

Borough of Beaver, PA
Council Meeting
January 10, 2017
Minutes

- A regular scheduled meeting of Beaver Borough Council was held at the Community Room and called to order on January 10, 2017 at 7:00PM by President, Michael Deelo.
- Pledge of Allegiance
- Council Representatives in attendance: Alex Andres (arrived 7:10PM), Dan Deceder, Michael Deelo, Ron Embaugh, Walt McDermott, James Perini, Alex Sebastian, Pat Sims, Sean Snowden. Borough officials in attendance: Mayor Tom Hamilton, Chief Dan Madgar, Solicitor John Petrush.
- Visitors in attendance (signed in): Jeff Hamilton, Christian Hartman, Scott Hartman, Regis Collins, Philip Ovadia, Jim Wooley, Charles Casbourne, Rick Sprecker, Frank Blaskowitz, Sherry Manganello, Dan Martone, Greg Peluso, Joe Gradwell, Jim Bontempo, Tommi Wagner

Approval of minutes

Motion by Mr. McDermott to accept the December 13, 2016 Council meeting. Seconded by Mr. Perini. Voice vote passed unanimously.

Treasurer's Report

- December 2016 end of month reports and balances reviewed.
 - Mr. Perini stated 2016 revenue year end numbers are within 1% of what was projected a year ago along with expenses being within 3%.
- Reports will be filed for annual audit.

Review invoice and authorization to pay bills

Motion by Mr. Snowden to authorize and pay submitted invoices for the Borough. Seconded by Mr. Embaugh. Voice vote passed unanimously.

Public Participation –

- Christian Hartman, 191 Woodridge Drive, Beaver – With Troop 766 of Brighton Township presented his Eagle Scout Project of a chess table and chairs for Quay Square.
 - Meets Americans with Disabilities Act (ADA) requirements
 - Mr. Embaugh stated Mr. Hartman presented to the Recreation Committee with 100% agreeing it would be a nice addition to the park.
 - Mr. Sprecker requests they consider placing the table and chairs in a shaded area of the park
 - Regis Collins, Director of Community Development with People United in Shaping and Helping (PUSH) Beaver County Representative – Stated PUSH is sponsoring chess tables throughout Beaver County. He will be meeting with another Scout next week to consider another chess table in the park.

- Council requests Dan Martone, Borough Engineer, review the drawings to make sure the foundation is structurally sound.
 - The borough will pay for the concrete pad, approximately \$500 and the Eagle Scouts will raise money for the table and chairs.
 - **Motion by Mr. Embaugh that Beaver Borough Council authorize construction of a chess table and chairs to be placed in Quay Park and built by Christian Hartman for his Eagle Scout project. Seconded by Mr. Snowden. Voice vote passed unanimously.**
- Jim Wooley, 343 Park Street – Thanks the borough employees and police for keeping town neat, clean and in order.
- Greg Douglas, 999 Third Street Law Office – Representing Mr. & Mrs. Ovadia of Bank Street regarding a building permit on Bank Street.
 - Mr. Douglas referenced a comment letter issued by Mr. Martone, Borough Engineer dated December 16, 2016.
 - Listed two issues: Driveway opening on Bank Street and the combining of two lots; lots 6 and 7 west of the Conner home.
 - Borough Council and Borough Planning Commission approved the BAR Acquisition plan without condition approximately 2 years ago.
 - Mr. and Mrs. Conner’s application approximate 1 year ago regarding a driveway cut.
 - Once a plan is approved no municipality can go back after the fact and add conditions.
 - Mr. Roberts and his attorney Mr. Torrance, promised to put a covenant in his plan that would prevent any further driveway access on Bank Street, which he never did.
 - Preexisting legal duty to give the Conner’s the driveway cut and that law is gratuitous promise
 - Asking for the building permit including the curb cut for the Ovadia’s
 - Requests council approve the building permit which allows the access to Bank Street and the Ovadia’s will apply for lot consolidation within 30 days.
 - Mr. Petrush – In August 2015, the Conner’s requested a curb cut on Bank Street which was approved. Mr. Roberts never fulfilled their promise to council they would amend the Declaration of Covenants, Restrictions and Conditions.
 - This is not the fault of the Ovadia’s, they were never told that he had to use the private alley. Council is compelled to the public interest of this request.
 - Not sure if the promises made by Mr. Roberts and Mr. Torrance may or may not be enforceable by the court.
 - **Motion by Mr. Sebastian to approve the building permit agreement subject to recording of the consolidation plan. Seconded by Mr. Embaugh.**
 - Mr. Martone – Before we issue a building permit, a letter will be needed stating conditions that no Occupancy Permit will be granted until the property is consolidated and there are no zoning violations.
 - Mr. Douglas will rephrase the document to comply with Mr. Martone’s comments.

- Planning Commission recommended no curb cuts on Bank Street due to concern parking on southern side of Bank Street which is why they recommend the alley.
 - Planning Commission needs to approve the consolidation.
- **Roll call vote on motion: Mr. Embaugh – Yes, Mr. Perini – No, Mr. Sims – Yes, Mr. Deceder – Yes, Mr. Sebastian – Yes, Mr. Andres – Yes, Mr. McDermott – No, Mr. Snowden – Yes, Mr. Deelo – Yes. Motion passed on the indicated roll call vote, 7-2.**
- Frank Blaskowitz, 385 Navigation Street – What is the status of the Town Hall Meeting regarding drug awareness
 - Mr. Snowden stated they are still trying to organize with the school district and other authorities.

Reports – Commissions

Council of Governments (COG) – Dan Martone

The Beaver County Regional Council of Governments, Uniform Construction Code (UCC) Appeals Board will conduct a public hearing on January 16, 2017 at 7:30PM at the Monaca Borough Building. The purpose of the hearing is to consider the UCC appeal of Jeramie Reagan, on behalf of Crave Mexican Grill, regarding property located at 431 Third Street.

- Applicant applied for a waiver from the UCC requirement to have less than 5 feet from the building to the property line for his exhaust fan.

Business District Authority – No report

Civil Service Commission – No report

Zoning Hearing Board (ZHB) –

Mr. Petrush stated an appeal was filed in the Court of Common Pleas concerning the town house development ZHB decision on College Avenue and 4th Street.

- Mr. Deelo stated the ZHB is a quasar judicial body with their own Solicitor. Once they have made a ruling and an appeal has been filed, then defense of the appeal defaults back to the borough.

Planning Commission – No report

Tree Commission – Reported by Frank Blaskowitz

- Interviewed Kevin Walker to join the Shade Tree Commission and will submit a letter of recommendation to council.
- 20 years of being Tree City USA
- Will submit notification to the office regarding an Eblast regarding the Spring Replacement Program

Code Enforcement Officer Report –

December 2016 report enclosed in council packet

Historic Architectural Review Board (HARB) – No report

Council Committee Reports

Public Safety – No report

- Mr. Embaugh stated he is being questioned for status of the lawsuit filed against council regarding the Industry incident
 - Mr. Snowden and Chief Madgar stated they are not aware of any lawsuit that has been filed against council.
 - Chief Madgar asks that requests for information be referred to him.

Finance – No report

Highway – Reported by Mr. McDermott

- No meeting in December
- Will have 6 Highway Committee meetings in 2017

General Government – No meeting in November

Code Enforcement – No meeting in November

Recreation – Reported by Mr. Embaugh

January 3, 2017 meeting minutes enclosed in council packet

Water & Sewer – Reported by Mr. Sims

- December 21, 2016 meeting minutes enclosed in council packet
- Public meetings will be held on January 11, 2017 at the Community Room and January 18, 2017 at the Train Station to answer all resident questions concerning the water meter replacement project.
 - Incentive to schedule to have meter replaced promptly
 - Existing meters were installed in the 1980's – life expectancy is 10-15 years. Also is not capturing the real usage, losing water revenue.
 - Majority of old meters are made from leaded brass – DEP recommends to be replaced
 - Opportunity to give automatic readings – saves on labor and will be able to notify the Municipal Authority of any leaks which we in turn can notify the resident.
 - Opportunity to check lines and find shut off valves

Reports

Manager's Report – Reported by Chief Madgar

- Reviewed the December 2016 report enclosed in council packet
- Access Road – Should have a final plan from Zell Engineers within the next month
 - Once the road plans are completed for the portion of the road that has failed, Zell Engineers will then begin preparing a report with options to improve/stabilize the access road that is currently open so that it does not fail in the future.
- Laura Street and Park Street letters to residents regarding the Paving, Curb and Sidewalk replacement will be completed by our Borough Engineer by late February.

- Evaluations are being worked on and should be completed by mid-February
- Officers received for the 4th year in a row the AAA Platinum Award for traffic safety for reduction of accidents
- Policy and Procedures are being reviewed and updated
- Property of Allen Paving, 45 Georgetown Lane where our salt is being stored is being sold
 - Requested an Industrial Appraisal – will keep council updated

President’s Report –

- Due to a required training session of the police, the next council meeting will be held at the Train Station.
- Alcohol sales in Beaver – requested the Planning Commission work with the Solicitor to change the Zoning Ordinance.
- Executive Session after regular session regarding the Borough Manager/Chief of Police salary with a vote afterwards

Mayor Hamilton – No report

Police Chief Madgar – No report

Fire Department – No report

Emergency Management Coordinator – No report

Borough Engineer and Water/Sewer Engineer –

December 2016 monthly reports enclosed in council packet

Solicitor Petrush –

A curb and sidewalk lien filed in 2009 for \$8,900 - nothing has been paid with an amount due including the 10% a year interest is now approximately \$16,000. Resident is questioning if the borough will accept \$10,000.

- He will inform the resident he has no authority to do so without the approval of council.
 - Mr. Perini stated the Finance Committee will review all open liens

Old Business

No old business

New Business

Motion – Robert’s Rules of Order

Motion by Mr. Andres that Beaver Borough continue to use Robert’s Rules of Order for 2017 by approving Resolution number 2017-01. Seconded by Mr. Perini. Voice vote passed unanimously.

Motion – Beaver Borough Solicitor

Motion by Mr. Andres that Beaver Borough appoint John Petrush as Solicitor for Beaver Borough. Seconded by Mr. Embaugh. Voice vote passed unanimously.

Motion – Beaver Borough Deputy Solicitor

Motion by Mr. Andres that Beaver Borough appoint John Rackley as Deputy Solicitor for Beaver Borough. Seconded by Mr. Perini. Voice vote passed unanimously.

Motion – Zoning Hearing Board Solicitor

Motion by Mr. Andres that Beaver Borough appoint Jack Walker as Solicitor for Beaver Borough Zoning Hearing Board. Seconded by Mr. Perini. Voice vote passed unanimously

Motion – Civil Service Commission Solicitor

Motion by Mr. Andres that Beaver Borough appoint John Rackley as Solicitor for Beaver Borough Civil Service Commission. Seconded by Mr. Snowden. Voice vote passed unanimously.

Motion – Reappoint Borough Manager

Motion by Mr. Andres that Beaver Borough reappoint Daniel Madgar as Borough Manager for 2017. Seconded by Mr. Sims. Voice vote passed unanimously.

Motion – C&S Sports sign

Motion by Mr. Sebastian that Beaver Borough approve the attached letter dated December 5, 2016 from C&S Sports requesting to install a sign outside their business located at 312 College Avenue. Request Solicitor Petrush to draft a License Agreement with C&S Sports. Seconded by Mr. Andres.

- Mr. Sprecker reviewed the sign requirements in the Zoning Ordinance
- Mr. Petrush stated the wall is borough property and the prior business had the same sign size
- Mr. Perini questioned if the property owner, Blaine Roberts, owns the wall

Voice vote passed 8-1. Mr. Perini – No.

Motion by Mr. Snowden that Beaver Borough Council accept the 43" x 150" sign submitted by C&S Sports. Seconded by Mr. Sims. Voice vote passed 8-1. Mr. Embaugh – No.

Motion – Ordinance Amending Chapter 10 relating to a Health Officer

Motion by Mr. Sebastian that Beaver Borough direct the Solicitor to advertise the proposed ordinance to amend Chapter 10 of the Code of Ordinances, adding a Part 3 relating to a Health Officer. Seconded by Mr. Sims. Voice vote passed unanimously.

Motion – Borough Secretary

Motion by Mr. Sims that Beaver Borough appoint Deborah Hindman as Borough Secretary. Seconded by Mr. Embaugh. Voice vote passed unanimously.

Motion – Open Records Officer

Motion by Mr. Sims that Beaver Borough approve the attached Resolution approving the Borough Secretary as the Open Records Officer in replacement of the Borough Manager. Seconded by Mr. Snowden. Voice vote passed unanimously.

Entered into Executive Session to discuss the salary of the Borough Manager/Police Chief at 9:00PM
Executive Session ended at 9:15PM

Motion by Mr. Sims that the salary for the Borough Manager be increased 2% and the salary for Police Chief be increased 2%. Both of these are effective January 1, 2017. Seconded by Mr. Snowden.

Motion to adjourn by Mr. Andres, Seconded by Mr. Deceder. Voice vote passed unanimously.

Adjourned at 9:20PM

Submitted by Debbie Hindman