

**Patterson Township Board of Commissioners
1600 19th Avenue Beaver Falls PA 15010**

**Regular Meeting
Thursday, July 11, 2013**

The Patterson Township Board of Commissioners held their regular meeting on Thursday, July 11, 2013 at 7:00 p.m. at the Municipal Complex, 1600 19th Avenue. Following the call to order and Pledge of Allegiance, roll call showed all Commissioners present.

Minutes: The minutes of the previous meeting held Thursday, June 13, 2013 were presented for approval. Motion was made by Mrs. Bonomo; seconded by Mr. Hoover approving as presented. Passed unanimous.

Public Comment: Mr. Charles Betters, developer of Darlington Court (11th Street / Darlington Road) addressed the Board concerning a number of items. He advised that he brought his Engineer and Attorney with him to assist on any items that need further clarified. He began by thanking the Board for the trust that the Township put in him and his company. He advised that his ultimate goal (at the time of purchase) was to rent, lease, and/or ultimately sell these units. They started with a certified stamped drawing indicating that the units on W. 9th Street were built in compliance with the Township's regulations. He noted that these units were not built (by the previous owner) where they were supposed to be. Mr. Betters advised that he has two options: apply for a variance (with the Township) or file suit against the previous owner. In order to lease or sell these units, this issue needs to be straightened out. He expressed concern for the future with a subdivision of 10 owners (i.e. 10 units) and the hillside not being maintained. His goal is to address now so there is no problem down the road. He does not want to make these units condominiums, as they are very hard to finance. Mr. Betters provided a drawing showing the buildings as individual ownership. The grass and surrounding areas would be considered the common area that would be maintained by a Homeowner's Association.

Attorney Graham interjected the need for 8 variances in order to take care of these long term issues (property maintenance such as grass cutting). The request was for the Township Board to accommodate this request. He noted that the Homeowner's Association would take care of driveways, lawns, some building exterior issues. It would fall under a restrictive covenant prior to the sale or lease of these units. Mr. Fawcett noted that the Township regulations supercede any covenants and that the homeowners would have to comply with the Township regulations.

Mr. Betters continued with three additional issues: the alley known as W. 10th Street; wants to know what the Township wants to do. Found out it is a 25 ft. alley partially located on Betters property. It was noted that there are homes on W. 10th Street that use this as an access road. This issue was briefly discussed last year when Mr. Betters was in the process of buying

this property; Mr. Betters also requested a reduction in the present Bond (note: paperwork provided by LSSE/action taken later in meeting); and also advised the Board that the cul-de-sac was originally going to be private. Since it was built to Township specifications, Mr. Betters requested the Township take over Darlington Court Drive.

Attorney Graham reviewed what needs to be done in regards to Mr. Betters submitting for variances to the Patterson Township Zoning Hearing Board. He recommended submitting for one variance. The buildings would be on their own lot, with everything else outside of the building considered the common area. He noted that the units previously built on 9th Street were supposed to be 20 ft. setback side yard. They are 7 ft. over. Additionally, the alley (W. 10th Street) has setback issues since it is a 25 ft. alley. Pursuant to a telephone call earlier today with Township Engineer, Ned Mitrovich, his suggestion was to go for a single variance with -0-setbacks for this project. Mr. Betters recommended his Engineer get together with the Township Engineer for further discussion. A final summation was provided noting that a subdivision plan will be created. The subdivision will include a Declaration of Covenant that will be recorded in the Beaver County Courthouse. Mr. Hoover questioned what a typical covenant covers. The Covenant will include the items allowed and disallowed in this Subdivision Plan. It was noted that the Township Ordinances are still adhered to and that the Township would have say so if the Covenant is to be abolished. (Note: Additional information during Solicitor's report).

Public Comment (continued): Mr. James Cramer, 306 Darlington Road addressed his concerns for the fire siren going off at 3:00 a.m. this morning. He noted that when the neighbors complained, the siren was silenced during the night. He advised that he has witnessed it going off during the day and no one responds and with the firemen having pagers, questioned the necessity of it going off at all. He noted that he does not have a problem with the firemen, but in this case whoever tones them out. Mr. Mahosky acknowledged firemen present and advised that they are working on a timer that will prohibit the siren from sounding from midnight to 6:00 a.m. They are working out the bugs in the system. Philip Graeser, an Officer in the Fire Department indicated that they are not going to stop the siren from sounding since the sole purpose is to advise the firemen that someone is in need of their help. The pagers that are carried by the members don't always work and with the changeover to narrow band, the County is also working out the bugs in the system.

Auditor's Report: Mrs. Denise Hebb, CPA (Hebb & Company) gave a report on the completed 2012 Township Audit of all funds. She reviewed and highlighted for the Board, the two letters that accompanied her report, that included her audit findings and the resolutions to her recommendations. She noted the recent problem with the Tax Collector's office and commented that the controls are currently in place to avoid this from happening again. In regards to the Management's Inability to Prepare Financial Statements, Mrs. Hebb advised that this financial reporting has been done by her in the past for the Township. She wanted the Board to know that the rules are going to change in 2015; whereby another CPA or professional who has the knowledge will have to draft the financial statements. This procedure will not be allowed by the CPA doing the audit.

On a final note, Mrs. Hebb commented on the procedure that was recommended a few years ago regarding the sewer billing. An internal control was set to match consumption with what is being billed. She noted that with cutting the hours of the sewer clerk, this function was eliminated due to time constraints. With the reinstating the hours, this process is once again being done. Mrs. Hebb recommends that this process continue as a check / balance.

At this time, motion was made by Mrs. Bonomo; seconded by Mr. Bradow approving the invoice presented by Hebb & Company for the 2012 Audit of all Township accounts in the amount of \$14,500.00. This matches the contractual amount agreed to. Passed unanimous.

Treasurer's Report: Mrs. Ferrazzano presented the monthly report for the General Fund, Sewer Fund, and Other Accounts. There being no questions, motion was made by Mr. Bradow; seconded by Mr. Hoover to approve as presented. Passed unanimous.

Monthly Bills: The monthly bills for June and July were presented for payment. Motion was made by Mr. Hoover; seconded by Mr. Mahosky approving payment. Passed unanimous.

Engineer's Report: Mr. Larry Lennon, Jr., LSSE proceeded with opening the sealed bids received for the 2013 Road Program. The results were as follows:

Contractor	Contract A	Contract B	Contract C
Folino Construction, Inc. Oakmont, PA	\$116,496.50	\$79,694.25	\$108,214.85
East Coast Paving & Sealcoating, Inc. New Castle, PA	\$111,701.50	\$74,378.00	\$103,724.75
Protech Asphalt Maintenance, Inc. New Castle, PA	\$120,277.50	\$77,367.50	\$111,370.00
Russell Standard Corporation Pittsburgh PA	\$135,942.50	\$92,518.75	\$126,883.75

It was noted that all bids received contained the bid bond required. Mr. Lennon will proceed with checking the numbers (calculations) for possible award during the Public Works report.

He continued with his monthly report and noted the following items: Darlington Court – Developer requested full release of the bond. LSSE provided a letter to the Township making a recommendation to reduce the bond from \$299,100.00 to \$68,750.00. The letter included the items that are still pending, thus reducing to the amount noted (\$68,750.00). Motion was made by Mr. Hoover; seconded by Mr. Bradow approving this request as recommended. Passed unanimous. The 2013 Road Program bids were opened. A recap of each contract was provided. Contract A – 17th Street (Darlington Road to Fox Avenue); Contract B – 17th Street (House Number 2216 to Fox Avenue); Contract C – Fox Avenue (17th Street to Jenny) and 17th Street (Darlington Road to House Number 2216). 2011 Road – Is still pending. Youngblood Paving has been notified if not repaired by June 28, 2013, action will be taken on their

Maintenance Bond. Steffin Hill Sanitary Sewer – Preparation has started on NPDES permit application that is required for construction. MS4 Program – Work is ongoing, NPDES GP-13 still pending from DEP. The Year 10 Annual Report was submitted to DEP by LSSE on June 7, 2013. County Flood Hazard Mapping – Waiting for FEMA to notify municipality of the 90 day appeals period. At the conclusion of his report, Mr. Lennon noted that he will proceed with checking the calculations of apparent low bidder East Coast Paving for award.

Solicitor's Report: Mr. Fawcett reported notice by Department of Community and Economic Development (DCED) that an Intergovernmental Agreement is needed between the four municipalities for receipt of the generator grant. This formal agreement will include an Ordinance. Mr. Fawcett requested authorization to proceed with the agreement and Ordinance. So moved by Mr. Bradow and seconded by Mrs. Bonomo for Mr. Fawcett to undertake writing the agreement/ordinance needed. Passed unanimous.

Mr. Fawcett advised discussion on the bankruptcy filing (listed on the agenda) will be covered in an executive session at the end of the meeting.

Mr. Fawcett requested the Board to let him know whether a special meeting will be held to discuss Darlington Court and the items brought up this evening. He noted three issues pending: 1) Alleyway (W. 10th Street); 2) Zero (0) setback issue; and 3) Roadway issue (Darlington Court Drive), which should be discussed with the Engineer. Mr. Policaro recommended discussion/meeting at the next work session, scheduled August 1st at 7:00 p.m. here at the Township building. It was also recommended that Mr. Mitrovich attend.

Committee Reports: Fire/Finance – Mr. Mahosky presented six (6) fire reports in the amount of \$305.50 (47 man hours) for the month of June. Motion was made by Mr. Hoover; seconded by Mrs. Bonomo approving payment. Passed unanimous.

Mr. Mahosky advised the Board that the computer put together for the Firemen is here in the building until the room (office) is ready at the firehall. He also noted that he was advised of a leak in the roof of which he is looking into fixing.

Parks/Recreation – Mr. Hoover provided an update on the Recreation Project behind the Patterson Primary School. The basketball hoops were installed by our Public Works employees and are presently being used. The materials are on-site for the electrical upgrade, of which will be done by the School District (Maintenance Department). Mr. Hoover reminded the Board of the approval given last year to seal/pave the basketball and tennis courts. He advised that he found a contractor that was \$100.00 lower than Emericks; therefore, had Z's Driveway Maintenance do the job for \$1,500.00. He will also line the courts for an additional \$300.00.

The Township Park project proposed by Eagle Scout Brandon Lough has had some work done. Brandon advised that he repaired some steps in the Park.

Public Works - Mr. Hoover advised of various projects currently going on. There is a storm sewer clogged on Windycrest Drive, whereby it has been determined to be a private drain. Roof repairs are being made by the employees to the backhoe building located in the quarry on Ross Hill Road. There is a small project being done at the rear of the firehall. The Public Works employees are digging out around the dumpster to put stones in to take care of drainage problems in that area.

Going back to the 2013 Road Program, Mr. Souleret advised that the figures provided by East Coast Paving are correct; therefore recommending award if desired. A review of all 3 options was provided (Contract A, B, and C). Motion was made by Mr. Hoover to award Contract A (Darlington Road to Fox Avenue) in the amount of \$111,701.50. The motion was seconded by Mr. Mahosky, who asked the question on whether the contractor will clean out the storm drain/ditch on 17th Street. Mr. Mahosky was advised that the contractor would not do this type of work; however, Mr. Hoover will have the Public Works Department check on. Motion passed unanimous on a roll call vote.

Ordinances/Policies - Mrs. Bonomo had no report.

Code Enforcement - Mr. Morrow submitted his monthly report for review. No questions/comments.

Police/Township Office/COG – Mr. Policaro advised of no report from the Council of Governments. The monthly Police Report for June was distributed for review.

Mr. Policaro advised of the roof leaking here at the Municipal Building in this meeting room. He sought a quote from Gerald Dishler Roofing Company (Craig Daley). Although he does not have the formal proposal, Mr. Policaro was advised that the repairs were estimated to be \$1,000.00. The problem is in the valley of the roof over the meeting room. It was noted that the original work is beyond the warranty (done in 2008). The Secretary expressed that she hopes the Board views this as an emergency repair since the ceiling tile/floor have been soaked.

Prior to approval of Committee Reports, Mr. Bradow reported being contacted by Mr. Herman Krukenberg, 2411 Jennie Street regarding a 60 ft. tree on the Township's property that was in danger of falling onto his property. Mr. Bradow requested 3 proposals for removal. Of the 3 proposals received (Hudson - \$200.00; Tate - \$275.00; and Busy B's - \$600.00), Mr. Bradow authorized the tree to be removed by Hudson at a cost of \$200.00. He believes that the tree has been removed.

On the same subject, Mr. Policaro noted a tree on 16th Street between 20th /21st Avenue that the branches are split; and the street light is blocked. It was noted that it was cut this way by a tree company for Duquesne Light. Prior to getting it cut down, Mr. Policaro will talk to the property owner.

Motion was made by Mr. Bradow; seconded by Mr. Hoover to approve **all Committee Reports** as presented. Passed unanimous.

Unfinished Business: It was reported that a pension meeting has been scheduled between the Board and pension professionals (Huntington Bank, Hallett Associates, and MetLife) for the work session, September 5, 2013 at 7:00 p.m. here at the Municipal Complex.

Township Agencies: The Secretary reported receiving notification from Beaver County that the Township is getting \$5,000.00 towards the emergency generator project.

Communications: An invitation was received to the Allegheny County & Western Association of Township Commissioners Annual Conference at Seven Springs on September 26th through September 29th.

It was noted that a dividend check was received from U-Comp (unemployment compensation carrier) in the amount of \$272.00. This check represents monies returned for 2012. This check will be deposited into the General Fund.

The Secretary reported receiving a check in the amount of \$2,027.74 representing Act 13 proceeds for 2012 (gas/oil drilling). Since there are only certain items that these monies can be spent on (streets/roads, infrastructure such as sewers, etc.). she recommended depositing in the Capital Fund and expensed back out towards a road and/or sewer project. Mr. Policaro questioned whether these proceeds can be used towards the generator project. The Secretary will look into.

New/Miscellaneous Business: An invoice was received from the City of Beaver Falls Water Pollution Plant for the 2nd Quarter Joint Sewer Users in the amount of \$57,946.29. Motion to approve payment was made by Mr. Hoover; seconded by Mrs. Bonomo. Passed unanimous on a roll call vote.

The Secretary advised the Board that the Township is out of recycling cans/lids. The cost for purchasing 100 cans and 100 lids from a Co-Stars vendor, T. L. Fitzgerald is \$2,010.00. This expenditure was not budgeted for since it is unknown how long it takes to use up the cans/lids. The last purchase made was in 2008 so the 100 cans lasted 5 years. The Secretary also informed the Board that the residents share in the cost. The total cost is \$20.00 per can/lid. The residents are charged \$10.00. Discussion was held on whether to purchase 50 in lieu of the 100 to cut the cost. The proposal provided is for 100 cans. If dropped to 50, the unit cost could change. Motion was made by Mr. Bradow; seconded by Mrs. Bonomo approving the purchase of 100 cans/lids. The motion passed 4 ayes / 1 naye (Hoover).

Executive Session: The Board went into an executive session at 8:55 p.m.

Back in session at 9:15 p.m. a motion was made by Mr. Bradow authorizing Mr. Fawcett to attend a Bankruptcy Hearing on behalf of the Township regarding Attorney Richard Alberti, 203 Darlington Road. Seconded by Mr. Hoover, the motion passed unanimous.

There being no further business to be brought before the Board, motion was made by Mr. Bradow to adjourn. Seconded by Mr. Hoover the meeting adjourned at 9:16 p.m.

Respectfully submitted:

Paula J. Wagoner, CMC
Township Secretary

Copy: Attorney Kenneth Fawcett
Engineer Ned Mitrovich/Larry Lennon, Jr.
Board of Commissioners