

The regular meeting of Beaver Borough Council was held on Tuesday November 10, 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; Mayor Thomas T. Hamilton; Solicitor John Petrush; Police Chief Dan Madgar; Borough Manager John Barrett and Administrative Assistant Jan Mohrbacher

ABSENT: Tom Patterson

VISITORS: Midge Sefton, Tommi Wagner, Bob Rice, George Kauffman, Thelma Kauffman, Matt Hogan, Jeff Hamilton, Charles Casbourne, Dan Deceder, Beaver Library Representatives [Carol Colalella, Diane Wakefield], Matt Davis, Brent Dawson, Beaver Booster Representatives [Melinda Bulat, Mitch Bulat, Paul Caruso, John Stuck, Heidi Herbert, Tim Mullen], Betty Burk, John Grosskopf, Dave Linkimer, Catherine Kimmel, Scott Carney, Michael Lacey, George Perri, Christian Bell

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

Mr. Wolbert noted that the October 13, 2009 minutes as presented reflected the discussion regarding parts of the proposed employee handbook correctly. However, he would like to clarify that Attorney McCreary's review called for the complete removal of section XX only and that only portions of sections V and XXXIII should be removed and not completely removed. Council agreed and those sections in the handbook will reflect this correction. Mrs. Nestor motioned to approve the October 13, 2009 regular Council meeting minutes. Mrs. Sayers seconded and the motion carried.

Mr. Wolbert gave a power point presentation on some of the sessions he and fellow Council members attended during the Fall PSAB Conference.

Carol Colalella of the Beaver Library thanked Council for their past support of the library. Ms. Colalella reviewed some of the services the library provides and noted that the recently adopted State budget reduced contributions to public libraries. For this reason, Ms. Colalella asked Council for consideration to increase their annual donation to the library so that service reductions can be avoided or reduced. Mr. Budicak asked if any Council members had any questions for Ms. Colalella. There were no questions. Mr. Budicak thanked Ms. Colalella for her comments and that Council would address the library's request during Council's budgetary discussions.

Persons in Attendance:

Paul Caruso of the Beaver Boosters stated that the Boosters were in the process of planning for their financial needs for 2010. In the past, the Boosters have counted on the support from Beaver Borough. He asked for Council their continued support. Mr. Caruso asked if anyone had any issues or concerns which Council would like to raise that he could address. Mr. Shallcross distributed a copy of a receipt from the Boosters for a protective sleeve on top of the fence around the ball fields to protect the kids from injuries. This was to show Council how their donation this past year was utilized. Mr. Budicak asked if any Council members had any questions or comments for Mr. Caruso. There were no questions or comments. Mr. Budicak thanked Mr. Caruso for his comments and stated that this would be reviewed the same as was stated with the library's request.

Catherine Kimmel stated that the water in Beaver was extremely hard. This has caused her to replace such items as a hot water tank, dishwasher and faucets earlier than she believes they would need to be if the water was softer. She works in administration for a company that provides this kind of treatment process and would be happy to have a sales person contact the Borough if there is an interest. Regardless, Ms. Kimmel would like the Borough to investigate softening the water. Mr. Budicak asked Mr. Zagorski if the Water and Sewer Committee could review this and report back at their convenience. At the December 2009 meeting, Mr. Zagorski stated he felt Mr. Budicak told his committee to report back at the next Council meeting. Mr. Zagorski stated his Committee could review this.

Unfinished Business:

1. Zoning Ordinance Revision – Solicitor Petrush stated that he was prepared to update Council under his report.
2. Historic Preservation Study Group Recommendations – Solicitor Petrush stated that he would update Council on this matter under his report as well.
3. Rules of Order for Council Meetings – The Solicitor stated this needs to stay on unfinished business. He has not had time available to address this matter due to the other more pressing matters Council has asked him to review.
4. 2007-2008 Expanded Audit Report – This will stay on until the auditors have completed the final reports for Council.
5. Job Descriptions and Evaluation Form – The Manager is working on revisions requested by the Wage & Personnel Committee and will provide them to the Wage & Personnel Committee when completed.

6. Employee Handbook – Mr. Wolbert distributed the revised pages for the Employee Handbook as suggested by Attorney McCreary and Solicitor Petrush for Council’s review. Council members were asked to review the revisions and discussions would remain on going.

Voting/New Business Items:

1. Request for banner from SS Peter and Paul Church – After some discussion, Mr. Shallcross motioned to approve the request as submitted. Mrs. Sayers seconded and the motion carried.
2. Agreement with Deshler Amusement for 2010 – After some discussion, Mr. Shallcross motioned to authorize the execution of the agreement as presented. Mr. Edelstein seconded and the motion carried.
3. Ordinance for Intergovernmental Cooperation with Vanport Township for Police Services – Solicitor Petrush reviewed the ordinance with Council and noted that the Vanport Township Commissioners have tentatively approved the agreement. Solicitor Petrush recommended Council adopt the ordinance. After some discussion, Mr. Edelstein motioned to adopt the ordinance as presented. Mr. Zagorski seconded and the motion carried. Roll call – all present members voted yes.
4. Agreement for Police Services with Vanport Township – Solicitor Petrush reviewed the agreement which becomes a part of the ordinance for Intergovernmental Cooperation with Vanport Township for Police Services. Solicitor Petrush recommended Council execute the agreement. After some discussion, Mrs. Sayers motioned to authorize the execution of the agreement as presented. Mrs. Nestor seconded and the motion carried.
5. Request from Christian Bell to remove a pine tree in his front yard – Mr. Bell noted in his letter that Phil Colavincenzo of the Shade Tree Commission denied him permission to remove the tree. The tree was on his property and not in the Borough right-of-way; therefore the Shade Tree Commission had no right to deny his request to remove the tree. Mr. Bell was appealing this ruling and asking Council to grant him permission to remove this tree. After some discussion, Council agreed that if the tree was not in the right-of-way then the Shade Tree Commission could not deny Mr. Bell the right to remove it. Mr. Wolbert motioned to grant the request to remove the pine tree in his front yard. Mr. Zagorski seconded and the motion carried.

New Business:

1. Manager Barrett requested that Bryce Dawson be hired in the Highway Department as a full-time employee as of January 1, 2010 to fill the upcoming vacancy due to the retirements of both Tom Kuhlmann and Dan McKeel. Mr. Budicak stated that he understood that due to accumulated leave both employees would be off work even though one retires in April 2010 and the other July 2010. Manager Barrett stated that Mr. Kuhlmann was off now and though April 2010 and Mr. McKeel would be off sometime early January until his retirement at the end of July 2010. Manager Barrett stated that not too long ago the Public Works had 12 full-time employees. Currently there are 10 full-time employees. As of July 1, 2010 there would only be 8 full-time employees. It is becoming very difficult to provide the services expected from this particular work force which is why the Manager is requesting that Mr. Dawson be hired. Mr. Zagorski stated that 4 years ago 2 people were hired so that they could get their water and sewer license within 3 years. This has not happened. Mr. Zagorski stated that if we hire anyone they should be certified since we didn't have any licensed operators. Manager Barrett advised Council that the one employee had their sewer license and he recently passed the water exam and now has both certifications. The other employee is working towards obtaining his water and sewer certifications. Mr. Budicak stated that he knew Mr. McKeel had his water and sewer certifications but asked if Mr. Kuhlmann was a certified operator. Manager Barrett stated that Mr. Kuhlmann was not an operator and that he worked out of the Highway Department. Manager Barrett stated that Mr. Dawson has been working here part-time for the past 2 to 3 years, he is a good employee, he knows the operations and the experience he has gained brings immediate value as a full-time employee. Mr. Budicak asked what position he would be filling. Manager Barrett stated that it was his intention that Mr. Dawson be hired in the Highway Department. Mrs. Nestor questioned the number of part-time employees that we have. Manager Barrett stated that we have been operating with two regular part-time employees and then hiring additional part-time help as needed. Mrs. Nestor questioned the hours the regular part-time employees worked. Manager Barrett stated that they have been working 40 hours a week. Mrs. Nestor felt we should reduce them to half time employees until we get through the economic situation. Mr. Zagorski stated we may be hiring the wrong person because we have no certified operators. We have one that is half certified. Mr. Edelstein asked the Manager if the one employee had full accreditation. Manager Barrett stated that the one employee did now have both his water and sewer licenses. Mr. Wolbert asked if this position was going to be advertised. Manager Barrett stated that it was not his intention to advertise this position because there was already someone here that is capable of filling the position and has experience with the current Borough operations. Mr. Wolbert asked if it has been past practice that the Borough assumes the cost for the education that is needed. Manager Barrett stated that it has been. After much discussion, Mr. Shallcross motioned to hire Mr. Dawson as requested. The motion failed for the lack of a second. Manager Barrett asked

Council where this was going. Did Council want to hire someone? What did Council want from the Manager to make this determination? Mr. Zagorski stated that he wanted to see a training program set up as to how this individual was going to get his license. At the December 2009 Council meeting, Mr. Zagorski felt he had stated the following; 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 information, within the contract time limits. Management had not requested from the 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. Edelstein stated that a list of all the employees would help and also show who is certified and some of the responsibilities on the water and sewer side and the highway side. Mr. Budicak asked the Manager if it was practical to have in a written form what Mr. Zagorski was looking for regarding the training. The Manager stated it should be possible. The Water & Sewer Committee will reschedule their meeting for November 24th in which the Manager will provide the Committee a plan for training the current individual to obtain his water and sewer licenses.

Parks and Recreation Committee – Mr. David Shallcross, Chairperson

1. Mr. Shallcross stated that leaf collection has begun and will continue through December 3rd, weather permitting.
2. Mr. Shallcross stated that preparations for light-up night have begun and will continue up until light-up night on November 27th. Santa will arrive at 6:00 P.M. and the light-up program will be at 6:30 P.M.
3. Mr. Shallcross thanked Dave Hagen for his volunteer efforts in keeping the grass cut on the riverfront property.
4. Mr. Shallcross gave a brief overview of the process for the upcoming feasibility studies which will be conducted by Environmental Planning & Design along with the feasibility study committee.

Wage & Personnel Committee – Mr. John Wolbert, Chairperson

1. Mr. Wolbert presented the minutes of the October 27, 2009 Committee meeting for Council's review. The next meeting is scheduled for November 24th at 7:00 P.M.

Special Services Committee – Mrs. Shirley Sayers, Chairperson

1. Mrs. Sayers presented the minutes of the October 28, 2009 Business District Authority meeting for Council's review.

Highway Committee – Mrs. Kathryn Nestor, Chairperson

1. Mrs. Nestor presented the Public Works Department October report for Council's review.
2. Mrs. Nestor noted that the Sixth and Seventh Streets project is completed. The Engineer and Manager will conduct a final walk through and then the Engineer will provide a recommendation to Council as to whether the project is ready to be accepted by Council.
3. Mrs. Nestor informed Council that the reconstruction of the corner at Turnpike Street and Market Street is completed and the fountain installation is nearly complete.

Water and Sewer Committee – Mr. Joseph Zagorski, Chairperson

1. Mr. Zagorski presented the October expense and revenue report of the water and sewer fund for Council's review.
2. Mr. Zagorski presented the Water & Sewer Department October report for Council's review.
3. Mr. Zagorski noted that his next Committee meeting is scheduled for November 24th at 7:00 P.M.
4. Mr. Zagorski stated he had the letter and information from Ms. Kimmel and his Committee would review them.

General Government Committee – Mr. Art Robb, Chairperson

1. Mr. Robb presented a letter from the Beaver Library for Council's information.
2. Mr. Robb presented a letter from Comcast informing Council of upcoming changes in service and programming.

Emergency Services Committee – Mr. Thomas Patterson, Chairperson

1. Mr. Budicak noted that Mr. Patterson was unavailable due to work and there was nothing to report for Mr. Patterson.
2. Mayor Hamilton had nothing to report.
3. Chief Madgar noted that he and the Solicitor have reviewed the current ordinance establishing weight limits on the Borough streets. It was felt the ordinance was enforceable because it was adopted prior to the law change requiring an engineering study to establish weight limits. Chief Madgar also noted that he was meeting with representatives from Verizon and the School District to further discuss improvements to the phone system.
4. John Grosskopf, Fire Chief, discussed several programs the Fire Department is involved with. They had a number of walkthroughs of the station for various children groups. They conducted an outreach program with the residents of King Beaver and had Sergeant McCoy attend as well. The Department will be working with Officer Stahl to provide information on the history of being a fire fighter and what is involved with becoming a fire fighter. They will also be discussing the various equipment used in fire fighting. The Department has a fire display in Pollock's window. The Fire Department will be having the fire pits at light-up night along with the smores kits.

Finance Committee – Mr. David R. Edelstein, Chairperson

1. Mr. Edelstein presented the October expense and revenue report of the general fund for Council's review. Mr. Wolbert questioned the use of the discretionary fund line item. His understanding was these funds were for Council's education yet this past month several other expenses were charged to that line item, such as the funds given to the North Shore Trail Project. Mr. Budicak and Mr. Edelstein stated that the discretionary line item was not exclusive to Council education but is available for discretionary purposes.
2. Mr. Edelstein presented the October 31, 2009 net asset reports of the two pension funds for Council's review.
3. Mr. Edelstein presented the minutes of the October 22, 2009 Committee meeting for Council's review.
4. Mr. Edelstein presented the revised 2010 General Fund operating and capital budgets for Council's review. Mr. Edelstein asked if the budget needed to be adopted tonight. Solicitor Petrush stated that Council should adopt a tentative budget tonight which then the Solicitor would be authorized to advertise that the budget is available for public review and to also authorize the Solicitor to advertise the necessary tax ordinance for which the rate would be established in

the tentative budget. Mr. Edelstein noted that there is a projected deficit of about \$26,000 which would have to be covered with a transfer from the capital budget to avoid a tax increase. Given the discussion tonight regarding the library, any additional allocation would further draw from the capital fund. After some discussion, Mr. Edelstein motioned to increase the library donation an additional \$3,000 raising the total contribution to \$25,000. No motion needed but Council agreed to the proposal. Mr. Wolbert noted that the picnic line item was \$4,000 in 2009. He felt Council increased that to \$6,000 during the year because they thought they would not incur a particular expense and now the picnic line item is proposed at \$6,000. Mr. Wolbert feels that if it was important enough to reduce this line item to \$4,000 for 2009 then it should be left at the \$4,000 level and overtime should be kept at \$4,000 or less. Mr. Edelstein stated that labor was segregated separately and maybe alternatives could be looked at for next year but the \$4,000 or \$6,000 is a separate consideration. Manager Barrett reminded members that the picnic budget was raised this year because one of the organizers stated that the \$4,000 amount was insufficient to put on the picnic with the amenities that have been historically available and had nothing to do with labor needs. Mr. Edelstein asked what the picnic cost was for this year. The Manager stated it was approximately \$5,800. Mr. Edelstein stated that we should just leave the budget at \$6,000 otherwise the picnic group would be back and asking for the increase in June. Council agreed. Mr. Wolbert stated that the contribution to the Boosters was now a line item when it wasn't before. He was against this being a line item because then it guarantees an annual donation. He felt the Boosters should come in on an annual basis and request the funds and Council could consider the request at that time. Mr. Wolbert also feels the Boosters are not a part of those organizations the Borough can just give to under Borough Code. Mr. Shallcross stated he felt that issue was resolved and that the Boosters were a proper organization which is why the Borough has been and did donate to them this year. Mr. Wolbert stated that based off of the Solicitor's legal advisory and a recent chart of eligibility for community groups and donations he received from PSAB. Solicitor Petrush stated 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. Mr. Budicak stated that it would have been a courtesy to the Booster representatives, who have since left, to have brought this up earlier when they addressed Council. Mr. Wolbert stated that he wanted to avoid a confrontation. Mr. Budicak also stated he would have preferred that the items Mr. Wolbert was referencing would have been made available to all Council members prior to tonight's meeting so that all members could have had time to consider this information. Mr. Budicak stated that to be fair we leave this line item in the budget and asked Mr. Wolbert to forward his reference items to all members so that this could be further discussed at the next meeting. Mrs. Sayers stated that she did some research and the bylaws of the Boosters state that they are to be non-political. She stated that a memo was sent out by the Boosters and unfortunately no one had the decency to sign it. It states that the Boosters need

your support on election day and notes that Mr. Wolbert and Mrs. Sayers are proposing not to give the Boosters a donation and ends with a statement that says we need the parents to not only show up and vote but attend the next Borough meeting to show their support for the \$2,500 annual donation or the donation to the Boosters will be gone. Mrs. Sayers stated that they have gone against their own bylaws and feels that is grounds for not giving them the donation along with what Mr. Wolbert has stated. Mr. Budicak reiterated that the Boosters had representatives attend this meeting and asked Council members if they had questions or concerns. Mrs. Sayers stated that she didn't have any questions of them and that they should have stayed because this was the proper time to discuss this. Mr. Edelstein stated that Council needs to approve a preliminary budget and there can be further discussion on this at the next meeting. After some discussion, Mr. Edelstein motioned to approve the preliminary budget as presented with the \$3,000 increase to the Library contribution and the corresponding increase to the transfer from the capital improvement fund to balance the budget. Mr. Robb seconded and the motion carried. Mr. Edelstein motioned to authorize the Solicitor to advertise the necessary budget notice and ordinance setting the property tax rate at 20 mills. Mrs. Nestor seconded and the motion carried.

5. Mr. Edelstein presented the revised 2010 Water and Sewer fund operating and capital budgets for Council's review. After some discussion, Mr. Edelstein motioned to approve the preliminary budget as presented. Mr. Zagorski seconded and the motion carried.
6. Mr. Edelstein noted that the ordinance establishing the weight limit on the Borough streets was discussed at the Finance Committee meeting and the Solicitor will report. Solicitor Petrush stated that the Borough's ordinance establishing the weight limit was adopted in 1964. There was a change in State law in 1976 which became effective in 1977 requiring a traffic and engineering study before establishing a roads weight limit. The Borough is in effect, grandfathered, and the ordinance is enforceable at the established limit of 7 ½ tons.

Marketing Committee – TBD, Chairperson

1. Mrs. Nestor noted that an advertisement has been taken out on-line with the Beaver County Times to market the community.

Solicitor's Report:

1. Solicitor Petrush stated that he is making progress in streamlining the zoning ordinance and it should be available for review at the January Council meeting.
2. Solicitor Petrush stated that he has had a meeting and various communications with Mr. Rice and some committee members regarding the Historic Preservation Committee's recommendations. He is making progress and should be able to put something in writing by the end of the month.
3. Solicitor Petrush updated Council on his progress regarding a property maintenance nuisance at 1701 Corporation Street. A lawsuit has been commenced against the owner. On October 29th there was a hearing before the Magisterial Judge on some previously filed citations. Judge Finn ruled in the Borough's favor and levied the maximum fines in the total amount of \$2,200 which was requested by Solicitor Petrush. A municipal claim was also filed and Solicitor Petrush will keep moving forward to abate this nuisance.

Manager Barrett noted that there was a letter at everyone place from the Lutheran Church at the corner of Third Street and Navigation Street. They are requesting a crosswalk be put in across Third Street at Navigation Street. After some discussion, Mr. Zagorski motioned to approve the crosswalk contingent upon the Borough receiving approval from Penn DOT. Mr. Robb seconded and the motion carried. Mrs. Nestor stated that she was a member of this church and abstained from voting.

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 9:35 P.M.

Council reconvened at 10:56 P.M.

Council requested the Manager and Police Chief to give them proposed increases for their respective non-union employees.

Council requested the Manager to contact Attorney McCreary and advise him to contact the Municipal Employees attorney with the Council's response to the mediation determination.

Mr. Budicak stated that he, the Manager and Police Chief will look into the possibility of conducting a needs assessment of the Borough's operation and current municipal facility.

Council agreed to increase the legal consultant line item in the preliminary 2010 general fund budget to \$15,000.

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

Meeting adjourned at 11:00 P.M.

Submitted by,

John M. Barrett
Borough Manager