

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** DECEMBER 11, 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., Norman Shoup, P.E., Earl Fitzgerald, Road Foreman, Randy S. Kunkle, Borough Manager

HEAR THE PUBLIC:

Stanley Dulsky, 112 Gross Drive, came before Council regarding the status of his request for help with a water issue in his front yard; feels it may be caused by a sagging perforated pipe installed across the road from his house by Economy Borough after the EBMA sewer project. Mr. Shoup reported the purpose of the under drain was to dry up the water; water takes the path of least resistance; would have to look at this more specifically. Mr. Dulsky stated there is no water running in the catch basin. Mr. Mutschler suggested a dye test. Mr. Shoup stated this could be done anytime as long as it is not frozen; blue dye would be used. Council requested Mr. Shoup perform the dye test.

Rich Mattern, 109 Roberts Lane, asked the status of his water problem on Roberts Lane. Mr. Shoup stated he personally looked at this today and would like to meet with the Road Committee with a possible solution and have the committee get back to Council.

Gary Bucuren, 3480 Conway Wallrose Road, stated he feels there are things being overlooked that could help save taxpayers money and suggested to: do police vehicle maintenance on site instead to taking to Baierl at \$70/hour; he is a certified inspection mechanic and the municipality he works for does their own maintenance; not buy Peterbilt trucks for the Road Department (Mike Miller, Peterbilt, told him he specs out the trucks so no one else can bid on them); have the Road Department personnel load their own trucks with salt and cinders when they come in for a new load; not have borough vehicles taken home while the employee is on vacation; have the Road Department personnel do other maintenance work (i.e. plumbing, electrical, etc.) around borough property on slow days, etc.; feels that money is being wasted.

John Holbrook, 255 Campbell Drive, verified that at the last meeting Council voted to adopt the proposed 2008 Budget without raising taxes; verified that the total proposed property tax projection is due to reassessments; verified that the total proposed Earned Income Tax collection is due to the change over from in-house to being outsourced. Mr. Gnarra advised Council did not/will not have all the expense of in-house collections which will offset the decreased revenue; we are in a catch up cycle due to the transition from in-house to outsourced.

MINUTES:

MOTION by Mr. Sivy, seconded by Mr. Gnarra – to approve the Minutes of the November 27, 2007, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR'S REPORT:

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

Mayor Poling reported he was under the assumption that pure salt would be used on the roadways once the salt shed was built, to avoid the black volcanic muck left on the roadways from using a mix; has to be costly to clean this up. Mr. Rock asked the Road Committee to look at the cost for straight salt. Mr. Googins stated the Salt Institute is a resource that could provide data; below 17 degrees salt is ineffective; the cost of clean up vs. the cost of straight salt would have to be considered. Mrs. Mutschler suggested a test area. Mr. Fitzgerald stated they now use a 1:1 ratio. Mr. Googins suggested straight salt after the roads are swept in the Spring.

Mayor Poling questioned the \$2,842.36 Hanson bills for the repair to the Police Department parking lot. Council directed to pay \$700.00 (for Tower Road) from 01.438.100 and \$2,142.36 (for the Police Department parking lot) from 01.410.372.

Mr. Mutschler asked how much damage was done to car # 315. Mayor Poling stated approximately \$2,500; the passenger rear door was damaged in a high speed chase; no one was hurt.

MANAGER'S REPORT:

1. 2008 Budget: Mr. Kunkle advised the 2008 Budget has been advertised and is ready for adoption.

MOTION by Mr. Mutschler, seconded by Mr. Sivy – to adopt the 2008 Budget.

Roll Call Vote:

Abstain- Mr. Gnarra

Yes – Mr. Googins, Mr. Mutschler, Mrs. Mutschler, Mrs. Raymer, Mr. Sivy & Mr. Rock

Motion carries by a 6 Yes, 1 Abstention vote.

2. 2008 Tax Ordinance No. 415: Mr. Kunkle reported Ordinance No. 415 has been advertised and is ready for adoption.

MOTION by Mrs. Raymer, seconded by Mr. Googins – to adopt Ordinance No. 415 setting the Property Tax Rate for the fiscal Year 2008 at 14 Mills.

Roll Call Vote:

Abstain- Mr. Gnarra

Yes – Mr. Googins, Mr. Mutschler, Mrs. Mutschler, Mrs. Raymer, Mr. Sivy & Mr. Rock

Motion carries by a 6 Yes, 1 Abstention vote.

3. Jerome & Donna Schmitt Subdivision (former Monte Cello's): Mr. Kunkle reported variances were granted on Nov. 19th; Economy Borough Planning Commission recommended approval on Dec. 3rd contingent upon receipt of Attorney Taylor's findings and the Mylar being updated to reflect the date and substance of the variances; if these two items are resolved the recommendation is to approve the subdivision, which separate the house from the restaurant, in compliance with the Beaver County and EB Planning Commission's recommendations; if neither occurs the Schmitt's will have to request another extension. Mr. Shoup advised this property is a non conforming use in a residential area; each building has a separate sewer tap.

MOTION by Mr. Sivy, seconded by Mrs. Raymer – to authorize the Schmitt Subdivision with the recommendations and conditions set forth by the Economy Borough Planning Commission and the Beaver County Planning Commission contingent upon the receipt of Attorney Taylor's Findings of Fact and Conclusions of Law and the Mylar being updated to reflect the date and substance of the variances. CARRIED UNANIMOUSLY

4. Conway Permit Fee Request: Mr. Kunkle reported the estimate for the inspection by the code enforcement officer for the water tank being built by Conway on East Ridge Avenue. Mr. Gnarra verified that Ray would be the inspector as this is commercial. Mr. Fouse legally advised to not grant any reduction; the permit fee is generally based upon the cost to conduct the inspections; we should accept the permit fees based upon the analysis (formula) that was done; if we try to reduce the fee, we could end up in a challenge situation. Mr. Kunkle will inform Conway and the Ambridge Water Authority their requests are denied. Mr. Gnarra suggested the fees be reviewed in the future to see if there are other areas with similar types of structures; we do not want to deter anyone from building in Economy Borough. Mr. Shoup suggested another category may need to be added. Mr. Kunkle stated this is a unique structure and the fee was based on a square foot formula; there is a lot less going into this particular structure than a department store.

5. AWA Permit Fee Request: This request is also denied.

6. Appointments: Mr. Kunkle advised of appointments for the Planning Commission; Zoning Hearing Board; Municipal Authority and Recreation Board. Mr. Mutschler thought Council was going to cut the number of members on the Planning Commission. Mr. Googins stated he does not feel the need of 9 people on the Planning Commission; the 2 appointments tonight do participate at every meeting; several of the members do not attend every meeting; asked Council to think about reducing to 7 members in the future. Mr. Gnarra suggested advertising for the vacancy on the Planning Commission and the Recreation Board.

MOTION by Mr. Mutschler, seconded by Mrs. Raymer – to reappoint Dave Carlson and Audrey Mutschler to another four (4) year term on the Economy Borough Planning Commission, term expiring 12/31/2011 (the vacancy left due to the death of Tony Pane is still unfilled). CARRIED UNANIMOUSLY

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to reappoint Karla Travis to another three (3) year term on the Zoning Hearing Board, term expiring 12/31/2010. CARRIED UNANIMOUSLY

MOTION by Mr. Sivy, seconded by Mrs. Raymer – to reappoint James J. Sas to another five (5) year term on the Economy Borough Municipal Authority, term expiring 12/31/2012. CARRIED UNANIMOUSLY

7. Re-organization Meeting: Mr. Kunkle reported this meeting is required to be held on the first Monday of even number years, therefore January 7, 2008; suggested is to reschedule the first meeting of the month (the 8th) to this date as well and advertise as such; at this meeting, Mr. Rock, Mrs. Mutschler and Mr. Thomas will be sworn in by District Magistrate Ed Howe; Mayor Poling presides while the president is nominated and voted

for; a Vice-President is then nominated and voted for, conduct any other business that comes before Council not limited to appointing a chairman to the Vacancy Board, advertising regular meetings and the President may appoint committees at this time. In order to keep the proposed zoning ordinance change process moving in a timely manner, the Planning Commission voted to hold its public hearing on the same night (its regular meeting night). Both meetings have to be advertised, it is suggested given the gravity of the Zoning changes that the PC's meeting be held in Council Chambers and Council move next door to the Community Building.

MOTION by Mr. Googins, seconded by Mrs. Mutschler – to authorize the advertising of the Re-organization Meeting on January 7, 2008, in the Community Building to re-organize and consider any other business that may come before Council ; Council will not meet on Tuesday January 8, 2007. CARRIED UNANIMOUSLY

Question on the motion: Mr. Gnarra asked if the President would have time to set committees in order to conduct business and pay the list of bills. Mrs. Mutschler suggested Mr. Kunkle could present the list of bills.

8. Office Assistant Position: Mayor Poling asked the status of the office assistant position. Mr. Kunkle reported 2 interviews have taken place, more are scheduled; not ready for a recommendation. Mayor Poling asked how much the position pays. Mr. Kunkle advised this is determined by Council.

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC UTILITIES:

Mr. Googins reported Ambridge Water Authority has not yet replied to our letter requesting a meeting.

PROPERTY and BUILDING:

Mr. Sivy reported the Police Building roof shingles need replaced soon. Mr. Kunkle reported the building has dimensional shingles which were never nailed down correctly causing air to lift under the shingles, then the nail heads tear holes in the shingles; sample shingle is in the borough office. Mr. Sivy asked Mr. Kunkle to research to see if there is any warranty regarding the roofer.

PUBLIC SAFETY:

Mrs. Mutschler asked that funds for the proposed security system be rolled over from 2007 to 2008 from Minor Equipment. Mr. Googins asked if the Computer Equip/Maintenance overage would be offset by the balance in Minor Equipment. Council decided to have Mr. Kunkle schedule demonstrations from other security vendors; separately. Mr. Gnarra suggested Council could decide to use the funds for the proposed security system possibly from the \$9,200 in the capital improvement plan line item; even if a line item is over/under budget, the bottom line is the total for that department. Mr. Sivy reminded Council the police building needs a new roof and a budget is not a checkbook.

FINANCE COMMITTEE:

Mr. Gnarra asked if there were any questions on the list of bills. Mr. Googins questioned paying every member of the Planning Commission for every meeting and paying every member of the Zoning Hearing Board only for meetings attended and that the Zoning Hearing Board solicitor bill looks excessive. Mr. Gnarra stated Council

would have to change the rules for payment. Mr. Kunkle reported the MPC allows the Zoning Hearing Board the authority to hire their own solicitor. Mr. Googins questioned the \$1,698 bill to 1st Out Specialty Equipment. Sgt. Hartsell stated this was to revamp the center console height in car #312 as it rubbed against his holster and ruined it; also included was a new computer mount; new siren box and light box; now it is one module. Mr. Sivy questioned the Triangle Pet Control bill. Mrs. Mutschler stated the present agreement expires October 31, 2008, and does have a provision for removal and disposal of deer carcass whenever possible, for a \$45/\$75 fee.

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, including the two (2) Hanson bills totaling \$2,842.36. CARRIED UNANIMOUSLY

Mr. Rock, on behalf of Council, thanked Mr. Gnarra for serving Council since January, 1999; great privilege working with Mr. Gnarra since he was elected in 2000; Mr. Gnarra has been his Finance Chairman for the past 6 years he has been Council President; Mr. Gnarra has done a commendable job; Economy Borough residents should be proud of the job he has done for them for the last 9 years; thanked Mr. Gnarra for his services and hope it will not be the end of his services; will miss Mr. Gnarra as he is extremely valuable and his knowledge is insurmountable; enjoyed working with him; thank you for everything you have done for Economy Borough.

Mr. Gnarra thanked Council and Economy Borough; has enjoyed the past 9 years working for the people of Economy Borough; and has tried to do the best job he was elected to do which is to watch their concerns, to make sure we do what they would like us to do, cost effectively whenever possible; there are times unfortunately that taxes have to be raised; wished we had a revenue stream that allowed us not to, but do not have that presently; has enjoyed the time the other Council Members have given with him; sometimes Council disagrees, but that is what Council is elected for; there has to be differences of opinion so it can work properly; he has enjoyed serving the community.

ROAD DEPARTMENT:

Mr. Mutschler read the Road Department Report for November/December, 2007, as prepared by Mr. Fitzgerald, which will be on file for review in the borough secretary's office.

ORDINANCE and RECREATION:

Mr. Fouse reported he has reviewed the law as it relates to the enforcement of stop signs in Economy Borough with Scott Shoup; has researched the law specifically in relationship to the requirement of an engineering study; the law as it presently exists has language that requires an engineering study to support the erection of a stop sign; the research trail took them thru a series of Commonwealth regulations back to 1977; in 1977 was the first time there was language that required an engineering study; in all the regulations that were amended from 1977 to present there is also language that says that the act/regulations originally does not apply to currently existing, presently erected stop signs; therefore, the first conclusion will be (will put in writing to the Ordinance/Public Safety Committee) that any stop sign in Economy Borough that was erected prior to 1977 does not require an engineering study and is enforceable; what constitutes an engineering study; based on his review of the law and talking with Scott, there are warrants reviewed by the engineer; they determine the necessity for a stop sign at a particular location, all the laws reviewed state it is the engineers judgment that determines the location and erection of a stop sign; all the laws reviewed say it is the engineers judgment that determines the propriety of the location of the stop signs; the warrants are used as a guide, but are not the end all; with the two conclusions – would like to sit down as a committee and draft an ordinance that will be enforceable for as many of our stop signs as we can; in February, 2006 the NUTC, Federal Law was adopted by the Commonwealth of PA – that language clearly states you have to have an engineering study; again an

engineering study is necessary for the enforceability of a stop sign; there is language in the Federal Act that says any pre existing stop signs does not have to comply with the terms of this act; when all the regulations are pooled together, believes we can craft an ordinance that can support the stop signs to the highest courts, if necessary; requesting authorization of a committee to sit with himself and the engineer; the committee will be Mr. Fouse, Mr. Shoup, Chief Harrington, Mrs. Mutschler, Mrs. Raymer, Mr. Kunkle and Mr. Rock; will need an accurate count of stop signs and approximate installation dates. Mr. Shoup stated they have stopped the study on the one specific stop sign pending the draft ordinance.

REPORTS:

SECRETARY:

No Report

ENGINEER:

Mr. Shoup reported they are still gathering the information necessary on the speed study on Woodcroft and Park Hill; getting close to a recommendation.

SOLICITOR:

Mr. Fouse reported receiving some inquiry calls with questions and comments from the tenants of the Northern Lights Shopping Center; this is regarding the hand delivered Eminent Domain (providing direct access from SR 65 to a commercial district) information; has a meeting next week with the Zamias attorney; should have the writ of possession in January 2008, which gives ownership, if there are no objections.

PRESIDENT:

Mr. Rock requested a motion to cancel the next scheduled meeting, Tuesday, December 25th.

MOTION by Mr. Mutschler, seconded by Mrs. Raymer – to cancel the Tuesday, December 25th meeting and meet next on Monday, January 7, 2008. CARRIED UNANIMOUSLY

Mr. Gnarra reported he surrendered to the secretary this evening all code books and keys; requested a letter stating he has been removed as a trustee of the Pension Plans and all bank accounts.

ADJOURNMENT:

***MOTION by Mrs. Raymer, seconded by Mr. Googins – to adjourn the meeting. Time: 9:45 PM
CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum
Borough Secretary
December 31, 2007