

**REGULAR SESSION \*\* ECONOMY BOROUGH COUNCIL \*\* OCTOBER 28, 2008**

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:** Larry Googins, Arthur Mutschler, Audrey Mutschler, Renee Raymer, Donald Sivy, John C. Thomas, Ronald R. Rock

**ALSO PRESENT:** Mayor David N. Poling, Dale M. Fouse, Esq., Randy S. Kunkle, Borough Manager, Earl Fitzgerald, Road Foreman

William Vescio, President, Bryon Funding, Inc., gave an update and a market commentary of the Police Pension Fund and the Non Uniformed Pension Fund for the Third Quarter, 2008.

**HEAR THE PUBLIC:**

Gerry States, Silverdale Drive, requested a copy of the proposed budget. The proposed budget will be available for the public review period after it is presented.

Chad Lively, advised there are some line items in the proposed budget that may be issues; each full time officer is contractually permitted 1 over time shift per pay; next year 2 officers will be gone until October and there are contractual issues like 185 vacation days; 36 personal days; 14 sick days per officer; feels with all this time off \$30,000 full time over time is not enough in the budget; would not like to see the police department blamed for going over their over time budget possibly by May. After discussion it was decided to reduce Capital Improvement by \$30,000 and add the \$30,000 to full time over time. Mr. Rock advised Mr. Lively that he is now on record and the onus is now on Council if there is a shortfall.

Gerry States, Silverdale Drive, verified that all department heads did in fact had input in the proposed budget.

Butch Thompson, First Street; asked how many full time officers work a shift. Mayor Poling advised, per the contract, 2 full time officers work per shift; Economy Borough is larger than Cranberry in square miles. Mr. Thompson suggested 1 full time officer, 1 part time officer and Chief Harrington could respond to calls during the daylight shift.

**MINUTES:**

Mayor Poling questioned Page 9, the answer from Mr. Fouse regarding the question from Mr. Thompson for a report on the Attorney Generals investigation. Mr. Fouse stated the minutes were accurate in terms of what was said; the Commonwealth Attorneys Act does not specify how the Attorney General reaches a conclusion in a case. Mrs. Mutschler stated Council should require a finding of fact of the Attorney General. Mr. Fouse stated perhaps Beaver County District Attorney Berosh could request a written report from the Attorney General;

can't guarantee a written report. Mrs. Mutschler reminded Council of the tabled letter from Mr. Creese and Mr. Orsini on military pay. Mr. Fouse would like to discuss this in Executive Session.

Mrs. Mutschler requested that Page 11 be corrected to reflect that she requested to know where the money was coming from for the used 1991 Woodchuck Limb Chipper.

***MOTION by Mr. Thomas, seconded by Mr. Sivy – to approve the Minutes of the October 14, 2008, Regular Session of Council, as corrected. CARRIED UNANIMOUSLY***

**MAYOR'S REPORT:**

No Report

**MANAGER'S REPORT:**

**1. Resolution No. 421 – 2% Loan:** Mr. Kunkle reported this is for the crack sealer.

***MOTION by Mr. Googins, seconded by Mr. Mutschler – to adopt Resolution No. 421 authorizing a small borrowing for capital purposes under section 8109 of the Local Government Unit Debt Act. CARRIED UNANIMOUSLY***

**2. Beaver County Planning Commission-Storm Water Management Program:** Mr. Kunkle reported Economy Borough has partnered for the past few years with Beaver County and other county municipalities to jointly advertise for a pro rated share of the cost to advertise under the MS4 requirements of the Storm Water Management Act and recommends partnering again this year.

***MOTION by Mr. Thomas, seconded by Mr. Googins – to authorize participation in advertising with Beaver County Planning Commission under the requirements of the Storm Water Management Act. CARRIED UNANIMOUSLY***

**3. Private Portion of Third Street:** Mr. Kunkle summarized the report from Shoup Engineering on the private portion of Third Street from the request of the residents at the September 23rd meeting. The report states: Shoup has reviewed the codified ordinances as it relates to Economy Boroughs ability to accept private streets; roads must have a 40' right of way, 22' cart way and 40' radius for a cul de sac; conducted an on-site review of the private portion of Third to assess its condition; road cartway asphalt is in poor to good condition; the road is approximately 555' long according to the tax map records; the road lacks the 22' cart way and 40' radius requirement for a cul de sac and no right of ways exist for a cul de sac; base failure is evident; suggests 4-5 core samples to see if it meets standards; have not prepared an estimate of cost to upgrade the road to be in a position for acceptance by Economy Borough, however, the required widening, base repair, and paving will not be inexpensive; if Council wishes a cost estimate he will prepare it. Mr. Rock stated perhaps it would not be feasible for the residents to make the improvements. Mr. Thomas asked how much damage is there to the road. Mr. Fitzgerald stated individual residents take care of in front of their homes; some seal the road some do not. Mrs. Mutschler questioned if there has been any contact from the residents. Mr. Kunkle advised no. Mr. Fitzgerald suggested the old cold patch left by Lindy Paving\*\*\* could be used to help repair the road. Mr. Fouse advised to not use a borough truck to move the cold patch. Mr. Rock asked that the residents be contacted to use their pick up truck to move the cold patch. Mr. Fitzgerald will contact them. \*\*\* Corrected Nov. 11, 2008 – to read “The cold patch was at no cost to Economy Borough”.

**4. Amsler Ridge Rd.:** Mr. Kunkle advised as reported by a resident at the September 9<sup>th</sup> meeting, the portion of Amsler Ridge Rd. near where timber harvesting was done is a safety concern; Mr. Fitzgerald measured and 300' of guiderail at an estimated cost of \$3,986.00 could be taken from line item 01.430.260 which has a \$8,000 budget. Mr. Thomas reported he viewed this area and Council needs to do something with it.

*MOTION by Mr. Mutschler, seconded by Mr. Sivy – to authorize the installation of 300' of guiderail on Amsler Ridge Road at an approximate cost of \$3,986.00 from line item 01.430.260.*  
**CARRIED UNANIMOUSLY**

**5. COG Winter Commodities 2008-2009:** Mr. Kunkle reported the COG Winter Commodity contract prices are: \$64.14/ton for salt from Central Salt and \$10.50/ton for cinders from Olisterio and recommended executing contracts for same.

*MOTION by Mr. Googins, seconded by Mr. Mutschler – to authorize execution of contracts for COG pricing of \$64.14/ton for salt from Central Salt and \$10.50/ton for cinders from Olisterio.*  
**CARRIED UNANIMOUSLY.**

#### **COMMITTEE REPORTS and OTHER BUSINESS:**

##### **PUBLIC SAFETY:**

No Report

##### **ROAD DEPARTMENT:**

Mr. Mutschler reported Peters Township has accepted Economy Borough's offer of \$2,800 for the purchase of the 1991 Woodchuck Limb Chipper to be paid from line item 01.432.750; motion was made at the last meeting.

##### **ORDINANCE and RECREATION:**

Mr. Thomas reported the Recreation Board would like to have the park on Recreation Drive officially renamed and dedicated to the memory of Jeffrey B. Meddock Recreation Park; Jeff passed away on October 3, 2008 of a brain aneurysm at the age of 38; Jeff was instrumental in starting the basketball program and sand volleyball courts at Recreation Drive that continue today. Mrs. Mutschler stated pricing for a sign in the amount of \$600 has been obtained from National Sign similar to the current Welcome to EB signs (installation by the Road Department) or an engraved stone monument from Monaci (a resident) for approximately the same price. Mr. Rock asked Mr. Kunkle to draft a resolution. Mr. Thomas stated if more information is needed to contact Mr. Hideck.

##### **PUBLIC UTILITIES**

Mr. Googins reported Ambridge Water Authority (AWA) still have undefined electric problems at the Conway Wallrose Road water tank.

Mr. Googins reported AWA has installed a new hydrant. Mr. Thomas reported AWA emails him regularly on hydrant repairs.

Mr. Thomas reported the new fire station on Ridge Road Ext. is waiting for a road opening permit from PennDOT (this is a state road) before Columbia Gas will make their hook up. Mr. Fitzgerald said he would call the municipal services representative of Columbia Gas.

### **PROPERTY and BUILDING:**

Mr. Sivy reported three doors were replaced, 2 at the road department and 1 up the ramp of the Community Building; Duquesne Light has not yet hooked up the electric to the salt shed.

### **FINANCE COMMITTEE:**

Mrs. Raymer presented the proposed 2009 Budget with no tax increase and reducing \$30,000 from Capital Improvement and increasing \$30,000 to full time police over time. Mrs. Mutschler questioned what the lights were on page 7 of 8. Mr. Kunkle reported this is budgeted to pay for streetlights not covered by Liquid Fuels. Mayor Poling questioned why the Interest Income budget is down. Mr. Kunkle reported this is due to the low bank interest rates. Mr. Sivy asked that quotes from other insurance companies for the health care for both the police and the road department be obtained in order to reduce the budgeted health care line items. Mr. Kunkle reported the police do not want to renegotiate this before next year when their contract is up for negotiation. Mr. Thomas reported the contract states the borough has a right to change as long as the new carrier proves the same or better benefits; if offered better and Council can save \$30,000-\$40,000 per year, it is something Council should move on. Mr. Kunkle reported 2 agents claim they can get the items provided by the Teamsters and 1 agent said the Teamsters package is too difficult to duplicate. Mr. Sivy asked Mr. Kunkle to work on this. Mrs. Mutschler stated if the insurance is apples to apples Council would change it. Mr. Thomas said if it is equal or better, the decision is up to Council. Mr. Googins stated many of the COG members are struggling with the health care cost issue. Mr. Kunkle stated all the proposals increased the deductible which would be paid for by the borough; it's a matter of if the insurance coverage is exactly the same. Mayor Poling questioned page 3 of 8, Municipal Building repairs, \$20,000. Mr. Sivy reported this is budgeted for new lights and doors. Mr. Googins explained how a Capital Improvement Plan is suppose to work; budgeted funds for long term future expenditures depending on what Council wants to fund, not ongoing building repairs. Mrs. Mutschler asked if the crack sealer would be paid for out of this year's budget. Yes. Mayor Poling stated we are running out of time. Mrs. Mutschler questioned the increase in Local Services Tax from (\$5.00) \*\*\*Corrected Nov. 11, 2008 to read "\$10.00" \*\*\* to \$52.00. Discussion followed and it was decided to reduce the increase to \$26.00. Mayor Poling questioned what the fund balance would be at the end of the year. Mr. Googins advised the projected fund balance is -\$573,000; about as low as can go +/- a couple thousand dollars to get through next year. Mr. Sivy questioned if this was enough to get over the hump to the next tax season. Mr. Googins stated January, February and March are the tough months until the tax revenues come in; Council has made the same conclusions in different ways. Mrs. Mutschler questioned the Road Department overtime budgeted at \$45,000. Mr. Kunkle stated the budgeted \$45,000 is for the worse case scenario on winter snows. Mrs. Mutschler questioned if they could work split shifts to plow. Mayor Poling questioned what is the local codes enforcer. Mr. Kunkle advised currently Economy Borough has a code enforcement officer and an assistant code enforcement officer whose registration to inspect runs out in April; advice to Council is to not rely on 1 guy to be building inspector; need to have a plan, which would be approved by Council; this is purely a budget tool to have in place to solve how to do this. Mr. Googins stated this would not be a building inspector it would be someone to enforce Economy Borough codes. Mayor Poling questioned about the budget for in-house paving and contracted paving. Mr. Googins advised this is to catch up for the past 2 years when no paving was done.

Mr. Fitzgerald advised the roads need to be prioritized; the roads by the Junior High are gone; Marr, Stange, First, Tevebaugh, Freedom, etc. Mayor Poling asked if the small roads will be done in house. Mr. Fitzgerald advised they will be looking at renting a paver to stretch the money. Mr. Googins stated we should pave 3 miles of roads a year, but the contracted price would be \$600,000. Mr. Fitzgerald reported Economy Borough has 52 miles of roadway and they have been paving ½ mile per year. Mr. Googins stated he compares Economy Borough with Brighton Township; same size; they have eliminated contracted paving this year and next year; they are going to raise taxes to make up for it. Mayor Poling questioned if the prioritized roads are for in house and contracted paving. Mr. Fitzgerald advised Mr. Shoup would help prioritize the roads; roads over 21' are too big for the borough paver. Mr. Sivy asked if the LST tax was finalized. Mr. Fouse advised an ordinance had to be passed by December 1<sup>st</sup> in order to implement the new tax amount.

***MOTION by Mrs. Raymer, seconded by Mrs. Mutschler – to draft an ordinance to increase the Local Services Tax from \$10.00 to \$26.00 per year. CARRIED UNANIMOUSLY***

***MOTION by Mrs. Raymer, seconded by Mr. Googins – to adopt the proposed 2009 Budget with no tax increase and authorizing advertising for the public review period. CARRIED UNANIMOUSLY***

### **REPORTS:**

#### **SECRETARY:**

No Report

#### **ENGINEER:**

No Report

#### **SOLICITOR:**

Mr. Fouse advised no new report on Ambridge Water Authority litigation; has filed a 10 day notice; 68 days old.

Mr. Fouse reported no new information with the eminent domain proceedings; Giant Eagle filed an appeal; Judge Kwidis now has to write an opinion.

Mr. Fouse reported he, Mr. Kunkle and Mr. Rock have been subpoenaed by Pat Skonieczny to appear at an arbitration hearing at the Beaver County Courthouse, Monday, November 3<sup>rd</sup> at 10:30 AM regarding a claim against the contractor of the EBMA Phase II; tried to have Mr. Rock and Mr. Kunkle excused, but could not; advising as this will cost Economy Borough to spend money on their attorney.

Mr. Fouse has one item for Executive Session; personnel item involving military leave policy with no vote.

#### **HEAR THE PUBLIC II:**

Butch Thompson asked if there is no Attorney General's report, how do we get to the bottom of this; will we ever find out what went wrong or what happened; if they never give a report how to find out what happened; can the borough manager give a report on what happened. Mr. Fouse asked Mr. Thompson to write down his specific questions. Mr. Thompson stated people have a right to know; he called the Attorney General and they won't give him information. Mrs. Mutschler felt Mr. Thompson wants to know why there were here in the first

place. Mr. Rock said Council should not make a comment. Mr. Fouse would like to bring a closure to this; as an independent agency, the Attorney General's office, has not told Economy Borough they have finished their investigation. Mr. Thompson would like the newspaper to report on this again. Mr. Fouse said no official statement from Economy Borough should come until the Attorney General provided in writing that this investigation is closed or concluded. Mr. Thompson said he will wait it out; shame to lose all that money and never know what happened. Mrs. Mutschler stated it is not over or forgotten. Mr. Thompson stated he feels he deserves an explanation. Mr. Rock stated Council can't give an explanation. Mr. Sivy said Council would like the same answers. Mr. Rock stated he was interviewed for 2 ½ hours by the investigators.

***MOTION by Mrs. Mutschler, seconded by Mrs. Raymer – to enter into Executive Session to discuss a personnel item involving military leave policy with no vote. Time: 9:15 PM CARRIED UNANIMOUSLY***

***MOTION by Mr. Sivy, seconded by Mrs. Mutschler – to return to the regular order of business. Time: 10:05 PM CARRIED UNANIMOUSLY***

Mr. Rock advised a personnel item involving military leave policy was discussed with no vote.

**ADJOURNMENT:**

***MOTION by Mr. Sivy, seconded by Mrs. Mutschler – to adjourn the meeting. Time: 10:05 PM CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum  
Borough Secretary  
October 30, 2008