

Borough of Beaver, PA  
Council Meeting  
July 11, 2017  
Minutes

- A Public Hearing regarding a proposed ordinance amending the present Zoning Ordinance associated with alcoholic services in Beaver, was held in the Community Room and called to order on July 11, 2017 at 6:30PM by President, Michael Deelo.
- Council Representatives in attendance: Alex Andres, Dan Deceder, Michael Deelo, Ron Embaugh, James Perini, Alex Sebastian, Pat Sims, Sean Snowden, Jarrod Thomas. Borough officials in attendance: Mayor Tom Hamilton, Chief Dan Madgar, Solicitor John Petrush, Solicitor Shannon Steele
- Visitors in attendance (signed in): Judy Cashdollar, Betty Burk, Kim Ruslander, Tommi Wagner, Rick Sprecker, Midge Sefton, Jim Woolley, Sheryl Manganello, Charles Casbourne, Jeff Lloyd, Arlene Tarn, George Kauffman, Elliott Cramer

Mr. Deelo – Proposed ordinance addresses the opportunity for to provide an area for limited distilleries, microbreweries and wineries. These are businesses that can be located in dry communities according to revised Liquor Control Board (LCB) regulations.

Mr. Petrush –

- Proposed ordinance was referred by the Planning Commission then referred to the Beaver County Planning Commission for their review.
- As required by law, this public hearing was advertised.

**Public Participation –**

- Betty Burk, 888 4<sup>th</sup> Street – Stated this ordinance is as good as it's going to get. Thanked everyone involved in getting the ordinance prepared.
- Midge Sefton, 1360 River Road – Questioned if Waffles INCaffeinated is grandfathered regarding the proposed ordinance
  - Mr. Petrush – Probably so. This ordinance only pertains to the Gateway Commercial West (GCW).

**Council Comments –**

- Mr. Snowden – Stated that it looks as though Pennsylvania is going to grant supermarkets, etc. the opportunity to sell beer and wine. Will the Beaver Supermarket be permitted to sell?
  - Mr. Petrush – As of now, this ordinance only pertains to the GCW.
- Mr. Thomas – Questioned under current LCB ruling, do new businesses have to be in partnership with a brewery or winery to sell?
  - Mr. Petrush – In his opinion, businesses need to follow a local satellite facility in conjunction with a local eatery.

- Mr. Thomas stated that is unfair to other local businesses to grandfather in Waffles, IN Caffeinated and not allow the other restaurants to sell alcohol.
- Meeting adjourned at 6:45PM
- A regular scheduled meeting of Beaver Borough Council was held in the Community Room and called to order on July 11, 2017 at 7:00PM by President, Michael Deelo.
- Pledge of Allegiance
- Council Representatives in attendance: Alex Andres, Dan Deceder, Michael Deelo, Ron Embaugh, James Perini, Alex Sebastian, Pat Sims, Sean Snowden, Jarrod Thomas. Borough officials in attendance: Mayor Tom Hamilton (6:30PM – 7:45PM), Chief Dan Madgar, Solicitor John Petrush, Solicitor Shannon Steele
- Mr. Deelo announced two changes on the agenda:
  - There will be an executive session at the end of the meeting. No motions will be made after the adjournment.
  - Procedural motion was added and will allow public comments on the motion.

#### **Approval of minutes**

***Motion by Mr. Snowden to accept the June 13, 2017 Council meeting minutes. Seconded by Mr. Embaugh. Voice vote passed unanimously.***

#### **Treasurer's Report**

- June 2017 end of month reports and balances reviewed.
- 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. Sebastian. Voice vote passed unanimously.***

#### **Public Participation –**

- Jim Woolley, 343 Park Street – At the last council meeting, he asked for the patch on Fifth Street to be repaved. He thanked the borough for the quick response in repaving the patch.
- Midge Sefton, 1360 River Road – Asked the reason for the executive session
  - Mr. Deelo – Review a pending litigation and to update council on the collective bargaining agreement with the union.
- Elliott Cramer, 464 Wayne Street – During recyclable collection days, the containers are not returned to the yards or sidewalks properly. There are also recyclables left on the street, sidewalk, etc.
  - Mr. Madgar stated Brunners will be contacted and told of the situation

- Jim Luce, 255 Beaver Street – Requesting an update of the rezoning of Beaver Street
  - Mr. Petrush – Proposed ordinance was reviewed by the Beaver County Planning Commission. A public hearing will be held at 6:30PM prior to the regular scheduled council meeting on August 11, 2017.

## **Reports – Commissions / Authorities**

### **Council of Governments (COG) – Reported by Mr. Andres**

Attended the June 22, 2017 meeting regarding Strategic Visioning process

### **Business District Authority – Reported by Mr. Deelo**

- Most Business District Authorities in Western Pennsylvania have ceased to operate since other groups have taken over responsibilities.
- Functions of the Authority are being reviewed by several people including the General Government Committee and will report back to council.

### **Civil Service Commission – Reported by Midge Sefton**

- June 7, 2017 meeting minutes distributed to council members
- Next meeting will be held July 12, 2017 at 3:00PM in the Community Room.

### **Zoning Hearing Board (ZHB) – No report**

### **Planning Commission –**

- June 17, 2017 draft minutes enclosed in council packet
- Planning Commission held a public meeting regarding Quay Park on June 17, 2017

### **Tree Commission – Reported by Jeff Lloyd**

- Reviewed the May 22, 2017 meeting minutes enclosed in council packet
- The Tree Commission is concerned about the trees in Quay Park and will be attending the next Planning Commission meeting.
- Streetscape trees need to be replaced. Four wooden boxes are deteriorated and need to be replaced with cement boxes.
  - George Kauffman, 100 Oak Street – Believes the money spent on the study of Quay Park could have been spent more efficiently on a plan for trees on Third Street.
    - Mr. Deelo – Quay Park study was recommended by the Planning Commission to Council as the result of a public survey about borough utilization of parks in preparation for completing the Comprehensive Plan.
- Mr. Snowden – There are no plans to move or change the memorials in Quay Park

### **Code Enforcement Officer Report – Reported by Mr. Sprecker**

- June 2017 report enclosed in council packet
- Concerned with the open fire ordinance and the size of fire pits. Residents are burning construction material, waste, etc.
  - Mr. Deelo requests the situation to be discussed with the Borough Manager and Fire Chief

## **Historic Architectural Review Board (HARB) – No report**

### **Municipal Authority – Reported by Mr. Sims**

- Did not have a quorum at the last meeting
- Mr. Madgar – Prior to the meter changeover 1.3 million gallons of water per day were pumped. Since the new meters have been installed, approximately 600,000 gallons of water per day are pumped. Found over 30 leaks throughout town. Spent money to save money.
- Mr. Sims – Variable speed pumps installed will save on electricity and maintenance. Pumps are running 6 hours per day instead of 24 hours a day. 20% reduction in cost and conservation of water.

## **Council Committee Reports**

### **Public Safety – No meeting last month**

### **Finance – Reported by Mr. Perini**

July 14, 2017 report enclosed in council packet

### **Highway – Reported by Mr. Thomas**

Reviewed the June 19, 2017 meeting minutes enclosed in council packet

### **General Government – Reported by Mr. Andres**

Reviewed the June 27, 2017 meeting minutes enclosed in council packet

### **Code Enforcement – No report**

### **Recreation – No report**

## **Reports**

### **Manager's Report – Reported by Chief Madgar**

- Reviewed the May 2017 report enclosed in council packet
- Community Day:
  - Will be held July 22, 2017 – free admission at the pool
  - DJ, games, free pizza and drink
  - \$8,000-\$9,000 was spent for inflatables, etc. for Community Day last year
  - Next year the Chamber of Commerce may help planning the event
- 2017 Budget: Martin Feroce, Jan Mohrbacher and Vicki Vandebord have all retired. However, they are still paid until the end of the year – sick days, vacation time, etc.
- Highway staff: Larry Reed may retire the end of next week which will make the road crew to 3 fulltime employees.
  - Advertised an open position to hire as soon as possible.
- Catch basins: Need to repair catch basins on Second Street for Columbia Gas repaving in 2018
- Met with Berkheimer along with Mr. Deelo, Mr. Perini and office staff to discuss how certain taxes are collected.

- Officer McCoy will be training office staff regarding the use of narcan

**President's Report –**

Executive Session regarding pending litigation and the upcoming Collective Bargaining Agreement discussions.

**Mayor Hamilton –** No report

**Police Chief Madgar –** No report

**Fire Department –** No report

**Emergency Management Coordinator –** No report

**Borough Engineer –**

June 2017 monthly report enclosed in council packet

**Solicitor Petrush –**

Worked with the Borough Secretary regarding satisfying liens - will give a detailed report in August.

**Old Business**

**Motion – Ordinance amending Chapter 27 of the Code of Ordinances, relating to Zoning**  
***Motion by Mr. Snowden that Beaver Borough Council approve the attached Ordinance amending Chapter 27 of the Code of Ordinances, relating to Zoning. Summary: Section 1(a): Supplies definitions of pertinent words and phrases in the ordinance. Section 1(b): Adds Beverage Production to the list of Conditional Uses in the Gateway Commercial West (GCW) Zoning District. Section 1(c): Adds a new Section 27-1521 prescribing detailed regulations for Beverage Production Uses. Section 2: Repeals any prior inconsistent ordinances. Section 3: States the legal authority for the ordinance. Section 4: Specifies an effective date. Seconded by Mr. Perini.***

- Mr. Andres – Unsure why council is moving forward with the ordinance, the law is fine where it stands. The ordinance is hard to understand listing a lot of restrictions.

***Roll call vote: Mr. Embaugh – Yes, Mr. Perini – Yes, Mr. Sims – Yes, Mr. Deceder – No, Mr. Sebastian – Yes, Mr. Andres – No, Mr. Thomas – No, Mr. Snowden – Yes, Mr. Deelo – Yes. Motion passed on the indicated roll call vote, 6-3.***

**Motion – Ordinance amending Chapter 1 of the Code of Ordinances, relating to Part 5.B Section 1-514.2 and 1-514.3 to provide an early retirement window period**

***Motion by Mr. Snowden that Beaver Borough Council approve the attached Ordinance amending Chapter 21 of the Code of Ordinances, relating to Part 5.B Section 1-514.2 and 1-514.3 to provide an early retirement window period. Summary: Section 1 and 2: Amends the Municipal Employees Pension Plan to allow for early retirement by employees who meet certain criteria during the 7 month period of June 1 through December 31, 2017. Section 3: Repeals any prior inconsistent ordinances. Section 4: Specifies an effective date of June 1, 2017. Seconded by Mr. Embaugh. Voice vote passed unanimously.***

## **New Business**

### **Motion – Hire Highway Department vacancy**

***Motion by Mr. Thomas that Beaver Borough Council authorize our Borough Manager to fill a Highway Department vacancy immediately in accordance with the Beaver Borough Hiring Policy for Non-Uniform workers. Seconded by Mr. Perini.***

- Mr. Madgar – Will interview and aim to hire with a start date of August 1, 2017. Council will then give final approval at the next council meeting.

***Voice vote passed unanimously.***

### **Motion – End the temporary suspension of the Hiring Policy**

***Motion by Mr. Andres that Beaver Borough Council end the temporary suspension of the Hiring Policy effective July 11, 2017. Seconded by Mr. Thomas. Voice vote passed unanimously.***

### **Motion – Pennsylvania Act 44 of 2009**

***Motion by Mr. Perini that Beaver Borough Council direct our Solicitor to advertise and prepare an ordinance regarding Act 44 of 2009. Seconded by Mr. Snowden. Voice vote passed unanimously.***

### **Motion – Retired Chief Hovanec Medical Expenses**

***Motion by Mr. Snowden that Beaver Borough Council authorize the reimbursement of medical expenses of retired Borough Chief Hovanec in the amount of \$5,400.74. This is within the budgeted amount for 2017. Seconded by Mr. Andres.***

- Mr. Petrush – By contract, authorized for one more year of reimbursement

***Voice vote passed unanimously.***

***Motion to adjourn by Mr. Perini. Seconded by Mr. Snowden. Voice vote passed unanimously.***

Adjourned at 8:19PM to enter into Executive Session regarding pending litigation and the upcoming Collective Bargaining Agreement discussions.

Executive Session 8:30PM – 8:45PM

Submitted by Debbie Hindman