

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** APRIL 28, 2009

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, Donald Sivy, John C. Thomas, Ronald R. Rock

ABSENT: Renee Raymer, Personal Commitment

ALSO PRESENT: Mayor David N. Poling (7:04 PM), Dale M. Fouse, Esq., Randy S. Kunkle, Borough Manager,

HEAR THE PUBLIC:

Michael Stefanchik, 48 Bock Lane and James Butschko, 46 Bock Lane, came before Council regarding the status of their water issue. Mr. Fouse stated he has done title searches on the 2 parcels in question; the deeds describe the property; each deed prescribes for a storm water easement (swale); has not physically seen the site; it is referred to as well in the Whispering Pine Plan filed at the Recorder of Deeds office; on the plan reads "Economy Borough accepted the maintenance of the storm water detention facilities including the pipe from the outlet structure to the discharge"; clearly there is an obligation on the part of a homeowners association to maintain the storm pipe and swale from lots 102 through 115; assuming there is a homeowners association, they have the authority to have the swale cleaned out and maintained; Economy Borough has no authority or requirement to establish a homeowners authority; there is a document recorded at the Beaver County Courthouse that sets forth covenants and restrictions providing that each and every homeowner in that subdivision has a contractual relationship with the other homeowners; i.e. maintenance of storm water, they are contractually bound among each other in that subdivision to agree to maintain the storm water; this is a private matter between the private property owners in that subdivision; should check to see if the developer owns any lots in the development; Economy Borough is not in the position to take action against the developer the way the property owners and the people being affected by this; Economy Borough does not have a standing to advance such a claim; they need to get a lawyer to look out for their interests.

Ray Kenny, 195 Sylvester Street, came before Council regarding the ongoing problems with his neighbors; today he reported a neighbor burning. Mr. Thomas reported he went to the site and there is nothing he can do as Mr. Dunlap was burning in accordance with the ordinance in a contained area. Mrs. Kenny reported the junk is still there that she reported to Mr. Luff in October. Mr. Rock advised Mr. Luff reported Mr. Dunlap is working on getting it cleaned up; his wife is sick. Mr. Rock asked that Mr. Luff send Mr. Dunlap a letter to clean up in a certain amount of days; then file a citation. Mr. Kenny stated he has maintained Sylvester Street for 30 years and Economy Borough should take it over; Sylvester Street is a public access with private maintenance. Mrs. Mutschler reported the road would have to be brought up to Economy Borough specifications before Council could consider taking it over. Mr. Rock reported Economy Borough is not in the position to take over any roads right now.

Sal Boboth, 105 Timber Ridge Road, reported when he was the Zoning Officer and saw something, he would stop, give the residents 30 days to take care of it; go back after 30 days, if it was not taken care of, issue a citation; have a hearing at the magistrate; the magistrate would fine them or give them another 30 days to take care of the issue; after that 30 days, he would issue another citation.

MINUTES:

MOTION by Mr. Sivy seconded by Mr. Thomas – to approve the Minutes of the April 14, 2009, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR’S REPORT:

Mr. Rock read letter dated April 15, 2009, from Megan Mealie, Principal of Ambridge Area Junior High School, thanking Chief Harrington for his presentation at the Ambridge Area Junior High on “How to Effectively Deal with Police”.

Mayor Poling suggested looking into the yellow fluorescent sign post covers as Monaca has.

Mayor Poling reported, Mrs. Shaffer, 216 Park Hill Road, called requesting gravel for an issue caused by the sewer project. Mr. Googins will contact the EBMA.

MANAGER’S REPORT:

1. Spark Subdivision: Mr. Kunkle reported this is a simple minor reverse subdivision combining 2 lots to make 1 lot totaling 2.01 Acres on Ridgeway Drive; Both Planning Commission’s recommend approval with typical caveats.

MOTION by Mr. Thomas, seconded by Mrs. Mutschler – to approve the Paul A. & Judith A. Spark Lot Consolidation Plan (Parcel No. 60-002-0521-000-01-1 and 60-002-0522-001-01-1) conditioned upon the following: comply with the BCPC review comments of April 8, 2009 , comply with the Planning Consultants recommendations of April 1, 2009, and comply with all borough ordinances and regulations. CARRIED UNANIMOUSLY

2. Resolution No. 424 – Recreation Grant (50/50 Match): Mr. Kunkle reported this is a standard resolution authorizing the application for a grant; checked with Bob Hideck, Chairman Recreation Board and the application is for playground structures on this property; the grant application submission date was April 21, 2009; this is a 50/50 grant in the amount of \$55,000.00; allowed to use in kind services towards the match.

MOTION by Mr. Thomas, seconded by Mrs. Mutschler – to ratify the adoption of Resolution No. 424 authorizing the grant application for the Municipal Park Phase I. CARRIED UNANIMOUSLY

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC SAFETY:

No Report

FINANCE COMMITTEE:

Mr. Googins reported the Finance Committee had a quarterly meeting to compare the 1Q2009 budget with the 1Q2008 budget and not wait until the end of December to see if there are any problems; only stand out is the EIT collections are off approximately 50% from the same time period of last year; waiting until after April 15th to see if people are just waiting to pay. Mr. Rock reported the Finance Committee will watch this.

ROAD DEPARTMENT:

No Report

ORDINANCE and RECREATION:

Mr. Thomas provided the quarterly report from the Recreation Board to Mrs. Raymer.

PUBLIC UTILITIES

Mr. Googins reported he obtained the rates from the Ambridge Water Authority (AWA) and provided the following example of a bill for 9,000 gallons of water used:

2009 Rate	2008 Rate
\$50.56 – Minimum	\$45.43 – Minimum
<u>\$30.06 – 9 X \$3.34</u>	<u>\$26.01 – 9 X \$2.89</u>

\$80.62-Total Bill for 9,000 Gallons \$71.44 –Total Bill for 9,000 Gallons

Mr. Kunkle reported he talked with the AWA manager, and we can expect another rate increase; unknown exactly when.

Mr. Googins reported Economy Borough does currently have litigation against AWA for rate structures.

John Campbell, 123 Gross Drive, asked Mr. Googins if he checked into the meter system; there is no way of reading the new meters AWA installed on his house to compare the numbers. Mr. Googins suggested Mr. Campbell complain to AWA as a consumer. Mayor Poling suggested Mr. Campbell call the local Legislators and Senator as there is no regulation over authorities. Mr. Fouse stated the PUC has no jurisdiction, but Mr. Campbell as a consumer can force AWA to prove his usage.

Mr. Googins reported the Beaver County Regional Council of Governments has been looking into multi municipal cable franchising with the municipalities of Beaver County; the Cohen Telecommunication Law Group specializes in assisting municipalities in cable and telecommunications matters; the Cohen Law Group is offering municipalities in the COG that partner and agree on multi municipal agreements and contract Cohen Law Group to represent them to get better franchise agreements in revenue or services provided to the municipality; negotiate what you want individually, as a group. Mr. Fouse reported he has talked to Mr. Cohen and recommends and supports this; could make money and improve service; could spend \$10,000 and get it back in revenues. Mr. Googins stated COG would like 1 member from each partnering municipality to participate in the discussion; not committing money now, might in the future; Mr. Googins will represent the COG. Mr. Rock volunteered to go the meetings representing Economy Borough to explore this.

PROPERTY and BUILDING:

Mr. Sivy reported getting estimates on a new sign out front of the municipal building ranging from under \$4,000 to \$40,000; still exploring this.

Mr. Sivy reported he is obtaining an estimate on a few doors in the Economy Borough Municipal Building; money was allocated for these repairs.

Mr. Sivy reported the bid opening for the police department roof is scheduled for May 12th as advertised.

REPORTS:

SECRETARY:

The secretary requested anyone wishing to attend the Spring Beaver County Boroughs' Association meeting on May 14, 2009, to contact her by May 10, 2009.

ENGINEER:

No Report

SOLICITOR:

No Report

PRESIDENT'S REPORT:

Mr. Rock reported on May 14th at the Ambridge Area Sr. High will be a Class of the Future presentation; can not attend, but anyone can attend to see what it is all about.

Mr. Rock requested an Executive Session regarding a personnel matter with no vote.

HEAR THE PUBLIC II:

Butch Thompson, 115 First Street, suggested the code enforcement officer make a report at every meeting from now until the Kenny issues are resolved, including how he is handling it, who is contacted, did he give out citations, phone calls, etc.; hit Mr. Dunlap with every ordinance Economy Borough has.

Sal Boboth asked if the Comcast issue makes more money for the municipalities that get involved, will it affect our bill? Mr. Googins said they are mutually exclusive; one does not have anything to do with the other.

John Campbell asked if in plain words, the group is to bargain with the cable company to get better rates and more money being paid into Economy Borough. Mr. Fouse stated their "stuff" is in the Economy Borough right of way and we are giving them the access to our right of way, legally has to be that way; can't associate the cost of the franchise agreements with the costs associates with the rates the residents pay. Mr. Googins stated we will negotiate a higher fee; tweak the agreement to get more out of it; benefits for Economy Borough.

Gerry States, 219 Silverdale Drive, requested Northern Lights Shopping Center be contacted to paint the lines in the parking lot to define driving and parking areas and repair the pot holes. Mayor Poling reported anything over so many acres, the police department can enforce the vehicle code, even though it is private. Mr. Rock asked Mr. Kunkle to contact Chief Harrington to send a letter to Zamias about the pot holes and the parking lot lines due to numerous complaints from residents; this would improve safety.

Mr. Campbell suggested contacting D Leo Sign Company regarding the replacement sign in front of the municipal building.

MOTION by Mr. Thomas, seconded by Mrs. Mutschler– to enter into Executive Session to discuss a personnel issue, with no vote to be taken tonight. Time: 8:45 PM CARRIED UNANIMOUSLY

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to return to the regular order of business. Time: 9:05 PM CARRIED UNANIMOUSLY

ADJOURNMENT:

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to adjourn the meeting. Time: 9:05 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
May 5, 2009