

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** NOVEMBER 11, 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., Scott A. Shoup, P.E., P.L.S., Randy S. Kunkle, Borough Manager,

HEAR THE PUBLIC:

Wayne White, 109 Chestnut Court, came before Council regarding the condition of the property owned by William Bajak, 795 Amsler Ridge Road, and Mr. Bajaks brother across the street, after timber harvesting was done; talked with Joe Luff, CEO, about this today; feels they raped the land; concerned about the dumping at Orchard Estates and along Amsler Ridge Road; said even Economy Borough dumped there; has turned people into the police; is a realtor and feels this is bringing down property values in this area. Mr. Rock asked Mr. Kunkle to talk to Mr. Luff to prioritize this to see exactly what Economy Borough can do as a borough to rectify this situation; the new zoning ordinance was enacted April, 2008.

Rich Mattern, 109 Roberts Lane, came before Council asking the status of his water problem reported to Council this Spring; wet season is coming. Mr. Kunkle reported the catch basin was lowered. Mr. Shoup reported when he viewed the site he left a card for Mrs. Hartle to contact him and she never did; he will get with Mr. Fitzgerald again; perhaps a second catch basin, unless we can go on the neighbors property and change the pipe. Mr. Mattern said there is a 10' right of way for the drain.

Larry Jacob, 105 Chestnut Court, came before Council, asking if there was any danger or threat of packs of mixed breed dogs roaming in neighborhoods. Officer Lively reported there are coyotes in Economy Borough; he has seen them in the middle of the night, but never in a pack, just 1 at a time.

MINUTES:

Mr. Sivy requested to be included on page 14 "The cold patch was at no cost to Economy Borough".

Mrs. Mutschler requested page 16 be corrected to read that the increase of the Local Services Tax is from \$10.00 not \$5.00.

MOTION by Mr. Thomas, seconded by Mrs. Mutschler – to approve the Minutes of the October 28, 2008, Regular Session of Council, as corrected. CARRIED UNANIMOUSLY

MAYOR'S REPORT:

Mayor Poling read the Mayor's Report for the Police Department for the month of October, 2008, as prepared by Chief Harrington, which will be on file for review in the borough secretary's office. Mayor Poling gave a summary of year to date citations and court appearances.

MANAGER'S REPORT:

1. Mergenthaler Land Development: Mr. Kunkle reported this is a commercial land development on Big Sewickley Creek Road; it's located on approximately 2 acres just east of the self-storage units, which are just east of Smitty's; they proposed to run a beer distributor with a drive thru in the front portion of the building (3,000 SF) and use the back to store landscaping equipment (2,000 SF); the Economy Borough Planning Commission is recommending approval conditioned on the following: receipt of favorable comments by the BCPC, comply with the Planning Consultants recommendations of November 3, 2008, Shoup Engineer's recommendations of October 30, 2008 and comply with all borough ordinances and regulations.

MOTION by Mr. Sivy, seconded by Mrs. Mutschler – to approve the Mergenthaler Land Development conditioned upon the following: receipt of favorable comments by the BCPC, comply with the Planning Consultants recommendations of November 3, 2008, Shoup Engineer's recommendations of October 30, 2008 and comply with all borough ordinances and regulations. CARRIED UNANIMOUSLY

2. Martelli Subdivision: Mr. Kunkle reported this is a simple subdivision (one lot into two) on Amsler Ridge Road; Economy Borough Planning Commission is recommending approval conditioned on the following: comply with the BCPA review comments of September 11, 2008, comply with the Planning Consultants recommendations of August 28, 2008, Shoup Engineer's recommendations of September 8, 2008 and comply with all borough ordinances and regulations.

MOTION by Mr. Thomas, seconded by Mrs. Mutschler – to approve the Martelli Subdivision conditioned upon the following: comply with the BCPA review comments of September 11, 2008, comply with the Planning Consultants recommendations of October 28, 2008, Shoup Engineer's recommendations of September 8, 2008 and comply with all borough ordinances and regulations. CARRIED UNANIMOUSLY

3. EVFD Station 2: Mr. Kunkle reported Economy Volunteer Fire Department owns old Station 2 at 2220 Ridge Road Extension and is willing to give it to Economy Borough when their new building can be occupied; the Civic Club owns the land it sits on and is willing to give the land to Economy Borough; they are both asking Economy Borough to cover the costs to transfer ownership; the plan is to use the building to store Road Department equipment. Mr. Thomas stated it is a steel building with water and electric worth about \$40,000 to \$50,000.

MOTION by Mr. Mutschler, seconded by Mr. Thomas – to authorize the solicitor and borough manager to prepare the appropriate documents for Economy Borough to assume ownership of old Station 2 (2220 Ridge Road Ext.), pending approval of the Civic Club. CARRIED UNANIMOUSLY

4. Recycle Bins: Mr. Kunkle reported Economy Borough is required to recycle and we are out of recycle bins; has a quote through COSTAR, which means it has already been bid out, for 500 18 gallon bins at \$8.69 per bin or \$3,345; for an additional \$280 we can have "Economy Borough" inscribed on them, which isn't necessary; proposed to pay for this is a budget amendment of moving \$3,345 from 01.405.200 General

Government, general expenses to 01.426.300 Recycling, recycling expenses; requests permission to place order.

MOTION by Mr. Thomas, seconded by Mr. Googins – to authorize the purchase of 500 18 gallon recycle bins from COSTAR, with Economy Borough inscribed on them in green if possible for a cost of \$3,625.00, to be paid from this years budget. CARRIED UNANIMOUSLY

Mr. Kunkle reported about 10 years ago Economy Borough instituted a \$5.00 “deposit” for the recycle bins; since then we’ve given out about 300 bins and have literally a handful returned for the deposit; due to their condition, the returned bins could not be reissued but were put to use in the garage; does not feel the “deposit” concept is working very well and is just one more thing to keep track of; suggestion is to either give them away or sell them for \$9.00. After discussion the following vote was taken.

Roll Call Vote – Yes means the 1st bin is free and a \$10.00 fee for each bin after 1

**Mr. Googins – Yes
Mr. Mutschler – Yes
Mrs. Mutschler – Yes
Mrs. Raymer – Yes
Mr. Sivy – Yes
Mr. Thomas – Yes
Mr. Rock – Yes**

UNANIMOUS – 1st bin is free and a \$10.00 fee for each bin after 1

COMMITTEE REPORTS and OTHER BUSINESS:

PROPERTY and BUILDING:

Mr. Sivy reported the electric is connected in the salt shed.

PUBLIC SAFETY:

Mrs. Mutschler reported the police COSTCO membership is up at the end of the month and it has not been renewed. Mr. Kunkle will check into this and into getting COSTCO American Express cards.

FINANCE COMMITTEE:

Mr. Sivy has a concern about continuing to buy medical supplies from Zee Medical. This was discussed with regard to the discussion at and research done at a prior meeting; departments will continue to replenish the first aid kits from Zee Medical.

Mayor Poling questioned the bill to Fidelity for the 2008 Non Uniformed MMO. Mr. Kunkle advised this is a partial pension payment.

MOTION by Mrs. Raymer, seconded by Mr. Mutschler – to authorize payment of all bills listed and properly signed off and approved by the appropriate supervisor of that department. CARRIED UNANIMOUSLY

Mrs. Raymer reported the 2009 Budget is scheduled to be adopted at the November 25th meeting.

Mayor Poling questioned budget report page 12, Snow Removal, Capital Purchases, if the budgeted amount had been increased from \$5,200. The original budget amount was \$12,000; at the April 8, 2008, meeting Council made a motion to amend the budget by transferring \$40,000 from Contracted Road paving to Capital Purchases for a total of \$52,000; the May budget report reflected \$5,200 which was a typographical error and has been corrected.

ROAD DEPARTMENT:

Mrs. Mutschler asked the status of the lunch room for the road department; would like to see them have a clean place to eat and sit on breaks. Mr. Googins would like to see the list of items and the exact costs in order to approve that expense. Mr. Sivy felt the room needs climate control as the room is nasty. Mr. Kunkle will provide the list of items to be done and costs.

ORDINANCE and RECREATION:

Mr. Thomas asked the status of the resolution to rename Recreation Drive Park. Mr. Kunkle reported he is working with Mr. Hideck on the draft resolution.

Mayor Poling questioned the Whispering Pines Recreation Fund. Mr. Thomas reported the funds are to be used on this property; will be talking about it over the winter and bring information back to Council.

PUBLIC UTILITIES

Mr. Googins stated he has received requests for water from the Pinehurst/Ridgeway/Pineview/Grove Hill/Winterset area; will talk with Mr. Shoup with ideas.

REPORTS:

SECRETARY:

No Report

ENGINEER:

No Report

SOLICITOR:

Mr. Fouse provided to the elected officials and Mr. Kunkle, the July 28, 2008, letter from the Office of Attorney General to Beaver County District Attorney Anthony Berosh, which he received, last week; advised this is now public knowledge.

MOTION by Mrs. Mutschler, seconded by Mr. Thomas – to authorize Mr. Fouse to draft a letter to retired Sargent Ronald Heitzenrater to demand that he repay the military leave pay that Economy Borough previous paid to him over and above 15 days per year.

Question on the Motion: Mr. Googins reported that this was paid based on current knowledge that Economy Borough was under the understanding from a letter from Reed Smith that the military leave was for 30 days. Mr. Fouse advised Reed Smith reversed their opinion. Mr. Googins requested the motion contain language that this is based on the reversal of the opinion. Mr. Fouse stated they have reversed their opinion and it is now appropriate to ask for the money back. Mayor Poling stated he called Joseph Rudolph of Reed Smith and only employees of the Commonwealth of Pennsylvania were covered under the act, not municipalities or townships. Mr. Fouse stated Reed Smith faxed this letter to every local government in Pennsylvania; does not know why Reed Smith did this if it did not apply; now it clearly only regards to state employees and not local government; need to pay all employees on military leave the same amount; Ron Heitzenrater was overpaid, based upon his opinion. Mr. Mutschler asked how much money is involved. Mr. Fouse will find this out. Mr. Kunkle thought 25 days. Mr. Fouse stated Economy Borough must attempt to treat our men in military uniformly; has talked with the men and they know his position and how this will be handled. Mr. Fouse stated the record is clear; the law changed in 2005; Reed Smith, who sent the letter, are typically relied upon to render opinions with regard to new legislation; basically right now it is clear; it is not unusual that different interpretations of status occur when they first come out; happens all the time. Mrs. Mutschler stated she does not want her motion changed.

MOTION CARRIED UNANIMOUSLY

Mrs. Mutschler requested Mr. Kunkle contact the borough insurance carrier to see if any claims were made by Ronald Heitzenrater for his insured with the insurance paid for by Economy Borough during the past 4 ½ years.

Mr. Fouse repeated that he just got this letter this past week; if anyone has any questions, contact him.

HEAR THE PUBLIC II:

Butch Thompson, First Street, asked if there would ever be a report explaining exactly what happened, how it happened, why it happened, how much money was lost; heard it was \$100,000; has a right to know why and how it happened and what is being done so it never happens again; feels the people of Economy Borough deserve an explanation. Mrs. Mutschler stated they are working on a report now. Mr. Thompson stated there should be accountability. Mr. Thomas stated Council has to look into this more for future people who go away; need better accountability; will have to make some changes. Mr. Thompson feels the responsibility falls on the borough manager as he gets paid top dollar to protect our borough assets not to give them away. Mr. Rock said the borough manager is only one spoke in the wheel, Council is also responsible; Mr. Kunkle gets paid dollars to follow the wishes of this Council; he does not make decisions; Council makes decision; Council instructs Mr. Kunkle; this is a team as a unit; responsibility falls on the shoulders of former and present Councils, because the borough manager is directed to do what Council wants him to do; Council does not work for him, he works for Council and Council works for Economy Borough; to point the finger at one person is wrong and out of line without any factual information. Mr. Thomas stated Council needs to look at the agenda closer and issues like this; all seven Council should make decisions and directing Mr. Kunkle and Mrs. Blum; Council may have been a little remiss; while he is sitting on this Council this will not happen again. Mr. Rock stated he was remiss, he would shoulder the blame; at the time going back to September 11th, patriotism and the emotions with it, read in the newspapers what companies were doing with employees, Council said we would never do that to one of our employees; we did not want that to come to the front and come back to us like so many times the news media picks up; they went to those companies and they had nothing to say and the people turned on those companies because these are our soldiers whether they are stationed in Economy Borough, at

the local bases or overseas; right or wrong, Council got caught up in that; was not president at the time, but remembers stating Council does not want to touch this. Mrs. Mutschler stated Council gave the 15 days; this is something being looked into; will report back; this is not done and over with; Mr. Thompson is entitled to his comments. Mr. Googins stated he agreed with what Mr. Thomas said; this was some sort of oversight on the part of Council and everyone here; Mrs. Mutschler did a good first step, lets find out what it is all about; take a look at it; adjust the policy so it does not happen in the future; something occurred, trying to find out why then we can make a correction; Council is looking at it, not just sweeping it under a carpet; Mrs. Mutschler has the perfect first step to find out what it was; is sure she will have some other suggestions to what we might do to correct it.

ADJOURNMENT:

***MOTION by Mrs. Mutschler, seconded by Mr. Googins – to adjourn the meeting. Time: 8:35 PM
CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum
Borough Secretary
November 19, 2008