

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** NOVEMBER 13, 2007

Council President Ronald R. Rock called the meeting to order at 7:00 PM in Council Chambers of the Economy Municipal Building to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Nick F. Gnarra, Jr., Larry Googins, Arthur O. Mutschler, Audrey Mutschler, Renee Raymer, Donald Sivy, Ronald R. Rock

ALSO PRESENT: Mayor David N. Poling, Dale M. Fouse, Esq., Scott A. Shoup, P.E., P.L.S., Randy S. Kunkle, Borough Manager

Mr. Raymond T. Luppe, Employer Support of the Guard and Reserve (ESGR), gave an overview of Federal information about the rights, responsibilities and benefits of employing a member of the Reserve components, and provided a guide and DVD to help comply with the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and to answer questions regarding employees' service in the Guard and Reserve. Mr. Luppe thanked the veterans in the audience for serving our country.

HEAR THE PUBLIC:

Barb Miller, 209 Fernwood Drive, came before Council regarding the speeding on Park Hill Road. Mr. Kunkle advised we are in the process of performing a traffic study on Fernwood, Park Hill and Woodcroft.

Frank Spinelli, 311 Park Hill Road, also came before Council regarding the speeding on Park Hill Road, problem would be solved if we enforced the speed limit. Officer Lively reported on October 23rd 17.5 volunteer hours were used performing a study; total of 662 cars, 18 citations issued, 5 warnings issued, average speed, 30.35 MPH; 7 out of 10 speeders cited are Economy Borough residents using these roads to get to Cranberry. Mayor Poling suggested calling State representatives to back legislation legalizing radar use by municipalities. Mr. Googins reported being at a seminar and spoke in depth to our State representatives about legalizing radar. Removal of the painted center lines/center rumble strips were suggested.

John Campbell, 123 Gross Drive, questioned PennDOT requirement for a study on Economy Borough roads. Mr. Fouse advised the State, through statute, gives Economy Borough authority to control traffic on borough roads by ordinance, with an engineers conclusions, which makes it enforceable. Mr. Shoup reported in 1999 Pennsylvania amended the Vehicle Code; speed limit without engineering study can be 25 MPH; stop signs require a study. Mr. Fouse reported there are factors for the study an engineer looks at (i.e. weather/roadway conditions, site distance, previous accidents, etc.). Mr. Rock reported Council wants to do this correctly; Representative Ramaley is working on this with us.

Jim Sas, Hamilton Court, stated he feels the stop sign issue has been allowed to be played out in the media; feels Economy Borough should evaluate and enforce the stop signs or take them down. Mr. Rock stated we are trying to close the loop holes with the traffic/engineering studies.

Courtney Barthelemy, 165 Walnut Street, advised speeding is a problem on Walnut as residents are using it as a thruway to Conway Wallrose Road. Mr. Fouse advised there is a developers agreement between Economy Borough and Maronda Homes and officers can enforce the speed limit even though the roads have not been accepted as Economy Borough streets. Ms. Barthelemy advised Council of her concern of residents walking their dogs unleashed in Whispering Pines; State Dog Law requires the dogs be leashed or under control; putting Economy Borough on notice of the unleashed dogs as she has a small child.

Rich Mattern, 109 Roberts Lane, said he has spoken to Randy, Mr. Googins and Mr. Fitzgerald regarding a water problem on Roberts Lane; after the sewer project was done, the road was paved which raised the road; water now runs and pools on his property; feels the problem could be solved if the catch basin is moved 6-8 feet to a flat spot where it will pick up the water; asking that sewer be run down thru there and clean up the property. Mr. Kunkle reported when it rains hard, he tries to review all the problem areas. Mr. Rock asked Mr. Shoup to review this.

Ray Mattern, 2906 Conway Wallrose Road, stated he read the September 11th minutes on the web site and asked why Economy Borough got involved with a PennDOT problem at 1920 Conway Wallrose Road; verified that Economy Borough provided the pipe and the resident provided the excavation. Mr. Kunkle reported there is a law from the 1920s that when there are curbs existing on a state road, PennDOT is responsible from curb to curb for stormwater runoff; beyond the curb line they are no longer involved. Mr. Shoup reported this is correct and it is a PennDOT policy unique to boroughs; many years ago boroughs were more urban in nature and had combined stormwater and sewer systems so PennDOT disallowed themselves from storm drainage beyond the curbs and have put the responsibility on to boroughs; this has been a discussion issue in the Pennsylvania legislature for over 20 years; in this particular case there was a discharge from PennDOT catch basins onto a private property and creating issues; one thing looked at was piping it across part of that property to a better discharge point; the resolution was for the borough to provide the pipe to this resident in lieu of potential litigation. Mr. Rock stated Council believed it is a PennDOT problem; multiple discussions with PennDOT; came up with a resolution; if Council feels a resident has a situation that may be caused by outside circumstances and is not in our control, we need to take control, this is how Council got involved; can't do this for everyone; this is a unique situation and Council handled it as they thought would be the proper way to handle it; it took 9 months to solve the problem; originally there was an agreement for PennDOT to partner with Economy Borough, the PennDOT representative retired and the new representative said no we don't do that and won't take care of it. Mr. Ray Mattern stated he feels Economy Borough is wrong in incurring his estimated \$3,000 cost of the pipe.

Gary Bucuren, 3480 Conway Wallrose Road, requested Council revisit his water issue; his driveway washes out from water run off Mr. Shoup stated he spoke with Earl and Mr. Bucuren could have water run off from the borough street; the resolution would be the installation of a curb some distance back; asked Mr. Bucuren if a curb would be agreeable to him. Mr. Bucuren stated it would depend on what type of curb; an asphalt curb would not hold up; feels it needs a catch basin; provided his telephone number to Mr. Shoup. Mr. Shoup will meet with Mr. Bucuren.

MINUTES:

MOTION by Mr. Mutschler seconded by Mr. Googins – to approve the Minutes of the October 23, 2007, Regular Session of Council, as written. **CARRIED UNANIMOUSLY**

MANAGER'S REPORT:

1. Jerome & Donna Schmitt Subdivision: Mr. Kunkle advised the Schmitt's are requesting a 45 day extension to their subdivision application to the Economy Borough Planning Commission, as the 90 day application period is about to expire.

MOTION by Mrs. Mutschler, seconded by Mr. Gnarra – to authorize a 45 day extension to the Jerome & Donna Schmitt Subdivision application, as requested. CARRIED UNANIMOUSLY

2. 2008 Draft Budget: Mr. Kunkle reported the Finance Committee is looking for ways to bridge at least a \$130,000 gap in the 2008 Budget; all non-essential spending needs to stop until March; paving Cliff Road has been delayed, as an example; the scratch coat that was put down is an improvement but take a look at it when you get a chance; it was really bad for this to be an improvement; we also did not do near the amount of crack sealing that needs to be done to conserve funds; Sunset Hills is a good example; if a cheaper way, other than the computerized access control systems being looked at, can be found to secure the buildings, it need to be done to conserve funds; we'll have to continue to use at least as much cinders in our salt mix for the same purpose; the proposed 2008 budget will be presented at the Tuesday, November 27th meeting for public review and adoption at the December 11th meeting.

Mr. Googins reported Mr. Fouse, Mr. Shoup, Mr. Kunkle and the Public Utility Committee will be meeting Thursday, November 15th to discuss Ambridge Water Authority issues.

MAYOR'S REPORT:

Mayor Poling read the Mayor's Monthly Report for the Police Department for the month of October, 2007, as prepared by Chief Harrington, which will be on file for review in the borough secretary's office.

Mayor Poling received information from the Beaver County Commissioners advising that the 2 locations for the 9-1-1 location are still under study.

COMMITTEE REPORTS and OTHER BUSINESS:

PROPERTY and BUILDING:

Mr. Sivy reported a valve is leaking in the municipal building between the walls of the men's/ladies rest rooms; if camering between the walls is a cost factor, pipes could be run externally on the inside of the men's room; the exterior light on the Community Building has been installed.

Mr. Sivy and Council discussed and decided to transfer the decommissioned police vehicle to the Code Enforcement Office from the Police Department.

MOTION by Mr. Sivy, seconded by Mrs. Raymer – to authorize the bidding out of the 1995 Jeep Cherokee (Vin. 1J4FJ68S5SL552069), as is, where is. CARRIED UNANIMOUSLY

PUBLIC SAFETY:

Patrolman Lively reported applying for and receiving the Buckle Up PA “Click It or Ticket” Project grant; Economy Borough would agree to contribute resources to the enforcement mobilization equivalent to 10% of the man hours reimbursed by Buckle Up PA; payment must be made to the officers before Buckle Up PA can reimburse Economy Borough; reimbursement will be received within 14 days of request; have to write a primary violation and a seat belt violation.

FINANCE COMMITTEE:

** November 27, 2007: Mrs. Mutschler requested Page 356 of the November 13, 2007, Minutes under the Finance Committee Report, be amended to read: “ Mrs. Mutschler questioned paying the mileage on a meeting that hasn’t been attended yet.” .

MOTION by Mr. Gnarra, seconded by Mr. Sivy – that all bills listed and properly signed off and approved by the appropriate supervisor of that department be approved for payment. CARRIED UNANIMOUSLY

ROAD DEPARTMENT:

Mrs. Mutschler asked if the Road Committee had a meeting to open the road contract. Mr. Googins stated there was a meeting regarding the vacation bidding for next year; can only do what the contract says. Mrs. Mutschler stated Council should have been made aware of the meeting as it caused overtime. This personnel issue will be discussed in Executive Session.

ORDINANCE and RECREATION:

No Report

PUBLIC UTILITIES

Mr. Googins reported the Public Utilities Committee met and will meet again Thursday, November 15th as previously reported.

REPORTS:

SECRETARY:

No Report

ENGINEER:

Mr. Shoup reported Stanley Dulsky was at the Oct. 23rd meeting regarding a front yard drainage issue; since the meeting, has reviewed this issue with Earl and has met with Mr. Dulsky as well as other neighbors; Mr. Dulsky felt that perhaps there has been an increase in his front yard drainage problem since the installation of the under drain; the under drain is doing what it is suppose to do, taking water and putting it in the storm sewer system; removal of the under drain will not improve the situation; there was no chlorine in the sample tested by Mr. Zaluski; no water in the curb box to get a sample; can’t say for certain where the water is coming from; can say for certain it is not coming from the under drain and it is not coming from the road; his opinion it is one of 3 things; 1) a spring off the street somewhere is feeding his old water line ditch and surfacing in his yard; 2) perhaps it is coming down the sewer line ditch, filling up the sewer line ditch and spilling over to the old water line ditch and surfacing in his yard; or 3) a waterline break on his service line somewhere which is surfacing in his yard.

SOLICITOR:

MOTION by Mr. Gnarra, seconded by Mrs. Mutschler – to authorize the carrier to spend insurance dollars and settle the Klimkowski case. - CARRIED UNANIMOUSLY

Mr. Fouse reported filing the declaration of taking consistent with Council's authorization; has served the condemnees and will be meeting with 1 condemnee tomorrow.

MOTION by Mr. Mutschler, seconded by Mr. Sivy – to enter into Executive Session to discuss personnel policy, with possibly a vote. Time: 9:30 PM

***Yes – Mr. Gnarra, Mr. Googins, Mr. Mutschler, Mrs. Raymer, Mr. Sivy
No – Mrs. Mutschler***

Motion carries by a 6 Yes, 1 No vote.

***MOTION by Mrs. Raymer, seconded by Mr. Sivy – to return to the regular order of business.
Time: 10:35 PM CARRIED UNANIMOUSLY***

ADJOURNMENT:

***MOTION by Mrs. Raymer, seconded by Mr. Sivy – to adjourn the meeting. Time: 10:35 PM
CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum
Borough Secretary
November 21, 2007