

PROSPECT BOROUGH COUNCIL MINUTES
FEBRUARY 4, 2013 @ 7:00 PM
159 MONROE STREET

Pre-meeting comments: Council President, Jim Harmon, discussed and apologized for past problems with sewage and the unadvertised meeting. Atty Anthony Colangelo explained that the last meeting did not need to be advertised and was not illegal, because no voting took place. They discussed sewage infiltration and how past money was spent.

Call to Order: The regular meeting of the Prospect Borough Council was called to order by President James Harmon with a Salute to the Flag. The following Council members were present: Jim Harmon, Dave Stellfox, Bob Boice, Glen Gitzen, Bill Marciniak, Pete Bryan, Ed Robinson and Mayor Butler. Also present were borough officials: Maintenance: Robert Hixon (Higgie), Attornies: Tony Colangelo and Adam Buchanan and Engineers: Jim Willard and Chris Eddy. Borough Secretary, Marion Cannon, was not present due to illness. Motion was made by Dave Stellfox and seconded by Bob Boice to appoint MaryAnn Mahan as Secretary Pro Tem. All present voted yes, except for Ed Robinson who abstained.

Approval of the Minutes: January 7, 2013 minutes had the following corrections:

1. **Police:** Can they carry an AR Rifle when they have to qualify? It was amended to read *Can they carry an AR rifle once they have qualified?*
2. **Sewage:** Ed Robinson to attend the DECD meeting in Somerset. . . It was amended to read *Ed Robinson will attend the DCNR meeting in Somerset. . .*
3. **Streets and Storm Water:** There will be a sign that states truck only where they cannot turn. It was amended to read *A sign will be placed in the alley near the Post Office that states only trucks cannot turn at that intersection.*
4. **Parks:** A letter from the Butler County Parks & Recreation Dept will be checked into. It was amended to read *A letter about park grants from the Butler County Parks and Recreation Dept will be checked into by Bob Boice.*
5. **Old Business:** Attorney Fees Collections adopted 11/5/2012, #2013.3. It was amended to read *Attorney Fees Collections adopted 11/5/2012, #2012-3.*
6. The next regular Council Meeting will be February 1, 2013. It was amended to read *The next regular Council Meeting will be February 4, 2013.*

January 16, 2013 Council Meeting minutes had the following corrections:

1. ¶4 It should be added that Bob Boice left and was not present for the informational meeting about the Sewer Authority.
2. It was omitted that Council voted on purchasing winter safety clothing for Robert Hixson of up to \$300.00. It passed unanimously.
3. It was omitted that Council approved paying the bills. It passed unanimously.
4. ¶3 Notion was made by Ed Robinson. . . was amended to read *Motion was made by Ed Robinson.*
5. ¶4 Franklin Township was the only one that attended the meeting. It was amended to read *Franklin Township attended the meeting.*
6. ¶4 Per Ed Robinson the Drilling Company wants to be informed and attend meetings on this situation. It was amended to read *Per Ed Robinson, the drilling company wants to be informed. He will attend meetings on this situation.*
7. ¶6 MaryAnn Mahan was added.
8. ¶8 Marcellus Shale money was amended to read *Act 13 money.*

Motion was made by Bill Marciniak to approve January 7 and January 16, 2013 minutes with corrections, and was seconded by Ed Robinson. All present voted yes.

Discussion:

- Ed Robinson stated that no expenses were incurred at his meeting with DCNR in Somerset.
- Bill Marciniak stated that last year, a secretarial minute book was approved to be purchased, but was never ordered by Borough Secretary, Marion Cannon. Last week, he told Marion Cannon to order it now.
- Pete Bryan stated that some RA Services information was put into the computer, but he talked to them about adding sewage customers which needs to be done "in-house." Marion needs to list all sewage customers for RA Services.
- Bill Marciniak said a copy of the corrected minutes should be entered into the main book. DCED trained Marion to do that before, and all Council agrees. They also want names of all officials added to top of minutes with Council member names. Pages should also be numbered with year and page number.

Library: Ed Robinson would like a statement of the library's accounts, and Cindy Sharrar agreed this was possible. Council should get the library's year-end audit at the end of each year. Council would like the fire department's year-end audit also, since they donate money to them. As per Atty Tony Colangelo, the fire dept is a separate entity and does not have to provide this information. Bill Marciniak stated that the fire dept received over \$12,000.00 from gambling monies from the state.

Planning: Nothing to report

Parks: Bob Boice checked into price of new railing and posts for park, but hasn't gotten the quote back yet. Erie Insurance will not cover the cost, as we only have liability coverage for injury.

Bob Boice talked to Gary Pinkerton from Butler County Parks and Recreation about someone to repave and paint the tennis court. Bob got a quote of approx. \$8,000.00. A grant may pay for 2/3 of cost. They discussed an ADA approved picnic table for the park. An accessible ramp is already in place.

Bill Marciniak showed a catalog from the Department of Corrections with accessible tables of solid oak. An 8' ADA table is \$297.00 and an 8' table is \$291.00. A 6' table is \$268.00. Grills are \$294.94. One grill at the shelter is still useable, but the other is in bad shape. Bill said the price of 4 grills, (1) 8' ADA table and (9) 8' tables would total \$3,879.76 plus shipping. We also have the cost to fix the broken railing. As per Gary Pinkerton, the tables and grills could be covered under a grant and the state likes to see purchases from the Dept of Corrections. There would be a 75/25 split on the grant with the Borough paying the 25% or up to \$2,250.00, if they combine some projects. Ed Robinson made a motion for Bill Marciniak to apply for a grant with our share being up to \$2,500.00 to purchase new grills, tables and an ADA table. It was seconded by Dave Stellfox. All present voted yes.

Visitors: Josh Stadler and Erica Wilson from Direct Energy discussed commercial electric rates. Presently, we are with First Energy and there would be a cancellation fee of \$100.00 to switch companies. They offer a flat rate of 6.49¢ per kWh. We have demand schedule on sewage rates now. They cannot cover our lighting rates. They will get together with Marion Cannon and look at our previous bills to see what the cost savings would be. They will also talk with Chris Eddy about the sewage electric rates. They will bring back a report to next month's meeting. They said they can offer lower rates based on consumption also. Jim Willard discussed the new equipment for the sewage which is high-efficiency, and will also lower the cost. Direct Energy cannot offer rebates on the new equipment, but they may be available through West Penn Power.

Streets and Storm Water: Dave Stellfox reported that during the last storm, there was an emergency breakdown at the blinking light in town. Policeman Matt Wagner was called for traffic control. On West McGowan Street, a tree had fallen and Higgie removed it.

The sign for No Truck Turn has been installed in the alley by the post office. As per the insurance company, Sam Wagner is allowed to ride along with Higgie during plowing, or when working as a volunteer. He has secondary insurance himself.

The Borough needs to consider hiring a second person to help on construction and sewage when Higgie is sick or retires.

Sewage: Ed Robinson reports that the EQ tank was frozen and water lines broke due to a power outage for 8 hours. The heater is old and needs replaced. He purchased an emergency kerosene tube heater for \$360.00. A 3-phase electric unit heater needs purchased. Natural gas is not appropriate now, as it will take too long.

Dave Stellfox made a motion to replace the heater and water lines, not to exceed \$5,000.00, as repaired by Montie Edgar. All present voted yes.

Atty Adam Buchanan will turn in the bill for the damage to West Penn Power. The insurance company will also be notified.

Ed Robinson shared literature on a sewage camera with 400' cord that costs approx. \$6,000-\$8,000.00 that he recently saw at a trade show. It has digital recording and can see from house trap to the main line. It can detect sump pumps and down spouts being drained into the sewage. It can also be purchased with other options. Ed will schedule a sales rep. to come in and demo the camera.

Penn Vest ordinances pertaining to sewage should be ready in a couple months.

Jim Willard: See attached report from 2/4/13.

Penn Vest extended the closing date. The target date is now May 2013. Borough must advertise 30 days for bids which would be April 1, 2013. We are targeted for summer construction. We will proceed with the Line of Credit for Penn Vest.

Wilson Pump Station will be renovated at the existing location.

An event happened on 1/11/13 at the pump station with overflows due to an "act of malice."

There was a lot of progress made at the meeting with DCNR, and they are preparing a revised draft agreement.

Jim will not ask DEP for more taps due to the recent overflow. DEP did not ask for the \$1,000.00 fine due to the "act of malice" on 1/11/13. Reports were submitted to DEP from the police, Montie Edgar and the engineers. DEP said soil samples were not required, as requested by Nick Vaccarello. DEP wants money invested in a fence and locking up the pump station against vandalism. Jim Willard will send a letter to Nick Vaccarello stating DEP findings and that no soil samples are required.

The past due sewage bill from adjacent property owner will be paid once the work in that area is done.

Rip Rap will need to be put in Wilson Road to correct erosion problem.

Solicitors are working on permit and property right-of-way.

Storm sewer work should be started at the close of Penn Vest around mid-April, and should be done by the time Penn Vest construction starts. A lot of work on the sewage has been done and will continue through summer. Special meetings may be needed to keep project moving.

DEP asked us to submit a Part 2 Amendment to permit the EQ tank. Dave Balog from DEP will process within 2 weeks.

Ed Robinson stated that the aluminum manhole cover is done and will be picked up this week. Dan Bickel from DCNR will be notified.

Atty Adam Buchanan said PNC proposal for Line of Credit was accepted. Joe Miller from PNC will close next Wednesday, February 13, 2013. The money will be received the next day. Ed Robinson made a motion for Resolution 2013-1 to accept the Line of Credit from PNC Bank to equalize the monies from Penn Vest. Bill Marciniak seconded it. All present voted yes, except Bob Boice.

Atty Adam Buchanan reported DCNR meeting went well and progress was made. We are awaiting a new proposal from them.

Ed Robinson met with Ray Steffler about DCNR meeting who was glad to hear of the positive outcome.

Ed Robinson will fill out an expense voucher, as needed, for travel to meetings.

A sewage draft letter was read by MaryAnn Mahan regarding delinquent customers.

Dave Stellfox made a motion to accept the draft letter to be placed on Borough letterhead and sent to delinquent property owners. Bill Marciniak seconded it. All present voted yes. See attached letter.

Chris Eddy reports that there is a problem with the PC, which he had donated, at the pump station. Ed Robinson made a motion for Chris Eddy to purchase a computer with UPS back-up, not to exceed \$500.00. Dave Stellfox seconded it. All present voted yes. Chris also turned in a bill from Pioneer Microsystems for \$1,400.00 for a radio-controlled device for the meter.

Mayor: Jim Butler was contacted by Cheryl McMurray of West Liberty Boro who stated that they do not want involved in the Sewer Authority, and do not want any further information.

A letter was received from Roni Hall, head of the Parade Committee for Community Day. They would like to have approval to have the Community Day Parade on Saturday, May 25, 2013, at 11:00 a.m. Ed Robinson made the motion to have the Community Day Parade on Saturday, May 25, 2013, at 11:00 a.m. It was seconded by Bill Marciniak. All present voted yes.

When Judy Raisley returns from vacation in March, delinquent letters will be sent out for sewage, as she has the list of names.

A letter was received from Butler County Tax Collection Committee about their meetings. Bob Boice volunteered to be the alternate for meetings after the Mayor.

Maintenance of Facilities: Pete Bryan reported that the garage roof repairs were completed for \$504.00 to replace the wood.

Ed Robinson made a motion to put \$5,000.00 in a 5-year CD for vehicle replacement, as recommended by Pete Bryan. Bill Marciniak seconded it. All voted yes, except Jim Harmon. Atty Adam Buchanan will check on CD rates at PNC Bank.

Pete Bryan looked at several lawn mowers/garden tractors to purchase:

1. Smardt Equipment had the lowest-priced used Kubota, Model 2460, with a 60" cut and 3-cycle gas engine for \$6,750.00.
2. New Holland TE-18 with 54" cut and zero turn from Smardt Equipment for \$8,900.00.
3. Power Up Equipment had a Kubota B2920HSD with R4 tires and RCX60-29B mower deck for \$14,797.20.
4. Maple Mountain Equipment had a John Deere Select Series X500 Multi-terrain tractor with 48" mower deck for \$4,719.20.
5. John Deere Select Series X320 with 48" edge extra deck for \$3,460.69.

He chose the John Deere X500 since it was a garden tractor, not just a lawn mower and was the best buy. \$5,000 was allotted in the budget, so it was under-budget and will be tax-exempt for municipal purchase. Bob Boice made the motion to purchase

the John Deere X500 garden tractor and Glen Gitzen seconded it. All present voted yes. Pete Bryan requested a Purchase Order number to give to Maple Mountain, so it would be tax-exempt. Ed Robinson made the motion and Dave Stellfox seconded it. The office floor has not been painted yet and they will wait until spring with warmer weather. Jim Harmon said to wait until the office changes are made. Pete Bryan will get a committee to discuss the office changes including Bruce Fink and Dave Stellfox. Pete Bryan made a motion to purchase a garage door opener, Liftmaster, for the police from Mr. Dale Forrester and not to exceed \$450.00 installed. It was seconded by Bob Boice. All present voted yes.

Franklin Township will be sent a bill for their share of the Fireman's Workman's Comp when it is due.

Bob Boice states police car needs aligned and also needs a trickle charger. Ed Robinson made the motion for Bob Boice's son to align the police car, install the trickle charger, and check underneath for rust or other problems, not to exceed \$300.00. Dave Stellfox seconded it. All voted yes, except for Bob Boice who abstained.

Bill Marciniak states the borough should have a locked mailbox. We also have a PO box. He will check into it.

Personnel: Bill Marciniak reports that the Policies and Procedures Manual has been reviewed by the solicitors and everything is fine. Specialty Insurance has been informed and responded with a letter verifying it.

He talked to Atty Adam Buchanan about a retirement plan from Pennsylvania Municipal Retirement System (PMRS) for full-time employees of the borough. Bill will start the process.

It was noted that on the monthly statements, Marion should enter the end balance of the previous month as the beginning balance of the next month. A separate payroll account has never been established; thus the discrepancy. The new software program should take care of that problem once it is in place.

Marion has been instructed to start a phone call log.

Bill Marciniak and Pete Bryan will continue to work on a volunteer waiver form. Bill requested a letter from the solicitor stating that the Policies and Procedures Manual has been reviewed by them and is OK.

Bill Marciniak requested that Atty Tony Colangelo write a job description and advertisement for an assistant secretary/treasurer to handle secretary, treasurer and sewage accounts. The person will be bonded. The person hired will have 3-6 months to train and then take over sewage payments in-house. GTN Law needs time to get information from Judy Raisley, as she is on vacation until March. It was discussed that the secretarial positions will be part-time and from either 8:00 a.m.-1:00 p.m. or 12:00 p.m.-5:00 p.m. Each secretary will work one Saturday from 9:00 a.m.-12:00 p.m. per month. One secretary will work Council Meetings to take minutes. They will work a maximum of 29 hours/week with no overtime. The position will start at \$10.00/hr for the probation period and then increase. Both secretaries' progress will be reviewed weekly. There may be a possibility of sewage payments being processed with on-line banking. Ed Robinson made a motion for Atty Tony Colangelo to draft a Resolution and advertisement to hire a part-time

assistant secretary/treasurer. Dave Stellfox seconded it. All present voted yes. Dave Stellfox made a motion to rescind the last motion to hire a full-time treasurer. Bob Boice seconded it. All present voted yes.

Bill Marciniak stated that some Council members still need to read the P/P Manual and sign off on it.

Job descriptions for Council members are not legal, but Council ByLaws should define their duties.

Police: See attached report. Mayor Jim Butler proposed Resolution 2013-2 for police officers concerning blood borne diseases and medical emergencies. Ed Robinson made a motion to adopt Resolution 2013-2 for the police department. Bill Marciniak seconded it. All present voted yes.

Old Business: Bob Boice made a motion to pass Resolution 2013-3 to process the Parks and Recreation grant. Bill Marciniak seconded it. No objections. Resolution passed.

Bill Marciniak reported that West Liberty Borough will be removed from the newsletter list.

Jim Willard will check with municipalities to find a date for the next Sewage Authority meeting. Flyers will be put up in town.

Bill Marciniak stated that postal rates have changed and the bulk mail permit is now \$400.00, and they require a bar code on all labels. Because of this, we will not do bulk mail for the newsletter.

Brenda Lemmon from Minuteman Press will give a quote for printing and mailing the newsletter, since they have a bulk mail permit.

Residents have stated that they would like more community information in the newsletter; not just sewage info.

It was discussed that ads could be placed in the newsletter to offset the cost.

Bill Marciniak has called the Butler Fairgrounds with no response back about their monthly meeting. He wants on the agenda to talk about using the fairgrounds for more events.

Bill was contacted by E Civics Grant Network for software to find grants at a cost of \$3,200.00. He will look into other companies. Ed Robinson said that Tammy from RA Services had also talked about similar software.

Bill Marciniak made a motion to not get the snow blade donated by Mark Thomas Construction put on the backhoe. All voted yes, except Ed Robinson and Dave Stellfox. There was a discussion about whether it would damage the backhoe or not. Ed Robinson will return the blade to Mark Thomas with a thank you from the Borough.

Glen Gitzen will talk to Kirk Dalton about classes offered for emergency management, as per a letter from Butler County Emergency Services.

New Business: Rex Drilling sent a letter to notify where they will be drilling and Prospect Borough is not in that area.

Butler County Boro Association (BCBA) requested that Council fill out surveys on their meetings. Bob Boice believes his wife filled out one on-line.

Armstrong sent a letter stating new rates which are going up \$20.00/month.

Pay Bills: A bill was added to the Sewage Fund from Chris Eddy of Pioneer Microsystems for \$4,911.63 for his services.

Pete Bryan made a motion to pay the bills from the General Fund. Bill Marciniak seconded it. All present voted yes, except Bob Boice who abstained.

Ed Robinson made a motion to pay the Sewage Fund bills including the new bill from Pioneer Microsystems. Dave Stellfox seconded it. All present voted yes.

A motion was made by Dave Stellfox to pay the Secretary Pro Tem, MaryAnn Mahan, \$14.20/hr x 5 hours. It was seconded by Bill Marciniak. All present voted yes, except Ed Robinson who abstained.

Motion was made to adjourn at 10:50 p.m. by Jim Harmon.

MaryAnn Mahan
Secretary Pro Tem

The next regular Council Meeting will be March 11, 2013.

SEWAGE FUND

BILLS PAID IN DECEMBER 2012

BEGINNING SEWAGE ACCOUNT BALANCE

\$59,531.30

PAYROLL

Robert Hixson	\$244.69
Judy Raisley	\$280.70
Robert Hixson	\$360.29
Judy Raisley	\$280.70

PROFESSIONAL & LEGAL FEES

William Deemer	\$1,100.00
KLH Engineers	\$10,911.72
Gaitens, Tucceri	\$3,336.00
Gaitens, Tucceri	\$1,984.00

SUPPLIES

Postmaster	\$198.00
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UTILITIES & TELEPHONE

Century Link (telephone)	\$36.35
West Penn Power	\$225.57
Prospect Borough Sewage	\$50.00
Robert Hixson (Cell Phone)	\$50.00
West Penn Power	\$299.54
DCNR	\$12,119.29

OTHER

Minuteman Press	\$641.71
Dick Sporting Goods	\$241.96
Butler County COG Dues	\$100.00

LOAN PAYMENTS

PennVest	\$1,697.85
FNB	\$6,033.60

EQUIPMENT REPAIR

EQUIPMENT SUPPLIES

TOTAL BILLS PAID

\$10,731.97

MONTH END SEWAGE ACCOUNT BALANCE

\$19,789.33

GENERAL FUND

BILLS PAID IN JANUARY 2013

BEGINNING GENERAL ACCOUNT BALANCE

\$81,443.83

PAYROLL

Robert Hixson	\$774.62
Marion Cannon	\$713.96
Matthew Wagner	\$392.47
Robert Hixson	\$749.66
Judith Raisley	\$72.67
Matthew Wagner	\$424.51
Marion Cannon	\$786.69
William Osborne	\$91.27

PAYROLL TAXES

E-Tides State PR Tax	\$228.19
Federal Tax Payment(EFTPS)	\$1,630.52
Berkheimer Wage Tax	\$245.09
U/C Tax	\$103.73
Berkheimer Wage Tax	\$3.20

INSURANCE

Keystone Health Plan	\$950.95
Erie Insurance	
Specialty Ins	\$2,000.00
CAN Syrety	\$268.75

LEGAL & ADVERTISING

Butler Eagle	\$98.00
Professional Code Ser	\$1,127.50
KLH Engineers	\$1,235.87

MISCELLANEOUS

Petty Cash	\$40.80
Heckmans (Roof)	\$8,726.50
Galls	\$31.48
Matt Wagner (Gas,Car Wash	\$51.00
Trader Horn	\$19.05
Kern auto Parts	\$11.47
TJB Consulting Webpage)	\$255.00
Butler County COG Dues	\$233.00
BCTCC	\$143.85
Insynch (Police)	\$1,080.00
Fire Fighters Ser	\$364.45
Petty Cash	\$40.80
CCAC Police Training	\$118.80

UTILITIES AND TELEPHONE

West Penn Power	\$114.47
Armstrong (Police Phone)	\$55.45
Peoples Natural Gas	\$96.96
Waste Mgmt	\$60.27
West Penn Power	\$704.78
Armstrong (Office)	\$140.30

OFFICE SUPPLIES

Staples	\$40.11
Walmart	\$23.96
Staples	\$268.88

VEHICLES

First National Bank B Hoe	\$365.07
United Refining	\$743.33
Hein Starters	\$129.00
Michaels Garage	\$53.85
Butler Tire	\$817.00
Troy Alan Chev	\$31.05

TOTAL BILLS PAID

\$26,658.33

MONTH END GENERAL ACCOUNT BALANCE

\$54,785.50