



## REGULAR COUNCIL MEETING MINUTES

July 3, 2017 @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. There was a salute to the flag and a prayer given by Pastor Ben Oesterling. The following Council members were present: Mary Harmon, Glen Gitzen, Eric Hilliard, Sam Wagner, Bob Boice and Mayor Jim Butler. Chad Green was not in attendance. Stepanian & Menchyk, LLP Solicitor, Andrew Menchyk and KLH Engineer, Shawn Rosensteel were also in attendance.

There was an Executive Session at 6:00PM prior to this Meeting to discuss a Realty Issue.

**APPROVAL OF MINUTES:** Ms. Harmon stated that there was an inaccuracy in the minutes concerning a motion that she had made. Solicitor Menchyk stated an amendment to the minutes to address the issue. Mr. Boice made motion to approve the June 5, 2017 Regular Council Meeting Minutes, as amended; Mr. Hilliard 2<sup>nd</sup>. Motion carried.

Ms. Harmon had a question for Solicitor Menchyk about the decorum and procedures for making motions. Solicitor Menchyk reminded the council as a matter of a decorum going forward that all councilmen should not to interrupt a fellow member making a motion until the person has finished speaking.

**VISITORS:** Jared Kline plus more residents of Prospect Borough (see attached sign-in sheet).

Fredericka Shingleton said that she wanted to clarify that DEP complaint that went before the magistrate was thrown out but she just wanted it known that the case was not all about burning. She also said that when she calls in about the burning she is told by Ms. Marzullo that this is a recreational fire and/or they are burning within the permitted hours. Ms.

Shingleton said these are not recreational. She stated she watched a person actually throw gas on the fire. These fires smell and have an offensive odor.

Jared Kline said that he has talked to PennDot about his driveway permit and that they wanted a letter from us on our letterhead stating that he has our permission to place his driveway where he has designated. The council told Mr. Kline to have the representative from PennDot call and talk to Ms. Marzullo as the Council never heard of this before as this is a state road and they need to act on the permit not the Borough. Solicitor Menchyk agreed with Council to have the representative from PennDot call Ms. Marzullo. Mr. Boice also told Mr. Kline he should call the Conservation District for any land he may be disturbing.

**LIBRARY:** See Report. Mr. Gitzen had nothing to report.

**PUBLIC SAFETY:** Ms. Harmon had nothing to report.

**PLANNING COMMISSION:** Alan Vagasky said that no business was conducted at the June Meeting.

**STORMWATER MANAGEMENT AND STREETS:** Mr. Boice stated that they had to put another pipe in Kennedy Road to repair the water drainage.

Mr. Boice said that the garbage trucks are cutting the turn near the McCool property between Jefferson and McGowan Street and causing damage to the curb and property. Ms. Marzullo told Council she sent a letter to Waste Management of this ongoing issue.

**BUILDING & GROUNDS/MAINTENANCE & FACILITY:** Mr. Wagner made motion to ratify a call vote to have the truck repaired at Boice Auto for \$650.00; Mr. Hilliard 2<sup>nd</sup>. Motion carried. Mr. Boice abstained.

Mr. Wagner said that the Maintenance Department are cleaning out the storage building to get ready for the new salt building.

Mr. Wagner said that the Department of Corrections worked at the Borough building with eleven (11) people and painted two (2) coats of paint to the outside of the borough building,

trimmed windows, mowed grass and weeded in a little over two (2) hours. They did a fantastic job!

**PERSONNEL:** Mr. Gitzen made motion to accept the resignation of Chad Green due to personal matters and health concerns; Mr. Wagner 2<sup>nd</sup>. Motion carried.

Mr. Marciniak said that he had two (2) attentive replacements for councilman Chad Green's position; Bill Katz and Patrick Gauselmann as we need a replacement for Chad Green's open councilman position within forty-five (45) days. Mayor Butler said we should get both candidates to speak about why they would be good for the community. Bill Katz told Council that he has lived in the community twenty (20) years; has a business in town, would like to put forth his best effort for the community with his knowledge and experience. Mr. Gauselmann could not attend the meeting so at next month's meeting we could get his comments. Mr. Boice said that we need to do this tonight. Mr. Boice made motion to appoint Bill Katz as our councilman to finish off Mr. Green's term; Mr. Hilliard 2<sup>nd</sup>. Ms. Harmon and Chair voted "No". Roll call: Ms. Harmon, no; Mr. Hilliard, yes; Mr. Gitzen, yes; Mr. Wagner, yes; Mr. Boice, yes, Chair, no. Motion carried.

Mr. Marciniak would like the wording changed under Performance Reviews in the Policy and Procedures Book to change the word Supervisors with the wording Personnel Committee. Mr. Wagner asked why is this such an issue. Mayor Butler said he did not feel comfortable having the committee doing evaluations as they do not interact with all personnel. Mayor Butler said the middleman is important. Mr. Marciniak said there should be three (3) people to conduct the evaluations but the Council has the final say anyhow. Mr. Gitzen made motion to change the wording under Performance Reviews in the Policy and Procedures Book to change the word Supervisors with the wording Personnel Committee; Mr. Hilliard 2<sup>nd</sup>. Ms. Harmon and Mr. Wagner voted "No". Roll call: Ms. Harmon, no; Mr. Hilliard, yes; Mr. Gitzen, yes; Mr. Wagner, no; Mr. Boice, yes, Chair, yes. Motion carried.

Mr. Gitzen said they will have more personnel matters in the executive session.

**MAYOR:** Mayor Butler said he had nothing to report.

**POLICE:** Mayor Butler said that all violation letters were sent out by Ms. Marzullo. Bill Osborne, grass violation; Art Marbel, junk vehicles; Bank of America, grass violation; George Rambacher, grass violation; Ronda Miller, junk vehicles. Mayor Butler said Osborne is cutting grass, Marbel put a for sale sign on vehicle, Bank of America cut grass and Miller to move vehicles to back yard and throw a tarp over them, come September will

have them removed, George Rambacher not following through. Mayor Butler told Officer Tatton to site Mr. Rambacher.

Mr. Boice told Mayor Butler that he was proud of the police department as he saw them three (3) days last week but that he had not seen anyone for over a week and a half before that.

Mr. Boice said that someone should be running the police vehicles instead of just sitting there. Ms. Marzullo will check with the Insurance Company. Mr. Wagner said that the only people that should drive the police cars are the officers and inspection mechanics. This will be addressed next month after clarification.

Mr. Hilliard asked to why it is taking so long for Rachel to start. Mayor Butler said that they are waiting on Mpoetc and her doctors. The doctors have botched up her paperwork form again and are resubmitting it.

Mayor Butler said Rubes Run is July 22<sup>nd</sup> and has asked George to assist with cones. He has contacted Eugene, Fire Police and has asked Matt and Terry to work.

Mr. Marciniak asked Mayor Butler about the defibrillator and Mayor Butler said he has not and to put a hold on this till next month.

**SEWAGE:** Mr. Wagner made motion to approve the Penn Power Planned Maintenance Agreement for a one-year on the portable generator for \$494.00; Mr. Boice 2<sup>nd</sup>. Motion carried.

Mr. Rosensteel stated he received a letter from DEP regarding Corrective Action Plan Report and they want a response within thirty (30) days regarding flow monitoring data. He recommended in asking for an extension, which he foresees no problem, till he meets with the Sewage Committee.

Mr. Rosensteel received information from DCNR on June 20<sup>th</sup>, in regards to the engineering evaluation for the park tank; will discuss further at the Sewage Meeting. They are requesting a lengthy evaluation and asking for a lot of information.

Mr. Wagner asked Ms. Marzullo to schedule a Sewage Meeting, Tuesday, July 18<sup>th</sup> at 9AM.

Mr. Rosensteel said that Mark IV Farms subdivision needs reviewed by the Planning Committee.

Mr. Rosensteel said that the GIS Mapping is ready to begin survey; needs points from the Borough.

Mr. Marciniak appointed Ms. Harmon to replace Chad Green on the Sewage Committee.

Mr. Wagner talked to Shawn and Andy about the situation that was discussed this morning and they are to review before we proceed any further.

**TRUCK COMMITTEE:** Mr. Hilliard said he has talked to Higgy, George and Bob and are looking for a one (1) ton truck; gas operated, AC, heated mirrors. They would prefer to go with Walsh JCB for the light bar and plow assembly. Mr. Boice mentioned possibly a flatbed so can they have a utility tool box built. Higgy and Mr. Boice said we cannot have an extended bed as they won't fit on the alleys with the plow.

**OLD BUSINESS:** Solicitor Menchyk said that they are doing the final revisions and will be distributing to draft a codification ordinance to adopt the code.

Solicitor Menchyk said that the Floodplain Ordinance is work in progress.

Solicitor Menchyk said that the Mark West Liberty Bluestone has sent us the Agreement that was resubmitted and his recommendation to Council is to agree to adopt the Real Estate Donation Agreement with changes. Mr. Wagner made motion to adopt the Real Estate Donation Agreement with changes from Mark West Liberty Bluestone; Mr. Gitzen 2<sup>nd</sup>. Motion carried. Per Solicitor hold onto the Right-A-Way Agreement till they sign.

Solicitor Menchyk said that Shawn pretty well addressed this Dressler issue before as we received the new application which combines the previous land development and the pending subdivision application onto one paper for ease of review. Solicitor Menchyk said that the sand mound is relative that this property is properly permitted. Ms. Marzullo to contact Chuck Smith to obtain a copy of the permit.

Mr. Wagner said that with the tearing down the old storage building they have a garage door that is in good condition. We are not permitted to give this away per Solicitor Menchyk, we would need to advertise for bids.

Mr. Marciniak addressed Mr. Vaccarello that he has been coming to meetings stating we never placed his pins. Mr. Marciniak stated he had a letter from KLH Engineering stating they did indeed replace the pins as close to the property corners as possible. Mr. Marciniak gave Mr. Vaccarello a copy of the letter.

## **NEW BUSINESS:**

**EXECUTIVE SESSION:** 8:10PM ~ Legal and Personnel Matters

**RESUMED:** 8:51PM

Ms. Harmon made motion to accept the proposed package for Robert Hixson, Mr. Hilliard 2<sup>nd</sup>. Mr. Gitzen, Mr. Boice and Chair voted "No". Roll call: Ms. Harmon, yes; Mr. Hilliard, yes; Mr. Gitzen, no; Mr. Wagner, yes; Mr. Boice, no, Chair, no. Tie Vote - Mayor Butler; yes. Motion carried. He will remain an "At-Will" employee.

Ms. Harmon made motion to compensate Ms. Marzullo \$20.00 per hour when doing the collection of sewage for the program data startup; Mr. Hilliard 2<sup>nd</sup>. Motion carried. All monies will be paid from the sewage fund.

Mr. Boice made motion for the Personnel Committee to hire the part-time candidate for the Maintenance Department after all four (4) interviews are conducted; Mr. Gitzen 2<sup>nd</sup>. Motion carried.

Mr. Marciniak said for the legal matters discussed we need to get the right numbers for the Sheriff Sale coming up.

**PAY BILLS:** Motion made by Mr. Hilliard to pay the General Fund Bills for \$2,211.29; Mr. Boice 2<sup>nd</sup>. Motion carried.

Motion made by Mr. Hilliard pay the Sewage Fund Bills for \$29,389.71; Mr. Wagner 2<sup>nd</sup>. Motion carried.

Motion made by Mr. Hilliard pay the Highway Aid Fund Bills for \$385.47; Mr. Boice 2<sup>nd</sup>. Motion carried.

**Round Table:**

Mr. Boice	For the last 2 items we needed more time to discuss the Personnel issues.
Mr. Wagner	No additional comments.
Ms. Marzullo	No additional comments.
Mr. Menchyk	No additional comments.
Mr. Gitzen	No additional comments.
Mr. Hilliard	Happy 4 <sup>th</sup> of July! Be safe and enjoy the holiday!!!
Ms. Harmon	No additional comments
Mayor Butler	No additional comments.
Officer Tatton	No additional comments.
Bill Marciniak	Articles for the Prospector need to be in soon as we will be voting on publishing it at the next meeting.

**ADJOURN:** 9:05PM. No further business at hand, motion made by Mr. Hilliard to adjourn; Mr. Wagner 2<sup>nd</sup>.