

The regular meeting of Beaver Borough Council was held on Tuesday May 12, 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; Solicitor John Petrush; Police Chief Dan Madgar; Borough Manager John Barrett and Administrative Assistant Jan Mohrbacher

**ABSENT:** Tom Patterson

**VISITORS:** Matthew Hogan, Dave Linkimer, Riley Baker, Michael Lacey, Wanda Good, Ralph Morton, Dan Deceder, Linda Skalka, Bill Callahan, John Grosskopf, Dick Shaw, Tim Mullen, Joanne Bradshaw, Chuck Copeland, Eileen Rillo, Jim Brenthoover, Dave Scarsella, Alicia McGhee, Mary Anne Peluso, Mark Peluso, Midge Sefton, Bob Rice, Jeff Lloyd, Tommi Wagner, Dave Hagen, JD Prose, Betty Burk

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

Mr. Edelstein asked that the April 14, 2009 minutes reflect under item 4 in the Wage & Personnel Committee report that Mr. Shallcross had left by this time and that this item was not on the voting agenda. Mr. Wolbert asked that it be noted in item 2 under the unfinished business that he had reviewed several cases on the Ethic Commission's web site he felt were relative to that topic and was asked to share that information with the Solicitor. Mr. Wolbert also stated he felt the first sentence in item 6 under voting items was inaccurate. He felt 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. Budicak questioned whether the first sentence was inaccurate. Council agreed to leave the first sentence but add Mr. Wolbert's comments as well. Mrs. Nestor motioned to approve the April 14, 2009 minutes with the noted corrections. Mr. Edelstein seconded and the motion carried.

Mr. Zagorski asked that it be noted in the May 5, 2009 special meeting minutes that he thanked Mr. Budicak for calling that special meeting to address Mrs. Gaseca's problem. Mrs. Nestor asked that it be noted that the Solicitor advised Council that we would be unable to use tax payer's money to help Mrs. Gaseca with her problem. Mr. Wolbert stated that he did not express his concern with the notification of the Council members as stated in the second paragraph. Mr. Budicak stated that his concern was express through an email he sent which Mr. Budicak noted during the meeting. Mr. Wolbert stated that his name was never used. Mr. Budicak asked if Council had a problem with leaving the minutes the way they were and noting Mr. Wolbert's objection. Council agreed. Mr. Edelstein motioned to approve the May 5, 2009 minutes with the noted corrections. Mr. Zagorski seconded and the motion carried.

**Persons in Attendance:**

Linda Skalka brought to Council's attention that the school buses for SS Peter & Paul are still blocking her driveway. They are also destroying her curb & sidewalk by parking on it along with visitors to the Women's Center. There is also a noise at approximately 3:00am every morning which is disturbing. Chief Madgar will have the officers monitor the parking and the noise in the evening. Council agreed there was nothing they could do about her curb at this time. The Police Chief will monitor the parking to keep the buses and cars off her curb and sidewalk.

Jim Brenthoover stated that construction by the School District and Columbia Gas has caused unauthorized people to park in his parking lot at 336 College Avenue. Also in the alley behind his building there is trash accumulating and being put on his property. Chief Madgar will work with Mr. Brenthoover to resolve the unauthorized parking problem. Mr. Budicak stated that it's a neighbor dispute if one of the adjacent properties is disposing trash on his property and that the Borough could not help with this matter.

Jeff Lloyd of the Shade Tree Commission thanked the Public Works employees for their help with the spring plantings for the Arbor Day event. He also thanked Mr. Wolbert and Mrs. Sayers for their support and the donation of door prizes by Mr. Wolbert.

Chuck Copeland asked Council if the School District could have the old water fountain that use to be located at the clock tower. The fountain would be used as a feature item in their yard area renovations at the College Square Elementary School. After some discussion, this was given to the Special Services Committee to review and report back.

Tim Mullen of the Beaver Area Boosters thanked Council for their past support. Council's past donations have been used for field maintenance. These fields service many children every year. The Boosters hope that Council will consider another donation for 2009.

**Unfinished Business:**

1. DCED Audit Report – Mr. Edelstein introduced Joel Martin of Cottrill, Arbutina & Associates who perform the Borough and Authority audits. Mr. Martin stated that the only duty of a municipality is to complete forms provided by DCED. At this time all audit reports have been completed and submitted in accordance with State law. Mr. Martin noted that there were some additional comments for this year's audit due to changes in the risk standards which required a more in depth review of the accounting process. Mr. Martin stated that the Borough has decided to expand its audit review in accordance with GASB34 which incorporates all assets as part of the audit. This part of the audit

has not been completed due to delays in collecting the asset information and problems with reconciling the reports which were generated. The Industrial Appraisal Company was hired to complete the asset inventory and provide the initial reports. As soon as these reports can be reconciled the final audit will be completed. Mr. Edelstein stated that he will have a Finance Committee meeting in the near future for Council members to ask any question regarding the audit.

Mr. Budicak interrupted the unfinished business review. He introduced Mr. Bill Callahan who was at the meeting to provide a presentation on historic preservation. Mr. Callahan has been working with the Historic Preservation Committee authorized by Council in reviewing the Borough's ordinances on demolition and Historic Review Commission. Mr. Callahan noted that Beaver already has a National Register of Historic Places designation for the majority of the community. Mr. Callahan stated that there were benefits to having this designation and that it is an asset to the community. He explained what the designation doesn't do for the Borough, which is regulate historic preservation with regards to demolition or restoration. Mr. Callahan stated the PA Municipal Planning Code allows for preservation zoning. This zoning is used to monitor changes only to the outside of a structure. Mr. Callahan stated there are benefits in cultural value, an understanding of the Borough's history, economic development and tourism dollars when preservation zoning is established. Mr. Callahan stated that it was a tool to manage changes. Mrs. Nestor thanked Mr. Callahan for his assistance with the Historic Preservation Committee.

2. Use of Equipment and Facilities – Mr. Robb reviewed where we were at with this item. The Solicitor stated that he had previously drafted a policy which prohibited the use of any Borough resource for personal or private purpose. This was based on general provisions of municipal law and the limits of municipal powers as described in the Borough Code. The Solicitor stated he reviewed the State Ethics Law and some of their rulings and believes this further supports his position on prohibiting any use of Borough resources. Council agreed to have the draft policy put on the agenda under voting items for next month.
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 still being revised and should be available in the next several months.
5. Zoning Ordinance Revision – Council met with the Planning Commission and the Zoning Officer. The Zoning Officer was going to submit his comments to the Planning Commission for their review before Council began its review with the Planning Commission.

6. Rules of Order for Council Meetings – The Solicitor is still reviewing this item. The Solicitor asked Mr. Wolbert if he would get with him and go over this item with him.
7. Agreement with MDIA – The Manager distributed a worksheet outlining various communities and who they use to administer their uniform construction code. The Manager explained that he was asked to solicit other proposals for providing this service because there was some concern with the administration provided by MDIA. He called around to the other municipalities to see what other companies were working in the area and noted that the majority were using MDIA. In his discussions with the other Managers, he found that there were few companies in the area performing this service and that they all had some minor difficulties regardless of who administered the code. The consensus of the other Manager's was that the code is very complex and difficult to administer. A few municipalities had an employee who administered the code and a few had another company and in both cases suffered from mistakes in the administration of the code. Based on these findings, the Manager recommended that Council continue with MDIA and that the Borough could impress upon them the need for accuracy in their review and administration of the code. Mrs. Sayers expressed her concerns with MDIA. Mr. Edelstein recommended that Council meet with MDIA and discuss these issues. Council agreed to have a representative from MDIA attend the next meeting to discuss this matter.

**Voting/New Business Items:**

1. Donation of \$2500 to the Beaver Area Boosters – Mr. Shallcross start by thanking Brighton Township for their support of organized sports noting a sign in Brighton Township encouraging the attendance of their baseball/softball games. He noted that Brighton Township maintains the baseball/softball fields in their community. Mr. Shallcross explained that the Boosters do all the maintenance to fields in Vanport. Many other communities maintain their fields taking that responsibility away from the local booster organization. The Boosters have been around over 50 years and run independently. They have over 500 children in their program each year. Mr. Shallcross believes that this is a small price to pay for the opportunities they provide our children. We have made this donation in the past and would like to continue this practice. Mr. Wolbert was concerned whether this was proper or not and if the Solicitor says it is then he would be satisfied. He would support the donation but would like to see the money be spent in the Beaver community if possible. Mr. Budicak was concerned with putting this stipulation on the Boosters. It may limit their opportunity to get the best price for their purchases. Mr. Edelstein agreed because of the size of Beaver. He was also concerned with starting this practice of dictating to anyone who received a donation from the Borough such as the Library or even the Fire Department. Solicitor Petrush expressed a concern with giving money because of the lack of controls within these types of

organizations. Mr. Budicak asked if this donation was prohibited by the Borough Code if Council felt such controls were in place to provide for the proper utilization of these funds. Solicitor Petrush said no. It was asked if the Boosters could provide copies of invoices showing how the money was spent. Mr. Mullen stated that the Boosters would be happy to provide copies of invoices. Mr. Shallcross motioned to approve a \$2500 donation to the Boosters with the provision that they provide an accounting of how that money was spent. Mr. Wolbert seconded and the motion carried.

Mr. Patterson arrived at 8:50 P.M.

2. Banner request from SS Peter & Paul School – Mrs. Nestor motioned to approve the request as submitted. Mr. Edelstein seconded and the motion carried. Mrs. Nestor thanked the Manager for revising the form.
3. Medical and Dental plan proposed changes effective July 1, 2009 – After some discussion, Mrs. Sayers motioned to approve the change from HealthAssurance to Highmark as the healthcare provider and Metlife to Assurant as the dental provider. Mr. Wolbert seconded and the motion carried.
4. Refund request from the Tax Collector for overpayment of taxes – Mr. Wolbert motioned to approve the refund for overpayment of taxes of the two residents as presented. Mrs. Sayers seconded and the motion carried. Solicitor Petrush was asked to see if this was an administrative action that would not require a Council motion.
5. Bid Tabulation for 6<sup>th</sup> & 7<sup>th</sup> Streets Project – The Borough Engineer reviewed the bids and presented a recommendation that the low bidder, Youngblood Paving be award the contract for both parts of the contract in the amount of \$468,283.40. Mr. Zagorski questioned if one part of the project should be approved then consider the second part after review to consider available funds. After some discussion, Mr. Zagorski agreed it would best to approve both parts of the project together. Mr. Zagorski motioned to award the 6<sup>th</sup> & 7<sup>th</sup> Streets Road Reconstruction Project to Youngblood Paving in the amount of \$468,283.40. Mr. Patterson seconded and the motion carried.

#### **New Business:**

1. Mr. Edelstein asked what the status of the riverfront project was. Mayor Hamilton stated that the Riverfront Program ran through the Beaver County Community for Economic Development and that the funding source they used to complete these projects has been eliminated. The Manager stated that it would now be up to the Borough to proceed if any development is considered and also up to the Borough to fund any development. The Recreation Committee was asked to look into some course of action.

2. The Manager noted that the Chamber of Commerce was asking the Council to make a proclamation for the class of 2009. They were putting together gift bags for the seniors and want to put this in as well. Mayor Hamilton stated that he was approached by the Chamber about the Borough making a proclamation. He felt this was a nice idea. Council agreed. The Solicitor will work with the Mayor to draft a proclamation. The Manager will collect the signatures and present it to the Chamber for their gift bags.
3. The Manager reviewed the office activity over the past 4 and a half months during the extended hours on Tuesday. The trial period was for six months but he felt there was so little activity that the trial period was no longer needed and asked that the office be allowed to go back to normal hours. Staggering the employee's hours was actually becoming a burden because of the high activity level in the mornings. After some discussion, Council asked that this be put on the voting agenda for June.

#### **Parks and Recreation Committee – Mr. David Shallcross, Chairperson**

1. Mr. Shallcross reported that his study group should be submitting a recommendation to Council on the selection of a consultant to complete the two feasibility studies at the next meeting.
2. Mr. Shallcross proposed that Council consider putting lights on two of the tennis courts in Shaw Park. Based on the school survey the Recreation Committee did last year and some discussions with residents he felt this would be a welcomed addition to the recreation activities the Borough provides. Mr. Shallcross distributed a design showing a total of 12 lights which would light the two courts. The estimate for the lights was \$9,966. He felt he could get the labor to install them donated. Mr. Baker, the High School tennis coach, stated he felt this would be a nice addition and has had people mention to him they would like to see lights put up. Mr. Shallcross noted that coin operated devices could be installed to pay for the electric use. Mr. Shallcross asked if he could put this out for bid to get actual costs to make the final decision. Mr. Edelstein asked how this would be paid for. Mr. Shallcross stated he felt confident he could get the installation cost donated and the purchase of the lights would come out of the park enhancement line item. Mr. Patterson felt this would only benefit a small group of people for the amount of money that would be expended. Mr. Zagorski noted that there would be additional costs for getting electric to the courts in the proper way. After some discussion, Council did not agree to bid out the project. Mr. Shallcross was asked to continue his review and Council would consider this in the future.

3. Mr. Shallcross reported that his Committee met at the pool and developed a check list of enhancements that he will review with the Manager for consideration and report back.

**Wage & Personnel Committee – Mr. John Wolbert, Chairperson**

1. Mr. Wolbert presented the Committee minutes of April 28, 2009 for Council's review. He noted that the next meeting was scheduled for May 26<sup>th</sup>.

**Special Services Committee – Mrs. Shirley Sayers, Chairperson**

1. Mrs. Sayers presented the minutes of the April 22, 2009 Business District Authority meeting for Council's review.
2. Mrs. Sayers presented a letter from Representative Christiana notifying the Borough that it has been awarded \$1,133 under the Recycling Performance Grant Program for Council's review.
3. Mrs. Sayers noted that she and Mayor Hamilton attended Arbor Day and that it was a huge success. She commended the Shade Tree Commission for their efforts. A tree was planted in recognition of the hard work of Mr. Orr and Mr. Lloyd.

**Highway Committee – Mrs. Kathryn Nestor, Chairperson**

1. Mrs. Nestor presented the Public Works Department April report for Council's review.

**Water and Sewer Committee – Mr. Joseph Zagorski, Chairperson**

1. Mr. Zagorski presented the April expense and revenue report and the March Treasurer's report of the water and sewer fund for Council's review.
2. Mr. Zagorski noted that his next committee meeting would be held on May 18<sup>th</sup> at 7:00 P.M.

**General Government Committee – Mr. Art Robb, Chairperson**

1. Mr. Robb had nothing to report.

### **Emergency Services Committee – Mr. Thomas Patterson, Chairperson**

1. Mr. Patterson had nothing to report.
2. Mayor Hamilton had nothing to report but asked for an executive session to discuss contract negotiations with Vanport for police services.
3. Chief Madgar noted that Officer Blinn was off on worker's comp with a separated shoulder. Chief Madgar presented a resolution for obtaining reimbursement of monies for expenses incurred for training. Mrs. Sayers motioned to approve the resolution. Mrs. Nestor seconded and the motion carried. The Chief noted the Annual Police Memorial Program would be held this Friday May 15<sup>th</sup>. The Chief brought up utilizing the parking behind the Fort McIntosh Club. The Solicitor stated it would take 60 to 90 days for the process of amending the zoning ordinance. Council agreed to have the Solicitor prepare the necessary amendment that would allow business parking behind the Fort McIntosh Club and to initiate the necessary procedures for implementing the ordinance. Chief Madgar stated that the Fire Department was willing to house the police trailer and multi-purpose vehicle but needed a new and expanded shed behind the station. They were looking to extend the existing fence and build a bigger shed. After some discussion, the Solicitor was asked to review the deed for the Fire Station to see if there were any stipulations that would preclude the Department from enlarging the storage area behind the station. Council also asked for a more detailed plan as to what the Department wanted to do. The Chief noted that the old DARE vehicle that was given to the Fire Department was worn out. The thought was if Council would donate that to the Department then they would dispose of it to help pay for the work being considered. Mr. Zagorski motioned to transfer the old DARE vehicle to the Fire Department for their use. Mr. Patterson seconded and the motion carried.
4. Mr. Grosskopf noted that the Fire Department participated in the Arbor Day event and thanked Mr. Lloyd for the Shade Tree Commission's efforts on Arbor Day. He also thanked the Manager and Public Works for their help to install the new gear washer. Mr. Grosskopf thanked Mr. Wolbert for attending their fire prevention program. Mr. Linkimer noted that the Department's 5K race would be held on May 30<sup>th</sup>. Mr. Wolbert commended the Fire Department for the excellent program they put on.

### **Finance Committee – Mr. David R. Edelstein, Chairperson**

1. Mr. Edelstein presented the April expense and revenue report and March Treasurer's report of the general fund for Council's review.
2. Mr. Edelstein noted that he would be having a Committee meeting on June 1<sup>st</sup> at 7:00 PM to review the DCED audit reports. Mr. Edelstein distributed the audit reports for the Borough and Authority.

3. Mr. Edelstein presented the Committee minutes of April 29, 2009 for Council's review.
4. Mr. Edelstein noted that Council needs to be aware that the MMO's for the two pension plans may go up significantly based on projection and wanted Council to just keep that in the back of their minds as the year moves forward.

**Marketing Committee – TBD, Chairperson**

1. Mrs. Sayers noted that a community near us has 26 vacancies in their business district and we are fortunate to only have a few. There will be a Marketing Committee meeting on May 20<sup>th</sup>.

**Solicitor's Report:**

1. Solicitor Petrush asked for an executive session to discuss a potential litigation matter on a property maintenance issue.

Council went into executive session at 10:13 P.M.

Council reconvened at 10:50 P.M.

Mr. Patterson motioned to hire Ed Kline Appraisal to complete the 2 appraisals as discussed in the amount not to exceed \$2600.

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

Meeting adjourned at 10:54 P.M.

Submitted by,

John M. Barrett  
Borough Manager