

Patterson Township Board of Commissioners
Regular Meeting
July 13, 2023

The Patterson Township Board of Commissioners held their regular meeting on Thursday, July 13, 2023, 7:00 pm at Patterson Township Municipal Building, Beaver Falls. Following the call to order and Pledge of Allegiance, roll call showed the following Commissioners were present; Commissioner Wagoner, Commissioner Kristian, and Commissioner Bartoe. Commissioner Kretschman and Commissioner Inman were absent.

Public Hearing: None

Minutes: The minutes of the regular meeting held on June 8, 2023, and Work Session on July 10, 2023, were presented for approval. A motion was made by Commissioner Bartoe to accept the meeting minutes from the regular meeting on June 8, 2023 and Work Session on July 10, 2023. Motion seconded by Commissioner Kristian; motion passes.

Public Comment/Visitors:

Dominic Borello - Not in attendance.

Michael Dunne - 41 Darlington Road - Resident came to the Board to request and update on what will be done to restore their yard following the Lindsay Drive Stormwater project that was completed last summer. Wyatt from LSSE advised that they have been out and looked at the property and that the contractor (Youngblood) is still under an 18-month maintenance bond. With Board approval, LSSE will send a letter to Youngblood instructing them to return to the property and reseed and fertilize the bare spots that remain in the yard. He also advised that the contouring that is being requested is not something that is covered under the maintenance bond and this will not be done to the yard. He continued by saying that the grass could take a full 2-3 years to come in. A motion was made by Commissioner Kristian to approve LSSE to send a letter to Youngblood paving to complete the yard restoration under the maintenance bond. Motion seconded by Commissioner Bartoe. Motion passes.

Treasurer's Report: The Treasurer's Report for the General Fund, Sewer Fund, and PLGIT accounts were presented by Secretary Christin Milnes. A motion was made by Commissioner Bartoe and seconded by Commissioner Kristian accepting the reports as presented. After a roll call vote; pass unanimously.

Monthly Bills: The monthly bills for June/July were submitted for payment. Motion was made by Commissioner Bartoe and seconded by Commissioner Kristian approving payment. After a roll call vote; pass unanimously.

Engineer's Report: *Wyatt Dishler* presented his monthly report regarding the following items:

MS4 Program - annual report is being completed and will be reviewed with the Township prior to filing deadline.

Park Stream Project - Township is still awaiting DEP response and permits.

2023 Road Program - LSSE is requesting an additional field review of Flora Ave. prior to the start of the project. LSSE is suggesting a change order to not complete widening on one section as it will not be a benefit for the Township, and it would take 50-60 years for the Township to make its money back with added Liquid Fuels benefit. LSSE will submit a change order for the additional drainage work on Lindsay Drive at the August meeting; this will use the remaining CFA grant funds. Brief discussion occurred with regard to Highland Ave. and additional drainage and base repair that is needed. Engineers will need to complete additional field work to determine entire scope of work that is needed to be completed in this area as it is not clear what the issue is that is causing the cracking on the roads. Wyatt advised that LSSE can reach out to PennDOT and see if they are receptive to a change to the Liquid Fuels Road Program due to special circumstances; he is unsure if PennDOT would approve this change. An additional meeting may be needed for a final decision to be made. A motion was made by Commissioner Bartoe to approve LSSE to reach out to PennDOT to determine if they are receptive to allowing the Township to change the Road Program for this year to allow for the work at Highland Ave. and Glenn Ave. Motion seconded by Commissioner Kristian. Motion passes.

PennDOT Multimodal Grant - Sidewalk improvements - Communication ongoing with PennDOT regarding layout of sidewalk and ADA concerns where the sidewalk and driveways meet. LSSE will review the layout of sidewalk with the Board prior to the August monthly meeting.

CFA - Statewide Local Share Account (LSA) Grant - Existing feasibility study of Struby Ave. entrance in regard to ADA accessibility underway. Opinion of probable cost to be provided under a separate cover.

CFA - Statewide Local Share Account (LSA) 2023 - grant applications opening in fall of 2023; potential projects include Bonnieview Drive drainage.

MS4 Violation - Wyatt advised the Board that he will speak with the solicitor and Larry Lennon when he returns to determine next steps.

Solicitor's Report: *Ken Fawcett provided the following report:*

MOU - district reunification sites - a motion was made by Commissioner Kristian to approve the Memorandum of Understanding regarding reunification sites as presented. Motion seconded by Commissioner Bartoe. After a roll call vote; pass unanimously.

JSU Agreement - motion to approve/reject JSU settlement agreement - Attorney Fawcett advised that this matter will need to be tabled as it is not ripe for a motion at this time. He also advised that a brief executive session would be held at the end of the meeting.

Committee Reports:

Administration and Police – Commissioner Wagoner presented the following reports:

Police Report – Police Chief Stanislawski submitted his June 2023 report for review; no questions or comments presented.

Pension transfer - Commissioner Wagoner advised that prior to taking action on this item she wanted to correct some mis-information that was given at the work session and during the week. She stated that it was said when P. Wagoner retired that the Township lost over \$80,000. In addition, it was stated that the transfer happened last year. Both of these were incorrect. Commissioner Wagoner advised the Board to refer to the presentation and handout from Huntington which was presented at the May work session. The Huntington statement provided showed that in 2017 the beginning balance of the non-uniform account was around \$80,000.00 and the ending balance was around \$241,000.00; this was not a loss in the account. The fund has continued to grow since this time with a current balance over \$350,000.00. Additional annuities were transferred due to the retirement of 2 previous employees to help with the growth. Commissioner Wagoner did not appreciate the implication that her retirement funds were orchestrated by her as said by a fellow Commissioner; this action would have needed action by the Board. She added that it is a misconception that the annuities are owned by the employees. The Board has had several meetings with representatives from MetLife, Huntington, and the Actuary who provided information to the Board which led to the decision to discontinue the purchase of annuities. The statements that are received quarterly state that they are “preference plus account, MetLife variable annuity” which list the employees as the participant. The Township owns the annuity. With regard to the specific motion on the agenda, the purpose was to routinely close out the annuity and deposit the funds into the non-uniform fund at Huntington Bank. This has been the method for the last 3 employees. The annuity on the agenda still exists and has not already been cashed out as stated by another Commissioner. Commissioner Wagoner finished by stating that the Municipal Pension plans are scrutinized by the State as we receive funding annually. Commissioner Bartoe expressed that he was concerned that the pension fund was losing funds; after investigation this was not the case, in fact the exact opposite was correct in that the fund is doing very well. He stated he felt that putting the funds in question into the Huntington account was the best scenario for the Township. Attorney Fawcett advised that in 2017 the Actuary came to the Board and advised that the way pension was being calculated was not correct as it had been calculated on using the pension funds and not annuities. The Actuary advised that using the annuities to fund pension would result in drastically higher pension payments being needed each year. The Township decided at that time to no longer purchase annuities for non-uniform employees. The Board then opened the Police contract and renegotiated the pension item, where it was decided the same for the Police. The Township passed ordinances stating that they would no longer purchase annuities and all pension funding would be completed through the pension funds at Huntington Bank. Attorney Fawcett also advised that Mrs. Wagoner was looking out for the benefit of the Township when she agreed to have her annuity cashed in and deposited into the Huntington account. Additionally, in December of 2020 the legislator changed the law and no longer allow the funding of new annuities for employees. The Township is currently in a quasi-state with 5 employees who have annuities. Attorney Fawcett advised that he does not believe that the accounts the Township holds are actual annuities based on the statements that are received; however, he also advised he is not an expert in this field. He reiterated that the accounts are an asset of the Township and are not owned by individual employees. He advised that the timing of action with the remaining

accounts is not a legal issue; this can be done at any time. Discussion was held for the Commissioners to seek clarification from the attorney. Commissioner Kristian, in an effort to remain consistent with prior actions of the Board, made a motion to transfer the funds in the MetLife Preference Plus account, with the participant's name of J. Cipolla, to be cashed out and transferred to the Huntington non-uniform account. Motion seconded by Commissioner Bartoe. After a roll call vote; pass unanimously.

Resolution 2023-013 - ARPA Spending - A motion was made by Commissioner Bartoe to adopt Resolution 2023-013 with regard to ARPA spending. Motion seconded by Commissioner Kretschman. After a roll call vote; pass unanimously.

2014 Ford Interceptor Sale - Commissioner Wagoner advised that Ellwood City Area School District is interested in purchasing the 2014 Ford Interceptor. As the previous Interceptor (2013) was sold for \$5,200.00, the asking price for this one will be \$5,200.00 as well. A motion was made by Commissioner Bartoe to sell the 2014 Ford Interceptor to the Ellwood City Area School District for \$5,200.00. Motion seconded by Commissioner Kristian. After a roll call vote; pass unanimously.

Longevity Bonuses: Commissioner Wagoner advised the Township has 2 Employees who have been with the Township for over 30 Years. She would like to request a one-time non-precedent setting longevity bonus for these employees as they are the lowest paid Township employees. The Crossing Guard has been with the Township for 32 years and the Custodian has been with the Township for 37 years. Discussion was held with regard to possible bonus amounts. A motion was made by Commissioner Bartoe to approve a one-time non-precedent setting longevity bonus for the employees with over 30 years of service in the amount of 1% of their yearly pay (\$368.00 for the Custodian and \$470.21 for the Crossing Guard) to be paid in August. Motion seconded by Commissioner Kristian. After a roll call vote; pass unanimously.

Commissioner Wagoner requested a pay increase for the lowest paid employee as she has been with the Township for 37 years and has continued to serve the Township even while she had wage freezes. A motion was made by Commissioner Kristian to increase the rate of pay for the custodian from \$16.16 an hour to \$17.16 an hour effective immediately. Motion seconded by Commissioner Bartoe. After a roll call vote; pass unanimously.

COG, Finance, Fire & Emergency Management – Commissioner Bartoe presented the following reports:

Financial Review - Commissioner Bartoe advised that at 52.9% of the year completed, the Township have collected 55.7% of the income and have used 40.4% of the budgeted expenses.

Commissioner Bartoe advised that the fire calls for the months of May and June were as follows: Fire Callouts: May 2023 - 36 Calls (19 fire/17 QRS), 74 Hours (38 fire / 34 QRS) AND June 2023 – 30 Calls (15 fire / 15 QRS), 82 Hours (58 fire / 24 QRS)

Public Works & Recycling – Commissioner Kretschman absent.

Commissioner Wagoner advised the Board that Foreman D. Savilisky has passed the DEP Wastewater Certification test.

Commissioner Kristian presented the following items for approval in Commissioner Kretschman's absence:

Recycling Grant Updates:

The previously approved quotes for bins did not include shipping which added a considerable amount to the cost. As such, the following motion was made by Commissioner Kristian to approve the purchase of the bins from Wastequip as quoted for \$18,527.74. Motion seconded by Commissioner Bartoe. After a roll call vote; pass unanimously.

A motion was made by Commissioner Kristian to approve the purchase of the tarps to cover the bins from Wastequip quoted for \$2,634.00. Motion seconded by Commissioner Bartoe. After a roll call vote; pass unanimously.

Wood Chipper – a motion was made by Commissioner Kristian to purchase the gas powered woodchipper from CoStars vendor Stephenson Equipment Inc. for the amount of \$61,842.00. Motion seconded by Commissioner Bartoe. After a roll call vote; pass unanimously.

Buildings & Grounds and Zoning – Commissioner Kristian presented the following report:

Phone Upgrade - Commissioner Kristian made a motion to accept the quote from Full Service Network in the amount of \$234.99/month for a cost savings of \$7,300.00 for the term of the 5 year contract. Motion seconded by Commissioner Bartoe. After a roll call vote; pass unanimously.

Recreations and Community Life – Commissioner Inman absent, Commissioner Wagoner presented the following:

Commissioner Wagoner advised that the quote for the bounce houses and games was received for a total amount of \$2,901.33 which included a charge for \$200.00 for fuel. Discussion was held and a motion was made by Commissioner Bartoe to cover the cost of the bounce houses and community games in the amount of \$2,701.33 to be paid to Sunshine Party & Event Rental. Motion seconded by Commissioner Kristian. After a roll call vote; pass unanimously. Commissioner Bartoe requested the Township Secretary/Administrator Milnes execute any contract and complete the order.

Commissioner Inman advised that the survey he received regarding 16th street did not tie down the property boundaries and was not of any use to him. He advised that the Board needs to do a full survey of the road and both involved properties. Commissioner Bartoe cautioned that this is likely to be a costly endeavor which will not be completed in time for this year's 5K run. Commissioner Inman insisted that it needs to be addressed. Probable costs will be needed from the engineers.

Code Enforcement – Report was received from New Brighton; no questions or comments at this time.

A motion to accept all committee reports as presented was made by Commissioner Kristian and seconded by Commissioner Bartoe. Motion passes.

Unfinished Business: None

Township Agencies: None

Communications: None

New/Miscellaneous Business:

Joint Sewer Users – Second Quarter payment – \$61,812.10 to Joint Sewer Users - Motion to remit payment. A motion was made by Commissioner Bartoe to remit payment in the amount of \$61,812.10 to the Joint Sewer Users for the second quarter payment. Motion seconded by Commissioner Kristian. After a roll call vote; pass unanimously.

KS State Bank – A motion was made by Commissioner Kristian to remit payment in the amount of \$12,772.69 to KS State Bank for the year 2 payment on the Township’s 2021 Police Interceptor. Motion seconded by Commissioner Barote. After a roll call vote; pass unanimously.

Public Comment-

Chris Joliffe – Mr. Joliffe asked what the intention for the recycling center is - C. Milnes reviewed what was received from the DEP with regard to the Grant and the intentions for the site.

Executive Session: held from 8:25-8:35 for legal matters.

There being no further business to be brought before the Board, motion was made by Commissioner Bartoe to adjourn. Motion seconded by Commissioner Kristian. The meeting adjourned at 8:37 p.m.

Respectfully submitted:

Christin Lyn Milnes

Copy: Kenneth G. Fawcett, Esq.
Larry Lennon, Jr., P.E.
Board of Commissioners