



COUNCIL MEETING MINUTES  
September 2, 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 August 4, 2014 Regular Council Meeting Minutes. Motion made by Ms. Harmon to approve; Mr. Stellfox 2<sup>nd</sup>. Motion carried.

**VISITORS:** Daniel Difrischia, Nick Vaccarello, Alan Vagasky, George Wagner plus more residents of the Prospect Borough (see attached sign-in sheet).

Mr. Difrischia is having water issues from a berm onto his property; he lives at 130 Church Street. Mr. Boice will follow through and go see Mr. Difrischia sometime next week.

**LIBRARY:** See attached Report. Cindi Sharrar wanted to ask that we keep a spot in our Budget for a Library donation.

**SIDEWALKS & PUBLIC SERVICES:** Nothing to Report. Mr. Gitzen stated he is still waiting on surveys to come through. Mr. Gitzen also hopes for available money to be put in the budget for progress.

**EMA:** Mr. Stellfox is waiting on an update from Nathan Blackwood; Emergency Management Assistant, sometime this month. Mr. Stellfox will work with Mr. Colangelo on the Burning Ordinance and get a draft put together for the council to review.

**PLANNING COMMISSION:** Nothing to report per Alan Vagasky.

**PARKS and RECREATION:** Mr. Bryan said the Park already has reservations scheduled for next summer. Mr. Bryan went to look at the park earlier in the week and he stated it looked clean.

**STREETS AND STORM WATER:** Mr. Boice stated that the three streets were sealed and completed.

Per Mr. Boice the water issue on Bear Creek Road was fixed. Our Maintenance Department dug a ditch and ran a pipe into the basin (Our right-a-way). Mr. Boice could not see that the water was laying there anymore.

Mr. Boice stated that the Maintenance Department put black top on the edge of James Shearer's driveway before the road was sealed; Orchard Drive run-off issue. Mr. Boice checked when it was raining and could not see any water running into driveway. Mr. Boice has also asked the neighbor if they wanted this done to their driveway and they declined.

Mr. Boice mentioned school buses sometimes have problems on the hill on Kennedy Road that goes into Connoquenessing Township. The Borough uses salt; the Township uses an anti-skid. Connoquenessing Township is willing to treat this road with anti-skid and have suggested that they will do this hill for us with the anti-skid. We also have a turn around that they could use as long as we add limestone to it; therefore the expense would be the limestone and the Township will send us a bill for the anti-skid. Mr. Boice has to hear back from Connoquenessing Township yet before getting council's permission.

Mr. Boice stated that Franklin Township will ditch the entire Kennedy Road soon.

**MAINTENANCE & FACILITY, BUILDING & GROUNDS:** Mr. Bryan had nothing to report other than winter is coming!

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

**MAYOR:** Mayor Butler said he performed a wedding and was given a nice donation; he gave these checks to the Preservation Society and the Library.

**POLICE:** Mayor Butler went over the two police reports.

Mayor Butler addressed the issue of the shrubbery on Church Street going over the road. He will send a letter to the property owner to fix and if the owner is in non-compliance this shrubbery will be removed at the owner's expense.

Mayor Butler did talk to the complainant about the loose dog. A copy of our Ordinance was given to the owner of the dog.

Mr. Stellfox asked if it was legal to have a for sale sign on a vehicle with no license plates; it was mentioned that they may be selling it for parts. The Mayor will keep an eye on this and also the flat tire issues. (Vehicles parked in yards with flat tires.)

**SEWAGE:** Mr. Wagner stated that we are at square one as we are waiting for the pumps to come in. Once these are installed, all testing completed, get on line with the Park and meters working properly then we are ready to go. Mr. Wagner said we also had to direct some flow; approx. 30-50,000 gallons into the EQ Tank.

Mr. Tissue reported that the pumps came in earlier than anticipated; they will be here sometime next week.

Mr. Tissue said that there will be no payment request for the contractor's this month.

Mr. Tissue said that the meters were pulled from the Butler Fairgrounds and there was a substantial increase; the school not much of a difference. Mr. Tissue will have a report for us soon.

Mayor Butler mentioned he had two things to address. One was the pipe on Wilson Road to Crab Run and the second was replacing creek crossing on Wilson's driveway. Mr. Boice stated that our Maintenance Department will add the rip rap to Wilson Road to Crab Run and that we will need to get bids for the replacing the creek crossing on Wilson's driveway.

**OLD BUSINESS:** Mr. Marciniak mentioned there will be a grave side memorial for James Harmon at the Greenlawn Burial Estates in Mount Chestnut on September 4, 2014 at 5PM.

Mr. Marciniak stated that we are sponsoring the next BCBA Meeting being held on September 25<sup>th</sup> at the Prospect Fire Hall; dinners are \$16 per person. Mr. Marciniak said that he feels we should all try to attend since Prospect Borough is hosting it; deadline is September 22<sup>nd</sup>.

Mr. Colangelo says he is still waiting on suggestions before amending the Time of Sale Ordinance #2012-2. Ms. Harmon says they still need procedures. Per Mr. Colangelo there are various types of testing and he has a list of suggested procedures that he has given council. Mr. Colangelo stated we need to establish a time of sale testing, get further specifics that we want included and then to authorize him to prepare the amendments to this Ordinance. Per Mr. Stellfox we need to incorporate the mobile homes into this; need a section to distinguish mobile homes sold or moved. The Sewage Committee will meet and asked Mr. Stellfox for a list of his recommendations.

Mr. Marciniak wanted to know if there were any questions as we needed to make a motion to adopt the Keller Weight limit Ordinance #2014-3. This was explained by Mr. Colangelo that this affects residents as well as non-residents. Mr. Colangelo also stated that basically vehicles over 10 tons can still use our roads but if the Borough would notice any damage being caused to the roads the person(s) then would have to obtain a permit and be bonded. Mr. Boice said Route 488 and 528 have the 10 ton weight limit also. Mr. Boice stated we could talk to Dick Knapko; PennDot, to get his advisement and to investigate first as there are three types of permits. Per Mr. Colangelo this ordinance should not hinder any existing business since they have been using these roads and the Borough has seen no evidence of damage to the roads. Mr. Boice also suggested we could give directions out of how to get to their point of destination without traveling over all our roads. Mr. Boice also stated that once this ordinance is adopted these roads need posted. Mr. Bryan made motion to adopt the Road Weight Limit Ordinance #2014-3; Mr. Boice 2<sup>nd</sup>. Motion carried.

Mr. Gitzen stated he is still working on trying to get prices for the Borough to use only one trash hauler. He is waiting on a call from his contact to go about getting a bid/contract. The Borough is proceeding with this as we are trying to see if we can get cheaper rates for the residents.

Mr. Colangelo brought up the American Tower Rental Lease Agreement. Our agreement with them is renewed every 5 years so next renewal will be in 2017. In the original agreement they can renew every 5 years up to year 2047. The Borough has been receiving letters from investors; these investors will pay us a lump sum payment. Mr. Colangelo also has received notice from American Tower that they will pay us a lump sum payment of \$66,000. Mr. Colangelo said we have two things to consider; one renegotiate in 2017 to continue receiving the \$1,394.14 payments or two take the lump sum payment. American Tower in 2017 could terminate our lease but they would have to remove the tower. Per Mayor Butler American Tower is not our problem; they are stuck with us. Mr. Vaccarello said that the tower is sitting on a 25' concrete foundation. Mr. Colangelo said that American Tower actually bought this from Signet. Mr. Marciniak asked the Council do we pursue or ignore these letters. Ms. Harmon made motion to ignore these letters and stay with American Tower Lease Agreement; Mr. Boice 2<sup>nd</sup>. Motion carried.

Mr. Marciniak made mention if the council had any questions on the George Wagner Agreement; all council had copies. Per Mr. Colangelo we should not enter this agreement as it is a private matter not Borough business. Council did ask Mr. Colangelo if it was legal and he stated yes. Mr. Marciniak stated he would never had Mr. George Wagner sign this agreement without the council's approval. Mr. Sam Wagner made motion to accept this agreement; Ms. Harmon 2<sup>nd</sup>. Motion carried.

Mr. Marciniak asked all council if they have read the Fireman's Lease Agreement; the lease is for one garage bay to be used for their fire truck and to be renewed every 5 years. Ken Wilson wanted this agreement changed to reflect the door replacement costs reimbursed if the agreement was not renewed. Per all council definitely "No" to changing this agreement to reflect reimbursing for the door replacement. Mr. Stellfox made motion to go ahead with this Agreement as is; Mr. Wagner 2<sup>nd</sup>. Motion carried.

Mr. Marciniak wanted an amendment change to our Lien Ordinance; \$3,000 or 6 months, whichever occurs first. We need to have Judith Raisley send a copy of this with a letter that they need to comply; this is the "New Law". Mr. Gitzen made motion to amend the Lien Ordinance and to have Mr. Colangelo draw up a Resolution to make the change to \$3,000 or 6 months whichever occurs first, cannot be grandfathered in and will pertain to Residential as well as Commercial businesses; Mr. Bryan 2<sup>nd</sup>. Motion carried. A discussion started as this is a utility and if don't pay they should be shut off. Any enforcements we need to issue through Judith Raisley will be approved first by council. Mr. Colangelo said the various tools that the Borough can use should be discussed with the Sewage Committee. The committee needs to meet with Judith Raisley to discuss an agreeable way. The liens are just not working as people do not care so they still do not pay. Mr. Stellfox mentioned that the tenant pays the sewage to the land owner in mobile home parks and that we might want to consider individual billing. Mr. Colangelo said this is a private agreement between lessor and lessee and that the property owner is responsible for tenant's payments.

Mr. Marciniak mentioned we need to have a timeframe to use a building permit and sewage tap. Per Mr. Colangelo Ordinance 2003-2 states they have 90 days and if resident does not use sewer permit within one year it's gone. The old Ordinance 1993 states 50% of application is returned to the Borough. The council agreed the residents could use the excuse that with our moratorium in place they could not tap in; need council to approve extension. Mr. Bryan made motion to advertise Sewer Tap Ordinance 2014-4 amending regulations and procedures concerning the issuance of sewer permits, the non-transferability of sewer taps and 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.

Ms. Harmon has addresses for all residents on the 2003 Sewer Tap List. The Sewage Committee would like to send a registered letter out to see who would like to continue to stay on this list. Per Mr. Colangelo if Randy Hilliard made up this list and he verified this is the correct and most current list, we need to use this. Mr. Boice made motion to send out a registered letter to any resident on the 2003 tap list; Mr. Bryan 2<sup>nd</sup>. All approved but Mr. Wagner. Roll call: Mr. Gitzen; yes, Mr. Boice; yes, Mr. Stellfox; yes, Mr. Bryan; yes, Mr. Wagner; no, Ms. Harmon; yes and chair; yes. Motion carried.

Mr. Marciniak is still working with John Nath, Zoning Officer, on the Borough Fee Schedule; will readdress next October 6<sup>th</sup> meeting.

Mr. Marciniak noted that the 2 computers and 1 laptop are ready to be cleaned and to keep at least 1 computer. Mayor Butler stated we should keep at least the monitors as back up. It was determined instead of paying someone to clean them off to just use have our Maintenance Department use our backhoe and to smash the computer equipment and dispose of environmentally friendly. Mr. Bryan made motion to clean off the computer and laptop with the backhoe and dispose of; Mr. Stellfox 2<sup>nd</sup>. Motion carried. Mr. Marciniak mentioned the copier that was donated to us is only filling up space; too old and too expensive to fix and that we should just send this over to Franklin Township on Recycling Day; all agreed.

Mr. Marciniak brought up about our neighbor, Mr. Huff, who uses our Borough property. Per Ms. Harmon and Mayor Butler this is a municipality liability issue. Ms. Harmon made motion to have Mr. Colangelo draw up a letter to Mr. Huff to no longer use our property and remove all belongings off this property because of liability issue; Mr. Bryan 2<sup>nd</sup>. Motion carried.

It was mentioned there needs to be a stop sign at Kennedy Road and Route 488 West. Mr. Colangelo said we have the right-a-way and an ordinance but also this is another liability issue. The streets committee to let Robert Hixson (Higgy) put up the stop sign at the end of Kennedy Road and Route 488 West.

Mr. Colangelo went over the FEMA Flood Plan; the flood maps did change and the Borough has till November 7<sup>th</sup> to appeal. We will have Mr. Tissue review and give us his opinion. Property owners along crab run can also appeal. Once Mr. Tissue gives us his determination on this KLH Engineering will be sending these property owners a letter regarding this issue to see if they want to appeal. Mr. Bryan made motion to have KLH Engineering, Inc. look into this; Mr. Stellfox 2<sup>nd</sup>. Motion carried.

Mr. Colangelo determined that we will not send any messages from Verizon Wireless to the Cloud.

Mr. Vaccarello said there were no pave inverts on Wilson Road; contractor to contact Mr. Vaccarello.

**NEW BUSINESS:** Mr. Marciniak said that the Prospector mailing would have to wait till next month as he had only three articles and needs more. Mr. Gitzen said that we could add that the Mayor does Weddings; church information and Halloween night details.

Mr. Gitzen asked if the Police were available for Halloween night; Mayor Butler said yes.

Mr. Gitzen thought we should donate \$50 to \$100 to the CB Rangers & County Fire Police for their time helping out Rubes Run. Ms. Harmon said the Preservation Society already had donated money to the CB Rangers and County Fire Police but Prospect Borough is not affiliated with the Preservation Society. Mr. Stellfox made motion to send the CB Rangers & County Fire Police a \$100 donation; Mr. Gitzen 2<sup>nd</sup>. All approved but Ms. Harmon and Mr. Bryan. Roll call: Mr. Gitzen; yes, Mr. Boice; no, Mr. Stellfox; yes, Mr. Bryan; no, Mr. Wagner; no, Ms. Harmon; no and chair; no. Motion not carried; revisit later.

Mr. Marciniak asked the council to approve Ms. Marzullo to order General Fund Checks; \$175 for 1,000 checks. Mr. Bryan made motion to have Ms. Marzullo order these checks for \$175; Ms. Harmon 2<sup>nd</sup>. Motion carried.

Mr. Marciniak let it be known that the books donated to Mr. Stellfox's mother-in-law are available and are in the library now.

Mr. Marciniak discussed with the council about the tractor trailer problem on turning from State Route 528 to State Route 488. It was determined since these are state roads it was up to PennDot.

Mr. Marciniak asked that we should put up a sign marker with James Beatty's, Founder of Prospect Boys & Girls Club, name above the street sign on Orchard Drive like we did for John Hines on Wayne Street. Mr. Bryan made motion to add the sign marker with James Beatty's name on Orchard Drive; Mr. Wagner 2<sup>nd</sup>. Motion carried.

It was mentioned that it was OK for Robert Hixson (Higgy) and Bill Osborne to use the Walkie Talkies.

George Wagner may have a potential person lease his property on Kennedy Road, Mr. Krouse. There would be large trailer containers coming in and then they refurbish them; some over 10 tons. They are willing to improve the property's looks. They wanted to attend tonight's meeting but had another meeting they had to attend. Mr. Colangelo saw no problem to this being a new issue as there was an existing maintenance shop there before. Mr. Colangelo this is an Agricultural District so would have to check first with Prospect Zoning; John Nath but if it is a conditional use it would fit into a small business venture. Mr. Colangelo recommended that Mr. Wagner contact John Nath to see if he could get a conditional permit and to have Mr. Nath investigate as maybe this could be grandfathered in. Ms. Harmon gave Mr. Wagner appropriate documentation to follow through with. Mr. Colangelo recommended Mr. Krouse talk to Mr. Nath too. The council will determine if need to be approved at a Council Meeting based on John Nath's recommendations.

**EXECUTIVE SESSION:** 9:07PM

**RESUMED:** 9:35PM

Mr. Boice made motion to authorize Mr. Colangelo to send Ms. Robinson a letter regarding the removal of materials and supplies on her property by a certain date; Mr. Bryan 2<sup>nd</sup>. Mr. Stellfox abstained. Motion carried.

Mr. Boice made motion for KLH Engineering, Inc. to get estimates for engineering fees and prepare contract documents for the Crab Run Project; Ms. Harmon 2<sup>nd</sup>. Mr. Stellfox abstained. Motion carried.

Mr. Marciniak told council that the Borough did receive the Gas Well check this past week.

Mr. Boice and Mr. Gitzen left the meeting.

**PAY BILLS:** General Fund Bills was Ok'd to be paid \$5,834.54. Motion made by Ms. Harmon to pay; Mr. Stellfox 2<sup>nd</sup>. Motion carried. Mr. Boice and Mr. Gitzen absent.

Sewage Fund Bills was Ok'd to be paid \$6,743.98. Motion made by Ms. Harmon to pay; Mr. Bryan 2<sup>nd</sup>. Motion carried. Mr. Boice and Mr. Gitzen absent.

Highway Aid Fund Bills was Ok'd to be paid \$896.40. Motion made by Ms. Harmon to pay; Mr. Wagner 2<sup>nd</sup>. Motion carried. Mr. Boice and Mr. Gitzen absent.

Round Table:

Mr. Stellfox	May want to think about the American Tower Agreement – guaranteed income (\$66,000).
Mr. Bryan	No additional comments.
Ms. Marzullo	No additional comments.
Ms. Harmon	No additional comments.
Mr. Wagner	No additional comments.
Mr. Colangelo	No additional comments.
Mr. Tissue	No additional comments.

**ADJOURN:** 9:45PM. No further business at hand, motion made by Ms. Harmon to adjourn; Mr. Stellfox 2<sup>nd</sup>. Motion carried.