the backhoe that we had just purchased new in February 2014. They had been out several times to fix it and sometime in May 2014 they sent Heins Starters to fix it. Walsh than paid Heins Starters the \$300.00 and then billed us. Ms. Marzullo has called and left several messages and cannot get a response. We feel that the starter should be under warranty. Mr. Bryan will go to Walsh Equipment to investigate this issue.

Personnel Concepts has been calling us about adding new posters for Homeland Security. Bill Marciniak told council we are not purchasing anymore posters until next year.

We have received a letter from Dustin Drew regarding overflows at the park. Mr. Wagner, Mr. Marciniak and Mr. Drew are setting up a meeting to discuss.

Mr. Bryan made motion to advertise Ordinance 2014-2, an Ordinance to establish requirements of residence signs for any residents or for any buildings used in part or exclusively for dwelling purposes; Mr. Wagner 2nd. Motion carried.

EXECUTIVE SESSION: 9:27PM

RESUMED: 11:00PM. Mr. Gitzen had to leave.

NEW BUSINESS: Mr. Stellfox made motion to rent a grader and mower at \$110.00 per hour or up to \$1,000 to get the ditches cleaned; Ms. Harmon 2nd. Motion carried. This will be used by the Liquid Fuels Monies.

Mr. Marciniak is to meet with George Wagner to go over the agreement pertaining to the culvert issue.

PAY BILLS: General Fund Bills was Ok'd to be paid \$4,402.80. Motion made by Ms. Harmon to pay; Mr. Bryan 2nd. Motion carried.

Sewage Fund Bills was Ok'd to be paid \$1,614.21. Motion made by Ms. Harmon to pay; Mr. Boice 2nd. Motion carried.

Highway Aid Fund Bills was Ok'd to be paid \$2,619.08. Motion made by Mr. Stellfox to pay; Mr. Boice 2nd. Motion carried.

ADJOURN: 11:10PM. No further business at hand, motion made by Mr. Wagner to adjourn; Mr. Stellfox 2nd. Motion carried.