

The regular meeting of Beaver Borough Council was held on Tuesday December 8, 2009, in the Community Room at 7:30 P.M.

PRESENT: President Joseph Budicak; Vice President Dave Edelstein; Dave Shallcross; John Wolbert; Kay Nestor; Art Robb; Joe Zagorski; Shirley Sayers; Tom Patterson; Solicitor John Petrush; Police Chief Dan Madgar; Borough Manager John Barrett and Administrative Assistant Vicki Vandembord

ABSENT: Mayor Thomas Hamilton

VISITORS: Herman Powell, Tommi Wagner, George Kauffman, Thelma Kauffman, Matt Hogan, Jeff Hamilton, Charles Casbourne, Dan Deceder, Matt Davis, Dan McKeel, Beaver Booster Representatives [Melinda Bulat, Mitch Bulat, Paul Caruso, John Stuck, Mark Ringer, Tim Mullen], Dave Linkimer, Michael Lacey, George Peroni, Diane Dornenburg, Bob Capo, Jeff Lloyd

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

Mr. Zagorski stated that under Ms. Kimmel's remarks in the November 10, 2009 minutes, he felt Mr. Budicak had asked his committee to review her concern about the water and report back at the next Council meeting. Mr. Zagorski also stated that under the new business before Mr. Edelstein's statement asking for a list of employees, that he had stated that management had not kept proper control of the certification training program for the last four year time period. Training information had not been made available to the candidates to train them sufficiently to pass the DEP examination, within the contract limits. Management had not requested from DEP information concerning training weaknesses so a stronger training program could be developed. The present opening (which does not exist) should be saved until such time as the present candidate for certification takes his next examination. If failure occurs at this time the candidate should be transferred to the job opening, which will exist at that time and we should hire a certified person. Mr. Wolbert stated that on page 8 about the center of the page, Mr. Edelstein's statement that at the last Finance Committee meeting the Manager was asked to separate out the donation to the Boosters was incorrect. Mr. Wolbert stated that Mr. Edelstein had stated he didn't know if he had asked the Manager to separate out the Booster donation. Mr. Edelstein stated that he did not recall the conversation but agreed to have it removed. Mr. Wolbert stated he would also like the Solicitor's comments added to this part where the Solicitor expressed his opinion about the contribution being legal or not. Solicitor Petrush's opinion was that the general principle in which he operates is that public funds should be spent for public purposes and it may be questionable to give funds to a private organization without any type of fiscal control so that Council knows the funds were spent for public purposes. After some discussion, Mrs. Nestor motioned to approve the November 10, 2009 minutes as corrected. Mr. Zagorski seconded and the motion carried.

Persons in Attendance:

Jeff Lloyd thanked Council for their service this year. He thanked Mr. Budicak and Mr. Shallcross who were leaving Council and those who ran again and the newly elected members.

Dave Linkimer noted an email he sent out to two Council members following the November meeting and the response he received back from them. Further debate of this situation would be fruitless. He stated he attends Council meetings as a concerned citizen of Beaver and member of many organizations in which belongs. His opinion, while it may differ, will not affect any interaction professionally he may have with the Council and hopes he and the organizations he represents can expect the same in return.

Mr. Edelstein took a moment to present Mr. Budicak and Mr. Shallcross with a plaque honoring them for their years of service on Council.

Paul Caruso of the Beaver Boosters gave a power point presentation outlining the programs they offer to the Beaver School District's children. He highlighted the number of children that participate in their programs and the funds needed to run the organization. Mr. Caruso explained the financial challenges they face and how they attempt to offer affordable programs. He believes the Boosters fill a vital role in providing these programs and the Boosters are open to alternatives which could help them control costs. Bob Capo stated he hoped a way could be found to help the Boosters. After further discussion, Council thanked Mr. Caruso and moved on.

Unfinished Business:

1. Zoning Ordinance Revision –
2. Historic Preservation Study Group Recommendations –
3. Rules of Order for Council Meetings –
Items 1 through 3, the Solicitor asked that these be continued at this time. He had several events including a family death which prevented him from addressing these items. Council agreed.
4. 2007-2008 Expanded Audit Report – This will stay on until the auditors have completed the final reports for Council. Mr. Wolbert asked if we were still pursuing a professional to complete the policy and procedures manual. Mr. Edelstein stated that his committee would work with the Manager to complete this project. The Manager got sample policies from Brighton Township which are being modifying for Borough purposes.
5. Job Descriptions and Evaluation Form – The Manager is working on revisions requested by the Wage & Personnel Committee and will provide them when completed.

6. Employee Handbook – Mr. Wolbert stated that he anticipated Council would get back into that in January after members have reviewed the information.

Voting/New Business Items:

1. Request for banner from SS Peter and Paul Church – After some discussion, Mrs. Sayers motioned to approve the request as submitted. Mr. Patterson seconded and the motion carried.
2. Letter of resignation from Kristi Harper from the Business District Authority – After some discussion, Mrs. Sayers motioned to accept the resignation. Mr. Wolbert seconded and the motion carried. The Manager will send a letter to Mrs. Harper.
3. Appointment of Mary Jo Yarris to the Business District Authority – The Business District Authority is recommending Mrs. Yarris to fill the vacancy created by Mrs. Harper's resignation. After some discussion, Mrs. Sayers motioned to appoint Mrs. Yarris. Mrs. Nestor seconded and the motion carried.
4. Training request – The Manager is requesting approval to attend a 2 day communications workshop for himself and the 2 Administrative Assistants at a cost of approximately \$1,000. After some discussion, Mr. Zagorski motioned to approve the training request. Mr. Patterson seconded and the motion carried.
5. Training request – The Manager is requesting approval to attend a Supervisors seminar for himself, the Foreman and the Plant Supervisor at a cost of approximately \$775. After some discussion, Mr. Zagorski motioned to approve the training request. Mr. Patterson seconded and the motion carried.
6. 2010 General Fund Budget with a request from Mr. Wolbert to remove the \$2,500 line item for the Beaver Booster donation and add a line item for Council Discretionary Fund in the amount of \$10,000 – After some discussion, Mr. Wolbert clarified that the request was to increase the current discretionary line item to its 2009 level of \$10,000 from the proposed \$7,500. Solicitor Petrush stated that Council could adopt the budget as a whole then amendments to particular line items could be considered as long as there is adequate revenue available to meet the expenses approved by Council. After some discussion, Mr. Edelstein motioned to adopt the budget as presented. Mr. Shallcross seconded and the motion carried 8 to 1 with Mr. Wolbert voting no. Mr. Wolbert motioned to strike the \$2,500 line item for the Beaver Boosters and add the \$2,500 back into the Park Enhancement line item. Mrs. Sayers seconded. Discussion followed regarding the Booster organization. Solicitor Petrush stated the Borough Code allows for appropriations to be made for civic purposes or to civic programs. Civic purposes and programs are not well defined and the Council would have to make a judgment as to whether a purpose or program is

civic. The Solicitor stated that based on the presentation given by the Booster earlier, they could certainly be viewed as providing civic programs. Mr. Edelstein stated that having the line item makes for a clean and concise audit trail and believes we should keep the donation as a separate line item and have the Boosters full-fill their promise of providing documentation as to how they spent the funds. After further discussion, the motion failed 7 to 2 with Mr. Wolbert and Mrs. Sayers voting yes. Mr. Wolbert motioned to add an addition line item of \$10,000 for a Council discretionary fund for Council education and training expenses. After some discussion and clarification to increase the current discretionary line item, Mr. Wolbert withdrew his motion.

7. Ordinance fixing the rate of real property tax for the year 2010 at 20.0 mills – after some discussion, Mrs. Nestor motioned to adopt the ordinance as presented. Mr. Wolbert seconded and the motion carried. Roll call – unanimous.
8. 2010 Water and Sewer Fund Budget – Proposed budget keeps the rates the same as in 2009, \$18.50 basic charge assessed per quarter for water and sewer each and a rate of \$1.85 for water and \$3.05 for sewage for every 1000 gallons of water used. After some discussion, Mrs. Nestor motioned to approve the budget and rates as presented. Mr. Zagorski seconded and the motion carried.
9. The Manager is requesting Bryce Dawson be hired as a full-time employee in the Highway Department starting January 1, 2010 – After much discussion, no action was taken.
10. Capital Projects for 2010 – Mr. Edelstein stated that the identified capital projects for 2010 were provided in the proposed 2010 capital budget reviewed last month. With the capital budget being approved, he was looking to provide the Manager and Chief with approvals for the proposed projects because of time for planning and ordering to take place. After some discussion, Mr. Edelstein motioned to approve all the capital projects as presented: police car - \$37,000; equipment for police cars - \$13,400; used bucket truck - \$25,000; front loader - \$130,000; dump truck - \$80,000; security upgrades to municipal building - \$7,500; aeration tank rehabilitation - \$40,000; sludge thickener tank rehabilitation - \$20,000; pick-up truck - \$40,000; backhoe - \$110,000. Mr. Shallcross seconded and the motion carried 8 to 1 with Mr. Zagorski voting no.
11. Re-alignment of the intersection of Fifth Street and Market Street – Manager Barrett informed Council that the Borough received the highway occupancy permit from Penn DOT to complete the re-alignment work proposed by Council for this intersection. He distributed an estimate from the Borough Engineer of \$56,430 to complete this work. After some discussion, Mr. Zagorski motioned to authorize the Borough Engineer to solicit bids to complete this project. Mrs. Nestor seconded and the motion carried.

New Business:

1. Manager Barrett informed Council that he had a loss control consultant come in and do a safety assessment of the Borough's facilities. Manager Barrett presented the report for Council's review. He noted that the various departments were given a copy of the report to address any items raised in their respective departments. He further noted the recommendation to close the two sled riding areas, Roosevelt Park and Wayne Square, based on prior claims and their assessment of the facilities. With snow predicted soon, the Manager felt this needed addressed sooner than later. Solicitor Petrush stated that the Council should follow the recommendation because if it is ignored the insurance carrier may deny paying any future claims. After some discussion, Mrs. Nestor motioned to authorize the Solicitor to draft an ordinance prohibiting sled riding in these two areas. Mr. Zagorski seconded and the motion carried.
2. The second item from the safety assessment report was to eliminate the playground equipment which did not meet today's Consumer Product Safety Standards. There was discussion to wait and take the equipment out when replacement equipment can be purchased or to possibly retrofit the old equipment to meet the current standards. Council agreed to begin the assessment of the equipment and try to retrofit equipment when possible and remove that equipment which cannot be retrofitted.
3. Mr. Wolbert stated he had several inquiries about the activity down behind the sewage plant involving grading and moving dirt. Mr. Zagorski stated he, Superintendent McKeel and a representative from the Beaver County Conservation District were at the site and discussed some dirt which was dumped next to the river. It was determined the dirt needed to be moved and the idea of creating a roadway to the back of the water plant was agreed upon for use of this dirt.

Parks and Recreation Committee – Mr. David Shallcross, Chairperson

1. Mr. Shallcross stated that the Feasibility Study Committee was having an introduction meeting on December 17th at 7:00pm. The location had yet to be determined but would be announced so the public could attend. The consultant will be giving an overview of the study process.
2. Mr. Shallcross noted that the Eagle Scout project John Gohean undertook to build a shelter behind the School Business offices was complete. He thought Mr. Gohean did a great job.
3. Mr. Wolbert asked Mr. Shallcross about the committee members listed for the Study Committee. Mr. Shallcross stated that some adjustments have been made from the original list because of the delay in starting the project.

Wage & Personnel Committee – Mr. John Wolbert, Chairperson

1. Mr. Wolbert noted that his committee meeting for December has been canceled.

Special Services Committee – Mrs. Shirley Sayers, Chairperson

1. Mrs. Sayers presented the minutes of the November 25, 2009 Business District Authority meeting for Council's review.

Highway Committee – Mrs. Kathryn Nestor, Chairperson

1. Mrs. Nestor presented the Public Works Department November report for Council's review.
2. Mrs. Sayers thanked the employees and those others who made light-up night a success.

Water and Sewer Committee – Mr. Joseph Zagorski, Chairperson

1. Mr. Zagorski presented the November expense and revenue report of the water and sewer fund for Council's review.
2. Mr. Zagorski presented the minutes of the November 24, 2009 Committee meeting for Council's review. He reviewed the committee's findings after investigating the possibility of softening the water. Based on the cost, permitting changes required and the additional salt content the committee is recommending not to invest in softening the potable water. Council thanked Mr. Zagorski for his review and efforts.
3. Mr. Zagorski reviewed the training progress for the non-certified person at the treatment plant. He also noted that due to budget cuts the PaDEP has suspended the administration of the certification exams until further notice. He has expressed his concern to their office and to our State Senator's office.
4. Mr. Zagorski presented a letter from the water Engineer advising Council of an upcoming change in the groundwater rule and the action he and the Manager have taken to address this change.

General Government Committee – Mr. Art Robb, Chairperson

1. Mr. Robb had nothing to report.

Emergency Services Committee – Mr. Thomas Patterson, Chairperson

1. Mr. Patterson presented the minutes of the November 28, 2009 Safety Committee meeting for Council's review.
2. There was nothing to report for Mayor Hamilton in his absence.
3. Chief Madgar stated that he contacted Penn DOT about the proposed crosswalk at the intersection of Third Street and Navigation Street. Penn DOT will conduct a traffic study to see if a crosswalk is warranted at this intersection. The study should be completed in 6 to 8 weeks and he will report back with a recommendation. Chief Madgar stated he is still working with the School District on the possibility of joining in on their phone system. The Chief noted a grant was applied for to purchase a protective vest for the police dog. He has completed the department's personnel annual evaluations. Chief Madgar noted the next citizen police academy would be held in January. He also thanked the various fire departments for their assistance in traffic control on light-up night.
4. Dave Linkimer of the Fire Department, stated light-up night was very successful and thanked all those who participated. The Department's 2009-2010 state grant was approved to make improvements to the trucks and possibly to get a new thermal imaging camera. As the Emergency Management Coordinator, he noted the next drill for the nuclear power plant will be on April 20th. There will be a training session in February or March to prepare for this drill and he will notify Council members of that date.

Finance Committee – Mr. David R. Edelstein, Chairperson

1. Mr. Edelstein presented the November expense and revenue report of the general fund for Council's review.

Marketing Committee – Mrs. Nestor & Mrs. Sayers, Co-Chairpersons

1. There was nothing to report.

Solicitor's Report:

1. Solicitor Petrush stated that the lawsuit regarding the property maintenance violations at 1701 Corporation Street is still moving forward.
2. Solicitor Petrush stated that he had an inquiry from a realtor regarding the developer's agreement between the Borough and Elysium on the Park. He just wanted Council to know there may be some upcoming activity with this property.

3. Solicitor Petrush stated he would advertise for the reorganization meeting on January 4, 2010 at 7:30pm. He also asked that once committees are formed for 2010 that the Chairpersons let him know if they are going to have regular monthly meetings. It's much cheaper to advertise regular monthly meetings in a onetime advertisement than to advertise them individually each month.

Mr. Budicak stated Council would be having an executive session to discuss letters of employment, the Municipal Employees grievance and real estate matters.

Council went into executive session at 10:42 P.M.

Council reconvened at 12:40 A.M.

Mr. Robb motioned to authorize the Mayor to set up an ad-hoc committee to review the needs with regards to the possible purchase of the 911 center. Mr. Patterson seconded and the motion carried.

Mr. Wolbert motioned to approve for Vicki Vandembord, Jan Mohrbacher, and Jane Hawthorne a \$.75/hr increase starting January 1, 2010 and to keep their benefits the same in 2010 as they were in 2009. Mr. Edelstein seconded and the motion carried.

Mr. Patterson motioned to approve for Bonnie Dinsmore, the crossing guards, the part-time police officers and for the part-time police holiday pay a \$.50/ hr increase starting January 1, 2010. Mr. Edelstein seconded and the motion carried.

Mr. Wolbert motioned to approve for Dan Madgar a 5% salary increase starting January 1, 2010 and to keep his benefits the same for 2010 as they were in 2009. Mr. Patterson seconded and the motion carried.

Mr. Zagorski motioned to approve for John Barrett a 4% salary increase starting January 1, 2010 and to keep his benefits the same for 2010 as they were in 2009. Mr. Patterson seconded and the motion carried.

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

Meeting adjourned at 12:46 A.M.

Submitted by,

John M. Barrett
Borough Manager