



BEAVER

A regular meeting of the Beaver Borough Council was held on Tuesday, June 14, 2011, in the Community Room at 7:30 p.m.

PRESENT: Vice-President Shirley Sayers; John Wolbert; Walter McDermott; Lauson Cashdollar; Daniel Deceder; Alex Andres; Kathryn Nestor; Mike Deelo; Borough Manager, Whitney Brady, Mayor Thomas Hamilton; Solicitor John Petrush; Sgt. McCoy

ABSENT: President Joseph Zagorski

VISITORS: Midge Sefton, George and Thelma Kauffman, Luke Berardelli, Charles Casbourne, Georgie Bertolami, Betty Burk, Brigitte Roberts, Grady Roberts, Anthony Roberts, Bart and Gloria Farzati, Robert Rice, Tommi Wagner and David Linkimer.

Vice President Sayers called the meeting to order at 7:30 p.m. with the Pledge of Allegiance to the Flag and roll call.

Public Comment on Motions

1. Betty Burk, 888 Fourth Street commended the Historic Preservation Committee on the work on the Ordinance and the Beaver Fire Department for the recent 5k race.

Motions:

1. Mrs. Nestor moved to approve the minutes of the regular council meeting held on May 10, 2011 as corrected. Mr. McDermott seconded the motion and it passed by a voice vote.
2. Mr. Cashdollar moved to approve and pay all bills set forth in the two lists provided in the council members' packets. Mrs. Nestor seconded the motion and it passed by a voice vote.
3. Mr. Cashdollar moved to accept the resignation of Norman Meers effective May 31, 2011. Mr. Wolbert seconded the motion and it passed by a voice vote.
4. Mr. Cashdollar moved to advertise two public works positions in the Beaver County Times. Mr. McDermott seconded the motion and it passed by a voice vote.
5. Mr. Cashdollar moved to approve the hiring of the summer grass and line painting crew including Josh Hendrickson, JD Carr, Dan Graham, Roy Huffman and Nate Getz at the rates previously set by council, those being \$7.50 for line painters and

\$8.25 for those working to cut grass and care for the parks. Mr. Wolbert seconded the motion and it passed by a voice vote.

6. Mr. Cashdollar moved to approve the Borough Policy Non-Uniform, Part Time Personnel Hiring – Limits on Hiring Children of Council Members and Non-Uniform, Part Time Personnel Hiring –Limits on Hiring Children of Employees. Mr. Deelo seconded the motion. Following discussion, a roll call vote was taken whereby the motion passed:

Mr. Deelo – Yes; Mrs. Nestor – Yes; Mr. Andres – No; Mr. Deceder – Yes; Mr. Cashdollar – Yes; Mrs. Sayers – Yes; Mr. Wolbert – Yes; Mr. McDermott – Yes.

7. Mr. Cashdollar moved to approve the Borough Policy Non-Uniform, Full Time Personnel Hiring – Preferences and Non-Uniform, Part Time Personnel Hiring - Preferences. Mr. Wolbert seconded the motion and it passed by a voice vote.

8. Mr. McDermott moved to advertise Ordinance No. 774, an Ordinance of the Borough of Beaver amending Section 217.1 of the Sidewalk Ordinance to reflect a standard from 24” to 18”. Mr. Cashdollar seconded the motion and it passed by a voice vote.

9. Mr. McDermott moved to approve the Sidewalk Permit process including application fees totaling \$25 for residential modifications and repairs and \$50 for commercial and institutional modifications and repairs and an inspection fee of \$200. Mr. Cashdollar seconded the motion. Following discussion, a roll call vote was taken whereby the motion passed.

Mr. Deelo – Yes; Mrs. Nestor – Yes; Mr. Andres – No; Mr. Deceder – No; Mr. Cashdollar – Yes; Mrs. Sayers – Yes; Mr. Wolbert – Yes; Mr. McDermott – Yes.

10. Mrs. Nestor moved to approve Ordinance No. 773, amending the code of the Borough of Beaver creating a new Chapter 11 entitled Historic Preservation regulating demolition in the National Historic District and actions necessary to implement it be taken. Mr. Deelo seconded the motion. Following discussion, a roll call vote was taken whereby the motion passed.

Mr. Deelo – Yes; Mrs. Nestor – Yes; Mr. Andres – No; Mr. Deceder – Yes; Mr. Cashdollar – Yes; Mrs. Sayers – Yes; Mr. Wolbert – Yes; Mr. McDermott – Yes.

11. Mrs. Nestor moved that the Historic Preservation Study Group be appointed to identify HARB member candidates for council to consider. Mr. McDermott seconded the motion and it passed by a voice vote.

12. Mrs. Nestor moved to appoint the Whitney Brady, Borough Manager as the Borough's Historic Preservation Officer. Mr. Wolbert seconded the motion and it was passed by a voice vote.
13. Mr. Deceder moved for approval of the three requests for banner displays at 690 Third Street, 538 Third Street and 543 Third Street at the time frames and sizes outlined in our packet. Mr. Cashdollar seconded the motion and it passed by a voice vote.
14. Mr. Deceder moved for authority to finalize and transmit the draft of the Zoning Ordinance to the Beaver County Planning Commission for their review and comment. Mr. Wolbert seconded the motion and it passed by a voice vote.

General Public Comment:

1. George Kauffman, 100 Oak Street commented on the problems with properties in need of attention.
2. Grady Roberts and Brigitte Roberts, 566 Market Street, both commented on the traffic signage and repairs to the Harlem Lane.
3. Georgie Bertolami, 769 6th Street, commented on the number of signs erected on Harlem Lane.
4. Luke Berardelli, 155 S. Lincoln Avenue, commented on the Sidewalk Permit process.

Highways & Equipment – Mr. Walter McDermott, Chairperson

Mr. McDermott had nothing to report.

Education and Special Services -- Mr. John Wolbert, Chairperson

Mr. Wolbert provided minutes of the Tree Commission Meeting last month.

Mr. Wolbert moved Council to approve the participation for those interested in the PSAB webinar on "Open Records Act Q & A" scheduled June 23, 2011 from 12:00 p.m. to 1:30 p.m. at a total cost of \$40.00. Motion seconded by Mr. Cashdollar and it passed by a voice vote.

Finance Committee – Mr. J. Lauson Cashdollar, Chairperson

At our next committee meeting we will be discussing, for final approval, a number of policies relating to finance to be forwarded to the Policies Committee. We will outline and advance to all members the financial challenges and issues we will have to confront in the next nine to ten months.

Policies, Procedures & Zoning Enforcement Committee– Mr. Daniel Deceder, Chairperson

Mr. Deceder made a presentation concerning the structuring of Beaver's Code Enforcement.

Mr. Cashdollar moved that we approve the general planning structure that's been outlined subject to the necessity of discussing matters with the Solicitor to determine what if any ordinance changes or ordinance enactments necessary to proceed along those lines. Mr. Wolbert seconded the motion and it passed by a voice vote.

Mr. Deceder moved to appoint the firm of Donna Pella at a rate of \$15 per hour to handle code enforcement matters other than zoning subject to the call of the Borough Manager.

Mr. Cashdollar seconded the motion. Following discussion, a roll call vote was taken whereby the motion passed.

Mr. Deelo – Yes; Mrs. Nestor – Yes; Mr. Andres – No; Mr. Deceder – Yes; Mr. Cashdollar – Yes; Mrs. Sayers – No; Mr. Wolbert – Yes; Mr. McDermott – Yes.

Parks and Recreation Services Committee – Mr. Alex Andres, Chairperson

There have been some problems with the pool and they are being addressed.

Mr. Andres moved that Council initiate the forming of the Beaver Borough Recreational Advisory Committee with the following persons as members: Joanne Bradshaw, Betty Burk, Judy Cashdollar, Chuck Copeland, Jennifer Temple and Tommi Wagner. Mr. McDermott seconded the motion and it passed by voice vote.

General Government Committee – Mrs. Kathryn Nestor, Chairperson

Mrs. Nestor has been working with the Borough Manager to turn over the earned income tax to Centax.

Water and Sewage Committee -- Mr. Michael Deelo, Chairperson

River Road Project has now been completed.

Having discussions with Bridgewater Borough about waste water services provided by Beaver Borough and preparing to negotiate a new agreement for these services.

There is still much discussion about reactivating the Municipal Authority. Mr. Petrush is reviewing the situation.

Wage and Personnel – Mrs. Shirley Sayers, Chairperson

This committee is still involved with contract negotiations with the Police Department.

Manager's Report:

The results of soil testing and proposed treatment schedule have been included for consideration in next year's budget.

Two interns have started mapping program of the catch basin/storm water system in the community.

Also included in the packet are recommendations from Tree Commission member on removal and maintenance of certain trees throughout the community.

Mayor Hamilton:

Nothing to report.

Beaver Police Department – Sgt. McCoy

Provided council with a report of the calls for service for the month of May.

Fire Department:

David Linkimer reported that the 5K and 10K race was a huge success with approximately 400 participants.

We are planning an open house on September 11, 2011 to celebrate 175th anniversary and there will be many activities for the celebration.

Mr. Linkimer inquired concerning the Borough adopting a fire code.

Still working on an emergency management consolidation with neighboring communities. Coordinators of other municipalities are reviewing a draft intergovernmental agreement for the emergency management consultation. We are hoping to present the draft for review to Emergency Services Committee by the next meeting.

Solicitor's Report:

Mr. Petrush prepared and filed five municipal liens for unpaid water and sewer service charges and believe a couple have been collected already. One of the owners is contesting the lien and threatening suit against the Borough.

Borough received a letter from an attorney concerning a zoning issue at property located at 308 River Road. After review, Mr. Petrush discussed actions to be taken with the Zoning Officer and responded to the attorney's letter.

A response letter was sent to the Volunteer Fire Department's attorney concerning the maintenance and testing of fire hydrants.

Mr. Petrush has been working with Chief Madgar concerning the turns (either left turns or u-turns) being made from opposite direction of travel into parking places along Third Street. Mr. Petrush reviewed the process for dealing with these issues on a state road.

Mr. Petrush has three matters for discussion in executive session: (1) sled riding lawsuit Neish v. Borough of Beaver; (2) the lawyer who threatened to sue us because we liened his property; and (3) potential disciplinary action against a Borough employee.

An executive session was requested by Mr. Andres to discuss unfinished and unsatisfactory work done at the pool.

Mrs. Sayers read a letter of resignation from Joseph Zagorski dated June 14, 2011.

Mr. Deceder moved that the letter of resignation for Joseph Zagorski be accepted and that a letter of regret be sent to Mr. Zagorski. Mr. Cashdollar seconded the motion and it passed by a voice vote.

Solicitor was directed to advertise the vacancy on Council and to seek letters of interest to serve on Council to be submitted to the Borough Office by 4:00 p.m. on Tuesday, July 5, 2011.

Council went into executive sessions at 10:12 p.m. for the following reasons: (a) Train station lease agreement; (b) sled riding lawsuit; (c) lien on property; (d) employee disciplinary action; and (e) personnel problem related to unfinished and unsatisfactory work at the pool.

The regular meeting resumed at 11:37 p.m.

Mr. Wolbert moved that Council accept the nomination of vice president Shirley Sayers as president until the reorganizational meeting in January. Mr. Cashdollar seconded the Motion. Following discussion, a roll call vote was taken whereby the motion passed.

Mr. Deelo – Yes; Mrs. Nestor – Yes; Mr. Andres – No; Mr. Deceder – No; Mr. Cashdollar – Yes; Mrs. Sayers – Yes; Mr. Wolbert – Yes; Mr. McDermott – Yes.

Mr. Wolbert moved that Council accept the nomination of Lauson Cashdollar as vice president until the reorganizational meeting in January. Mr. McDermott seconded the Motion. Following discussion, a roll call vote was taken whereby the motion passed.

Mr. Deelo – Yes; Mrs. Nestor – Yes; Mr. Andres – No; Mr. Deceder – No; Mr. Cashdollar – Yes; Mrs. Sayers – Yes; Mr. Wolbert – Yes; Mr. McDermott – Yes.

Mr. McDermott moved that Council accept the nomination of Mike Deelo as president pro tem until the reorganizational meeting in January. Mr. Cashdollar seconded the Motion. Following discussion, a roll call vote was taken whereby the motion passed.

Mr. Deelo – Yes; Mrs. Nestor – Yes; Mr. Andres – No; Mr. Deceder – Yes; Mr. Cashdollar – Yes; Mrs. Sayers – Yes; Mr. Wolbert – Yes; Mr. McDermott – Yes.

Mr. Cashdollar moved that Council endorse the terms set forth in Joe Zagorski's June 9th, 2011 letter to Council members, Mayor Hamilton, Borough Manager Whitney Brady, Solicitor John Petrush and the Heritage Foundation relating to the terms for cooperating with the Heritage Foundation to develop the train station for appropriate use and authorizing John Petrush to draft a formal agreement with the Heritage Foundation in keeping with that letter and integrating a standard cooperation agreement used in such cases to protect the entity providing and responsible for the funding to be used. Mr. Deelo seconded the motion and it passed by a voice vote.

Mr. Cashdollar moved to appoint the president or acting president of council, and Dan Deceder as members of the committee provided for in Mr. Zagorski's June 9, 2011 letter with Walter McDermott to serve as an alternate. Mrs. Nestor seconded the motion and it passed by a voice vote.

Mr. Cashdollar moved to authorize Solicitor Petrush to retain a former superintendent and Borough Manger to respond at a deposition to questions posed in the case of Neish v. Borough of Beaver. Mr. Deceder seconded the motion and it passed by a voice vote.

Mrs. Nestor moved to adjourn at 11:51 p.m. Mr. Andres seconded the motion and it passed by a voice vote.

Respectfully submitted,
Donna A. Taylor, Borough Secretary and John W. Wolbert, Assistant Borough Secretary

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