



COUNCIL MEETING MINUTES  
October 6, 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, Bob Boice and Mayor Jim Butler. GTN Solicitor; Anthony Colangelo and KLH Engineer; Eric Tissue.

**APPROVAL OF MINUTES:** There were no changes to the September 16, 2014 Special Council Meeting Minutes. Motion made by Mr. Boice to approve; Mr. Stellfox 2<sup>nd</sup>. Motion carried.

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

Ken Hardt purchased 47 acres in 1991; in 1996 he wanted 25 taps but was granted 5 taps. He paid tapping fees and monthly fees up until 2007 for those 5 taps; which he has paid out over \$20,000 in fees. Mr. Hardt wanted to know what the status was on these 5 taps. Mr. Wagner told him we are in the same position as we were at that time and that we have a moratorium on any tapping fees until the projects are completed. Mr. Tissue told him after all is completed we have to get on line, operational and to get the consent from DCNR that all is working consistently. Mr. Hardt was asked why he stopped paying in 2007 and he stated because of DEP. Ms. Harmon told him about the certified letters that were sent out from the most current tap list and from this response we can start a new tap waiting list. Mr. Marciniak said all this will be under the advisement of our solicitor. Mr. Colangelo asked if he bought the taps why did he not use them then and Mr. Hardt stated the cost of development for 5 taps was not feasible. Mr. Colangelo also told Mr. Hardt that unused taps after a certain time not being used eventually do go away. Mr. Hardt told him that the moratorium came to be at the same time they purchased them. Per Mr. Vaccarello said the residents had to pay for the taps in order to keep them; paying into the system instead of building. Mayor Butler asked if he can use these 5 taps and Mr. Hardt says this amount of taps is still not feasible; it was then asked how many taps he wanted and he responded that he was not sure of at this time. Mr. Marciniak explained that we need to control flow first before making any taps available and the solicitor will get back to Mr. Hardt.

Mr. Lutz has property for sale on McIntosh Lane and on the sales agreement he needs a contingency that there will be a tap(s) available by January 1, 2015. Mr. Wagner told Mr. Lutz that they hope the project is completed by the end of the year but that our contractors are six weeks behind on this project or better. Mayor Butler stated DEP and DCNR are two different state entities; DEP signs off on moratorium and DCNR treats our sewage. Overall until everything works then we cannot calculate how many taps we can issue.

Nick Vaccarello stated he has 60 taps and we cannot have any overflows for one full year to lift this moratorium but he was not sure if this condition still applied. The Borough has high flows going to the Park not overflows. Mr. Vaccarello has two issues; one remove property cover and catch basin and second the manhole on his property needs lowered as the Borough have raised it. Mr. Tissue responded about the manhole that it could never had been raised as there are no rings to confirm this was ever raised. Mr. Tissue said that he could remove the manhole lid and show Mr. Vaccarello; Mr. Vaccarello would be interested in seeing this. Mr. Vaccarello stated the catch basin is on his property now and "property corner falls within the catch basin" at the Artman and Vaccarello property lines.

**LIBRARY:** See attached Report. Cindi Sharrar said that story time is doing well and is well attended. Ms. Sharrar will not be on the Library Board after the end October as she is retiring. The Council thanked her for her service.

**SIDEWALKS & PUBLIC SERVICES:** Nothing to report per Mr. Gitzen.

**EMA:** Nothing to report per Mr. Stellfox other than Nathan Blackwood; Emergency Management Assistant, is attending classes.

**PLANNING COMMISSION:** Nothing to report.

**PARKS and RECREATION:** Mr. Bryan said he stopped over at the Park and all looked Ok and the pavilion is in good shape. He did state there was some trash that needed removed; per Mr. Marciniak the maintenance department will be notified to take care of. Bryan said the Park already has reservations scheduled for next summer.

Mr. Gitzen just wanted to remind all that Halloween was October 31<sup>st</sup>; 5PM – 6PM for judging at the Fire Hall and Trick or Treat 6PM – 7:30PM. He also mentioned that we need some police coverage that night.

The Fire Department did purchase a PA System per Mr. Marciniak. Mr. Gitzen said great maybe they can borrow it.

**STREETS AND STORM WATER:** Mr. Boice said that Mr. Hixson (Higgy) and Mr. Osborne did a nice job on the Wagner's culvert.

Mr. Boice said that Franklin Township has still not cleaned our other ditches yet but hopes it will be soon.

Mr. Boice said the Maintenance Department used black top to fix the property complaint on Orchard Drive and also for Mr. DiFrischia.

The property owner in Prospect Borough said it was Ok for the turnaround on Kennedy Road; location is on the flat area before the hill. The property owner only request is if there is any damage done that the Borough will take care of; Mr. Colangelo to draw up papers. The Borough may have to spread a little limestone and the Borough will have to reimburse Connoquenessing for the cost of the anti-skid but should be very minimal. Mr. Boice to get the name and address of the property owner so Mr. Colangelo can draw up these papers; he believes it is Art Marbell's property. Mr. Boice made motion to use this turn around and to let Connoquenessing take care of this hill in the winter time using anti-skid; Ms. Harmon 2<sup>nd</sup>. Motion carried.

Mr. Stellfox reminded Council and KLH Engineering that Jim Willard had agreed to provide storm water management "as-built" from the Kennedy Road crossing to the Vaccarello, Artman Bus Garage corner to the Artman storm water drain at Wilson Road to the Crab Run Creek crossing. These are to be provided at the completion of the creek crossing. KLH Engineering should also contact Jim Willard concerning agreements between him and Mr. Vaccarello concerning property pin placement at the Artman storm water drain.

Mr. Tissue to take care of this issue when property pins and monuments are installed.

**MAINTENANCE & FACILITY, BUILDING & GROUNDS:** Mr. Bryan said that the winter salt was ordered; will be using brine as well.

Mr. Wagner stated they will be getting a latch for the overhead door on the side building and will fix the man door by boarding it up on the inside and outside. Mr. Boice made motion to get the latch and board up the door; Mr. Wagner 2<sup>nd</sup>. Motion carried.

**PERSONNEL:** Nothing to report per Mr. Marciniak.

**MAYOR:** Mayor Butler said he attended the Car Show, it was a lovely day, very enjoyable and a great turn out. Mr. Bryan also commented that the Car Show was great and they had ice cream too!

Mayor Butler stated the brush on LaFayette was taken care; can see the stop sign now.

Mayor Butler said that he and Chuck Tatton; Police Chief, went to the residence on Church Street regarding the hedges issue. The hedges are cut back now too.

Mayor Butler mentioned about the complaints for Grossman's with adding sticks on the road in front of his house; across from the Post Office. Mr. Grossman could not pull out of his driveway to see oncoming traffic with cars parked in this area on his property. Mayor Butler said this is the state right of way and the Borough cannot do anything about it; it is Grossman's property and these sticks are 3 feet off the road and in other words he has the right to put up these sticks. Mayor Butler will respond to the complaints and pass this information along.

Mayor Butler attended to Borough Association Meeting and sat with the Mayor of Mars and the Police Chief. Mr. Marciniak attended and said that this was hosted by Prospect Borough and we had a decent turnout and the food was good. The topic was "Active Shooter Situation" and the speaker talked for about an hour. What was amazing to learn the age group of shooters is 14-1/2 years old, they bring more than one gun and they only do it for publicity and/or their name in the paper. The topic was very interesting and they stated they may want to do a training exercise at Moraine Elementary School.

**POLICE:** Mayor Butler went over the police report. Mayor Butler did talk to Don Lutz, Police Officer, regarding his hours worked. Mr. Lutz said that the Mars Borough increased his hours and so he is only able to work at the Borough two five hour shifts which is equals to ten hours a month. Mr. Gitzen motioned for us to search for a part time officer; Mr. Stellfox 2<sup>nd</sup>. All approved but Mr. Boice. Roll call: Mr. Gitzen; yes, Mr. Boice; no, Mr. Stellfox; yes, Mr. Bryan; yes, Mr. Wagner; yes, Ms. Harmon; yes and chair; yes. Motion carried.

Mr. Bryan brought up we need to have a Police Office during the rush hours; 6AM-8AM and 3:30PM-5:30PM as we still have speeding issues and the officers need to work these shifts. Mayor Butler will look into getting this done.

Mayor Butler said that Matt Wagner, Borough Police Officer, is going to join the Drug Task Force and has talked to Detective Fennel. The Borough will pay Mr. Wagner for his hours on the Task Force but the Borough will be reimbursed by the County. Mayor Butler said the Matt Wagner's time would need to be monitored so it would not take away from the Borough. Mayor Butler said we would also need a memorandum. Mr. Stellfox made motion for Matt Wagner to join the Drug Task Force; Mr. Gitzen 2<sup>nd</sup>. All approved; Mr. Wagner abstained. Motion carried.

Mayor Butler said at the Borough Association dinner he asked the Police Chief of Mars if we could get some reports from the Stated Police and he stated "No".

**SEWAGE:** Mr. Wagner said the new hoist is up, the new bases came in but we had 8 inches of water at the bottom of the tank that needed pumped out. The contractors are ready to install but the tanks had to be cleaned out first.

Eric Tissue had no Penn Vest Payment Request for this month. (See attached Consulting Engineer's Report). Work continues at the EQ tank to finalize installation of the pumps. There are no payment requests for the contractors this month but they do have change orders to be approved. Ms. Harmon made motion to approve the change orders for Contracts 2012-1, 2012-2, 2012-3, 2012-4 and 2012-3; Mr. Bryan 2<sup>nd</sup>. Motion carried.

**OLD BUSINESS:** Mr. Colangelo said we need to get an amendment for the Time of Sale Ordinance but feels we need to scrap the Old Time of Sale Ordinance and draw up a new one to add mobile home and manufactured homes. Mr. Colangelo will have at the November 3<sup>rd</sup> meeting.

Mr. Gitzen still working on the One Trash Hauler Project.

Mr. Stellfox made motion to advertise the Amended Burning Ordinance #2014-5; Mr. Wagner 2<sup>nd</sup>. Motion carried.

Mr. Marciniak is revising the Borough Fee Schedule and should be available to adopt at the November 3<sup>rd</sup> meeting.

Mr. Colangelo stated that Code Book 27-407 is actually Ord 84-1 and 91-2 that are already enacted by the Borough. Mr. Stellfox to review and see if he wants any modifications made.

Mr. Colangelo sent a letter to Mr. Huff directing them to remove his materials from our property.

Mr. Tissue said that Crab Run on Kennedy Road is worthwhile to make an appeal to the FEMA Flood Plan and due by November 7<sup>th</sup>; he will let us know his recommendations at the November 3<sup>rd</sup> meeting.

Mr. Bryan made motion to adopt Ordinance #2014-4 amending regulations and procedures concerning the issuance of sewer tap permits, the non-transferability of sewer tap permits and the expiration of the right to receive the sewer tap permit if construction has not started within 90 days of issuance of the sewer tap permit or July 2, 2016, whichever occurs later; Ms. Harmon 2<sup>nd</sup>. Motion carried.

Mayor Butler said the tree limb on LaFayette Street issue remains. The owner lives in Missouri and would like to give the property away. Mayor Butler has talked to the Library and are waiting their response. Ms. Sharrar said the Library is not interested.

Mr. Wagner said that this property is actually an "L" shape and the Borough may want to reconsider.

Mr. Bryan made motion to adopt Resolution #2014-12, a Resolution for setting procedures for liening or delinquent sewer accounts; six months/\$3,000.00 whichever occurs first, and not to be effective till January 1, 2015; Mr. Gitzen 2<sup>nd</sup>. Motion carried.

Mr. Colangelo said that Ms. Robinson's letter was sent and that the sewer pipe and stone will be removed off her property this Thursday, October 9, 2014.

**NEW BUSINESS:** Mr. Marciniak stated we received a complaint from Gerry Allen regarding Orchard Drive needs swept. The Street Committee to look into.

Mr. Marciniak told Council that the Van Show was at the Butler Fairgrounds on August 29th through September 1<sup>st</sup>. The Borough was never notified of this event and also was not on the Fairgrounds schedule. Ms. Marzullo sent a letter on September 2<sup>nd</sup> and has not heard back from them. Mr. Sarvey also said this should have been on the Fairgrounds schedule. Ms. Marzullo to send another letter to the Fairgrounds Board; Ms. Cunningham, contact, at The Fairgrounds Post Office Box address.

Mr. Marciniak told Council we received Volunteer Fireman's Relief monies and the monies was forwarded to the Prospect Volunteer Fire Department.

Mr. Marciniak mentioned that Judith Raisley feels that our lien amounts percentages need raised as now we are only charging 10% for the 1<sup>st</sup> month and 1% each month after. Mr. Colangelo said if this is changed the Borough would need an ordinance. Mr. Marciniak gave this to the Sewage Committee to investigate.

Mr. Marciniak mentioned the Borough received a thank you card from the Beatty Family for putting up the sign in honor of James Beatty.

Mr. Marciniak mentioned the Borough received a thank you card from Dave and Linda Stellfox for the books we donated to the Prospect Library in honor of his mother-in-law Eva Ellen Cree.

Mr. Marciniak told Council that after the meeting with PA American Water Company the Borough feels we may have water in the Borough in 2017 timeframe.

**EXECUTIVE SESSION:** 8:26PM

**RESUMED:** 9:07PM

Mr. Wagner made motion that Mr. Marciniak would negotiate for the sale of the wing walls; Mr. Bryan 2<sup>nd</sup>. All approved; Mr. Stellfox abstained. Motion carried.

Mr. Wagner made motion to authorize the solicitor and the engineer to attend a meeting to discuss the removal of Borough materials from private property; Mr. Bryan 2<sup>nd</sup>. All approved; Mr. Stellfox abstained. Motion carried.

Mayor Butler was recommended to be a Delegate for Prospect Borough at the November 25<sup>th</sup> BCTCC Meeting regarding new rates for Berkheimer.

Mr. Marciniak mentioned there will be a Grant Workshop on November 18<sup>th</sup> and that he would be attending and wanted to have each council look at their schedule to see if they would be available to attend also.

Mr. Marciniak stated he would like to have a close out meeting at the December 8<sup>th</sup> Meeting. We will be off December 1<sup>st</sup> for the hunters. **Run Bambi Run!**

Mr. Tissue went over the Projected Revenue and Capital Requirements; attached to his Consulting Engineer's Report. He based his numbers from his conversations also with Joe Miller from PNC Bank. Our debt service will be \$161,247 which leads to a 25% increase in sewage rates. Ms. Harmon made motion to increase the sewage rate to \$62.50 per month effective January 1, 2015; Mr. Bryan 2<sup>nd</sup>. All approved but Mr. Gitzen. Roll call: Mr. Gitzen; no, Mr. Boice; no, Mr. Stellfox; yes, Mr. Bryan; yes, Mr. Wagner; yes, Ms. Harmon; yes and chair; yes. Motion carried. Mr. Colangelo stated we will need a Resolution to increase the rate.

Mr. Bryan motioned the Sewage Fund Budget to be advertised; Mr. Wagner 2<sup>nd</sup>. Motion carried.

Mr. Wagner motioned the General Fund Budget to be advertised; Mr. Bryan 2<sup>nd</sup>. All approved but Ms. Harmon. Roll call: Mr. Gitzen; yes, Mr. Boice; yes, Mr. Stellfox; yes, Mr. Bryan; yes, Mr. Wagner; yes, Ms. Harmon; no and chair; yes. Motion carried. Ms. Harmon wanted Council to know she feels the cultural funding be on hold for at least one (1) year because there is not enough funds in reserve for emergency situations. The cultural entities need to be self-sufficient and not dependent on Borough. Once the Borough gets a sufficient surplus to give without concern for paying its own expenses and has reserve funds, it should be better able to donate to these entities. This is the only reason Ms. Harmon objected to the General Fund portion of the 2015 Budget.

Mr. Tissue will write an article for The Prospector regarding the sewage rate increase to \$62.50. Mr. Marciniak stated we need more articles regarding Prospect Borough and each one of the Council need to take action and assist in obtaining information that will be of value to our residents. Mr. Stellfox made motion to approve The Prospector to go to print with corrections noted and Mr. Tissue's addition; Mr. Bryan 2<sup>nd</sup>. Motion carried.

**PAY BILLS:** General Fund Bills was Ok'd to be paid \$4,693.64. Motion made by Mr. Wagner to pay; Ms. Harmon 2<sup>nd</sup>. Motion carried.

Sewage Fund Bills was Ok'd to be paid \$2,502.00. Motion made by Mr. Wagner to pay; Ms. Harmon 2<sup>nd</sup>. Motion carried.

Highway Aid Fund Bills was Ok'd to be paid \$237.69. Motion made by Mr. Stellfox to pay; Mr. Bryan 2<sup>nd</sup>. Motion carried.

Round Table:

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| Mayor Butler  | No additional comments.  |
| Ms. Harmon    | No additional comments.  |
| Mr. Wagner    | No additional comments.  |
| Mr. Tissue    | No additional comments.  |
| Mr. Marciniak | Keep in mind for next year we are looking for an "Availability Free" of \$60/Year up to \$100/Year |
| Ms. Marzullo  | No additional comments.  |
| Mr. Bryan     | No additional comments.  |
| Mr. Stellfox  | Thank You Mary on the Budget   |
| Mr. Boice     | No additional comments.  |
| Mr. Gitzen    | We need to look for available monies   |

**ADJOURN:** 9:46PM. No further business at hand, motion made by Mr. Bryan to adjourn; Mr. Boice 2<sup>nd</sup>. Motion carried.