



## REGULAR COUNCIL MEETING MINUTES

May 1, 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 Steve Cort. The following Council members were present: Mary Harmon, Glen Gitzen, Chad Green, Bob Boice and Mayor Jim Butler. Eric Hilliard and Sam Wagner was absent. Stepanian & Menchyk, LLP Solicitor, Andrew Menchyk and KLH Engineer, Mike McCaffrey were also in attendance.

**APPROVAL OF MINUTES:** There were no changes to the April 3, 2017 Regular Council Meeting Minutes. Ms. Harmon made motion to approve the April 3, 2017 Regular Council Meeting Minutes; Mr. Green 2<sup>nd</sup>. Motion carried.

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

Nick Vaccarello said that he has four (4) survey points on the corner of his property that need put back on. He also has a catch basin on his property that never had his approval. Mr. Vaccarello said that Dressler needs an ENS drawing for a sand mound. He also claims that the Borough caused his property to be in a Floodplain. Mr. Marciniak thanked him for his comments. Mr. Marciniak told him per KLH the points were put back in place. He told Mr. Vaccarello that he has nothing to do with the Dressler situation but told him that Dressler's did not comply. Mr. Marciniak told him his property is on the Floodplain Map.

**LIBRARY:** Library Report (see attached).

**PUBLIC SAFTEY:** Ms. Harmon said that we did receive the refund from SwiftReach 911.

Ms. Harmon said that there is another Emergency Group Meeting on May 10<sup>th</sup> at 6PM; Bill, Jim, Chuck and herself will be attending.

Mr. Marciniak mentioned at the Butler COG Meeting that the Pennsylvania Legislative caucus did not want to use the state income tax for the Volunteer Fireman as they want to leave this up to the municipalities. The next Butler COB meeting, to be held in May, are to discuss how to set up a local tax credit and an amount so that all municipalities will be the same.

**PLANNING COMMISSION:** Alan Vagasky said that at the last meeting they received a new subdivision form for Dressler's from the Land Surveyors which was a modification from original plan. Mr. Vagasky referred this to our engineer as they are now stating this is an RV Park, Trailer Park, Man Camp. The engineer will have to determine what this is and how it applies. Mr. Vagasky said they listed that the house will be changed into apartments and this is not permitted as a use in an Agricultural Zone; would require a Variance. Mr. Marciniak said that we have been spending monies on our engineer and solicitor fees. We need to know is exactly from Dressler on paper what he intends to do. Mr. Marciniak said that nothing is approved and will only be once he complies.

**STORMWATER MANAGEMENT AND STREETS:** Mr. Boice said we have received a quote from Michael Emery, PA Rural Water, regarding GIS Mapping of the Stormwater System.; cost would be \$4,100.00. This will be required by the state for all municipalities to have complete by March 16, 2018. We also received a quote for the Sewage Manholes at a cost of \$7,200.00; in which we recently discovered that KLH may have had this done but just not completed. It was determined to send KLH the quote we received and that they will in turn submit a quote to us for the Stormwater GIS Mapping.

Mr. Boice made motion to rent a Power Broom for two (2) days at a cost of \$60 per day; to clean the dirt from the curbs before the parade; Mr. Gitzen 2<sup>nd</sup>. Ms. Harmon said "No". Roll call: Mr. Boice, yes; Mr. Green, no; Mr. Gitzen, yes; Ms. Harmon, no; and chair, yes. Motion carried.

**BUILDING & GROUNDS/MAINTENANCE & FACILITY:** Mr. Boice had nothing to report.

**PERSONNEL:** Mr. Gitzen wanted Council to know that George Simcic successfully passed the Sewage Test on April 11<sup>th</sup>.



**JOB GEORGE!**

Mr. Gitzen wanted to discuss personnel matters in the executive session.

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

**POLICE:** See Police Report. Mayor Butler said that they had three (3) complaints for Foster and that they will look into citing him.

Ms. Harmon made motion to allow Matt Wagner to use the Dodge Police car for his JNET Training Classes; Mr. Green 2<sup>nd</sup>. Motion carried.

Mayor Butler told Council that Rachel Sporrer's psych evaluation was completed and to have Ms. Marzullo look for paperwork in mail.

Mr. Gitzen made motion to have the Police Department purchase an AED (defibrillator) at a cost of \$199.99 but to use the Galls Credit (\$261.16) towards the cost; Mr. Green 2<sup>nd</sup>. Motion carried.

Mayor Butler said they received a complaint letter from the DEP regarding the Moffatt's burning. He said we are not getting involved; this went to trial and the Magistrate threw it out.

Mayor Butler said that Ms. Harmon requested a Fire Policeman in July for Rubes Run; Chuck Tatton will work for this event.

Police Officers, Chuck Tatton and Terry Hilton will work the parade.

Mr. Boice said that he wanted to discuss the policeman's hours as last month showed 23 hours worked and this month 29 hours. He understands that this is a part-time job and that they have other things but all we were asking for was them to each work 30 hours a month and they are not. He understands they have personal things but if there is a schedule and you cannot work they should contact another policeman to take his scheduled work hours. Mr. Boice made motion that each policeman must work twenty (20) hours per month starting today, May 1<sup>st</sup>; or put in his or her resignation; Mr. Green 2<sup>nd</sup>. Ms. Harmon said "No". Roll call: Mr. Boice, yes; Mr. Green, yes; Mr. Gitzen, yes; Ms. Harmon, no; and chair, yes. Motion carried. Ms. Marzullo to send Solicitor Menchyk parts of the Policy Handbook to review.

**SEWAGE:** Mr. Green made motion to send one of the McNaughton Pumps to Dumbaugh Electric for repair, to order two (2) dozen O-Rings and four (4) Beveled Gaskets for a cost of \$860; Mr. Boice 2<sup>nd</sup>. Motion carried.

Mr. Green mentioned the Sewage GIS Mapping quote but will wait till KLH provides their information.

Mayor Butler said that since Harmon Lane is not considered a Borough Street the Council will need to get Right-Of-Ways for the sewage. Solicitor Menchyk to check this out.

Mike McCaffrey said the 7<sup>th</sup> Quarterly CAP report was submitted to DEP today.

Mr. McCaffrey said that Mr. Rosensteel is still trying to set up an appointment with John Tovcimak from DCNR to renegotiate our agreement.

Mr. McCaffrey said that Mr. Rosensteel and Solicitor Menchyk are handling the Dressler issues.

**OLD BUSINESS:** Solicitor Menchyk said that the Codification of Books are a work in progress. The sewage and tap language needs a little work. Solicitor Menchyk will need to meet with General Code to get a submission document started and then once submitted we would need to prepare a code to adopt the Ordinance and advertise. This Ordinance needs to be in conjunction with all changes and updates to code. Ms. Harmon asked if we will be able to see all changes first and Solicitor Menchyk said "Yes".

Solicitor Menchyk said that the Floodplain Ordinance is a work in progress and the deadline has been pushed back till next year.

Solicitor Menchyk said that they have sent the new revised agreement to Mark West and hoping to have the signed document back this week.

Mr. Marciniak said that a letter was sent out to each PA representatives to explain the Council's feelings regarding the Firefighter's Tax Credit.

Ms. Harmon presented the Council with a disk containing 2500 pages of old Prospect Borough history since 1895. The Butler County Historical Society (Shaw House) produced this information for us. The actual books are in the climate controlled storage of the Butler County Historical Society. Ms. Marzullo will send a thank you card to the Butler County Historical Society from Council.

Solicitor Menchyk said the Monroe Street Right-Of-Ways to the residents have been drafted and should be going out this week.

Mr. Marciniak said the registered letter we sent to Kenneth Hogue regarding conducting business in his home was refused. Solicitor Menchyk said that this now needs to go to the Zoning Enforcement Officer; Dave Hazlet.

**NEW BUSINESS:** Mr. Marciniak said that the Butler County was doing away with Impact Fee Money Grants and are developing a new program with low interest loans. These loans can be used for roads, bridges, water, sewer, stormwater, etc. We need to complete the survey should we consider to pursue. The loans are based on needed amounts not based on income. Estimated loan interest as 2% or less. Mayor Butler said that the Butler County will use their part of their Impact Fee Monies to do the Infrastructure Projects. Mr. Boice made motion to let Mr. Marciniak fill out the Infrastructure Survey; Mr. Gitzen 2<sup>nd</sup>. Motion carried.

Mr. Marciniak said that he will be getting in touch with Mr. Schweitzer between May and June from the Department of Corrections about bringing people into the Borough to help with some Borough work.

Mr. Marciniak said that he received the LUCA 2020 Census and they practically want us to do the census for them. They want us to train and Mr. Marciniak said he is not going to do it. He asked the other council members if they reviewed theirs yet.

Mr. Green made motion to purchase the Carbonite program for both office computers at a cost of \$60 per year per computer; Mr. Gitzen 2<sup>nd</sup>. Motion carried.

Mr. Marciniak mentioned that we need to get a meeting with John Tovcimak as it was discovered that we are being billed for the overages for the regular rate plus the overage rate since the 2013 Agreement.

Mr. Marciniak said that several council members were not running this fall for reelection. He said the days of a once a month council are over. We should not have one person making a decision every day. He said that when one takes this position they need to be more involved. The laws have changed and the demographics in this borough also have changed. When one takes on this position they should take it seriously. They need to come in at least once a week if not more. He says that we have gotten closer with the neighboring communities; such as Franklin Township, Connoquenessing Township, Fair Board and Legislators. He would like this progress to continue in the Borough. Kudos to the whole Council.

**EXECUTIVE SESSION:** 8:00PM ~ Legal and Personnel Matters

**RESUMED:** 8:25PM

Mr. Boice made motion to allow Solicitor Menchyk to continue pursuing the delinquent sewage accounts that have been ongoing; Mr. Green 2<sup>nd</sup>. Motion carried.

Mr. Gitzen made motion to increase George Simcic's pay rate by \$2.00 effective the next payroll; Mr. Green 2<sup>nd</sup>. Ms. Harmon said "No". Roll call: Mr. Boice, yes; Mr. Green, yes; Mr. Gitzen, yes; Ms. Harmon, no; and chair, yes. Motion carried.

**PAY BILLS:** Motion made by Mr. Boice to pay the General Fund Bills for \$9,139.65; Mr. Green 2<sup>nd</sup>. Motion carried.

Motion made by Mr. Green pay the Sewage Fund Bills for \$4,097.48; Mr. Boice 2<sup>nd</sup>. Motion carried.

Motion made by Mr. Boice pay the Highway Aid Fund Bills for \$3,534.33; Mr. Green 2<sup>nd</sup>. Motion carried.

**Round Table:**

Mr. Boice	No additional comments.
Mr. Green	No additional comments.
Ms. Marzullo	No additional comments.
Mr. Menchyk	No additional comments.
Mr. Gitzen	We really need to renegotiate and take charge on the DCNR agreement. Everyone needs involved.
Ms. Harmon	No additional comments.
Mayor Butler	No additional comments.
Officer Tatton	No additional comments.
Mr. Simcic	No additional comments.

**ADJOURN:** 8:30PM. No further business at hand, motion made by Mr. Boice to adjourn; Mr. Green 2<sup>nd</sup>.