

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** NOVEMBER 25, 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: Arthur Mutschler, Audrey Mutschler, Renee Raymer, Donald Sivy, John C. Thomas, Ronald R. Rock

ABSENT: Larry Googins – Death in Family

ALSO PRESENT: Mayor David N. Poling, Dale M. Fouse, Esq., Randy S. Kunkle, Borough Manager

Mr. Rock read Resolution No. 421 of the Borough Council of the Borough of Economy, County of Beaver, and Commonwealth of Pennsylvania renaming Recreation Drive Park to the Jeffrey B. Meddock Recreation Park in memory of Jeff who passed away on October 3, 2008 of a brain aneurysm at the age of 38; and presented a copy of Mr. And Mrs. Dale Meddock.

MOTION by Mrs. Mutschler, seconded by Mr. Thomas – to enact Resolution No. 421 renaming Recreation Drive Park to Jeffrey B. Meddock Recreation Park. CARRIED UNANIMOUSLY

HEAR THE PUBLIC:

Butch Thompson, First Street, asked if Council would start 2009 with a \$600,000 deficit. Mr. Kunkle reported at the end of October we had a \$900,000 balance with November and December to go; we have a good track record, if we watch spending we will be well covered.

Ray Kenny, 195 Sylvester Street, came before Council stating Sylvester Street is a private road; he is having problems with water coming off Conway Wallrose Road, spilling down Sylvester and onto his property; one of the 3 neighbors on the street is diverting the water away from his property causing it to flow down towards Mr. Kenny's property; has been issues when grading the road. Mr. Fouse said this is a private property dispute and Mr. Kenny should contact an attorney. Mr. Kunkle reported there may be a potential way for Economy Borough to help in the future, when Barbara St. is taken over. Mr. Rock advised Mr. Kenny he should take Mr. Fouse's advise and get an attorney; Economy Borough can't get involved until we take over Barbara St.

MINUTES:

MOTION by Mrs. Mutschler seconded by Mr. Sivy – to approve the Minutes of the November 11, 2008, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR'S REPORT:

No Report

MANAGER'S REPORT:

1. Ordinance No. 2008-419 – Local Services Tax Increase: Mr. Kunkle reported this ordinance increases the Local Services Tax from a \$10.00 total to \$26.00. Mr. Fouse advised the ordinance has been advertised 3 times in the Beaver County Times and has been posted in the municipal building; this must be submitted to DCED by December 1st to be included in the DCED registry; the mayor may veto the ordinance and if so, return it to council with a written statement of objections at Council's next regular meeting occurring at least ten days after the meeting when the ordinance was passed; Council can override the veto by a two-thirds vote of all members elected to Council; for a seven member Council a veto override requires five votes. Mayor Poling asked how much is the projected revenue. Mr. Kunkle reported \$15,000. Mayor Poling stated this is a tax raise of a nuisance tax; he can not sign the ordinance; lots of unexplained expenses that need answers. Mr. Sivy stated this is to bring in some kind of revenue to not raise property taxes; where to cut. Mayor Poling reported fuel prices are dropping yet in the 2009 budget fuel is raised \$30,000. Mr. Mutschler reported diesel fuel has not dropped that much. Mayor Poling reported vacation days have been paid with no explanation, four and a half years of medical benefits paid and unauthorized military payments; he has never received a total price on the salt shed; the electric is 500% over budget. Mr. Sivy stated the salt shed is in line with the power point. Mayor Poling stated he can not sign a tax increase.

MOTION by Mrs. Raymer, seconded by Mr. Sivy – to adopt Ordinance No. 2008-419 – Providing for the Assessment of the Borough of Economy Local Services Tax.

ROLL CALL VOTE:

Mr. Googins – Absent

Mr. Mutschler – Yes

Mrs. Mutschler – No

Mrs. Raymer – Yes

Mr. Sivy – Yes

Mr. Thomas – No

Mr. Rock – Yes

Motion carried by a 4 Yes, 2 No, 1 Absent, vote.

Mayor Poling stated he will veto the ordinance. Mr. Fouse advised Mayor Poling has to return Ordinance No. 2008-419 to Council with a written statement of objections at Council's next regular meeting occurring at least ten days after tonight's meeting; Council can override the veto by a two-thirds vote of all members elected to Council; for a seven member Council a veto override requires five votes. Mr. Rock asked Mayor Poling to provide his objections in writing with a copy to Mr. Fouse.

2. 2009 Budget: Mr. Kunkle reported the 2009 Budget has been previously distributed and has been advertised for adoption.

MOTION by Mrs. Raymer, seconded by Mr. Mutschler – to authorize the adoption of the 2009 Budget as previously distributed.

ROLL CALL VOTE:

Mr. Googins – Absent

Mr. Mutschler – Yes

Mrs. Mutschler – Yes

Mrs. Raymer – Yes

Mr. Sivy – Yes

Mr. Thomas – Yes

Mr. Rock – Yes

MOTION CARRIED UNANIMOUSLY

COMMITTEE REPORTS and OTHER BUSINESS:

PROPERTY and BUILDING:

Mr. Sivy reported the railing along the steps to the EBMA have been repaired; Mr. Custer has provided his schedule of clearing and salting the walkways.

Mr. Thomas asked the status of the lunch room; his main objective is to have a clean place to eat lunch; the road crew can move the stuff into the building to get it ready if the weather is not inclement; as funds come available they can get things purchased. Discussion followed. Mr. Rock directed Mr. Kunkle to do what needs to be done.

PUBLIC SAFETY:

Mrs. Mutschler presented a check from Beaver County in the amount of \$982.56 as reimbursement for the Sara Palin detail and requested it be placed in police overtime.

Mrs. Mutschler asked the status of the letter to Ron Heitzenrater. Mr. Fouse reported it has been send and he talked to his lawyer.

Mrs. Mutschler reported she received the information about claims made by Ronald Heitzenrater for his insured with the insurance paid for by Economy Borough during the past 4 ½ years. Mr. Kunkle reported he has been advised by the insurance carrier that this information is all HIPAA protected. Mr. Fouse suggested a letter asking Mr. Heitzenrater for the information. Mrs. Mutschler requested to know if any claims were submitted. Mayor Poling stated Mr. Heitzenrater was double insured and he knew it. Mr. Fouse will ask Mr. Heitzenrater's lawyer and wait for a reply.

FINANCE COMMITTEE: No Report

ROAD DEPARTMENT:

Mr. Mutschler reported the hand rail was repaired; curb side leaf pick up continues; the yard waste facility will be opened Saturday Nov. 22 & Nov. 29; adjusted the curbs on Fernwood; flags for Veterans Day were put up; guide rails along Amsler Ridge Road were installed; ready for snow.

Mr. Kunkle reported receiving the 2% loan papers signed and approved from Harrisburg on Monday; however the state contact for the crack sealer expired, was rebid and the price went up \$5,000 from the original purchase price. Mayor Poling suggested savings of \$30,000 by not purchasing the crack sealer; rent one. Mr. Sivy explained the purchase of the crack sealer is to help prolong roads not being paved; suggested to table this until

Mr. Googins is back; may be more feasible to rent one now to get the work done. Mr. Rock tabled this until the next meeting.

Mrs. Mutschler asked the policy on salting the roads; the road crew is concerned about their personal liability if there is an issue on a road that may not be treated as in the past. Discussion followed. Mr. Fouse reported there are standards established for most roads and road crews are not personally responsible.

ORDINANCE and RECREATION: No Report

PUBLIC UTILITIES: No Report

REPORTS:

SECRETARY: No Report

ENGINEER: No Report

SOLICITOR:

Mr. Fouse requested an Executive Session to discuss a personnel issue, with no vote; and to review Judge Kwidis' Memorandum Opinion.

HEAR THE PUBLIC II:

Butch Thompson, First Street, thanked Mayor Poling on vetoing a tax increase; does not think it is right to have the people pay for quick cash.

MOTION by Mr. Sivy, seconded by Mrs. Mutschler – to enter into Executive Session to discuss a personnel issue, with no vote; and review Judge Kwidis' Memorandum Opinion. Time: 8:09 PM CARRIED UNANIMOUSLY

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to return to the regular order of business. Time: 8:29 PM CARRIED UNANIMOUSLY

ADJOURNMENT:

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to adjourn the meeting. Time: 8:29 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
December 5, 2008