

Borough of Beaver, PA
Council Meeting
July 12, 2016
Minutes

- A regular scheduled meeting of Beaver Borough Council was held in the Community Room and called to order on July 12, 2016 at 7:00PM by President, Michael Deelo.
- Pledge of Allegiance
- Council Representatives in attendance: Alexander Andres (via phone conference), Dan Deceder, Michael Deelo, Ron Embaugh, Walter McDermott, Alex Sebastian, Pat Sims, Sean Snowden. Borough officials in attendance: Mayor Tom Hamilton, Chief Dan Madgar, Solicitor John Petrush. Absent: James Perini
- Visitors in attendance (signed in): Gordon Sheffer, Judy Cashdollar, Gregory Szallar, Midge Sefton, Jeff Hamilton, Charles Casbourne, Robert Rice, John Tarn, Rick Sprecker, Jesse Arrington, Elaine Savoldi, Tommi Wagner, Kinda Knott, Denise Shaw

Chief Madgar presented plaques to the following officers:

- Detective James DeGori, Charity Fraud Investigation
 - Detective Degori successfully initiated and coordinated what turned out to be a nationwide charity fraud investigation head quartered here in Beaver Borough, Beaver County. The investigation has been concluded in February of 2016 with a successful prosecution and sentence.
- Jeff Wijnen-Riems & K9 Czar, Drug Enforcement
 - K9 Officer Jeff Wijnen-Riems and K9 Czar have made 32 confirmed drug arrests between March 2015 and December 2015. Officer Wijnen-Riems has shut down two heroin houses in the Borough of Beaver. Together, they have displayed exemplary work in the battle against the ongoing drug epidemic.

Approval of minutes

***Motion by Mr. Snowden to accept the June 14, 2016 Council meeting minutes as submitted.
Seconded by Mr. Sebastian. Voice vote passed unanimously.***

Treasurer's Report

- June 2016 end of month reports and balances reviewed.
- Reports will be filed for annual audit.

Review invoice and authorization to pay bills

- Mr. Embaugh questioned the Equipment Maintenance amount on the Recreation portion of the budget.
 - Mr. Madgar stated he will review with the office and report back to Mr. Embaugh
- Mr. McDermott asked if Mr. Kennedy could review the procedure of council members reviewing the invoices, if their signatures are required on each one.

- Mr. Madgar stated he will discuss with Mr. Kennedy and report back to council.
- Mr. Madgar confirmed the invoice that was in question last month by Mr. Embaugh from Rick Granati.
 - Price to paint the borough building was \$11,500 not \$17,500 which was covered by the insurance claim.

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

Public Participation –

- Linda Nott, 1230 Second Street – Alley by her home needs repaired. Parallel to Second and Corporation Streets and Buffalo and Orchard Streets.
 - Mr. Madgar stated he will have this looked into and repaired.
- Judy Cashdollar, 899 7th Street – Concerned with council’s actions to protect the town residents from the recent test results regarding the Shell Plant soil test. Zinc, Cadmium and Lead results. Specifically the levels of cadmium, some tests results were between one and four pounds per acre.
 - Mr. Deelo stated all safety measures are being monitored by the Environmental Protection Agency (EPA) and Department of Environmental Protection (DEP) including a method of encapsulation (adding new soil on top of existing soil).
- Elaine Savoldi, 414 Fair Avenue – Questioned status of 418 Fair Avenue
 - Mr. Petrush stated he cannot get into details since the case is moving ahead towards a court trial.
- Midge Sefton, 1360 River Road – Thanked Police Chief, Officers along with Mayor Hamilton for their assistance regarding a parking issue during the fireworks on July 2, 2016.
- Arlene Tarn/650 River Road, Tommi Wagner/230 Beaver Street, John Tarn/300 6th Street #7 and Denise Shaw/1550 River Road all expressed their concern and disapproval of Waffles, INCaffeinated (Waffles Inc.) being allowed to sell beer in a dry town.
 - Mrs. Tarn read the following and requested the letter be added to the minutes:
 - Good evening I am Arlene Tarn, 650 River Road Beaver, PA. I am here as a lifelong resident of Beaver, property owner, numerous residential and commercial as well as an owner of a family business which has been in Beaver for over 78 years. I am extremely concerned with someone coming into our “dry town” trying to find a way to sell beer. Long after this establishment leaves town, the ramifications of this will still be felt. Past councils have kept our town dry since 1934 for a reason! Look at property values and downtowns of all the surrounding “wet towns”. Council must pursue looking into this for Beaver residents and property owners, before it is too late. Find out what permit was given, to whom, for what address and what loophole they think that they found. Have you seen the license? Pandora’s Box has just been opened and there are many chopping at the bits to sell liquors and beer in Beaver. Action must be taken before it is too late!
- Solicitor Petrush provided the following information:
 - Pertinent portion of Section 4-431 of the Pennsylvania Liquor Code entitled “Malt and brewed beverages manufacturers’, distributors’ and importing distributors’ licenses”: The board shall issue to a holder of a manufacturer’s license no more than two storage licenses per manufacturer to cover storage facilities separate from the location of the

manufacturing facility. A manufacturer may use its storage facilities to receive, store, repackage, sell and distribute malt or brewed beverages in the same manner as it can at its place of manufacture. A separate written application must be filed to acquire storage licenses, and the board is empowered to establish what information must be provided on that application.

- The borough cannot overrule the liquor code. May be able to regulate by local ordinances certain aspects of the business once council requests him to do so.
- Attorney Gregory Szallar, representing Beaver Brewing Company (License holder) and Waffles Inc. (Management company operating food and beverage service) provided the following information:
 - A Brewery License holder may also sell beer at its storage locations with the same requirements and restriction of the licensed premises.
 - The Brewery License holder must have seating for at least 10 patrons, and make food available (potato chips, pretzels). A Brewery License holder is free to offer more food items than the minimum listed in the regulation.
 - The Brewery License holder may only sell its own beer from 10:00AM until midnight. Initially, Waffles Inc. will sell 3 days a week 4:00PM to 9:00PM. However, the hours may change in the future. They have also set limits of a 3 beer max (1 pint each) and 1 pint allowed as a carry out in a growler.
 - Beaver is still a dry community until the residents vote otherwise.
 - Section 472 of the Liquor Code provides a local option regarding the ability of the electorate of a municipality to vote on the issue of allowing the placement of a licensed premises to sell liquor, including wine, as well as malt or brewed beverages within the particular municipality. However, this section does not provide such local option regarding Brewery Licenses.
- Mr. Deelo stated Council has common objectives to get this resolved the right way. He read part of the letter from the Pennsylvania Liquor Control Board (LCB) dated April 26, 2016: "Further, it was noted in our investigators report that the proposed premises is located in a dry municipality. Approval of this application in no way supersedes the municipal zoning or variance requirement. Approval will not be withheld, but if you do not receive the required variance, you cannot operate the licensed business at the approved location and the license must be surrendered to the Board for safekeeping."
 - Mr. Deelo stated he is looking for a letter from the LCB that allows the facility. He would like to have clarification if the borough needs to approve.
 - Solicitor Petrush stated Beaver Brewery are within what the law allows.
 - Mr. Szallar stated from his standpoint they are zoned properly. Zoning is the only question the LCB was alluding to. The LCB does not get involved in zoning issues, which is left up to the municipality.
 - Mr. Deceder stated there is nothing in our ordinances that mention bars or alcohol since we are a dry town.
 - Mr. Snowden stated he would like Mr. Petrush to see what our options are based on the information we have received.

Reports – Commissions

Council of Governments (COG) – Reported by Mr. Deceder
May 26, 2016 meeting minutes enclosed in council packet

Business District Authority –
June 2016 meeting minutes enclosed in council packet

Civil Service Commission – No report

Zoning Hearing Board – No report

Planning Commission –

- June 20, 2016 draft meeting minutes and 2015 annual report enclosed in council packet
- Mr. Deelo stated the Comprehensive Plan has been reviewed by the County Planning Commission, the local school district and local communities. Council now needs to review and approve.

Tree Commission –

- May 23, 2016 meeting minutes enclosed in council packet
- Mr. Snowden stated there have been several complaints by residents regarding the Tree Commission. Questions what authority the commission has.
 - Mr. Madgar, Mr. Deelo and Mr. Embaugh all stated the commission is an advisory only commission, they are not to enforce. Any problems are to be reported to the office. Other issues have been brought to the council's attention in which a resolution will be made by the next council meeting.

Code Enforcement Officer Report – Reported by Mr. Sprecker
June 2016 report enclosed in council packet

Historic Architectural Review Board (HARB) –

June 23, 2016 draft meeting minutes and draft of the Intergovernmental Agreement between The Commonwealth of Pennsylvania, Pennsylvania Historical and Museum Commission, State Historic Preservation Office and the Borough of Beaver enclosed in council packet.

Council Committee Reports

Public Safety – Reported by Mr. Snowden
June 21, 2016 meeting minutes enclosed in council packet

Finance – June meeting cancelled

Highway – Reported by Mr. McDermott
Reviewed the June 23, 2016 meeting minutes enclosed in council packet

General Government –
Reviewed the June 28, 2016 meeting minutes enclosed in council packet

Code Enforcement – Reported by Mr. Sebastian

- Reviewed the June 27, 2016 meeting minutes enclosed in council packet
- **Motion – Part-time Code Enforcement Officer**
Motion by Mr. Sebastian that Council hire George Lindemann as a part-time code enforcement officer at a rate of \$15.00 per hour effective July 13, 2016. Seconded by Mr. Snowden. Voice vote passed unanimously.

Recreation – Reported by Mr. Embaugh

- Reviewed the July 5, 2016 meeting minutes enclosed in council packet
- Mr. Andres stated Community Day was a success and thanked everyone involved getting it organized including Jarrod Thomas, Cassie Brkich, borough employees, police and fire departments and Jim Christiana.

Water & Sewer – Reported by Mr. Sims

Reviewed the June 15, 2016 meeting minutes enclosed in council packet

Reports

Manager’s Report – Reported by Chief Madgar

Reviewed the June 2016 report enclosed in council packet

President’s Report – No report

Mayor Hamilton – No report

Police Chief Madgar – No report

Fire Department – No report

Emergency Management Coordinator – No report

Borough Engineer and Water/Sewer Engineer – No report

Solicitor Petrush –

Reviewing the “Alert” from Cohen Law regarding the permitting of mini-cell towers and will report back to council.

Old Business

Motion – Ordinance amending chapter 15 relating to Motor Vehicles and Traffic

Motion by Mr. McDermott to approve the attached draft ordinance amending Chapter 15 of the Code of Ordinances, relating to Motor Vehicles and Traffic, regarding a change in parking on East End Avenue between Third Street and East Second Street. Seconded by Mr. Sebastian. Voice vote passed unanimously.

Motion – Borough Municipal Authority terms

Motion by Mr. Deceder that the action approved by this Council at its June 14, 2016 meeting be modified as follows: The individuals named below are appointed as members of the governing board of the Beaver Borough Municipal Authority, each to serve the term of office as specified:

- 1. Adam W. Rathbun – For a term of one (1) year, commencing on January 2, 2017 and ending on January 1, 2018.***
- 2. Jeffrey J. Heasley, Jr. – For a term of two (2) years, commencing on January 2, 2017 and ending on January 7, 2019.***
- 3. Michael L. Deelo – For a term of three (3) years, commencing on January 2, 2017 and ending on January 6, 2020.***
- 4. Matthew J. Maloney – For a term of four (4) years, commencing on January 2, 2017 and ending on January 4, 2021.***
- 5. Patrick C. Sims – For a term of five (5) years, commencing on January 2, 2017 and ending on January 3, 2022.***

Seconded by Mr. McDermott. Roll call vote: Mr. Embaugh – Yes, Mr. Deceder – Yes, Mr. Sebastian – Yes, Mr. Andres – Yes, Mr. McDermott – Yes, Mr. Snowden – Yes. Motion passed on the indicated roll call vote; 6-0. Mr. Sims and Mr. Deelo abstained from vote.

New Business

Motion – Codification

Motion by Mr. Andres that Council accepts the proposal from General Code to assume the codification duties of the Borough of Beaver. Seconded by Mr. Sims. Voice vote passed unanimously.

Mr. Sims requested Mr. Petrush look into the following areas to see if there are any alternatives regarding the license to serve microbrew beer:

- LCB Law
- Is there a loop hole in our zoning ordinance that we could use
- Contact our local State Representative Jim Christiana and Senator Elder Vogel.

Motion to adjourn by Mr. Embaugh, Seconded by Mr. Sims. Voice vote passed unanimously.

Adjourned at 9:30PM

Submitted by Debbie Hindman