

**REGULAR MEETING  
BADEN BOROUGH COUNCIL  
JUNE 21<sup>st</sup>, 2023**

*No Pre-meeting*

Council President Dave Trzcianka called the Regular Meeting of Council to order at 6:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mr. Bosh, Mr. Jones, Mr. Miller, Mr. Shelkons, Mrs. Singleton, Mr. Stuban and Mr. Trzcianka

**NOT PRESENT:** Mayor Judy Montell

**ALSO PRESENT:** Attorney James Amato, Engineer Tony Sadaka, Fire Chief and CEO Dennis Baker Jr., Foreman Rodney Keenan

*This meeting is being electronically recorded by the Borough Manager.*

***Due to not having a work session this month, there are items that may be addressed and acted upon during tonight's meeting that may not be on the agenda. Within 24 hours of tonight's meeting, the Manager is instructed to place an updated agenda on the borough website showing the additional actions taken this evening.***

**MOTION** by Mr. Stuban, second by Mr. Bosh, carried unanimously to have the Manager post an updated agenda on the borough website.

**PROCLAMATION** – William M. Fisher Day (Mrs. Rakovan read the following proclamation)

**WHEREAS**, Mr. William M. Fisher, a resident of Baden in 1964 and an avid river and boating enthusiast, did accomplish a noted and determined voyage, is hereby honored posthumously by the Borough of Baden.

**WHEREAS**, Mr. Fisher at age 67 did construct a 12' x 20' raft consisting of wood, 22 oil barrels, a 1950 Dodge automobile engine and an 8' x 8' plywood cabin, in his backyard. This endeavor was done in the Dettmar Avenue section of the Borough. Total expenditures amounted to \$65 yielding a craft capable of two miles per hour.

**WHEREAS**, Mr. Fisher, AKA "Poopdeck Pappy" did leave the Baden area and commenced his journey near the Tevebaugh Creek outlet on June 21<sup>st</sup>, 1964 headed for New Orleans navigating this craft, christened the "Kaput" by his daughter Lany, 1830 miles down the Ohio River to the end of the Mighty Mississippi where he docked at the foot of Canal Street, in the Big Easy on October 12<sup>th</sup>, 1964, completing the journey.

**WHEREAS**, Today is the 49<sup>th</sup> anniversary of Mr. Fisher setting out this notable endeavor, we honor his memory and perseverance.

**NOW, THEREFORE, BE IT RESOLVED** that I, Mayor Judith Montell, by virtue of the authority vested in me, do hereby declare today as William M. Fisher day.

**IN WITNESS WHEREOF**, I have set my hand and Seal of the Borough of Baden this 21<sup>st</sup> day of June, 2023.

## AGENDA (Changes and/or Deletions)

### VISITORS

Michael Fedell, owner of the Riverview Hotel located at 535 State Street address council with his concerns regarding the advertised fire safety & property maintenance inspection program ordinance. He is disturbed about the businesses and landlords not being notified. Mr. Trzcianka stated that the government guidelines were followed and the ordinance was advertised in the paper. Mr. Fedell had no problem with his property being inspected, but he felt that the fees associated with the inspection were not justifiable. Discussion followed regarding the fees, process and fairness of the inspections. Mr. Bosh addressed the notification to property owners. He asked Mrs. Rakovan to send a copy future advertisement to him so that he may include them social media. Mr. Bosh also noted that council needs to know what is involved in the inspection process in regards to the number of properties to inspect, estimated time to inspect the property and do the paperwork associated with the inspection. This is the only way that the borough can get a good idea as to the cost involved with placing this ordinance into effect and what fees to charge. Mr. Bosh would like to table the adoption of the ordinance for one month so that we could answer these questions.

**MOTION** by Mr. Bosh, second by Mr. Jones, carried unanimously to table the adoption of Ordinance 978 for one month.

### MINUTES

**MOTION** by Mrs. Singleton, second by Mr. Jones, carried unanimously to approve the minutes of May 17<sup>th</sup>, 2023.

### BILLS TO BE PAID

**MOTION** by Mr. Stuban, second by Mrs. Singleton, carried unanimously to pay all bills with two signatures.

### RESOLUTIONS – None

**ORDINANCE** – Advertised in the Beaver County Times for Public Review

- 978 Establishing a fire safety & property maintenance inspection program within the Borough of Baden (**TABLED UNDER THE VISITORS SECTION**)

### BIDS – None

### CORRESPONDENCE

1. Letter from Tetra Tech informing the borough that they will be placing a level 3 fiber optic cable in an existing conduit along the Norfolk Southern rail line from Cleveland, Ohio to Pittsburgh Pennsylvania.

### DEPARTMENT REPORTS

#### MANAGER

1. Theater  
No update.
2. Utility Billing Ordinance Update  
No update.

3. **SPC Regional Traffic Signal Grant**  
No update.
4. **Beaver County ARPA Municipal Infrastructure Grants**  
We received a letter on February 21, 2023 from the county stating that the \$204,000 ARPA funding must be spent by December 31, 2024. This money carries with it, a 20% contribution by the borough. NO UPDATE
5. **Harmony Road Property**  
The county updated the borough cost to a lower amount. Need to get the school district to sign off on the form. NO UPDATE
6. **H20 Grant**  
No updates
7. **T-Mobile**  
Emails and documentation from previous T-Mobile representatives have been sent to the solicitor.  
NO UPDATE.
8. **Up & Running Computers**  
Office clerk's computer crashed. We needed access to the backup. The Manager, MGSoft and the solicitor reached out to Up & Running to get the backup. Promises were made but no backup received. Copies of all their invoices were given to Mr. Bosh to review. We are calculating the total paid for backup service from January 1, 2022 to present. Mr. Bosh will give more insight into this matter under his report.
9. **2022 CCR (Water Quality Report)**  
The engineer is working on the report. It will be posted to our website; Facebook and the link will be posted in the upcoming Newsletter and on the next water bill.
10. **Yard Sale**  
Patsy Borriello dropped off an advertisement he placed in the newspaper for the Baden Community Yard Sale.
11. **Audit**  
The 2022 Audit has been given to council for review and comment.
12. **Water Bills**  
Meters are being read. Bills will be processed and mailed by July 14<sup>th</sup>.
13. **Waterline Project**  
Advertised in the paper for July bid opening.

**PUBLIC WORKS** (written report provided as follows)

**5/1/23 - 5/7/23**

- Pumps and one calls
- Water samples
- Gravel Alley's
- Cut grass
- Summer help started
- Cold patch pot holes
- Fix library toilet

**5/8/23 - 5/14/23**

- Pumps and one calls
- Water samples

- Pumpman fixed prospect pump house check valve
- Cut grass
- Repair Murphy fire hydrant-wasn't closing
- Place property pins at river
- Fill Tevebaugh pot holes

### **5/15/23 - 5/21/23**

- Pumps and one calls
- Water samples
- Cut grass
- Put up banners
- Repair fire department sign

### **5/22/23 - 5/31/23**

- Pumps and one calls
- Water samples
- Cut grass
- Cold patch pot holes
- Wash trucks and sweeper
- Clean up tree that fell in Tevebugh field
- Water finals
- Put up American Flags
- Meet with Westview Engineers

- PW had a meeting with Westview Water about paving Tevebaugh. They are paving what is currently there and they have no plans for installing drainage or widening the road. PW need to install (1) piece of pipe across the road near 715 Tevebaugh Road. This section clogs during heavy rains and washes the road out. (1) catch basin needs installed near walking bridge to cross the creek into ball field. There is a natural spring that constantly runs into the ground. (1) catch basin needs raised at the bottom of Schiller St Ext to bring it up to road grade. These 3 items need to be fixed before the road is paved.
- PennDOT stated they plan to start tar and chipping in the COUNTY on July 10, weather and equipment pending. They do not have an exact date on when they will be in Baden.
- Painting lines will take place after they tar and chip. Tentative start date is August 10, before school begins, which is subject to change.
- Flushing hydrants will tentatively start the week of July 10, subject to change.
- Harmony tank building is framed and sided. Waiting for chlorine tank, HVAC ventilator and louver to be delivered. We are in the process of finding electrician to run power to building and plumber to run water lines to top of tank for mixing station.
- Rochester paving plans on repairing water break patches 3<sup>rd</sup> or 4<sup>th</sup> week of June. Also fixing entrance to the borough building.
- Columbia gas has completed gas line replacement on Phillips St.
- PW have begun repairing catch basins.
- Some kind of ground cover is needed on the hillside at park. When it rains, mud washes down onto the sidewalk and is washing the hillside away. Ground cover would also cut down weed whacking time.
- The State Street Park benches and steps need redone/replaced as it's becoming a safety hazard.
- Roadside chipping begins 2<sup>nd</sup> week of June
- Water shut offs will be 2<sup>nd</sup> week of June and meter reading will begin 3<sup>rd</sup> week of June

Mr. Stuban asked if public works gave a list of trees that need to cut down. Mr. Trzcianka brought up the foreman needing to have his review/evaluation. He also asked why we need to wait until August for line painting. Complaints were received about paving the areas where the waterline breaks occurred. Mrs. Rakovan stated that council approved the paving price at last months meeting and Baden has been added to the contractors paving list. Paving should start the second week of July. Discussion took place regarding hydrant flushing. Chief Baker stated that the fire department is not involved with the hydrant flushing. The fire department needs two people for the hydrant flow testing. Mr. Trzcianka commented that the fire hydrants that the fire department flow tests will be considered flushed so public works will flush the remainder of the hydrants.

## **POLICE DEPARTMENT**

Mrs. Singleton stated that the police are targeting the American Legion. The police are sitting in the car wash and followed a bartender at 2:00 in the morning all the way Ohio River Blvd. Mr. Trzcianka commented that they have the right to follow a vehicle. Mrs. Rakovan asked Mrs. Singleton to get a date and time so that she can have the Police Chief check the cameras and see who was working. Mr. Shelkons questioned this happening within one week of regionalization. Mr. Stuban commented the he has heard nothing but positive comment from residents because they see a greater presence of police within the borough.

Mr. Stuban commented that the regional is working on agreements/contracts for School Resource Officers.

## **FIRE DEPARTMENT**

Chief Baker stated that as far as the inspection program goes, he understand why no one would want to pay any fees. What he feels is important for council and the public to understand is that the purpose of the inspections is community risk reduction and just because there have been no major safety issues within the past 40 years, it does not mean that we should wait for it to happen before we do something to prevent it. Mr. Bosh stated that if a community meeting is held regarding this matter then we will need all the information to communicate to the residents and property owners.

## **CODE ENFORCEMENT**

Mr. Baker stated that he is busy with high grass letters. There are residents who complain about properties because they do not meet their standards but as the CEO there is nothing that can be done because there is no code violation. The Schiller Street property is a problem. The homeowner is moving things around. The porch is collapsing and could probably be condemned. The magistrate fined him and told him to clean the place up. If he doesn't then the borough can cite the property owner again. It is a continuous cycle with this property.

## **COMMITTEE REPORTS**

### **Finance (John Shelkons)**

- General Fund Balance \$187,287                      - Expenses \$370,008
- Water Fund Balance \$378,469                     - Expenses \$160,803
  
- **Budget**

Mr. Shelkons stated that the budget was handed out for review and explained that the Borough uses a cash basis as their accounting method.

- **Water Front Dock Paperwork**

**MOTION** by Mr. Stuban, second by Mr. Shelkons to have the manager sign the Water Front Dock Paperwork.

Mr. Shelkons noted that Mr. Eichhorn had some trees and brush removed along the waterfront at Mr. Eichhorn's expense.

**Public Works, Sanitation & Municipal Authority (John Jones)**

Nothing to Report

**Technology, Social Media, Library & Community Relations (Joe Bosh)**

**Newsletter**

Mr. Bosh commented that newsletter should be mailed out by July 1<sup>st</sup>. We will need to start working on the fall newsletter.

**Up & Running Computer**

Mr. Bosh reviewed and went over invoices from Up & Running Computer Services dating back to January 2022. Every month they billed for some form of backup. We then ask for the backup, they tell the manager and the attorney that they will have the information only to never be received. Every month each computer is charged \$75 for services that includes backup.

Attorney Amato stated that he called Bob (owner of Up & Running) who told Mr. Amato that he thinks he will have everything resolved by this afternoon or tomorrow morning at the latest. Bob never called back. Mr. Amato put another call in to Bob and he didn't call back. Mr. Amato then called Lonnie (employee with Up & Running) and he never called back. Then he gets a call from an attorney in Beaver County and it was followed up with a long meticulous done letter that basically says don't worry about the last invoice I sent in the amount of \$673 (approximately) and in addition a check was included for \$510. This information was turned over to Joe Bosh since he is computer knowledgeable to review the comments.

Discussion took place regarding not having backup and the cost associated with rebuilding files. Mr. Stuban mentioned going after the company for damages. Mrs. Rakovan commented that she would take any backup, even if it is from last year. This would at least create a starting point. Discussion took place regarding filing civil charges for theft of services. Mr. Bosh stated that there is a lot of contradiction in Computer Bob and Lonnie's text messages. Mr. Bosh will review the letter from the attorney. He also commented that you really have to fail hard to completely loss data (backup).

**Library**

Mr. Bosh stated that the library received a \$10,000 grant from the American Library Association. The library made a little over \$1000 on the book sale during the community yard sale. Their summer hours start on June 24<sup>th</sup>. Saturday hours will 10AM to 2PM.

**Administration & Legislation (Doug Miller)**

Nothing to Report

**General Government, Building Property/Grounds, Parks & Rec (Dawn Singleton)**

**Community Yard Sale**

Mrs. Singleton stated that the yard sale went well.

**Harvest Festival**

Applications are being sent out.

**Public Safety (Michael Stuban)**

No comments

**SOLICITOR'S REPORT**

Mr. Amato addressed council in regards to the borough property line. The title company returned all the information from the engineer and made a corrective deed. While doing the research. There are approximately 10 adjoining properties that are encroaching on the borough property (fence, shed....). They recommend sending a form letter to the property owners notifying them that they have encroached on the borough property. The question becomes what does council want to do with the encroachments. Most of the time the encroachment issues come out when a property is being sold. The easiest way to handle the encroachments is to make easement agreements. Each one needs to be looked at individually. There are surveys and cost associated with any action that will be taken.

**ENGINEER'S REPORT**

1. USDA - Water System Improvements - The project is out for bid, due July 17<sup>th</sup>.
2. State Street Waterline Replacement (North to Virginia) - The project is out for bid and bids are due July 17<sup>th</sup>.
3. Storm Inlet Replacements - ARPA Grant -Comments were received from PennDOT on our Highway Occupancy Permit (HOP) submission
4. and we responded to the comments and resubmitted the HOP application to PennDOT on 6/7/23. The HOP is still under review by PennDOT.
5. Boat Launch Permit (GP-3) - PaDEP Submerged Lands License Agreement (SLLA) was approved and was sent to the Borough for signature.
6. DEP Water System Notice of Violation (NOV) – Harmony Water Storage Tank upgrades - The storage building construction is ongoing. WEI has been providing assistance as needed during the equipment ordering and construction process.
7. Delivery of the main disinfection residual management equipment cannot be scheduled until timeframe for completion of the building and delivery of needed equipment (such as sodium hypochlorite storage tank) is known.
8. Consumer Confidence Report (CCR) - WEI is finalizing the CCR with the Borough Manager for distribution in July.
9. DEP Water Service Line Inventory - Waterline inventory is due to be submitted to DEP by October 2024.

Mr. Sadaka asked if council still wants the engineer to write up a bid package for emergency repair services. Council agreed to have the engineer write up the bid package for advertisement.

## **MAYOR'S REPORT**

Not Present

## **PRESIDENTS REPORT**

Mr. Trzcianka asked that the CEO tell Prevention Network to pick their grass up off of Johnson Avenue.

Mr. Trzcianka asked if the tower company got a permit for their generator up at the Harmony water tanks. Are we getting payment for the towers and antenna on the water tanks. Mrs. Rakovan stated that we are getting payments but she can't confirm which towers/antennas are from who. Mr. Trzcianka also asked about the county tower on and payments for subleasing (rent/royalty) from the county.

### **Old Business Not on the Agenda, New Business or Unfinished Business**

Mr. Bosh asked about the guidelines for online streaming of council meetings. Mrs. Rakovan stated that council pursue this because of the cost involved. She will research what all needed and involved as well as what legal guidelines are required by the Sunshine Law.

## **ADJOURNMENT**

**MOTION** by Mrs. Singleton, second by Mr. Jones, carried unanimously to adjourn the meeting at 7:22 PM.

Respectfully submitted for approval,

Borough Manager, Elaine K. Rakovan  
July 12, 2023