



469 Third Street • Beaver, PA 15009 • 724-773-6700

The regular meeting of Beaver Borough Council was held on Tuesday April 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; Mayor Thomas T. Hamilton; Police Chief Dan Madgar; Borough Manager John Barrett and Administrative Assistant Vicki Vandebord

ABSENT: Tom Patterson, Solicitor John Petrush

VISITORS: Midge Sefton, Bob Rice, Jeff Lloyd, Greg Powell, Tommi Wagner, Bob Smith, John Paul, Dave Hagen, JD Prose, John Frey, Cindy Frey, Elly Frey, Betty Burk, Paul Haberman

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

Mrs. Sayers motioned to approve the minutes of March 10, 2009 as presented. Mr. Wolbert seconded and the motion carried.

Mr. Wolbert made a presentation showing various events that took place at the PSAB Conference he and Mrs. Sayers attended. The sessions and speakers were very informative. Mr. Wolbert thanked Council for allowing them to attend this conference.

Persons in Attendance:

Cindy Frey asked Council for permission to hold a peaceful protest in Irvine Park tomorrow. She noted they were protesting the stimulus package approved by the US Congress. There was some discussion as to who authorizes this type of request. It was noted that these requests are typically approved by the Mayor. After further discussion, the Mayor stated that he would approve the permit for their public gathering.

Jeff Lloyd asked about the process to select the consultant who will work on the feasibility studies. Mr. Shallcross stated that this would be discussed under his committee report.

Tommi Wagner stated that she got her Borough newsletter on Monday and clean-up is scheduled for April 18th. She didn't feel this was enough notice. Mr. Budicak noted the clean-up and dates were posted on the web site several months ago

and a notice was in the paper last week. There was discussion about a standard date for the clean-up. Mr. Edelstein noted that the event board in Irvine Park would be a good means to alert the residents to the clean-up dates.

Paul Haberman asked about a banner request for MG Softnet. Mr. Budicak stated that the request was on the agenda to be considered under voting items.

Unfinished Business:

1. DCED Audit Report – Work is still in progress.
2. Use of Equipment and Facilities – This was referred to the Solicitor for review. Mr. Wolbert stated he felt this was going on too long and that couldn't we just contact the Ethics Commission directly for an answer to our question. Mr. Wolbert stated he had reviewed several cases from their web site and felt they were relevant to the consideration in this matter. Mr. Budicak asked Mr. Wolbert to share that information with the Solicitor. After some discussion, it was decided to wait for the Solicitor to report back.
3. Employee Handbook – The Solicitor is reviewing the matter.
4. Job Descriptions and Evaluation Forms – Mr. Wolbert noted that the job descriptions and employee evaluation process were being reviewed. Mr. Edelstein asked if they were reviewing the Police job descriptions and evaluations as well. Mr. Wolbert stated that those had been completed. Mr. Edelstein asked if evaluations were completed for the Department in 2009. Chief Madgar stated that they were completed.
5. Zoning Ordinance Revision – The Manager noted that the final document has been submitted by the consultant. The next step would be to meet and review the revisions. Council agreed to attend the Planning Commission meeting on April 20th to begin the review process. Mr. Zagorski agreed to postpone his committee meeting which he was planning to have that night.
6. Rules of Order for Council Meetings – This was referred to the Solicitor for review. The Solicitor had asked Council members to submit any comments to the draft that was presented. Mr. Wolbert stated he felt this was going on too long. He feels this could be simplified and distributed a draft he submitted back in February and asked Council to review this draft for consideration.

Voting/New Business Items:

1. Agreement with MDIA for new fee schedule – Mrs. Sayers questioned the quality of the service provided by MDIA. There was some discussion regarding the contract with MDIA. Mr. Budicak will review the contract and terms of agreement. Other companies will be solicited for proposals.

2. Banner request from Grant Miller – Mr. Edelstein motioned to approve the request as submitted. Mr. Shallcross seconded and the motion carried.
3. Banner request from Home Savings & Loan – Mrs. Sayers motioned to approve the request as submitted. Mr. Shallcross seconded and the motion carried.
4. Grant contract for segway and multi-purpose vehicle – Chief Madgar reviewed the purpose of the items being requested in the grant. There was some discussion on the purchase, maintenance, purpose and liability of these items. Mr. Edelstein questioned the need for these items and the future costs for having them. After some discussion, Mrs. Sayers motioned to approve executing the contract. Mr. Zagorski seconded and the motion carried 7 to 1 with Mr. Edelstein voting no.
5. Ordinance relating to motor vehicles and traffic – This ordinance is to clarify the 2 hour parking on College Avenue where the Streetscape Project was extended and to change the fine from \$25 to \$35 for violations to the residential permit parking regulation. Mrs. Sayers was concerned with the 2 hour limit and how it affected patrons who parked for a while, left and then returned later on that day. Chief Madgar stated those patrons would not be violating this ordinance. Mrs. Sayers asked if there would be consideration given during events. Chief Madgar stated that these regulations would not be enforced during events. Mr. Shallcross motioned to adopt the ordinance as presented. Mr. Wolbert seconded and the motion carried.
6. Mr. Shallcross presented a letter from the Beaver Boosters requesting a donation of \$2,500 to help with maintenance and upkeep of the ball fields. It is noted that Mr. Wolbert feels a request was not made but rather an invoice was submitted for signature and he did not sign it because Council did not vote on it. Mr. Wolbert questioned whether this was proper use of Borough funds. Mr. Shallcross stated that we have made this donation for a number of years and that the Solicitor has previously stated that this was an appropriate expenditure if Council wanted to make the donation. After some discussion, Council agreed to vote on this item at the May meeting.

New Business:

1. Mrs. Sayers had received several complaints regarding water runoff onto resident's property from the neighbor's property. She asked if there was something Council could do. After some discussion, Council agreed to have the Solicitor review the matter and ask the Borough Engineer for input.

2. Mrs. Sayers stated there was a sidewalk problem beside Starbucks on College Avenue. It is believed that Columbia Gas dug this up previously. The Manager will review the matter. Mrs. Nestor also noted a sidewalk problem at the corner of College Avenue and Corporation Street. It is believed that Verizon had dug this up previously. The Manager will look into this matter as well.
3. Mrs. Sayers asked about the water fountain that was removed from Third & College. It was suppose to be moved to the park. She was wondering when this was going to happen. Manager Barrett stated that there was a lot of work involved in relocating the fountain and he is trying to work this into the schedule for completion.
4. Mrs. Sayers asked if the Borough was doing any street sweeping. She stated that she has not seen the street sweeper for weeks on her street. Manager Barrett stated that the sweeper has been running but only during the day at this point. The past 2 weeks the sweeper has been in Brighton Township through the cooperative service exchange between Beaver and Brighton Township. A regular night schedule will resume as scheduling permits.
5. Mrs. Sayers brought up a sidewalk problem at the intersection of Market & Corporation streets. Manager Barrett stated that he was aware of the problem and that it will be put on the schedule for repair.
6. Mr. Wolbert asked about the contract for liquid fuels. Manager Barrett and the Solicitor are working on the intergovernmental agreement Penn DOT is asking for. When that it complete it will be presented to Council for review and consideration.
7. Mr. Wolbert asked about the letter regarding federal funding for ORSANCO. It was noted that Mr. Beida of Representative Christiana's staff was going to provide some information on ORSANCO and a little background on the funding request. Council will wait for the information before taking any action.
8. Mr. Wolbert stated he had a couple of residents approach him about a beautification process for the area coming into Beaver from Bridgewater. After some discussion, it was noted that none of this property belongs to the Borough and it had no legal standing to make any modifications and Mr. Wolbert could advise the residents as such.
9. Mrs. Nestor would like to see some minor maintenance to the front of the Community Room and provide something so that signs are not taped to the windows. Manager Barrett will address those items.
10. Manager Barrett advised Council of a sewer lateral problem at 368 Fifth Street. This house was part of a combined sewer involving 5 houses. Each house was required to install a separate sewer lateral for each property. This property

owner believes she has complied with the Borough's requirements and now this problem was the responsibility of the Borough to correct. The Manager stated that the new sewer line lateral was never completed at 368 Fifth Street and that the old section is where the problem now exists. The Manager stated that he did have the contractor suspend work because of new developments but at no time stated they could not finish the sewer installation. After some discussion, Council decided it needed a legal opinion from the Solicitor who is out of town for the next 2 weeks. Manager Barrett and the Engineer will meet with the Solicitor when he returns and discuss this matter.

11. Mr. Wolbert referred to the letter from Solicitor Petrush distributed at the beginning of the meeting. He believes the Solicitor is posing a question regarding the use of the parking lot at the Ft Mac Club. The Police Chief and Mayor will address this under their report.

Mr. Budicak asked for an executive session to discuss a real estate matter involving property acquisition.

Parks and Recreation Committee – Mr. David Shallcross, Chairperson

1. Mr. Shallcross reported that the new swings purchased at the end of last year will be installed as soon as the water line project is completed. The hope is to have them in by the end of May.
2. Mr. Shallcross reported that the Community Development Program received 10 proposals on our behalf to complete the feasibility studies. He distributed a list of the consultants. Mr. Lloyd asked if the study committee was going to be involved in the selection. Mr. Shallcross stated he is putting together a smaller group from the study committee to review the proposals. Mr. Shallcross was going to ask the School Business Manager and the Brighton Township Manager to assist in the review. Mrs. Nestor suggested Mr. Lloyd be on the review committee because he has shown an interest in the study. Mr. Shallcross agreed.
3. Mr. Shallcross reported that seven employees from the Public Works Department, Dan McKeel, Matt Davis, Tom Kuhlmann, Bill Hummel, Brent Dawson, Bryce Dawson, Jim Meers, and the Manager volunteered their time on March 14th to assist the Beaver Area Boosters in their field maintenance. Council approved the use of Borough equipment for this project at the March meeting. He thanked Council and commended the employees for their efforts. Mr. Shallcross thought it was outstanding of the employees to give their time to help the Boosters. The Boosters were very appreciative of the efforts as well.
4. Mr. Shallcross reported that the High School home coming will be September 18th and 19th so there won't be any conflict this year with the fall craft show.

Mr. Shallcross excused himself to attend to a family matter, 9:08 PM.

Wage & Personnel Committee – Mr. John Wolbert, Chairperson

1. Mr. Wolbert presented the revised Committee minutes of March 31, 2009 for Council's review. He noted that the next meeting was scheduled for April 28th.
2. Mr. Wolbert referred to the minutes of the last Committee meeting regarding discussion to develop a regular training program. Mr. Wolbert is looking for Council to support the Manager in looking for opportunities and to pay for this training. Mr. Edelstein asked what specifically was the goal of this thought. Mr. Zagorski stated that his thought was for safety. Electric lock outs and going into manholes are some examples. Mr. Edelstein stated this sounds like no training has taken place when he believes that this is not the case. The Manager stated employees do receive training in various areas. There was discussion on written sign offs. The Manager will work with the supervisors to develop a sign off system.
3. Mr. Wolbert brought up from their meeting the process of evaluating the Manager and the need for a monthly report of the Manager's activities. He distributed a copy of the Telford meeting minutes as an example. The Committee is recommending that this report be completed. Mr. Edelstein asked if just the Manager should be doing this. Mr. Wolbert stated as it is related to the evaluation process that this report could be used as a tool for that evaluation. Mr. Budicak asked if this should not be done by both managers. Mr. Wolbert stated yes, if the Mayor wanted the Chief to complete such a report. Mr. Edelstein felt the example reflected reports from all departments. Mr. Wolbert stated that if this was Council's wish. Mr. Edelstein felt the committee was picking out one individual to complete a report and that this should be done uniformly. Mr. Edelstein also felt the example showed information not evaluation material if the intent was to use this for the evaluation process. Mr. Wolbert stated there may be areas on the evaluation form Council may not be able to answer because you don't have an idea of what all he has been involved in. Mr. Budicak stated that this subject was discussed last year without any Council action and he also shared Mr. Edelstein's concerns. Mr. Edelstein felt there were no qualitative items. This was just an informational document that wouldn't show quality of work and he felt would have little bearing on the evaluation of the Manager. Mr. Edelstein stated that there are tangible items that can be used to evaluate the Manager without a report being submitted such as are the streets swept, do we have water service and are there employee complaints. Mrs. Nestor and Mr. Wolbert stated they were just trying to develop a tool to help with the evaluation. Mr. Budicak felt the example looked more like a time sheet review and is that what we want our managers to do. Mr.

Budicak asked if the Committee could come up with a half dozen points to highlight activities of interest. After some discussion, Mr. Wolbert stated he would take it back to his Committee for further discussion.

4. Mr. Wolbert brought up from their meeting the idea of advertising job openings. Mr. Budicak stated that this item was voted down last year and was there something different he was looking for. Mr. Wolbert stated that there was nothing different but he felt the Borough should advertise their job openings. Mr. Wolbert made a motion to advertise all hiring's, part-time and summer help as well. Mrs. Nestor seconded. Mr. Edelstein related this to hiring part-time officers and do we now create a more extensive process to get back to the same place where we were and hire people already identified and trained. Mrs. Nestor stated this was for vacant positions. After much discussion, the motion carried 4 to 3 with Mr. Budicak, Mr. Robb and Mr. Edelstein voting no. It is noted that Mr. Shallcross had left the meeting by this time and this item was not on the voting agenda. Mr. Robb asked if it could be possible to just advertise on our web site since the type of advertisement was not discussed. This could save the Borough the cost of a newspaper advertisement. Others agreed.
5. Mr. Budicak brought up a matter of concern noted last meeting regarding changes to the letters of employment not authorized by Council for final resolve. Mr. Budicak noted that Mr. Wolbert said he did not make changes to the letters and in reviewing the matter believes he did in fact make changes to the letters. Mr. Wolbert stated that the letters showed Council would review the evaluations not complete them. Mr. Budicak stated that the police clerk was to be reviewed by the Chief but the other secretaries were to be reviewed by Council. Mr. Wolbert and Mrs. Nestor stated that it was not their intention to have Council evaluate the secretaries. Mr. Budicak noted that this needs to be stated because it appears that there are two standards being applied. After some discussion, Council moved on.

Special Services Committee – Mrs. Shirley Sayers, Chairperson

1. Mrs. Sayers noted that there was no meeting of the Business District Authority in March.
2. Mrs. Sayers stated that clean up will be April 18th for the south side of Third Street and April 25th for the north side of Third Street.
3. Mrs. Sayers noted that the Arbor Day event will be held on April 25th at 10:00 AM in Irvine Park.

Highway Committee – Mrs. Kathryn Nestor, Chairperson

1. Mrs. Nestor presented the Public Works Department March report for Council's review.
2. Mrs. Nestor noted that the Sixth and Seventh Streets Project is being rebid and should be available at the May meeting.
3. Mrs. Nestor asked about "U" turns on Third Street and do we need signs to enforce that in our business district. She has received several comments that people are making more and more "U" turns to park. Chief Madgar stated that crossing the yellow lines to park was not a motor vehicle code violation but if Council wanted to adopt an ordinance and post the street they could possibly cite a person under the ordinance. No action was taken.

Water and Sewer Committee – Mr. Joseph Zagorski, Chairperson

1. Mr. Zagorski presented the March expense and revenue report and the February Treasurer's report of the water and sewer fund for Council's review.
2. Mr. Zagorski presented the Water and Sewer Department March report for Council's review.
3. Mr. Zagorski presented a draft copy of his minutes from his Committee meeting held on March 16th for Council's review.

General Government Committee – Mr. Art Robb, Chairperson

1. Mr. Robb presented information on the Beaver County Boroughs' Association Spring Dinner Meeting for Council's information. Anyone wishing to attend should notify the Borough office as soon as possible.

Emergency Services Committee – Mr. Thomas Patterson, Chairperson

1. Mr. Budicak presented 2 letters, one for the Mayor and one for the Chief, from James Gehr of the U.S. Secret Service expressing their sincere gratitude to Beaver, the Police Department and the other various law enforcement and public safety departments for assisting during last year's presidential campaign for Council's information.
2. Mr. Budicak presented a "click it and ticket" report from the Chief for Council's information.
3. Mayor Hamilton had nothing to report.

4. Chief Madgar asked Council for some gravel and to have the Public Works Department deliver it to Officer Wijnen-Reims's home for the preparation of the dog cage for the K-9 unit. Mrs. Nestor motioned to approve the request. Mr. Edelstein seconded and the motion carried. Chief Madgar noted that he has had discussions with the Solicitor about utilizing the parking lot behind the Ft McIntosh Club for business owners and employees to use for parking during the day. The Solicitor stated that a zoning amendment would be necessary to provide for this change in use. Chief Madgar stated that this change would help alleviate some of the parking problems at the intersection of Third Street and College Avenue. The Manager noted that his only concern was the added traffic on the alley used to get to the parking lot. This alley is already a maintenance problem and this added traffic would further exasperate it. After some discussion, Mr. Wolbert motioned to have the Solicitor draft a proposed zoning change that would provide for this for Council's consideration. Mrs. Nestor seconded and the motion carried. Chief Madgar noted that they ran a DUI Enforcement detail on Saturday. It was very successful.

Finance Committee – Mr. David R. Edelstein, Chairperson

1. Mr. Edelstein presented the March expense and revenue report and February Treasurer's report of the general fund for Council's review.
2. Mr. Edelstein noted that he would be having a Committee meeting on April 29th at 7:00 PM to review the first quarter expenses and revenues.
3. Mr. Edelstein noted that Greensweep would be out this Saturday at 8:30 PM for their annual clean up. The group could use as many volunteers as possible if anyone is available to help.

Marketing Committee – TBD, Chairperson

1. Mrs. Sayers noted that there would be an upcoming marketing meeting.

Solicitor's Report:

1. There was nothing to report.

Council went into executive session at 10:16 P.M.

Council reconvened at 11:03 P.M.

Mrs. Sayers motioned to pay all approved bills. Mr. Zagorski seconded and the motion carried.

Meeting adjourned at 11:04 P.M.

Submitted by,

John M. Barrett
Borough Manager