

Patterson Township Board of Commissioners

1600 19th Avenue Beaver Falls PA 15010

Regular Meeting

Thursday, May 10, 2012

The Patterson Township Board of Commissioners held their regular meeting on Thursday, May 10, 2012 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 Policaro, Bradow, Bonomo, and Mahosky present. Mr. Hoover was absent.

The minutes of the previous meeting held April 12, 2012 were presented for approval. Motion was made by Mrs. Bonomo; seconded by Mr. Mahosky approving the minutes as presented. Passed unanimous.

Public Comment/Visitors: Mr. Chuck Betters, Developer attended the meeting to advise the Board of his interest in the acquisition of the Darlington Court property, located at 11th Street/Darlington Road. He noted that he saw the auction signs, which prompted him to pursue purchasing from Integra Group. Although he expressed that he needs to quantify the completion of the work, he assured the Board that he has no reservation of stepping in and completing the development of this property. He is aware that a developers agreement already exists and the action that the Township has taken against the Bond Company. He advised that he would have no problem with posting his own bond. His plans are to move forward once the property is transferred over into his name and he is willing to go back to the Township Planning Commission if necessary. Mr. Kevin Breit (attending for Mr. Mitrovich), advised that there needs to be a list of what is left to do (sewer, stormsewer, stormwater pond, etc.) along with the question on whether the items that have been done were done right.

Mr. Policaro questioned the timetable of transferring of ownership, noting he is aware that Beaver County Conservation was the hold-up in securing the necessary NPDES permit. Mr. Betters plans to proceed with the necessary permit as soon as the property is secured by him. Mr. Bradow asked what he needs from this Board, in order to proceed with this purchase. Mr. Betters requested giving latitude to the Township Solicitors to work with him on making this transition from one property owner to another. Mr. Fawcett advised that the Board would have to agree to postpone any action on the bond in order to give Mr. Betters time to work this out. Mr. Better also noted that he would push for the Township to get paid any outstanding monies owed by the Integra Group. (Note: Discussed in Executive Session at end of meeting for legal advice).

Mr. Bert Robinson, 1309 Fox Avenue attended the meeting and asked whether someone else will be giving Mr. Hoover's report concerning road repairs. Mr. Policaro advised of storm sewer problems in that area that will need to be addressed prior to doing the roads.

Treasurer's Report: In Mr. Anderson's absence, the Treasurer's report for April was submitted for review. Motion was made by Mrs. Bonomo; seconded by Mr. Mahosky approving the Treasurer's reports for the General Fund, Sewer Fund, and Other Accounts as presented. Passed unanimous.

Monthly Bills: The monthly bills for April/May were presented for approval. Motion was made by Mr. Bradow; seconded by Mr. Mahosky approving payment. Passed unanimous on a roll call vote.

Engineer's Report: Kevin Breit attended the meeting for Mr. Mitrovich. He provided a report on the following items: **Correction Action Plan** – the wet well replacement project was awarded to Stefanik's Next Generation Contracting in the amount of \$84,860.00. The PT Municipal Authority is overseeing this project. **Darlington Court** – LSSE reviewed the site and reported sufficient funding from the bonding company to complete the job; however, as per the public comment (visitors) Mr. Betters noted his interest in acquiring this property. **2012 Road Program** – LSSE prepared a preliminary probable cost and provided as an attachment for tonight's meeting for the repair of roads in the Struby Plan area of the Township. There was some discussion on the need for repairs to the stormwater system in the area of Fox Avenue and 17th Street. LSSE will look into. **MS4 Program** – LSSE met with the Township Secretary to review the MS4 Program as required in filing the annual report (Year 9) with PA DEP. **Steffin Hill Road (Front Street)** – as per the Board, LSSE will have an estimate for the next meeting regarding sewer line replacement (unfinished from last month).

Solicitor's Report: Mr. Fawcett advised that he advertised Ordinance #435 for adoption at tonight's meeting to reduce the per capita tax back to \$5.00 for Township residents. This amendment was needed to comply with the current laws designating \$5.00 instead of \$10.00; adopted last August as Ordinance #433. Motion was by Mrs. Bonomo; seconded by Mr. Mahosky approving this amendment to reduce the per capita from \$10.00 to \$5.00. Motion passed unanimous on a roll call vote.

Mr. Fawcett provided an update on the merger of Fallston Borough with Patterson Township. Currently, the issue of liquor licenses has come up, noting that Fallston Borough is considered "wet" and Patterson Township is considered "dry". In the event of Fallston Borough merging into Patterson Township, as it presently stands, the liquor licenses issued to establishments in Fallston Borough (i.e. Back Door Tavern, Zooky's, Grand Valley, etc.) would not be renewed, once they expire. Mr. Fawcett believes that the merger issue would be done, "killed"; no further action. The question was raised on whether this alcohol issue can be placed on as a referendum, to vote on "one" Patterson Township (once merged) being wet? Mr. Fawcett advised of the options:

- Consolidation – redo "merger" and call it a consolidation creating a whole new entity. This would be both municipalities losing their identities and renaming. At this time, the new municipality would remain wet until someone would choose to change.

- Patterson Township goes wet. This can be done as a referendum question only during the primary election. This would postpone the merger until the general election next year (November, 2013). Additionally, controls can be put in (by amending the Zoning Ordinance) to only allow in certain zoning districts.
- Legislators – introduce legislation to amend the liquor code to address mergers. A municipality that is wet, remains wet; municipality that is dry, remains dry. Mr. Fawcett advised of setting up a meeting with Representative Marshall; Representative Christiana; and Senator Vogel on May 17, 2012 to discuss this issue. He advised that both Senator Vogel and Representative Marshall are aware of this problem and are on board with trying to resolve.

On a final note concerning the merger, Mr. Fawcett advised that the Fire Study has been completed of which it recommends consolidation. Mr. Mahosky questioned Mr. Fawcett's letter, whereby the liquor licenses are issued to the owner of the restaurant/bar and are held as safe-keeping if not used. Mr. Fawcett advised that this is not a difficult fix – it's been done before. Mr. Fawcett also reviewed the process that would take place, from here on out if this gets resolved. Public meetings will be scheduled by both municipalities in preparation of putting on the ballot.

Mr. Fawcett advised that additional discussion is appropriate concerning Darlington Court; however, needs to be in an Executive Session for legal advice.

Committee Reports: Fire – Mr. Mahosky presented 6 fire reports in the amount of \$373.75 (57 ½ man hours). Motion was made by Mr. Mahosky; seconded by Mrs. Bonomo approving payment as presented. Passed unanimous.

Mr. Mahosky provided a report on LED lighting continued from last month, noting that some of the exterior lights on this building are not working. The estimate for replacing is \$672.00. His report included changing the entire building over to green space in the amount of \$2,720.61. Labor costs would be an additional \$595.00 for a total of \$3,315.61; however, there is a rebate in the amount of \$504.00 that would apply. The adjusted cost: \$2,811.61 would replace the exterior and interior with 28 watt bulbs. Motion was made by Mr. Mahosky; seconded by Mr. Bradow to approve replacing the bulbs inside and out on the Municipal Building for a cost of \$2,811.61. Passed on a roll call vote 3 ayes; 1 naye (Bonomo). Mr. Mahosky advised that all of the lights presently in the Municipal Building will be transferred to the Fire Department (hall).

Parks/Recreation – In Mr. Hoover's absence, the Secretary advised that the Community Yard Sale has been held the first Saturday in June. The general consensus of the Board was to continue this tradition, which would be held Saturday, June 2, 2012.

Public Works – Mr. Policaro provided a report for Mr. Hoover (in his absence) and advised that the 2012 Road Program scope has been tabled until the storm water issues are addressed.

Ordinances/Policies – Mrs. Bonomo advised that she had no report.

Code Enforcement – Mr. Morrow’s monthly report was distributed for review.

Police/Township Office/COG – Mr. Policaro advised no report for the COG.

The monthly Police Report was distributed for review. Mr. Bradow questioned whether the Township has a Domestic Violence Policy. Mr. Policaro advised that there is a DV Policy whereby two officers respond.

Mr. Policaro reported talking to Mr. Anthony, as the Township’s representative for Police negotiations, and advised the Board that things are going very well. The Board will have the opportunity to review once the verbage is approved.

Mr. Policaro was advised by Chief Cindrich of the need to do something with the confiscated property. The evidence room is getting full and there are items inside that need to be either sold or disposed of. Because this includes confiscated weapons, steps need to be taken to obtain a legal right to ownership. More information will be forthcoming.

Motion was made by Mr. Mahosky; seconded by Mrs. Bonomo approving all **Committee Reports** as presented. Motion passed unanimous.

Unfinished Business: The Secretary reported the need to adopt a Hazardous Mitigation Resolution as requested by the Beaver County Emergency Services Center. This resolution (#2012-004) was prepared by the County and distributed for review. Motion was made by Mr. Bradow; seconded by Mrs. Bonomo approving Resolution 2012-004. Passed unanimous.

Township Agencies: No report.

Communications: An invitation was received from the BC Emergency Services to an open house on May 25th to view the new Communications Unit.

New/Miscellaneous Business: The quarterly transfer from the Sewer Fund to the PTMA Sinking Fund was presented in the amount of \$27,347.67. Motion to approve was made by Mr. Mahosky; seconded by Mrs. Bonomo. The motion passed unanimous on a roll call vote.

The Board recessed for an **Executive Session** for legal advice at 8:10 p.m.

Back in session at 10:05 p.m., the following action took place. Motion was made by Mr. Bradow authority the Solicitor to notify the Bond Company of Darlington Court (American Southern) that the Township will suspend their claim in reference to Mr. Betters desire to acquire this property.

A second motion was made by Mr. Bradow; seconded by Mrs. Bonomo authorizing the Township Solicitor to move forward with Mr. Betters as he purchases this property to keep things moving. Passed unanimous.

There being no further business to be brought before the Board, motion was made by Mrs. Bonomo to adjourn. Seconded by Mr. Bradow, the meeting was adjourned at 10:06 p.m.

Respectfully submitted:

Paula J. Wagoner, CMC
Township Secretary

Copy: Kenneth Fawcett, Esq.
Ned Mitrovich, P.E.
Board of Commissioners