

Patterson Township Board of Commissioners

1600 19th Avenue, Beaver Falls PA 15010

Regular Meeting

Thursday, July 14, 2011

The Patterson Township Board of Commissioners held their regular meeting on Thursday, July 14, 2011 at 7:00 p.m. at the Municipal Complex, 1600 19th Avenue. Following the call to order and Pledge of Allegiance, roll call showed Commissioners Bonomo, Bradow, Policaro and Hoover present. Mr. Leiper was absent. Mrs. Bonomo presided over the meeting.

The minutes of the preceding meeting, held June 9, 2011 was presented for approval. Motion was made by Mr. Hoover; seconded by Mr. Policaro approving as presented. Passed unanimous.

Public Comment: Mrs. Natalie Volk, 1815 W. 10th Street attended the meeting to submit a complaint concerning the condition of W. 10th Street. The road contains deep ruts and potholes and it has been several years since anything has been done with it. Mrs. Volk was advised that it was on the list for resurfacing during last year's road program; however, the equipment was too large for this narrow street. At that time, the road was eliminated from the program. Discussion was held on alternatives. Patching the potholes just doesn't seem to be enough. Mrs. Volk noted that it was in better condition when it was just an alley and also recommended rounding the curve to allow for the larger equipment. Mr. Mitrovich noted that the problem was all of W. 10th Street. Alternatives will be looked at with Mr. DeLuca.

A second complaint was conveyed concerning the large mounds of dirt, excessive weeds and vegetation, and not being able to see pulling out onto 11th Street due to the condition of the Darlington Court property. Mrs. Volk's daughter, Becky addressed the Board concerning this area and requested the status of the development.

Although he has information under his report for tonight's meeting, Mr. Mitrovich advised Mrs. Volk that the bonding company for this project (Darlington Court) is now handling the completion of the infrastructure. Any roads, storm and sanitary sewers, utility lines, etc. will be installed under the bond. Though the project should have been completed by now, Mr. Mitrovich advised that they are waiting on a permit. The NPDES (earth disturbance) permit expired and the bond company has to re-apply. Mr. Mitrovich advised that the Township cannot even insist on the job being done without this permit in place which takes 60-90 days to obtain. This is the instrument needed to finish the job.

Mr. Hoover noted that he is the newest member of the Board of Commissioners, and he assured Mrs. Volk that since he has come on board, everything is being done legally to resolve this issue with Darlington Court. It's just unfortunate that it is taking so long.

Mr. John Douglass, 8 Villa Court attended the meeting to advise the Board of the collection of mounds of wood chips behind the First Reformed Presbyterian Church on Darlington Road near his residence. He noted that truckloads are being dumped at the rear of the church and he is concerned that they will catch on fire. He is not aware of what the church's plans are for them. It was the general consensus of the Board to refer to the Code Officer (Randy) to look into.

Residents, Chad Wilson, 1829 W. 8th Street and William Brown, 1302 19th Avenue attended the meeting to ask who has jurisdiction over Mr. Anderson, the Township's Tax Collector. Mr. Wilson advised that he is due an EIT (earned income tax) refund for 2008-2009 in the amount of \$300.00. He has made numerous telephone calls and left messages for Mr. Anderson with no response and he can't get his refund. Mr. Brown, who indicated that they both work for Blackhawk Neff, also was due a refund for 2008-2009. He advised, that with the help of Secretary Paula Wagoner he received a refund for those years. He noted; however, that now he is owed \$95.00 for an overpayment in 2010 and questioned why it is so hard to get a refund that is owed to the taxpayer. He questioned how many people don't request the money back when it is a smaller amount and where would this money go. He also questioned why Mr. Anderson doesn't go after earned income tax that is owed.

The gentlemen were advised that Mr. Anderson holds an elected position; thus not supervised by the Board of Commissioners. However, the Board did advise that they will look into this and see what they can do to remedy this situation.

Mr. Richard Umstead, 1614 4th Street attended the meeting to address the excessive use of fireworks over the 4th of July weekend. He advised the Board that he is not opposed to neighborhood fireworks; however, they intensify as the weekend goes on. He has experienced a broken window, debris in his yard, continuous fireworks late into the night. He noted that he and his wife watched and enjoyed the fireworks set off on the empty lot by his house. He requested some control over those that continue well past midnight whereby the volume is just too much. Referring this to Chief Cindrich for a response, he noted that there is no Township ordinance regulating fireworks. The state laws allow for the sale of some of what is being set off and issues permits for the sale. Chief Cindrich also advised that if the Police Department receives a complaint, the officer-on-duty shuts the fireworks down. Most frequently, however, the fireworks stop as soon as the police car shows up.

Mr. Umstead also addressed the Township's burning ordinance in that there are residents that burn what they want, when they want. He advised that, even though it is sent as a reminder in the sewer bills, some residents don't follow the regulations. A discussion was held on recreational burning which would include the occasional campfire, chimineas, and fire pits (bowls). At present, there are no provisions for recreational burning. Mr. Umstead was advised to call the police when there is illegal burning going on in his neighborhood.

Treasurer's Report: In the absence of Mr. Anderson, the Treasurer's Reports for the General Fund, Sewer Fund, and Other Accounts were presented for review. Motion was made by Mr. Bradow; seconded by Mr. Policaro approving as presented. Passed unanimous.

Monthly Bills: The monthly bills for July were presented for payment. Motion was made by Mr. Policaro; seconded by Mr. Hoover approving payment. Motion passed unanimous on a roll call vote.

Engineer's Report: Mr. Mitrovich submitted his monthly report and provided a report on the following items: Corrective Action Plan – Project is nearing completion. Lawn restoration is being done along with completion of the roadway milling. Paving to begin on Davidson Drive next week. WODA Development – work is complete; waiting for bond reduction request. Darlington Court – Bonding Company (American Southern) have secured the services of Kozik Brothers to complete the infrastructure. The Erosion and Sedimentation Plan's permit lapsed; causing the project to be delayed. Work will begin once a new permit is secured from DEP. 2011 Road Program – A pre-construction meeting was held on June 29th. Work is scheduled to begin July 20th.

Solicitor's Report: Mr. Fawcett reported a follow-up will be made with the contacts of Darlington Court to determine how much longer it will be before the work will begin.

Mr. Fawcett reported on the need to amend the Tax Ordinance, particularly the Per Capita section. The Blackhawk School District has increased their penalty to 10%. In order for the Township to continue to send out a joint per capita tax bill, the Board will need to increase the penalty from 5% to 10%. If not, a separate tax bill will need to be sent (at the Township's expense). Mr. Anderson is recommending a change in the penalty from 5% to 10%. The Secretary advised that the per capita tax has not increased since 1973, remaining at \$5.00 per person currently. She noted that if there is any increase proposed in the future, now would be the time to change the amount, since the penalty increase requires an amendment to the ordinance. Both could be done at the same time.

Mr. Policaro questioned why the per capita tax is declining when the population of the Township is not and whether this needs to be done at this time. Since the per capita tax bills are due to be sent, the penalty issue (5% to 10%) needs to be addressed at this time. The increase can be decided later if desired; however will be additional cost for amending the Ordinance. Motion was made by Mr. Hoover; seconded by Mr. Policaro authorizing the amendment to the Ordinance increasing the penalty from 5% to 10%. Passed unanimous. A second motion was made by Mr. Hoover to include an increase in the amount (\$5.00/person to \$10.00/person) on this amendment to the Ordinance. Seconded by Mr. Bradow, the motion passed unanimous on a roll call vote. It was noted that this should double the amount to be collected for per capita tax (currently \$7,000.00 budgeted).

Mr. Fawcett explained the delay in the adoption of the Electronic Sign Ordinance. As a cost savings measure, Mr. Fawcett added the political sign size changes, which were approved

at the last meeting, to the electronic sign amendment and sent it off to the Beaver County Planning Commission and the Secretary sent to the Township Planning Commission for review. Beaver County Planning Commission's response has been received indicating no problem; however the Township's Planning Commission misinterpreted the size. Thinking that the sign change was 4 ft. x 4 ft. instead of 4 sq. ft. they made a recommendation to keep the size the same. Mr. Fawcett noted that he instructed the Township Secretary to send it back to the Planning Commission for their July meeting to review. Hopefully, it will be ready for advertisement next month.

Committee Reports: Buildings/Grounds/Finance – Mr. Bradow provided input on the budget status for the 2nd quarter along with semi-annual. Concerns that he had were addressed by the Secretary.

Mr. Bradow provided an update on the leaking roof at the Fire Department building. He advised that he took a roofer (Don Spearing) to look at it. The leak was on the flat part of the building where the air conditioning units are located. It was discovered that the condensed water from the new air conditioning unit (installed by Humbert) is draining onto the roof. The seams of the tar papered roof need re-tarred to eliminate the leaks.

Mr. Bradow also addressed the operation of the smaller air conditioning unit located on the roof. Reno Brothers discovered that the condenser is bad and the unit needed recharged. The technician recommended replacement. The estimate was approximately \$5,000.00 for replacing this unit that cools the upper floor of the Fire Department. Mr. Bradow advised that he is looking into a window unit instead. He also noted that there are 3 phase electrical wires just lying on the roof that should be encased. He will pursue a remedy for this situation.

Mr. Bradow advised the Board that there are two trees in the alley between 7th and 8th Street (behind 18th Avenue) that are in danger of coming down. These trees are located on Township property. Since the property has put the Township on notice of these dangerous trees, Mr. Bradow had Mr. DeLuca acquire proposals for removal. The proposals are as follows:

- \$2,300.00 Graham Pate Tree Removal
- \$1,500.00 Hudson Tree Removal
- \$3,000.00 Busy Bees (each tree \$1,500.00)
- Not interested Dave Tate Tree Removal

Motion was made by Mr. Bradow; seconded by Mr. Policaro to hire Hudson Tree Removal to remove the two trees described above in the amount of \$1,500.00. Passed unanimous on a roll call vote.

Code Enforcement – In the absence of Mr. Morrow, his monthly report was distributed for review.

Fire/Utilities – Mr. Policaro submitted ten (10) fire reports for a total of 85 ¾ hours or \$557.38. Motion was made by Mr. Policaro; seconded by Mr. Bradow to approve payment. Passed unanimous on a roll call vote.

Mr. Policaro submitted applications for membership for the following: Michael Russell, 123 Arthur Street (Chippewa Twp); John Grgurich, 7 Villa Court; and Jr. Fireman, Travis Crognale, 1708 21st Avenue. Motion was made by Mr. Hoover; seconded by Mr. Bradow approving membership pending passing the background check. Passed unanimous.

Unfinished from last month, Mr. Policaro advised that the Fire Department advised that they are interested in a study for merging Fallston Borough Fire Department with Patterson Township Fire Department. This study is in conjunction with the meetings currently being held to merge the Borough of Fallston into the Township. In order to proceed, a letter of intent needs to be approved. Motion was made by Mr. Policaro; seconded by Mr. Hoover approving the letter of intent for submittal to the DCED for a feasibility study for fire purposes. Motion passed unanimous.

Parks/Recreation – Mr. Hoover noted that he is currently working on filling out paperwork for the Beaver County Jail inmates to do work in the Park. Mrs. Bonomo advised that Mr. DeLuca reported the work was done by the inmates and the Park looks great.

- Mr. John Cox, 6 Villa Court arrived at the meeting to report that there is a fire currently going on at 7 Villa Court (Grgurich residence). He, along with Mr. Douglass expressed their concern for the stock piling of wood chips behind the church. The Board instructed Chief Cindrach to send the officer on duty to investigate. As the meeting continued, Chief Cindrach provided a report back indicating that the Fire Department was doing a controlled burn.

Public Works – Mrs. Bonomo provided the Road Program status which is that they are ready to start the paving program.

Also, the new truck has arrived (2011 Ford-550) and is in service. The lease rental payments are approximately \$7,900.00 from liquid fuels and \$7,900.00 from the sewer account for the next 5 years, which proved to be an economical way to do the financing. It is also appropriate at this time to authorize for bids for the 2003 Ford truck, which was taken out of service. Motion was made by Mr. Bradow; seconded by Mr. Policaro authorizing the advertising of sealed bids for the 2003 Ford truck to be opened at the next meeting. Passed unanimous on a roll call vote.

Police – In Mr. Leiper's absence, Mrs. Bonomo reported the distribution of the monthly Police Report for review.

A request of payment of unused sick days was presented for Tina Seery, Administrative Assistant. The request was for 24 days. Motion to approve was made by Mr. Policaro. Seconded by Mr. Hoover, the motion passed unanimous on a roll call vote.

A reminder was provided of the upcoming meeting with Fallston Borough and DCED's Michael Foreman on Monday, July 18, 2011 at 7:00 pm. With the approval of the letter of intent for a fire study, this will be the topic of discussion.

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

Unfinished Business: None

Township Agencies: Zoning – A memo was distributed by the Secretary with two resumes attached for the position of Zoning Officer. The Secretary advised that the replacement for Mr. DeLuca would be to fill his unexpired term (through December 31, 2011). Reappointment would take place at the January, 2012 meeting. The resumes from the two qualified applicants were: William C. Witkouski, Sr., 126 Oak Street, Beaver PA and Dawna Bradow Pella, 1120 Highland Avenue, Beaver Falls PA. Mrs. Bonomo reported that she attempted to contact the two applicants prior to the meeting tonight without success, but left messages for both. No interviews have been done and scope of the job has not been provided to them. Mr. Hoover made the motion to appoint Mr. Witkouski, to avoid the appearance of nepotism. The motion was seconded by Mr. Policaro. Roll call vote was taken – 2 ayes, Hoover and Policaro; 2 nays, Bradow and Bonomo. Because one of the applicants was Mr. Bradow's daughter, Mr. Fawcett recommended Mr. Bradow abstain. Mr. Bradow refused noting that he is not casting a vote for his daughter, he is voting against Mr. Witkouski. Motion defeated.

At this time, the Secretary reminded the Board that she only agreed to fill in as Zoning Officer for 30 days (until this meeting). With the motion being defeated, the Township now has no Zoning Officer. Mr. Policaro questioned whether the Township can do without a Zoning Officer and Mr. Fawcett did not recommend it. Because this poses a problem for the Township, the Secretary agreed to serve 30 more days with Mr. Policaro's assistance, if needed. Motion was made by Mr. Hoover approving this arrangement. Seconded by Mr. Policaro, the motion passed unanimous on a roll call vote.

The Planning Commission minutes were distributed for review.

Communications: A letter and check was received from U-Comp, the Township's unemployment carrier in the amount of \$319.00 representing the 2010 dividend.

An invitation was received to the 2011 Fall Conference of the Townships and Boroughs (AC & WPATC) at Seven Springs on September 29th – October 2nd.

A letter was received from Don and Delores Miller, 119 Orchard Lawn Drive, Beaver Falls requesting a zoning change to allow accessory use in an R-3 Zoning District without a primary dwelling. They own vacant property on 18th Avenue, facing Pleasantview Homes. The letter indicates that they would like to build a 4-stall storage unit on this property and noted that it would not affect any residential properties in the area. The Board discussed the current regulations and noted recent construction whereby the accessory use (garage) was built with an apartment above to comply with the current Zoning Ordinance. Mr. Fawcett cautioned the Board in adopting regulations for one property. Whatever zoning changes that are made, they affect the whole zoning district. The Board agreed that the current regulations for accessory use should not be changed. Mr. Fawcett agreed to send a letter to the Millers notifying them that the amendment to the Zoning Ordinance to allow accessory uses without a primary dwelling is denied.

Mr. Bradow noted that he had an item he wanted to discuss. He recapped the events of the Fire Department meeting that he attended on May 26th. As a follow-up, he noted that Mr. Policaro reported “no comment” at the last meeting (June 9th) and Mr. Bradow is still waiting for a resolution that he requested to the political letter sent regarding the election. Mr. Bradow expressed that being named in the letter is unacceptable and, since that time, has spoken to the President of the Fire Department, Phillip Graeser. Mr. Graeser advised that there was no follow-up discussion on this issue, as promised. Mr. Bradow wanted the Board to know that he will be attending the Fire Department’s next meeting on July 28th and demanding that something be done to rescind the contents of the letter. In asking the Board if they have any comments, Mr. Policaro questioned why Mr. Bradow is bringing this up now, when Fire Chief Policaro admitted to sending the letter and apologized for it. Additionally, Mr. Policaro asked Mr. Bradow to show him in the letter where his name appears. Mr. Policaro advised that the statement in the letter regarding the “majority of the Board” could also apply to him, that nowhere in the letter did it say individual’s names. At this point, Mr. Policaro advised Mr. Bradow that he will not get another apology and there will be no additional course of action taken on this issue.

New/Miscellaneous Business: An invoice was received from the City of Beaver Falls Water Pollution Plant for the 2nd quarter joint sewer maintenance in the amount of \$59,107.50. Motion was made by Mr. Hoover; seconded by Mr. Policaro approving payment. Passed unanimous on a roll call vote.

The Secretary reported the receipt of the State Audit Report for the Liquid Fuels account for 2007 through 2009. The report will be kept on file for review.

The 2010 Audit Report for all Township Accounts was received and distributed from Denise Hebb, CPA. Included in the audit was her invoice in the amount of \$13,650.00 as agreed upon. Discussion was held on the contents along with her comments and recommendations for both the Tax Collector and Office Staff. It was decided to invite Mrs. Hebb to the next meeting to review the report with the Board. Motion was made by Mr. Hoover to hold

payment of the invoice until she attends the meeting. Seconded by Mr. Policaro the motion passed unanimous on a roll call vote.

Executive Session: Mr. Hoover requested Mrs. Bonomo to call an executive session regarding a personnel issue. The Board went into the executive session at 8:35 p.m.

The meeting reconvened at 8:57 p.m. Mr. Hoover made a motion directing the Solicitor to draft and send a letter to Tax Collector, Bob Anderson regarding the issues addressed under public comment and the 2010 Audit Report items pertaining to tax collection. Seconded by Mr. Bradow the motion passed unanimous.

Mr. Hoover also brought up a discussion on the current Burning Ordinance whereby he proposes an amendment to allow recreational burning. Recreational burning will allow residents to burn in chimineas, fire pits, campfires, etc. Mr. Bradow recommended banning burning completely in the Township, since those who violate the present Ordinance are given warnings instead of citations. Mr. Fawcett agreed to get sample Ordinances on recreational burning and bring back to the Board.

There being no further business to be brought before the Board, the meeting adjourned at 9:05 p.m.

Respectfully submitted:

Paula J. Wagoner, CMC
Township Secretary

Copy: James J. Ross, Esq.
Ned Mitrovich, P.E.
Board of Commissioners