

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** JUNE 9, 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, Renee Raymer, Donald Sivy, Ronald R. Rock

ABSENT: John C. Thomas

ALSO PRESENT: Dale M. Fouse, Esq., Mayor David N. Poling, Norman C. Shoup, P.E., P.L.S., Randy S. Kunkle, Borough Manager

HEAR THE PUBLIC:

Brad Pendell, 99 Lawnview Drive, Highfield Estates, came before Council to report the 3' high lawn, overgrown hedges and property at 101 Lawnview Drive, which has been deserted by the owner; concerned about the health danger. Mr. Rock reported Economy Borough is looking into a solution. Mr. Fouse stated he has reviewed the current ordinance, it is sufficient to take care of the problem; every effort is made to notify the property owner. Mr. Kunkle reported contacting 3 landscape/lawn care business's in Economy Borough (who have paid the LST); if no response from them by tomorrow, will expand the search; requested prices for the first time cut and removal of the grass/weeds and then possibly two times a month until further notice; meant to keep presentable. Mr. Pendell offered to provide the owners name and place of employment, if needed.

Andy Milnick, 416 Friel Road, asked the status of his request to have the current firearm ordinance reviewed; provided a copy of the Cranberry ordinance to Mr. Fouse. Mr. Rock reported Mr. Thomas left a message that he and Chief Harrington are still working on this. Mr. Fouse reported he has talked with Chief Harrington at length about this issue; not prepared to make a recommendation from the committee; will have something for the July 14th meeting.

Meagan Trimbur, 3225 Ridge Road Ext., provided the May 26th packet regarding 400 Ridge Road Ext. to Mrs. Mutschler and Mayor Poling and an additional packet to all Council present and Mayor Poling; requesting follow up on contacting Beaver County Rodent Control to bait the property (waiver has not been signed yet); 3 vehicles cited as per section 108-1 of the Economy Borough Code; notification of any magistrate hearing so she can attend. Mr. Rock reported he has spoken to Mr. Luff several times; Mr. Making is working on his problem; and asked Mr. Kunkle to ask Mr. Maker to sign the BC Rodent Control waiver.

R. J. Burns, 112 Almond Way, suggested condemning 400 Ridge Road Ext. as the roof and porch are falling in, have it torn down and charge the owner. Mr. Fouse reported first an enforcement notice to clean up is given; then if needed, a citation at the district justice, then the appeal process; must go through this first then

condemnation proceedings. Mr. Rock reported the property owner also has rights. Mrs. Mutschler verified that Mr. Maker has 9 more days on the enforcement notice, then it goes to the magistrate and he can appeal there.

Ruth Helsel, 119 Gross Drive, stated she sold the house at 3225 Ridge Road Ext. to Megan Trimbur; said someone said Mr. Maker said her parents put garbage on the property and that's why there are rats; this is a lie; get something done with the property at 400 Ridge Road Ext.

Tomas Lynch, 101 Walnut Drive, thanked the committee and reported the speed timing device put on Walnut Drive slowed people down; spoke to Sgt. Hartsell about using his driveway to park the police vehicle to write tickets; would like to see the sign in the opposite direction or 2 signs. Mr. Rock reviewed the report from the speed timing device for the week it was on Walnut Drive. Mayor Poling suggested using the device on Park Hill Road. Mr. Sivy reported 85% of the traffic is 25 MPH suggesting drivers slow down when they see the device. Mr. Fitzgerald suggested another way to use the device to get a report with a different perspective.

Elizabeth Burns, 100 Stange Road, stated she is concerned that one year from now they will still be trying to get the property at 400 Ridge Road Ext. cleaned up; wants a safe haven for her daughters family. Mr. Fouse suggested it might take 3 weeks to get a hearing set before the district justice if Mr. Maker is issued a citation.

Bob Mecchia, 211 Fernwood Drive, presented Council with a petition for Speed Humps for Park Hill Road signed by 48 residents of Park Hill Road; reported a citation was issued Friday for someone driving 61 MPH on Park Hill; requesting something permanent to stop the speeding; cost would be approximately \$4,000 for the speed humps and signage to put this ongoing problem to rest on Park Hill Road. Mrs. Mutschler reported examples of the speed humps are in the shopping center across from RMU. Mr. Sivy suggested using an unmanned vehicle in a driveway on Park Hill Road intermittently with a manned vehicle issuing tickets. Mr. Mecchia said this has been done in the past and worked for a period of time; the speeding continues, needs a permanent fix. Mayor Poling encouraged everyone to call their state representatives to get radar legalized for local municipalities.

Butch Thompson, 115 First Street, suggested Council do the speed humps and see what happens; force traffic back onto Golden Grove Road. Mr. Shoup reported an engineering study and ordinance are needed; some of the needed information is already gathered. Mr. Fouse reported the study is needed to support the policy.; signs are designed to protect Economy Borough. Mr. Kunkle reported the signs must be PennDOT compliant. Mayor Poling suggested rumble strips. Mr. Shoup reported he never got involved with rumble strips. Mr. Rock reported the Road Committee is looking at this; there has to be a policy/procedure in place. Mr. Sivy reported the speed plateaus have been discussed the last few meetings; looking for a more permanent solution. Mrs. Mutschler is concerned about liability.

Jo Ann Borato, 2001 Conway Wallrose Road, started she read in the minutes 7-8 months ago that the PennDOT traffic calming information was provided to Council and offered to look it up; process seems slow; speed bumps are all over roads. Mr. Googins stated the committee has the Traffic Calming Policy; this has to be done right; the residents and taxpayers of Economy Borough must be protected from liability; they are looking at the speed plateaus; Marshall Township installed the plateaus for a different reason (S bend in the road). Mr. Shoup reported once this is done Council may hear from the residents who do not want the plateaus.

Ray Kenny, 195 Sylvester Drive, reported Mr. Dunlap is violating Section 108-76 B&C of the Economy Borough Code; has 5 tractors, a cultivator, 2 trailers parked and a recreational vehicle in his front yard. Mr. Rock read from the May Code enforcement Office Monthly Report:

“Kenny vs. Dunlap complaint: On 6-01-09 Mrs. Hilda Kenny came into the office to check to see if there was anything more that I could do. I reviewed and gave her a copy of Roberta Sarraf’s April 30th e-mail and she had indicated that she would go to the 6-1 Planning meeting. I also called Mr. Dunlap to advise him that his time to clean up was coming due. Mr. Dunlap told me that he has cleaned up and that he is ready for my inspection. One 6-8-09 I visited the Dunlap property. Mr. Dunlap has no zoning violations as of 6-8-09 and the complaint is being closed.”

Mr. Kenny stated Mr. Dunlap is in violation and he is getting no where; reported Mr. Dunlap removed 40 tires from the property. Mr. Rock asked Mr. Kunkle to contact Mr. Luff tomorrow and have Mr. Luff contact Mr. Kenny as to why the issues are or are not violations. Mrs. Kenny stated Mr. Luff is not doing his job.

James Harrington, 366 Golden Grove Road, reported speeding on Golden Grove Road; in the past petitioned and had the speed limit reduced to 35 MPH; police need to give tickets on Golden Grove Road; afraid to go to his mail box. Mr. Rock reported prior to Golden Grove Road being resurfaced, speeding was not a problem.

Sal Boboth, 105 Timber Ridge Road, asked if drilling of gas wells on Economy Borough property is being considered; companies lease the land for \$1,000 if they do not drill and \$1,000 plus royalties if they do drill; would need to watch for shysters. Mr. Rock heard on KDKA a report that the drilling in Green County made unbearable noise; not in the position to drill gas wells at this time. Mr. Sivy questioned the affect the drilling would have on water sheds and wells in the area.

R. J. Burns, 112 Almond Way, said 50% of the complaints tonight are about Joe Luff; seems someone is protecting him; not doing his job. Mr. Rock reported he recommended going to a third party; Council wanted to keep this office in house to have a closer hold on things; he was on the interview committee; Mr. Luff was not the first choice; that man got a better paying job elsewhere; Mr. Luff has the credentials necessary and was hired in 2006. Mr. Burns stated action needs to be taken; 50% of the meeting is about Joe Luff. Mayor Poling agreed with Mr. Burns. Mr. Rock stated the meeting is not about Joe Luff; Mr. Luff is responsible to Mr. Kunkle; if there is a problem, put it in writing to Mr. Kunkle and to Council.

Michele Lapinski, 225 Robert Lane, stated the percentage of complaints versus the number of residents speaks for itself.

Matt Marrone, 840 Foxglove Drive, stated he has a tape of a meeting that Mr. Rock apologized for Mr. Luff; was told you can’t mix oil and water; he makes \$22.00 per hour for a part time job; feels someone is protecting him. Mr. Rock said this has already been heard; apologized for Mr. Luff to move the meeting on; this is a personnel issue.

Meagan Trimbur, 3225 Ridge Road Ext., stated she wants Mr. Maker cited under section 108.1 of the Economy Borough Code for the 3 cars on his property; on May 1 Mr. Luff told Mrs. Trimbur that his hands were tied with the way the codes were written.

Elizabeth Burns, 100 Stange Road, stated she is proud of our police and is satisfied with their performance; feels the general public should be made aware of burglaries in broad daylight in their neighborhoods in order to protect and look out for each other; should be put in the local newspaper. Mayor Poling will talk to Chief Harrington to find out why the Beaver County Times is not notified. Mrs. Burns stated there are ordinances on the books, why are they not being upheld; Joe Luff is not doing his job, should be reprimanded. Mrs. Burns asked why the President of Council or Mayor Poling can't override Mr. Luff. Mayor Poling stated he oversees the police department and has no vote on or jurisdiction over Council. Mr. Rock explained the mayor's power of veto. Mrs. Burns is surprised Mr. Rock never realized Mr. Maker's house was so bad; house should be donated to the EVFD for fire practice. Mr. Rock reported he has instructed Mr. Kunkle to contact BC Rodent Control. Mr. Sivy suggested if it is a health issue it could be condemned. R.J. Burns stated if Council condemned the house he would bring in his equipment and tear it down. Mrs. Trimbur stated some of the confusion on the location of the house is the fact that she lives at 3225 Ridge Road Ext. and Mr. Maker's house (next door) is listed as 400 Ridge Road Ext.

R. J. Burns, 112 Almond Way, asked if Mr. Luff would be reprimanded. Mr. Rock stated it is up to Mr. Kunkle. Mr. Kunkle asked for an Executive Session to discuss personnel with no vote.

Mechelle Poling, 230 Dogwood Circle, reported for the record, that she received an email from Charles O'Donnell, Mary Reed Road attacking her and her husband and was offended by things said.

MINUTES:

MOTION by Mr. Mutschler, seconded by Mr. Sivy – to approve the Minutes of the May 26, 2009, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR'S REPORT:

Mayor Poling read the Mayor's Report for the Police Department for the month of May, 2009, as prepared by Chief Harrington, which will be on file for review in the borough secretary's office.

Mayor Poling reported he would get back to Mrs. Burns on the Beaver County Times issue.

Mayor Poling congratulated Mr. Fouse on the outcome of the Condemnation Appeal at Northern Lights Shopping Center. Mayor Poling suggested Council authorized Mr. Fouse to litigate Ambridge Water Authority to have our contract renegotiated or thrown out; been 1 year and the tank is not in operation. Mr. Fouse reported the current litigation filed has 3-4 different areas, one of which is the contract; we are in the discovery phase; the Economy Borough individuals have more privileges than Council; one customer can initiate action. Mayor Poling thanked Mr. Fouse for the good work.

MANAGER'S REPORT:

1. 2009 Spring Commodity Prices: Mr. Kunkle recommended to accept the 2009 Spring Commodity Prices as bid out by the Beaver County Regional COG.

MOTION by Mr. Mutschler, seconded by Mrs. Raymer – to accept the 2009 Spring Commodity Prices as bid out by the Beaver County Regional COG and enter into agreements for these commodities.
CARRIED UNANIMOUSLY

2. Yard Waste Drop Off Site: Mr. Kunkle reported approximately 90 permits have been issued; has been emptied on a weekly basis; large amount of brush was dropped off last week end; this is not permitted; the article in the newsletter explains the procedure; will keep an eye on it. Mayor Poling reported he saw the overflow of brush and perhaps the police could check it. Mr. Fitzgerald reported signs are posted with the permitted uses. Mr. Kunkle stated we need to watch for commercial users.

3. Personnel: Mr. Kunkle requested an Executive Session for personnel with no vote.

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC UTILITIES:

Mr. Googins reported he has been told by Ambridge Water Authority personnel that the problem with the tank is the telemetry to the pumps; Verizon is working on the problem.

Mr. Googins reported the Intergovernmental Agreement of the Beaver County Regional COG regarding participating with other municipalities that are cable franchising authorities wishing to negotiate a master cable franchise agreement with Cohen Law Group acting as the negotiator has been reviewed by Mr. Fouse. Mr. Fouse advised he recommends this group. Mr. Sivy questioned if it would be our advantage to wait for Verizon. Mr. Googins reported it would make no difference; Fios is 5 years away; the lines are in but not hooked up yet.

MOTION by Mr. Googins, seconded by Mr. Sivy – to authorize Ron Rock, President of Council, to execute the Intergovernmental Agreement with the Cohen Law Group to negotiate a cable franchise contract conditioned upon execution of similar documents by other Beaver County Regional COG members.
CARRIED UNANIMOUSLY

Mr. Googins reported the PSAB Action Alert is asking boroughs to contact their Senator asking him to support the enactment of a severance (extraction) tax on gas drilling; the largest gas deposit in North America, the Marcellus Shale deposit, underlies most of Pennsylvania; need to tell the State Senator immediately that we want Pennsylvania to tax the extraction of natural gas so borough taxpayers do not bear the brunt of the damage to roads, emergency services, water quality and other community services impacted by drilling.

Mr. Googins reported PA Local Government Training Partnership will be holding a seminar on Act 32 – Earned Income Tax Collection, June 17, 2009 from 6:00 PM to 9:00 PM, at the Family Retreat Center, 1100 Freeport Road, Mars; cost is \$20.00; he is unable to attend, but feels a representative from Economy Borough should attend. Mr. Kunkle will attend.

PROPERTY and BUILDING:

Mr. Sivy reported Bevilacqua has started the police building roof and has quite a bit done.

Mr. Sivy reported replacement sign research is ongoing.

Mr. Sivy reported the maple tree near the roadway in front of the municipal building has a rotted branch hanging over Conway Wallrose Road; Mr. Fitzgerald is gathering estimates to have it removed.

PUBLIC SAFETY:

Mrs. Mutschler reported a letter of intent has been received from the Police Department Bargaining Unit; Public Safety Committee will meet to review their detailed wish list for the next contract.

Mrs. Mutschler reported \$25,000 was budgeted for a new police cruiser; the state list base price from Day Ford without equipment switch over/lettering/etc. is \$25,590. Mr. Sivy suggested the money from the vehicle being retired could be used to offset the shortfall. Mayor Poling suggested the difference could come from the \$35,000 in the NLSC New Car Fund; Chief Harrington would like to get another unmarked vehicle and put his current vehicle into the fleet painted black and white. Mr. Sivy suggested trying to get a cheaper price locally. Mr. Kunkle reported it would have to be bid out.

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to authorize Chief Harrington to get with Day Ford to order a new police cruiser. CARRIED UNANIMOUSLY

FINANCE COMMITTEE:

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

ROAD DEPARTMENT:

No Report

ORDINANCE and RECREATION:

No Report

PRESIDENT’S REPORT:

Mr. Rock reported receiving a letter from the Economy Borough Senior Citizens thanking Council for the 2009 \$1,000 allocation.

Mr. Rock advised the Beaver County Emergency Services Quarterly Newsletter reported past council members Gene Miketa and Skip Mattern received plaques honoring them for their specific roles in support of Beaver County’s Emergency Services Unit (or ESU team). Mayor Poling reported Chief Harrington and officers Woods and Farah are also part of the ESU team.

Mayor Poling asked if anyone knows the cost for Beaver County to purchase the property for the new 9-1-1 Center in Ambridge; Economy Borough had offered to donate property for the center.

REPORTS:

SECRETARY:

No Report

ENGINEER:

No Report

SOLICITOR:

Mr. Fouse reviewed the Commonwealth Court decision on the NLSC Condemnation/Giant Eagle appeal.

Mr. Googins reported the deed transfer for EVFD Station #2 to Economy Borough needs to be finalized. Mr. Fouse will review this.

HEAR THE PUBLIC II:

No one wished to be heard.

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to enter into Executive Session to discuss personnel with no vote. Time: 9:47 PM CARRIED UNANIMOUSLY

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

ADJOURNMENT:

MOTION by Mrs. Mutschler, seconded by Mrs. Raymer – to adjourn the meeting. Time: 10:10 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
June 12, 2009