

The regular meeting of Beaver Borough Council was held on Tuesday July 14, 2009, in the Community Room at 7:30 P.M.

PRESENT: President Joseph Budicak; Vice President Dave Edelstein; Dave Shallcross; Art Robb; Joe Zagorski; John Wolbert; Kay Nestor; Shirley Sayers; Tom Patterson; Mayor Thomas T. Hamilton; Solicitor John Petrush; Police Chief Dan Madgar; Borough Manager John Barrett and Administrative Assistant Jan Mohrbacher

ABSENT: none

VISITORS: Walt McDermott, Lisa MacBride, Lauson Cashdollar, Alex Kaluza, Bob Snider, Joy Gifford, Bill Alexander, Dan Deceder, Betty Burk, Barb Marsilio, Linda Baker, Scott Snyder, Dan McKeel, others

The meeting was called to order with the Pledge of Allegiance to the Flag and roll call.

Mrs. Sayers stated that on page 7 of the June 9, 2009 minutes, under voting items, she stated that she is not concerned with the small items and on page 8, number 2; she felt she stated the fountain should be working by the 4th of July. Mr. Budicak noted to add that if it is possible to have the fountain working by the 4th of July. Mrs. Sayers agreed. Mr. Wolbert stated that on page 5, asked that his printed remarks be put into the record and on page 8, number 5, it states his committee. Mr. Wolbert would like it clarified as to which committee. Mr. Shallcross stated that it was the consultant committee. Mr. Zagorski motioned to approve the June 9, 2009 minutes with the noted corrections. Mr. Robb seconded and the motion carried.

Mrs. Sayers stated that in the last paragraph of the June 22, 2009 minutes it should be \$5,800 not \$5,300. Mr. Wolbert stated that his motion in the last sentence should read, I move to increase the community picnic disbursement from \$4,000 to \$6,000 since we will not incur employee labor expenses this year. Mr. Budicak stated that he recalled the motion relating to the picnic budget but this could be in addition. Mrs. Sayers motioned to approve the June 22, 2009 minutes with the noted corrections. Mr. Shallcross seconded and the motion carried.

Mr. Budicak made a statement regarding the feasibility studies being considered by Council. He noted a petition has been circulated and emails have been sent stating that Council has passed plans to build some recreation center or water park. Mr. Budicak stated that Council has never discussed or voted to eliminate the pool; Council has never discussed or voted to construct a water park, sports complex or make any changes in its entirety; there was a letter to the editor this morning quoting that Council had already made plans to change the park in its entirety; Council has agreed to complete a feasibility study for both the swimming pool and a recreation center; Council has secured grant funding to complete these studies; as part of the grant application process sites (Shaw Park and Eaton Corp property) were selected as part of

the studies; the consultant selected would send out surveys for both studies covering 10% to 20% of the entire School District to receive public input; there would be key person interviews and a minimum of 3 public meetings to receive input and discuss proposals; there would be various meetings with athletic associations and elected officials; this topic is not new; it has been discussed at many Council meetings and there was an article in the spring 2008 Borough newsletter alerting everyone to what was happening; there has been a committee developed including Council members, neighboring elected officials and residents; it is simply not true that there has been no publicity regarding this issue and what Council's intentions are. Mr. Budicak stated that this overview was intended to address concerns which have been raised.

Persons in Attendance:

Betty Burk presented a citizen's petition that is stating they are opposed to building any additional structures, of any kind, temporary, seasonal or permanent, in Shaw Park; additionally, they oppose any further and future encroachments on the green space of this park. They want the swimming pool preserved and restored in its present architectural character and open style without the addition of a bubble or roof top. Mrs. Burk read a statement in support of the petition.

Walt McDermott asked for a definition of a recreation center. Mr. Shallcross stated that any proposed recreation center would be representative of the public input received. There is no boiler plate for a recreation center. The needed activities expressed would be used to develop a plan for a recreation center.

Barb Marsilio expressed her concern over parking, noise and traffic from a sports complex. Mr. Budicak stated that those issues would be addressed by the consultant while the feasibility study process takes place.

Bill Alexander felt this was a wide area endeavor and asked why the Borough is involved. He feels there are all sorts of recreation facilities and this is not needed. Mr. Alexander felt anyone could go in and determine what needs fixed at the pool and the Borough could go in and fix those things without having to complete a study. Mr. Shallcross stated that a feasibility study is required for the Borough to be eligible for future grant money to aid in the costs for fixing up the pool.

Joy Gifford asked how many signatures would be needed to stop this study.

Lisa McBride stated that she spoke with some of the Vanport Township Commissioners and they didn't see a need for this type of facility nor does she.

Dan Deceder questioned why the Borough was spending their money on a study when that money could have gone to fixing the problems at the pool. Mr. Shallcross stated that there were no Borough funds being used to complete these studies. The Borough received the full amount in grants to cover this expense. Mr. Deceder stated that he felt this was a politically unpopular decision and that Council was not getting it. Mr. Patterson stated that Council did get it. He felt what may be said and what is being heard are two different things. Facts are being distorted as they are being passed around the community. Mr. Patterson stated that the Borough needs to move forward with this study. If we don't, the funding agencies may not be so willing to approve a future grant for this type of study feeling we may not be serious about this project. Delaying this study may only cause the Borough to fund this in the future.

Linda Baker asked what sites were listed in the grant application. Mr. Budicak stated that Shaw Park and the Eaton Corp property were listed in the grant application and a provision for the consultant to identify a third site was developed as well.

Mr. Wolbert stated that he was not on Council when this was approved and asked if there was any public input in deciding on the project and what it would be. Mr. Shallcross stated that there was no public input but rather an idea that the Council wished to further explore. Mr. Shallcross reminded everyone that this is just a study which will gather data and public input for the Council to make an informed decision regarding the needs of the pool and any additional recreation.

Scott Snyder, President of the Beaver Borough Municipal Employees Association, read a statement expressing their concerns of a severe problem that has been developing regarding actions and comments of members of Council. The Union members feel they are being targeted by certain members of Council and being held to a different standard than other employees. Mr. Snyder stated the Union members feel that Mr. Wolbert specifically has repeatedly targeted their members in the discussion for a new policy regulating the use of Borough facilities. The cause for this new policy has always been directed at an employee working on his antique automobile in the Borough garage using electric at tax payer's expense. Mrs. Sayers has further stated that the situation that brought this whole thing about, she had a real problem with. Mr. Wolbert named the President of the Union and inappropriately implicated his actions regarding a meeting they had. Mr. Wolbert then was allowed to remove himself from the contract negotiations in 2008 using this incident as an excuse which caused needless delays. It was acceptable for Mr. Wolbert to vote every other employee raises of at least 4% and then vote against the contract settled on for the Municipal Employees Association. The Association feels this illustrates a clear bias against the Union members. Mr. Wolbert also went as far as to request an executive session of Council to discuss events involving a member of this Union that occurred off hours at a committee meeting where words were exchanged between the member and Mr. Wolbert. In November of 2008, the Union was successful in getting a unit clarification which permitted the Superintendent to join the Union. The Union feels that scrutiny placed on Dan McKeel increased following this ruling and was viewed as retaliation because some Council members were unhappy with his inclusion to the Union. During Contract

negotiations it became clear that the Municipal Employees should not waste their time comparing themselves to the Police which the Union took as an insult. The Union felt as though they were being valued less than the Police when the work they do is just as important to this Borough. At last year's picnic, Mr. Wolbert stood up on a table and thanked everyone involved in the organizing, preparation and execution of such a nice event, everyone except for the members of the Municipal Employees Association. Yes, the Union members were working and paid to be at the picnic but so were the Police who were thanked. The Union members left this event very disgruntled and feeling that they would not go through this type of insult again. The Union filed a grievance because one of the members was targeted and moved from his position because certain Council members had personal reasons or feelings towards this member. This has left the members feeling they have no job security and feel that anyone of the members could become a target at any time. Mrs. Sayers attempted to solicit the Fire Chief to go to the Borough garage for her and see if Dan McKeel's car was in the garage. At the June 2009 Council meeting, Mrs. Sayers made clear her opinions of this Union. Mrs. Sayers states, in relation to the Union's unwillingness to work the picnic, "their raises should be taken back", "it's sad that they are paid to do this and still are not willing to", and "She would remember this at the next Union contract". The Union members did finally agree to work the picnic but only as a favor to the Manager, John Barrett. The Manager sat down with us and talked about the situation and while the Union still had reservations, feeling that their message needed to be sent to Council through action, as a favor to the Manager the Union reconsidered and worked the picnic. A good relationship such as this should be used to benefit the Borough and our Union but instead the Union feels that it has brought retaliation down on them from those members of Council targeting the Borough Manager. In a Borough such as ours, it is important for a relationship to exist between employer and employee that will promote a mutual trust and understanding. Currently the Union members feel neither trusted nor understood. Goodwill is something the Union and the Borough have enjoyed in the past to the benefit of both parties. That goodwill is slipping away to the detriment of the Borough and the Union. The Union asks if Council is willing to do anything to restore it. Mr. Snyder gave a copy of his statement to the Council President and asked that it be made part of the minutes.

Dan McKeel addressed Council regarding the policy adopted on use of Borough resources. He asked if some Council members didn't agree personally with this policy or voted against it, does the Council as a group still have to abide by this policy. Mr. Budicak stated yes, the whole Council must abide by the policy adopted. Mr. McKeel asked if the Council as a body now had to agree to enforce this policy. Mr. Budicak stated yes, that once a policy is adopted it had to be adhered to and enforced. Mr. McKeel asked if the action of Mrs. Sayers to have him followed was an order by Council or does she enforce it herself. Mr. Budicak stated that there was no motion or action by Council to have him followed. Mrs. Sayers stated that she did not have Mr. McKeel followed. Mr. McKeel asked what it was she asked the Fire Chief to do. Mrs. Sayers stated she asked him to go to the garage and see if your car was still there. Mr. McKeel asked what car. Mrs. Sayers stated the one that had caused the whole problem. Mr. McKeel asked Mrs. Sayers if this meant that everyone else should abide by this

policy. Mrs. Sayers stated yes, if they are using government property. Mr. McKeel asked if she was having anyone else tailed to ensure this policy was being adhered to. Mrs. Sayers stated that she did not have time for this kind of nonsense. Mr. McKeel asked if John Grosskopf was lying then. Mrs. Sayers stated she did not ask him to tail you.

Alex Kaluza stated he could probably speak for the Fire Department. This cancer that is in the system is juvenile and has spread to the fire department. The innuendos and attacks on personal integrity and honesty of Borough employees and fire department members have trashed the fire department and personally offended him. Mr. Kaluza stated that there are members of the fire department ready to quit over this policy and these people. He asked that Council rethink this policy and the damage it is doing to the community. He can't agree with this man speaking any more. He has worked with Mr. McKeel and the other employees for years and the rumors that are being spread and the innuendos are juvenile and asked the rest of Council to think about what is going on.

Chief Madgar stated that there is no way he can enforce this policy. He recommends that himself, a couple of officers, a couple of the Borough workers and several members of Council sit down and come up with something that is logical, sensible and useable.

Lausen Cashdollar stated that he thinks Council is going to have to rethink the resolution they have put together. He stated that he feels labor needs to be respected but also labor needs to respect management. He feels Mr. Wolbert is civic minded and honest. Mr. Cashdollar felt Mr. Wolbert was just trying to follow the law in adopting the policy. He believes Mr. Snyder's comments were overstated and that he and others need to be careful when others come to them with certain observations and take them with a grain of salt. If you don't you make yourself available to be used. Mr. Snyder stated that Mr. Cashdollar did not have firsthand knowledge of 90% of what he said earlier and while his rebuttal focused on the policy that was just a small portion of what was in his statement. Mr. Kaluza stated that if the policy was not a witch hunt then that was the most unprofessional way of handling the situation.

Unfinished Business:

1. DCED Audit Report – Mr. Edelstein stated that he was not at the last Council meeting and had a statement he wanted to read responding to Mr. Wolbert's comments from last meeting. He noted that he was instrumental in the Borough's change from elected auditors to an appointed professional CPA firm because of his belief to ensure a proper review of the Borough's finances. Mr. Wolbert had attended Finance Committee meetings, received all materials discussed and heard the changes that have been implemented or proposed. Numerous times during the June 1, 2009 Finance Committee meeting which Mr. Wolbert attended, Mr. Edelstein asked if anyone in attendance had any

questions. Mr. Wolbert said nothing after having the audit for two weeks and having his own discussions with the auditors. Mr. Edelstein felt Mr. Wolbert's lack of response came to fruition on June 9, 2009 at the Council meeting he was unable to attend. He personally feels Mr. Wolbert's grandstanding effort in front of a full house and other Council members was disappointing and unprofessional. Mr. Wolbert chose to undermine the Finance Committee and its members, the President of Council and the Manager. Mr. Edelstein stated at the June 1st Finance Committee meeting that all issue would be addressed in a timely manner. It appears Mr. Wolbert was not satisfied with the performance of the Finance Committee. Mr. Edelstein understand that a motion was passed at the June Council meeting to set up a committee composed of himself, Mr. Budicak and Mr. Wolbert to look at the audit issues. Mr. Edelstein is not in favor of this motion and is asking Council to let the Finance Committee do their work. Mr. Wolbert is acting like this audit has been ignored and will be swept under the rug and he finds this insulting. Mr. Edelstein asks Council to revoke the motion of forming a committee to review the audit and let the Finance Committee do its job in a timely manner. With that said, Mr. Edelstein motioned to rescind the motion from last month establishing a committee to review the audit and that the Finance Committee should proceed with the audit review and make or recommend changes where needed. Mr. Shallcross seconded the motion. Mr. Zagorski felt the audit is a problem and it keeps sitting there and if the Finance Committee is not going to grab hold of this then there should be a different committee looking at it. Mr. Budicak stated he was guilty of voting for this different committee because he felt there were a number of distractions last meeting that diverted his attention but when he had time to reflect upon this he thought, we have a Finance Committee that had undertaken the review and implementation of the management letter and a lot of work has already been done. At the last Finance Committee meeting it was apparent that quite a number of the identified weaknesses have been addressed and he could understand Mr. Edelstein's frustration. If anyone thought there was a problem or thought it wasn't moving fast enough then why didn't anyone speak up at the Finance Committee meeting. Mr. Wolbert stated that he brought up items with Mr. Christiana and was told they would be addressed. We now have this year's audit and the same items are on there plus more. It needs to be addressed and financial policy put into place. Mr. Wolbert felt Council should get a professional consultant in here, sit down with them and make it happen. Mr. Budicak stated that the auditors had offered assistance to help put some things in place and that Mr. Wolbert could have brought this up at that time but he came in last meeting and acted like nothing had been done. Mr. Edelstein noted that a Finance Committee meeting was scheduled for June 29th and when he got back in town and read Mr. Wolbert's statement he was floored. He felt as though the implications were that we never had a Finance Committee meeting and we never met with the auditors when that wasn't true. Mrs. Sayers stated that a majority of these items have been in the audit since she has been on Council. Mr. Budicak stated that he was not sure that was exactly accurate since we hadn't had this extensive audit done before. Mrs. Sayers stated that we still

had complaints that things were not done properly. Mr. Budicak stated that a number of items will take Council action and that the Auditors have recognized that it may not be practical financially to address some of these weaknesses because cost may outweigh the benefit. Manager Barrett expressed his respect to Mr. Zagorski and Mrs. Sayers but stated the audit did not identify any problems or state anything improper is being done. He wanted to address this in the public session because the public is hearing them say there are problems and things being done improper when in fact this is not true. The auditors have pointed out what they are required to call weaknesses. These are things that can be improved upon and they are not problems or improper things going on. Manager Barrett wanted the public to know the auditors have stated that there are no problems in the office and there is nothing illegal going on. Mr. Budicak called for a vote on the motion made. All in favor and the motion carried. Mr. Budicak wanted to clarify that the audit and management letter are two separate documents and the management letter clearly states that it is not for public dissemination. He knows the management letter has been discussed at the Finance Committee meetings but he also knows this letter has been handed out to the public by Council members. Mr. Budicak is concerned with the lack of following the rules. Mr. Wolbert stated that he felt the management letter was not in the list of those things that could not be distributed under the Open Records Law. Mr. Budicak stated that it may not be in the list but given the fact that the Auditors noted that this was not for public dissemination could make this a non-public document in which case can only become a public document if the majority of Council votes to make it a public document. Mr. Budicak asked please, do not hand out non-public documents and if you want it made public then bring it up for Council to consider.

2. Employee Handbook – The Solicitor is continuing his review of the matter.
3. Job Descriptions and Evaluation Forms – Mr. Wolbert stated that he was looking to have these completed by September for Council review and approval.
4. Zoning Ordinance Revision – Solicitor is working on re-formatting the revision by Olsen Engineering and reviewing the content.
5. Historic Preservation Study Group Recommendations – The Solicitor distributed a memorandum on his review of the recommendations which highlighted several areas for further review. Mr. Rice was given a copy of the memorandum and will review it with Mr. Callahan and be prepared to respond as needed. Council will continue their review of the proposed ordinance for further discussion.
6. Rules of Order for Council Meetings – The Solicitor is continuing his review of the matter.

Voting/New Business Items:

1. Approve Consultant for completing the feasibility studies – Mr. Shallcross read the petition given to Council earlier. He felt the concern raised in the petition was valid and in fact signed it right then. Mr. Shallcross distributed a summary review of the top two consultants, Environmental Planning & Design (EPD) and Herbert, Rowland & Grubic (HRG). He reviewed the information and noted that what we were asking them to do was not in conflict with the concerns in the petition. Mr. Shallcross stated that this was an idea generated which has merit in enhancing recreation for Beaver and the surrounding areas and he felt there was nothing wrong with Beaver spearheading this initiative. Mr. Shallcross stated that both consultants were very qualified to complete the studies. The Study Committee interviewed the two consultants and recommended EPD. Mr. Shallcross motioned to recommend EPD to the Community Development Program as the consultant to complete the two feasibility studies with the stipulation that Shaw Park be removed from consideration as a site for the recreation center and that rehabilitation/restoration of the pool be looked at first before new construction. After some discussion, Mr. Robb seconded and the motion carried 6 to 3 with Mr. Wolbert, Mrs. Sayers and Mr. Zagorski voting no.
2. Resolution to participate in the North Shore Ohio River Trail feasibility study for \$1,000 – After some discussion, Mr. Shallcross motioned to adopt the resolution as presented. Mr. Wolbert seconded and the motion carried 8 to 1 with Mr. Patterson voting no. There was a meeting scheduled for July 23rd of the Trail Study Committee. Mr. Zagorski volunteered to attend.
3. Letter from the Bobcat Players requesting space in the Borough's fall newsletter to publicize their fall show – After some discussion, Mrs. Nestor motioned to allow an announcement in the fall newsletter because the event board is unavailable and they are a non-profit organization. Mrs. Sayers seconded and the motion carried.
4. Authorize capital improvement project at sewage plant to rehabilitate aeration tank and replace sludge pump – The Manager explained the two projects with an estimated cost of \$60,000 to complete both projects. This is a second phase of a four phase project to rehabilitate the four aeration tanks. After some discussion, Mr. Patterson motioned to approve the two projects as discussed. Mrs. Nestor seconded and the motion carried.
5. Manager's job description, evaluation form and procedure – Mr. Wolbert noted that he had distributed in June a proposed job description, evaluation form and

procedure for the Manager's position. Mr. Wolbert motioned to approve the job description, evaluation form and procedure as presented with implementation in September 2009. Mrs. Sayers seconded. Mr. Edelstein asked for clarification that this was just for the Borough Manager. Mr. Wolbert stated that it was. Mr. Edelstein reviewed the proposed process and asked if it was the Council President who would then sit down and review the results of the evaluation with the Manager. Mr. Budicak also asked about reducing the evaluation of the nine Council members to one final result. Mr. Wolbert stated that the results would be reduced to the one most chosen for each category but all comments would be passed on. Mr. Budicak also noted that this review and all its information is confidential. It was decided that an additional item be added in the evaluation procedure (3a) that the Council President and a representative from the Wage & Personnel Committee will meet with the Manager to review and discuss the results and comments generated from the evaluation. Mr. Budicak asked if this evaluation was to help the Council and Manager review progress and performance or will it be utilized in setting compensation or both. Mr. Wolbert stated that it would be used for both purposes. Mr. Budicak asked if this evaluation procedure was going to be used for setting compensation would Council be doing this same evaluation procedure for setting the Police Chief's compensation since that is Council's responsibility. Mr. Wolbert stated no, that he believes in the Chief's letter of employment the Mayor would evaluate the Chief and make a recommendation to the Council. Mr. Wolbert amended his motion to approve the job description, evaluation tool and evaluation procedure for the Manager adding an additional step in the procedure between steps 3 and 4 having the Council President and representative of the Wage & Personnel Committee meet with the Manager to review and discuss the evaluation results and comments with implementation in September 2009. Mrs. Nestor seconded and the motion carried.

6. Banner request from Hostetter Auctioneers – After some discussion, Mr. Shallcross motioned to approve the request as presented. Mrs. Sayers seconded and the motion carried.

Mr. Budicak amended the agenda to allow Carrie Payne to address Council regarding a proposed community garden which was scheduled for discussion under the Recreation Committee report. Ms. Payne stated that she would like to establish a community garden in the fenced in area down beside the sewage treatment plant. She has had some discussion with several residents who would like to try this as well. The area would be divided into plots. The plots would then be made available on a first come first serve basis for people to develop gardens with the intention of the gardens being food oriented plantings. Ms. Payne stated she was willing to take this on to organize and oversee with the Manager's assistance. Mr. Shallcross stated the subject area was created for the Environmental Club at the High School but they are no longer interested in utilizing this area. Mr. Patterson asked how the water would be paid for. Mr. Edelstein asked if there would be an annual fee for the space. Ms. Payne stated that

an annual fee would probably need to be established to pay for the water usage. After some discussion, Mr. Shallcross motioned to permit Carrie Payne to work with the Manager to establish a community garden and to provide a plan for covering the expense of the water. Mrs. Nestor seconded and the motion carried.

New Business:

1. Manager Barrett stated that he has had several residents complain about skunks again this year. He asked if Council wanted to continue the trapping. Council agreed.
2. Manager Barrett asked if Council was interested in having a fall clean-up this year. Council agreed.
3. Manager Barrett stated that there is a party interested in pursuing the old Beaver Sand & Gravel pit which the Borough had looked at several years ago. Because of environmental issues the Borough dropped their interest. The property has an Enterprise Zone designation which provides some opportunities for relief from the environmental issues. It is a process which runs through the Beaver County Corporation for Economic Development (CED). The interested party asked if the Borough would send a letter of support to the CED asking them to pursue this environmental relief clearing the property to be used for the intention the Borough was looking to use it for which the interested party would permit should they get the property. Council asked the Manager to get more details for their review and consideration.

Mr. Budicak closed the meeting for a brief recess at 10:10 PM.

Mr. Budicak reopened the meeting at 10:17 PM.

4. The Police Chief asked that a note be added to any notice for the fall clean-up advising residents to safely secure or move inside items they are not putting out for clean-up. There have been a few issues where the scavengers have helped themselves to items not intended for pick-up. He also noted that there is a person in Vanport who may be able to help with trapping the skunks if needed.
5. Mr. Budicak brought to Council's attention an article that was recently in the Beaver County Times which discussed the use of email in Hopewell Township and whether it constituted conducting Township business via email. Mr. Budicak wanted to remind Council members that conducting Borough business via email is not permitted. He noted there were several emails by Council members that were sent regarding the community picnic and employees schedules. These emails, intentionally or not, were soliciting feedback from other members which gives the impression of action by Council. Mr. Budicak

stated that members should not be doing this and that Council cannot vote electronically.

Parks and Recreation Committee – Mr. David Shallcross, Chairperson

1. Mr. Shallcross presented a letter from the Beaver County Community Development Program regarding the feasibility studies for the pool and recreation center. Mr. Shallcross stated the issue raised in their letter was addressed earlier when the consultant was selected.
2. Mr. Shallcross presented a letter from Dave Linkimer the Assistant Pool Manager. The letter addressed comments and concerns recently raised by residents and Council members. Mr. Budicak asked that the letter be made part of the minutes.
3. Mr. Shallcross mentioned that there has been a number of positive comments regarding the installation of the new swings.
4. The fourth item was addressed earlier with regards to Ms. Payne and the community garden.

Wage & Personnel Committee – Mr. John Wolbert, Chairperson

1. Mr. Wolbert presented the Committee minutes of June 23, 2009 for Council's review. He noted that the next meeting was scheduled for July 28th.
2. Mr. Wolbert asked for an executive session to discuss an issue related to an employee and his job description.

Special Services Committee – Mrs. Shirley Sayers, Chairperson

1. Mrs. Sayers presented the minutes of the June 23, 2009 Business District Authority meeting for Council's review.
2. Mrs. Sayers asked when the fountain in the park would be working. The Manager stated that there is additional work that needs to be done in conjunction with making the fountain operational. The radius at the corner of Turnpike Street and Market Street needs to be changed and the fire hydrant at that same corner needs to be relocated. It will take about two weeks to complete this work and the Manager is trying to work this into the current schedule of jobs.

3. Mrs. Sayers asked if the trash cans on Third Street could be cleaned and painted. The Manager stated he would have that done.

Highway Committee – Mrs. Kathryn Nestor, Chairperson

1. Mrs. Nestor presented the Public Works Department June report for Council's review.
2. The Manager updated Council on the status of the Sixth & Seventh Streets Road Reconstruction Project. The curb work is completed on Seventh Street. The road will now be reconstructed. The contractor has moved to Sixth Street to begin work on the curb & sidewalk for this street.

Water and Sewer Committee – Mr. Joseph Zagorski, Chairperson

1. Mr. Zagorski presented the June expense and revenue report of the water and sewer fund for Council's review.
2. Mr. Zagorski stated that he visited the water and sewer plants. During his visit, he noted several things that he will bring up at his next Committee meeting.

General Government Committee – Mr. Art Robb, Chairperson

1. Bob Rice, Chairman of the Planning Commission, stated that the Commission has discussed a zoning application which was approved for Heart to Heart at 464 Third Street. They believe there has been a misinterpretation of the zoning ordinance and wanted to make Council aware of the situation. The Commission feels the Council needs to act on this. They don't recommend revoking the approval for Heart to Heart but that this misinterpretation should be acknowledged. The Manager asked if the Planning Commission was going to correspond with the Zoning Officer to express exactly what was misinterpreted. Mr. Rice stated the Commission minutes would reflect their concerns and noted a sentence from the zoning ordinance which states, uses not specifically listed or defined as included in these categories shall not be permitted. Mr. Budicak stated the Council would consider the matter whenever it is presented to them for discussion.
2. Mr. Robb distributed information regarding PA Act 32 regarding the formation of a county wide collection of earned income tax (EIT) for Council's review. The counties are required to create a committee that will establish regulations for the EIT collection and oversee the process on a continual basis. Council needs to appoint a representative and an alternate to serve on this Committee as their representative in governing this tax collection. The appointment needs to

be made before September 15, 2009. The Manager was asked to put this under voting items for the August meeting.

3. Mr. Robb presented the semi-annual zoning report from the Zoning Officer for Council's review.
4. Mr. Robb presented information on the Greenhouse Gas Inventory Project for Council's review. He also presented a proposed ordinance and intergovernmental agreement for consideration to participate in this project. The Solicitor has reviewed some of the information and there are still a few details that need clarification before he would recommend Council take any action. The Solicitor and Manager will continue to review this and present a final proposal for Council's consideration when all the details have been clarified.

Emergency Services Committee – Mr. Thomas Patterson, Chairperson

1. Mr. Patterson presented a click it and ticket report from Chief Madgar for Council's review.
2. Mr. Patterson presented a letter from the Vanport Township Commissioners to the Beaver Police Department thanking the volunteers who helped install their new playground equipment for Council's information.
3. Mr. Patterson presented an article from Chief Madgar on defending law enforcement liability claims for Council's information.
4. Mayor Hamilton had nothing to report.
5. Chief Madgar asked if Council would consider reducing the residential permit parking area on the west side of Dravo Avenue from Third Street to Turnpike Street. The first 75 feet or so from Third Street is beside a commercial business which is having difficulty finding available parking. The Chief stated that even if the first sign was taken down that would alleviate the problem. Council agreed to let the Chief review this with the Public Works Department.
6. Chief Madgar asked what the status was regarding the use of the parking lot behind the Ft McIntosh Club. The Solicitor has had discussions with the Ft Mac representatives and the Manager. He has one more idea he wants to run by the Zoning Officer and then he will be able to report in more detail to the Council.
7. Chief Madgar stated that he took Mrs. Nestor up on Seventh Street to review a speeding issue the residents had brought up. He stated that possibly a sign at either end of the identified area could be put up to alert drivers of pedestrians or children ahead. Council agreed to have the signs installed. The Chief will get with the Public Works employees for the appropriate wording to be put on the sign.

8. Chief Madgar stated that he gave the Solicitor some information with regard to overtime being generated by a K-9 officer. He feels the amount of overtime can be limited by stating the allowances in the K-9 policy. The Solicitor will be presenting a proposed policy for Council's review.
9. Chief Madgar stated that the policy regarding the use of Borough resources needs to be revised. He asked if a committee of Council, several Officers and several Public Works employees could be put together to come up with something everyone could live with. Mr. Budicak stated that the two bargaining units should put together a list of their concerns with input from the Chief and Manager for Council to review. Mr. Wolbert stated that the law is the law. He did not create the Borough Code or Ethics Commission. The law states this is what should be done. Mr. Wolbert felt there were de minimis acts that the Ethics Commission wouldn't address. Mr. Wolbert stated that he didn't realize it was going to include the Fire Department. He felt someone has riled up the Firemen. Mr. Wolbert stated that a policy wasn't even necessary because the law is the law and if there was something that needed addressed then you address it. Mr. Patterson stated that he felt this matter was taken care of months ago with the Chief and Manager to monitor these actions and address them when needed and now here we are with this strict policy that Mr. Wolbert kept pushing for. Mr. Wolbert stated that he felt this wasn't being done. Council agreed to have the bargaining units provide input and Council would put together a committee to review.

Finance Committee – Mr. David R. Edelstein, Chairperson

1. Mr. Edelstein presented the June expense and revenue report of the general fund for Council's review. The expenses and revenues are in line for this time of year and his Committee will continue to monitor the activities.
2. Mr. Edelstein presented the May 31, 2009 net asset reports of the two pension funds for Council's review.

Marketing Committee – TBD, Chairperson

1. Mr. Rice noted adjustments to the web site which will provide for a feature area to announce activities, events and any information which the Borough wants to get out quickly.

Solicitor's Report:

1. Solicitor Petrush had nothing further to report.

Mr. Budicak stated Council would be having an executive session to discuss the Municipal Employees grievance which they have filed.

Council went into executive session at 11:22 P.M.

Council reconvened at 11:40 P.M.

Mr. Wolbert motioned to authorize the Solicitor to forward the response reviewed by Council to the Municipal Employees Association. Mr. Shallcross seconded and the motion carried.

Mr. Shallcross motioned to pay all approved bills. Mr. Patterson seconded and the motion carried.

Mrs. Sayers noted that she would not be at the August meeting. Mr. Wolbert also stated he would not be available for the August meeting. Mr. Zagorski stated he would be out of town and unavailable for the August meeting. Mr. Budicak asked if Council wanted to change the August meeting since three of the Council members would be unavailable. Council agreed to keep the same meeting date.

Meeting adjourned at 11:45 P.M.

Submitted by,

John M. Barrett
Borough Manager