

A regular meeting of the Beaver Borough Council was held on Tuesday, December 13, 2011, in the Community Room.

PRESENT: President Shirley Sayers; John Wolbert; Patrick Sims; Walter McDermott; Vice President Lauson Cashdollar; Daniel Deceder; Alex Andres; Kathryn Nestor; Mike Deelo; Borough Manager, Whitney Brady, Mayor Thomas Hamilton; Solicitor John Petrush; Chief Madgar

VISITORS: Luke Berardelli; Eileen Rillo; Peggy McKean; Betty Burk; George and Thelma Kauffman; Judy Cashdollar; Kris Wolbert; Bob Martin; Midge Sefton; Timothy Gadra; Richard F. Williams; Jarrod Thomas; Michaela Ankrom; Joanne Bradshaw; Mike Kelly; Jon Shuster; Lynette Shuster; Dan McKeel; Robert A. Rice; Aaron Cook; Leslie Hare; Stephanie Nola; Judy Young; Rebecca Braun; Scott Snyder; Martin Feroce; Tim Silbaugh; Deena Felice; Tommie Wagner; Charles Cabourne; Biagio Pagani

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

Mr. Deceder presented Certificates of Recognition for services to the community to Cadet Commander Michaela Ankrom and Cadet Sgt. Dylan Schoupe, the Snow Shoveling Coordinator, of the Beaver JROTC for their snow shoveling services provided to the elderly in the Borough of Beaver for the prior winter season. The Beaver JROTC has renewed the offer of their snow shoveling services for the coming winter season.

President Sayers presented Alexander Andres and John Wolbert with Certificates of Recognition for the time they have served on council.

Public Comment on Motions

1. Leslie Hare, 1098 Fourth Street, spoke concerning the Beaver Borough Community Pool and the possibility of the ad hoc committee.

Motions:

1. Mrs. Nestor moved to approve the minutes of the regular council meeting held on November 15, 2011. Mr. Wolbert seconded the motion, and it carried by a voice vote.
2. Mrs. Nestor moved to approve the minutes of the special council meeting held on November 21, 2011. Mr. Wolbert seconded the motion, and it carried by a voice vote.
3. Mrs. Nestor moved to approve the minutes of the regular council meeting held on November 22, 2011. Mr. Cashdollar seconded the motion, and it carried by a voice vote.

4. Mr. Cashdollar moved to pay all bills on the December bill list as submitted. Mr. Wolbert seconded the motion, and it carried by a roll call vote as follows:
Mr. Wolbert – Yes; Mr. Sims – Yes; Mr. McDermott – Yes; Mr. Cashdollar – Yes; Mr. Deceder – Yes; Mr. Andres – Yes; Mrs. Nestor – Yes; Mr. Deelo – Yes; President Sayers –Nay.
5. Mr. Cashdollar moved to amend the 2012 Minimum Municipal Obligation for the Police Pension Fund in the amount of \$160,953.00. Mrs. Nestor seconded the motion, and it carried by a voice vote.
6. Mr. Cashdollar moved to approve Ordinance No. 774, an ordinance amending Chapter 1, Part 5. B. of the Code of Ordinances relating to municipal employee’s pension plan. Mrs. Nestor seconded the motion, and it carried by a roll call vote as follows:
Mr. Sims – Yes; Mr. McDermott – Yes; Mr. Cashdollar – Yes; Mr. Deceder – Yes; Mr. Andres – Yes; Mrs. Nestor – Yes; Mr. Deelo – Yes; Mr. Wolbert – Yes; President Sayers –Nay.
7. Mr. Cashdollar moved to approve Ordinance No., 775, an ordinance of the Borough of Beaver setting the tax rate for the 2012 year at 24 mills. Mr. Wolbert seconded the motion, and it carried by a roll call vote as follows:
Mr. McDermott – Yes; Mr. Cashdollar – Yes; Mr. Deceder – No; Mr. Andres – No; Mrs. Nestor – Yes; Mr. Deelo – Yes; Mr. Wolbert – No; Mr. Sims – Yes; President Sayers –Nay.
8. Mr. Cashdollar moved accept the resignation of Donna Taylor, Recording Secretary effective December 31, 2011. Mr. McDermott seconded the motion, it carried by a roll call vote as follows:
Mr. Cashdollar – Yes; Mr. Deceder – Yes; Mr. Andres – Yes; Mrs. Nestor – Yes; Mr. Deelo – Yes; Mr. Wolbert – Yes; Mr. Sims – Yes; Mr. McDermott – Yes; President Sayers –Yes.
9. Mr. Cashdollar moved adjust the revenue estimate for Business Privilege Tax from \$400,000 to \$315,000, a reduction in projected revenue of \$85,000. Mr. Deceder seconded the motion and it passed by a voice vote.
10. Mr. Cashdollar moved to adjust the projected Crossing Guard revenues from \$21,658 to \$10,300, a reduction of \$11,358. Mr. Deceder seconded the motion, and it passed by a voice vote.
11. Mr. Cashdollar moved that the line item of expense identified as “due to Festival Account” in the amount of \$37,000 be removed. Mr. Deceder seconded the motion, and the motion failed by a roll call vote as follows:

- Mr. Deceder - Yes; Mr. Andres - No; Mrs. Nestor - No; Mr. Deelo - No; Mr. Wolbert - No; Mr. Sims - No; Mr. McDermott - No; Mr. Cashdollar - Yes; President Sayers - Yes.
12. Mr. Cashdollar moved that Council adopt that General Fund Budget as most recently submitted by the Borough Manager together with the revenue changes that have just been passed by council, and further that the Manager and Ms. Shuster prepare a spreadsheet showing those changes. Mr. Sims seconded the motion and it carried by a roll call vote as follows:
- Mr. Andres - No; Mrs. Nestor - Yes; Mr. Deelo - Yes; Mr. Wolbert - No; Mr. Sims - Yes; Mr. McDermott - Yes; Mr. Cashdollar - Yes; Mr. Deceder - Yes; Mr. Andres - Yes; President Sayers - No.
13. Mr. Cashdollar moved that Council adopt the Liquid Fuels 201 Budget as most recently submitted. Mr. McDermott seconded the motion and it carried by a roll call vote as follows:
- Mrs. Nestor - Yes; Mr. Deelo - Yes; Mr. Wolbert - Yes; Mr. Sims - Yes; Mr. McDermott - Yes; Mr. Cashdollar - Yes; Mr. Deceder - Yes; Mr. Andres - Yes; President Sayers - Yes.
14. Mr. Andres moved that we adopt the Festival Fund Budget for 2012 as submitted. Mr. Wolbert seconded the motion and it carried by a roll call vote as follows:
- Mrs. Nestor - Yes; Mr. Deelo - Yes; Mr. Wolbert - Yes; Mr. Sims - Yes; Mr. McDermott - Yes; Mr. Cashdollar - No; Mr. Deceder - Yes; Mr. Andres - Yes; President Sayers - Yes.
15. Mr. Deelo moved that Council adopt the Water and Sewer 2012 Budget as most recently submitted. Mr. McDermott seconded the motion, and it carried by a roll call vote as follows:
- Mr. Deelo - Yes; Mr. Wolbert - Yes; Mr. Sims - Yes; Mr. McDermott - Yes; Mr. Cashdollar - Yes; Mr. Deceder - Yes; Mr. Andres - Yes; Mrs. Nestor - Yes; President Sayers - Yes.
16. Mr. Andres moved that Council solicit representatives from the Beaver Borough Council, the Bridgewater Borough Council, the Brighton Township Board of Supervisors, Vanport Board of Commissioners, and the Beaver Area School Board as a base for an ad hoc committee to plan and finance the renovation of the Beaver Pool. This core group of founding members would also recruit additional at-large members to assist in the endeavor. Mr. Wolbert seconded the motion and the motion, failed after a roll call vote as follows:
- Mr. Wolbert - Yes; Mr. Sims - No; Mr. McDermott - No; Mr. Cashdollar - No; Mr. Deceder - Yes; Mr. Andres - Yes; Mrs. Nestor - No; Mr. Deelo - No; President Sayers - Yes.

17. Mr. Cashdollar moved that Borough Council of Beaver, through its committees, take quick action, no later than the first meeting in the month of January 2012, to establish an ad hoc committee of members of borough council, in a size to be decided by borough council together with leading members of the community and others willing, to assist in this matter to evaluate the means and methods of reforming our pool with an eye toward identifying members of other municipalities and the school board and citizens of other communities and the school district to serve on a broader ad hoc committee at a later date. Mr. Deelo seconded the motion, and it passed after a roll call vote as follows:

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

18. Mr. Andres moved, in respect to Sunshine Laws that any e-mail correspondence between a majority of Council (five or more) be considered a matter of public record. Mr. Wolbert seconded the motion. Following discussion among council, Mr. Andres withdrew this motion and Mr. Wolbert concurred to the withdrawal based on the comments of the solicitor.

19. Mr. Andres moved that Council dedicate the honorary name of “Jessica Lane” to the alley between Sixth Street and Seventh Street located between Dravo Avenue and Navigation Avenue in honor of Jessica Reader. Two road signs would be posted, on each end of the alley with the borough covering the cost of labor for the installation and the homeowners covering the cost of the signage. Mr. McDermott seconded the motion, and it passed after a roll call vote as follows:

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

20. Mr. Andres moved that council direct the Borough Manager explore, with the Beaver Area School Board, the feasibility of keeping the pool at the high school open during the summer as an alternative source of recreation while the outdoor pool is being renovated. Mr. Wolbert seconded the motion, and it passed by a voice vote.

21. Mr. Andres moved that in the interest of reorganization for the new year and a new council that this council dissolve the Recreation Advisory Committee. Mr. Wolbert seconded the motion, and it passed after a roll call vote as follows:

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

22. Mr. Deceder moved that the Borough Manager be directed to prepare and send Notice(s) of Compliance to any and all property owners who had filed for Variances with the Zoning Hearing Board (ZHB) for existing conditions of non-compliance of the Zoning Ordinance that have been denied at a public hearing of the ZHB: the decisions have not been appealed within the prescribed 30 day statutory period as prescribed by law; and have not brought the property into a condition of conformity as per the Zoning Ordinance.

The Notices are to be immediately sent via certified mail, containing property identifications and notifications. The property owners are to be given a period of 30 days to complete rectification or present a plan of action with a specific time frame, should completion extend beyond 30 days. In the event seasonal conditions (weather) restrict completion, the Borough Manager may grant reasonable requests for extensions not to exceed 90 days per extension or 365 (one year) cumulative.

The Borough Manager should seek the advice of the Planning Commission, Building Code Enforcement Officer, Borough Engineer or experienced Licensed Contractors as needed to ascertain an extended length of time requested by the property owner to affect conformity. Mr. Wolbert seconded the motion, and it failed after the following roll call vote:

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

23. Mr. Deelo moved for approval to purchase a Vogelsang dewatering pump at a cost not to exceed \$18,286. Mr. McDermott seconded the motion, and it carried after the following roll call vote:

Mrs. Nestor – Yes; Mr. Deelo – Yes; Mr. Wolbert – Yes; Mr. Sims – Yes; Mr. McDermott – Yes; Mr. Cashdollar – Yes; Mr. Deceder – Yes; Mr. Andres – Yes; President Sayers –Yes.

24. Mr. Deelo moved to join the Pennsylvania Municipal Authorities Association at a cost not to exceed \$2,000 annually. Mr. Deceder seconded the motion, and it carried after the following roll call vote:

Mr. Deelo – Yes; Mr. Wolbert – Yes; Mr. Sims – Yes; Mr. McDermott – Yes; Mr. Cashdollar – Yes; Mr. Deceder – Yes; Mr. Andres – Yes; Mrs. Nestor – Yes; President Sayers –Yes.

25. Mr. Wolbert moved that council rescind the action taken on November 15, 2011 approving and adopting a resolution titled, “RESOLUTION CLARIFYING SECTION 1-205 D AND E OF THE BEAVER BOROUGH CODE OF ORDINANCES.” Mrs. Nestor seconded this motion, and it carried by a voice vote.

26. Mr. Wolbert moved that council direct the solicitor to review the resolution that was presented on November 15, 2011 titled, "RESOLUTION CLARIFYING SECTION 1-20 D & E OF THE BEAVER BOROUGH CODE OF ORDINANCES", and, if found to be properly prepared, the he properly advertise it as outlined in the PA Borough Code Sec. 1006, part 4, for action to be taken at the January 10, 2012 meeting of the Beaver Borough Council. Mrs. Nestor seconded the motion and it carried by a voice vote.
27. Mr. Wolbert moved that council recognize that a violation of the Ordinance of the Borough of Beaver or of the PA Borough Code constitutes serious misconduct, and that any member of the Council who violates these is subject to public censure by the other members. Mr. Deelo objected to the consideration of this motion and after discussion withdrew that objection. Mr. Andres seconded the motion and it failed after the following roll call vote:

Mr. Wolbert – Yes; Mr. Sims – No; Mr. McDermott – No; Mr. Cashdollar – No; Mr. Deceder – No; Mr. Andres – No; Mrs. Nestor – Yes; Mr. Deelo – No; President Sayers –Yes.
28. Mr. Wolbert moved that council approve Council's reorganization meeting for January 3, 2012 at 7:30 p.m. and direct the solicitor to do the proper advertising. Mr. Cashdollar seconded the motion and it carried by a voice vote.
29. Mr. Cashdollar moved that council direct the solicitor to advertise the scheduling of the regular council meetings for 2012 on the second Tuesday of each month on the appropriate date and to begin at 7:00 p.m. Mrs. Nestor seconded the motion and it carried by a voice vote.
30. Mr. Deceder moved that the motion presented at the November 15, 2011 meeting concerning the redacting of the amendment that was tabled be postponed until the first regular council meeting on January 10, 2012. Mr. Cashdollar seconded the motion and the motion carried by a voice vote.

At 11:00 p.m. a five minute break was taken. The meeting resumed at 11:05 p.m.

General Public Comment:

1. Tommi Wagner, 230 Beaver Street, on behalf of the Parks and Recreation Advisory Committee, presented comments concerning the dissolution of the Advisory Committee.
2. Betty Burk, 888 Fourth Street, further commented on the dissolution of the Parks and Recreation Advisory Committee.
3. Leslie Hare, 1098 Fourth Street, expressed her desire that Mr. Copeland be included in the ad hoc committee concerning the pool.
4. Aaron Cook, 459 Commerce Street, spoke concerning utilizing the citizenry to assist the borough in some activities that might minimize expenditures, consideration for the expansion of the permit parking, and the pool issues.
5. Judy Young, 501 College Avenue, spoke in favor of keeping the pool going.

6. Mike Kelly, 465 Dravo Avenue, requested any update to the sled riding issue in borough parks.
7. Luke Berardelli, 155 S. Lincoln, inquired of the solicitor about procedures involved in reopening of the budget.

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

Mr. Wolbert pointed out an article from the PSAB News Magazine acknowledging the work of Manager Brady utilizing interns. Mr. Wolbert also acknowledged Ms. Brady's involvement with the Local Government Academy.

Highways & Equipment – Mr. Patrick Sims, Chairperson

Nothing to report.

Emergency Services – Mr. Walter McDermott, Chairperson

Nothing to report.

Finance Committee – Mr. J. Lauson Cashdollar, Chairperson

Mr. Cashdollar is making available materials obtained while attending the LGA Municipal Budgeting class.

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

Nothing to report.

Recreation and Property Committee – Mr. Alex Andres, Chairperson

Nothing to report.

Wage and Personnel and General Government Committee – Mrs. Kathryn Nestor, Chairperson:

1. General government meeting notes have been provided to council.
2. Wage and Personnel met twice with the Finance Committee to discuss the 2012 salaries and benefits for the non-union borough personnel and adjourned without a recommendation. Wage and Personnel will need to meet in early January to prepare a recommendation.

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

Nothing to report

Manager's Report:

Manager Brady advised that she does not make a report during the month of December and therefore had nothing to report.

Mayor Hamilton:

Heritage Valley has made a request to correct the wayfinder signs around town to correct their new name as Heritage Valley at their expense. They will be referred to the Streetscape and Manager Brady for approval of their changes.

Beaver Police Department – Chief Madgar:

1. On December 21, 2011 at 11:00 a.m. the Police Department, members of the Citizen’s Police Academy group and Crime Solvers will be taking presents to the Women’s Center for the children in residence.
2. The change over to the parking meters to making them quarter meters will cost \$50 a meter.

Mr. Cashdollar moved that council authorize the refitting of the parking meters to convert them to quarter meters at a cost not to exceed \$50 per refurbished meter. Mr. Deceder seconded the motion and it carried following a voice vote.

3. The department will be looking to hiring two more part time officers to supplement the officers lost to other municipalities.
4. Reviewed budget issues.

Solicitor’s Report:

Nothing to report.

Other Business:

Mr. Wolbert noted that the “Property Development Agreement” related to the 911 building, between the Borough of Beaver and the Beaver Area Heritage Foundation as prepared by the solicitor in July 2011, had not been acted upon. After some discussion it was decided that this matter needed to be looked into and addressed at the January 2012 meeting.

President Sayers adjourned the meeting at 11:47 P.M.

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