

Borough of Beaver, PA
Council Meeting
May 9, 2017
Minutes

- A regular scheduled meeting of Beaver Borough Council was held in the Community Room and called to order on May 9, 2017 at 7:00PM by President, Michael Deelo.
- Pledge of Allegiance
- Council Representatives in attendance: Alex Andres, Dan Deceder, Michael Deelo, Ron Embaugh, Walt McDermott, James Perini (7:00PM-9:30PM), Alex Sebastian (7:00PM-9:15PM), Pat Sims, Sean Snowden. Borough officials in attendance: Mayor Tom Hamilton, Chief Dan Madgar, Solicitor John Petrush (7:00PM-9:35PM), Solicitor Garen Fedeles
- Visitors in attendance (signed in): Jim O'Connell, Ben Hess, Chuck Casbourne, Midge Sefton, Lauson Cashdollar, Jim Woolley, Nancy Werme, Russ Werme, Judy Cashdollar, Rick Sprecker, Elliott Cramer, Robert Rice

Approval of minutes

Motion by Mr. Snowden to accept the April 11, 2017 Council meeting. Seconded by Mr. Andres. Voice vote passed unanimously.

Treasurer's Report

- April 2017 end of month reports and balances reviewed.
- Mr. Deelo stated a Cash Flow Forecast will soon be included in the council packet
- Reports will be filed for annual audit

Review invoice and authorization to pay bills

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

Public Participation –

- Nancy Werme, 1301 Corporation Street – Asked for verification of the two ordinances listed on the agenda; Amending Chapter 1 of the Code of Ordinances and the Social Media Policy.
 - Mr. Madgar – Social Media Policy is directed towards summer employees. There are approximately 20-30 summer employees between the pool and grass crew. This policy is to address placing photos, etc. on social media sites during working hours.
 - Mr. Deelo – The last two motions listed on the agenda will be discussed during Executive Session. Once Executive Session is adjourned there will be time for questions and comments from the public.

- Lauson Cashdollar, 734 Fourth Street – Commented on the following:
 - Advertising Policy – An inappropriate attempt to suspend or change a long standing policy regarding hiring by not allowing advertising to the general public for open positions.
 - Centralization of power given to the Chief of Police when hired as Borough Manager and Manager of the office. Council needs to be more involved in the decision making process.
 - Last year, the budget was over spent by \$300,000 and \$100,000 was moved from the road budget. This year, the budget is also overspent which the borough may have to consider tax anticipation loans.
 - Requests Council read and understand the distributed copy of the April 5, 2017 Memorandum Opinion and Order by Judge Fouse regarding Officer Wijnen-Riens. Additional information will be provided to members at a later time.
 - Officer McCoy, also President of the Police Union, stated the case is currently under litigation and this is not the appropriate forum to discuss.

- Ben Hess, 500-510 Third Street –
 - Seeking guidance regarding Beaver Borough Signage Ordinance. Since January 2017 he has been renting the second floor of 500 & 510 Third Street which are two separate tax parcels and entities. So far he has submitted four separate sign drawings in an attempt to promote his business. The current Ordinance prohibits flat signs on second floor occupancy.
 - Mr. Deelo – Two options: Request a variance or change the Zoning Ordinance. Suggests Mr. Hess to attend the next Planning Commission meeting on May 15, 2017 at 7:00PM.
 - Mr. Hess stated he has spoken to Mr. Sprecker and understands the variance process. Each variance request is \$700 which is three times the cost of the signs.
 - Mr. Madgar suggests Mr. Sprecker continue to assist Mr. Hess to get the situation resolved.

Reports – Commissions / Authorities

Council of Governments (COG) – No report

Business District Authority – No report

Civil Service Commission – Reported by Midge Sefton

- March 29, 2017 meeting minutes enclosed in council packet
- Next meeting to review the Rules and Regulations will be May 17, 2017 at 3:00PM

Zoning Hearing Board (ZHB) – Reported by Mr. Sprecker

A zoning hearing will be held on June 5, 2017 at 6:00PM regarding 394 College Avenue. Seeking dimensional variances to erect a 3 unit townhouse development.

Planning Commission – Reported by Mr. Rice

April 17, 2017 draft minutes enclosed in council packet

Tree Commission – No report

Mr. Deelo – Arbor Day was well attended

Code Enforcement Officer Report – Reported by Mr. Sprecker
April 2017 report enclosed in council packet

Historic Architectural Review Board (HARB) – No report
Meetings are held on the fourth Thursday of each month at 7:00PM

Municipal Authority – Reported by Mr. Sims
April 19, 2017 meeting minutes enclosed in council packet

Council Committee Reports

Public Safety – No meeting last month

Finance – No meeting last month
Next meeting will be held May 10, 2017 at 6:00PM to discuss the Clash Flow Forecast report

Highway – No meeting held in April

- Mr. Deelo – Opinion Letter from Borough Engineer regarding Sassafras Lane suggests the road is owned by both Beaver Borough and Vanport Township. An agreement will need to be written regarding maintenance.
 - Mr. McDermott stated he has spoken to other Borough Manager's from the surrounding area and found out joint responsibility is also taken for roads that border towns.

General Government – Reported by Mr. Andres
April 25, 2017 meeting minutes enclosed in council packet

Code Enforcement – Reported by Mr. Sebastian
Anticipates having the Rental Registration Ordinance by the June meeting

- Recreation** – Reported by Mr. Embaugh
- May 2, 2017 meeting minutes enclosed in council packet
 - Beaver County BOOM will be on June 24, 2017

Reports

Manager's Report – Reported by Chief Madgar

- Reviewed the April 2017 report enclosed in council packet
- Pool – concrete work should be completed by opening day of May 27, 2017
- Expenditures: Two pumps replaced at the pool – approximate cost \$20,000; first part of Access Road - \$40,000. The other part of the Access Road will be approximate \$40,000 should be completed by October 2017.
- Laura Street and Park Street – working with Columbia Gas trying to get timing down regarding the work schedule
- Second Street paving – per Columbia Gas work may be scheduled for Second Street for 2018
- Paving bids will be out by the end of the month

- Police Memorial Service will be held on May 19, 2017 at 10:00AM
 - Jim DeGori will be presented an award for the exemplary work with victims of domestic violence

President's Report –

- April 27, 2017 Shell Conference Call report enclosed in council packet
- Planning Commission scheduling and advertising a meeting to discuss preliminary project concepts of Quay Park

Mayor Hamilton – No report

Police Chief Madgar – No report

Fire Department – No report

Emergency Management Coordinator – No report

Borough Engineer –

April 2017 monthly report enclosed in council packet

Solicitor Petrush –

- Amendment of Zoning Ordinance – Change of Official Zoning Map to re-classify 2 parcels in First Ward; add new regulations for alcoholic beverage production in GCW District.
- Proposed Rental Registration Ordinance – distributed to council members
 - Mr. Deelo referred to Code Enforcement Committee to review and advise council of any suggested changes
- Possible Ordinance on Chicken Keeping – distributed to council members
 - Mr. Deelo referred to General Government Committee to review and advise council of any suggested changes

Old Business

Motion – Ordinance amending Chapter 13 of the Code of Ordinances

Motion by Mr. Snowden that Beaver Borough Council approve the attached Ordinance amending Chapter 13 of the Code of Ordinances, relating to licenses, permits and general business regulations. Summary: Specifying a one-day limit on the duration of a license and restricting the days and hours of transient retail business. And to authorize a criminal record check for persons applying for a permit to solicit or canvass. Seconded by Mr. Sebastian. Voice vote passed unanimously.

New Business

Motion – Resignation from Planning Commission

Motion by Mr. Sebastian that Beaver Borough Council accept Ann Herbruck's resignation as a Planning Commission member effective April 30, 2017. Seconded by Mr. Snowden. Voice vote passed unanimously.

Motion – Appointment to Planning Commission

Motion by Mr. McDermott that Beaver Borough Council appoint Nancy Montgomery to fill the unexpired term of Ann Herbruck on the Planning Commission ending December 31, 2018. Seconded by Mr. Perini. Voice vote passed unanimously.

Motion – Add Pool Advertising Signs to the Fee Schedule

Motion by Mr. Embaugh that Beaver Borough Council authorize the addition of a \$300 fee for advertising signs to be placed on the fence at the pool. This cost includes the making of the 3' x 5' sign and is for the whole pool season. Seconded by Mr. Deceder.

Discussion of security at the pool. Council agreed for further discussion to identify approved areas and the approved height location the signs can be attached to the pool fence.

Roll call vote: Mr. Embaugh – Yes, Mr. Perini – Yes, Mr. Sims – Yes, Mr. Deceder – Yes, Mr. Sebastian – Yes, Mr. Andres – Yes, Mr. McDermott – No, Mr. Snowden – Yes, Mr. Deelo – No. Motion passed on the indicated roll call vote, 7-2.

Motion – Animal Ordinance

Motion by Mr. Andres that Beaver Borough Council direct the Solicitor to draft an ordinance for chickens housed within the borough. Ordinance should include regulations of no more than four (4) chickens per household, no roosters and keeping a well maintained and safe facility. Seconded by Mr. Sebastian. Voice vote passed unanimously.

Motion – Social Media Policy

Motion by Mr. Snowden that Beaver Borough Council approve the attached Social Media Policy. Seconded by Mr. Perini.

Discussion of the Policy.

- Mr. Andres – Article V mentions board members, does that mean council members? Also, will the borough continue to website?
- Mr. Madgar stated the policy was initiated due to an issue with summer employees last year. The issue was handled in house. When the problem was discussed, the employees stated they were unaware they could not post on social media during working hours. With the summer employees starting, this policy would resolve the problem. This policy is mirrored from a neighboring borough.
- Mr. Madgar stated the Borough website is not part of the policy and will continue to be updated.
- Mr. Perini – When the summer employees are working they should not be on social media.
- Mr. Embaugh stated the policy mentions all employee's and is very restrictive. Does not mention "while on company time"
- Mr. Madgar suggests to table the motion until it can be reviewed further.
- Officer McCoy stated for non-union employees the policy will not be a problem. Does not see an issue with the fulltime police officers, however, it should go to the bargaining for verification.
- ***Motion by Mr. Snowden to table motion until the June 13, 2017 meeting. Requesting the Social Media Policy identifies "during work hours". Seconded by Mr. Sebastian. Voice vote passed unanimously.***

- Mr. Deelo requested General Government Committee review and have ready for presentation at the June 13, 2017 meeting.

Mr. Andres commented on Procedure.

- Even though acceptable of the nine (9) motions tonight, seven (7) were not sponsored by council members. Normally, motions are brought from committee.
- Reminds Council that Executive Sessions have a time limit of 45 minutes.

Entered into Executive Session at 8:25PM to discuss Terms & Conditions of Employment; Termination by Early Retirement; Discuss Professional Service Contract of Auditor

Executive Session ended at 9:14PM

Motion – Auditor Contract

Motion by Mr. Perini that Beaver Borough Council approve the attached one (1) year engagement letter from Cottrill Arbutina to perform our audit for 2016. Seconded by Mr. Snowden. Voice vote passed unanimously.

Motion – Ordinance amending Chapter 1 of the Code of Ordinances

Motion by Mr. Perini that Beaver Borough Council authorize the Solicitor to advertise the attached proposed Ordinance amending Chapter 1 of the Code of Ordinances to provide an early retirement window period. Seconded by Mr. Sims.

- Mr. Madgar – Soon after he became the Borough Manager, two (2) office employees requested an early retirement package. John McCreary was contacted to start the process. He was then informed by the two (2) employees that they were no longer interested in leaving early. They later came back asking for the early retirement package. John McCreary was again contacted and was presented the numbers. One of the pivotal office employees, fell and had an injury at home, has been off work for three weeks and will not be returning to even train anyone. The other pivotal employee, is exercising the option to retire in June. This leaves no one to work upstairs.
- Mr. Deelo – This motion only offers an early retirement package
- Mr. Andres – Based on the vote of this motion, the final decision comes down to the two (2) employees, and they can either accept or reject the early retirement package.

Voice vote passed unanimously.

Motion – Advertising policy

Motion by Mr. Sims that Beaver Borough Council temporarily suspend the application of the existing policy of advertising new hires. Seconded by Mr. Snowden.

- Nancy Werme – Who does the hiring? Why not post or advertise the position?
- Mr. Deelo – Council has to ratify all hires.
- Mr. Snowden – Posting is for internal employees only
- Mr. Deceder – The borough does not have the luxury of moving mutual employees up the ladder

- Mr. Sims – Approximately a year ago, the two employees asked for the early retirement package but then decided against it. They asked for it again, and with their vacation, sick days and paid time off, they are eligible to leave as early as two weeks.
- Mr. Deelo – We have an emergency situation that we have to respond to. This is a temporary suspension. If they opt to accept the early retirement, this gives us the opportunity to fill the position as quickly as possible.

Roll call vote: Mr. Embaugh – No, Mr. Perini – Yes, Mr. Sims – Yes, Mr. Deceder – Yes, Mr. Andres – No, Mr. McDermott – Yes, Mr. Snowden – Yes, Mr. Deelo – Yes. Motion passed on the indicated roll call vote, 6-2. (Mr. Sebastian absent)

Motion –

Motion by Mr. Snowden that pending administrative vacancy, give the Borough Manager authority to hire accordingly pending approval by council. Seconded by Mr. McDermott.

- Mr. Snowden – We do not have confirmation the two employees are going to accept the early retirement package. If they accept and we are not prepared we will have an empty office upstairs for approximately 60 days which will be giving our residents a disservice.

Roll call vote: Mr. Embaugh – No, Mr. Sims – Yes, Mr. Deceder – Yes, Mr. Andres – Yes, Mr. McDermott – Yes, Mr. Snowden – Yes, Mr. Deelo – Yes. Motion passed on the indicated roll call vote, 6-1. (Mr. Perini and Mr. Sebastian absent)

Mr. Deelo read the resignation letter from Mr. McDermott. Resigning as a council member effective May 10, 2017 due to moving out of Ward 1.

Motion by Mr. Snowden that Beaver Borough Council accept with regret, the letter from Mr. McDermott regarding his resignation from council effective May 10, 2017 due to moving out of Ward 1. Seconded by Mr. Deceder. Voice vote passed unanimously. (Mr. Perini and Mr. Sebastian absent)

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

Adjourned at 9:40PM

Submitted by Debbie Hindman