

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** JUNE 23, 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, John C. Thomas, Ronald R. Rock

ALSO PRESENT: Mayor David N. Poling, Chad McMillen, Esq., Randy S. Kunkle, Borough Manager, Earl Fitzgerald, Road Foreman

MOTION by Mr. Sivy, seconded by Mr. Googins – to enter into Executive Session to discuss a personnel issue, with no vote. Time: 7:01 PM CARRIED UNANIMOUSLY

MOTION by Mrs. Mutschler, seconded by Mrs. Raymer – to return to the regular order of business. Time: 7:44 PM CARRIED UNANIMOUSLY

HEAR THE PUBLIC:

Ray Kenny, 195 Sylvester Drive, reported a neighbor burning plastics, mattresses, etc. Mr. Thomas said to call him with the complaint when it is happening and he would follow up on it.

Elizabeth Burns, 100 Stange Road, suggested putting information about burning in the newsletter. Mr. Sivy suggested the website. Mr. Googins reported the entire Economy Borough Code is on www.economyborough.org. Mr. Rock asked Mr. Kunkle to put a burning article in the newsletter.

Jo Ann Borato, 2001 Conway Wallrose Road, is concerned as to how long it seems to take Council to resolve issues brought to their attention Mr. Rock said he is a First Amendment person and believes every person should be heard.

MINUTES:

Mr. Rock advised on page 89 Public Utilities is spelled incorrectly.

MOTION by Mrs. Mutschler seconded by Mr. Sivy – to approve the Minutes of the June 9, 2009, Regular Session of Council, with the spelling error corrected. CARRIED UNANIMOUSLY

MAYOR’S REPORT:

Mayor Poling requested a letter be drafted from Council and himself to the Beaver County Assessment Office asking for an explanation of the assessment formula used and if a representative could attend a public meeting to explain it. Mr. Rock asked Mr. Kunkle to draft the letter.

MANAGER’S REPORT:

1. Tree Removal: Mr. Kunkle reported we received a price of \$1,200.00 to remove the hazardous tree out front, plus \$300 more to remove the stump; the Property Committee recommends Council approve this proposal submitted by Timber Wolf Logs and Tree Service.

***MOTION by Mr. Sivy seconded by Mr. Mutschler – to authorize Dean A. Vidovich dba Timber Wolf Logs and Tree Service to remove the tree and stump in front of the municipal building for a cost of \$1,500.00.
CARRIED UNANIMOUSLY***

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC UTILITIES

Mr. Googins reported the status of the water tank is unchanged; still waiting for Verizon to fix the problem. Mayor Poling suggested Ambridge Water Authority should re-notify customers of the need for the pressure reducer inside the house.

PROPERTY and BUILDING:

Mr. Sivy reported the police building roof has been completed by Mr. Bevilacqua, inspected and approved by Mr. Shoup.

Mr. Sivy reported one of the three air conditioners at the police department is not cooling and will have a contractor check the units.

PUBLIC SAFETY:

Mrs. Mutschler reported the police car is ordered; will be a 2010.

FINANCE COMMITTEE:

No Report

ROAD DEPARTMENT:

No Report

ORDINANCE and RECREATION:

Mr. Thomas reported the Summer Camps have started with great participation; volleyball was extended to an additional week.

Mr. Thomas reported the stone was set at Jeffrey B. Meddock Recreation Park; will have a dedication ceremony Saturday, July 11, 2009 at 10:30 AM. Mr. Googins reported a muddy area at Jeffrey B. Meddock Recreation Park has been filled in, leveled and will be seeded with grass seed.

Mr. Thomas reported the draft gun ordinance is scheduled to be presented at the July 14th meeting.

REPORTS:

SECRETARY:

No Report

ENGINEER:

No Report

SOLICITOR:

No Report

HEAR THE PUBLIC II:

Butch Thompson, 115 First Street, asked if there was someone else other than Ambridge Water Authority (AWA) to turn to for service. Mr. Rock reported the agreement signed in 1991 between AWA and Economy Borough gives exclusive rights to AWA to be the provider; Economy Borough is currently in litigation with AWA over several issues, one being the agreement. Mayor Poling suggested residents contact Senator Vogel or Representative Matzie; organize and file a class action suite against AWA. Mrs. Mutschler suggested the residents file a class action suit; Council can't do it, residents would have to do it.

Richard Harrison, 1220 Conway Wallrose Road, suggested contacting the PUC concerning AWA. Mr. Rock stated the PUC has no authority over AWA. Mayor Poling stated the suggested minimum pressure is 25#, however there is no one that oversees authorities to enforce the pressure code.

John Campbell, 123 Gross Drive, suggested there should be some loop hole that could be found in the AWA agreement. Mr. Googins said Economy Borough is currently in litigation with AWA over several issues, one being the agreement; let the courts decide.

Mike Lucia, 416 Golden Grove Road, asked if Economy Borough could have a representative on the AWA Board. Mr. Thomas felt this probably would never happen.

Elizabeth Burns, 100 Stange Road, stated at times her water has a chlorine smell; they buy bottled water to drink; couldn't this be a contract breaker? Mr. Thomas said AWA sends out the required notices; just received one this week. Mr. Googins felt they were quarterly notices; AWA uses the formula required by DEP for the chemicals.

Bob Mecchia, 211 Fernwood Drive, reported the noise from the MSP seems to have vanished in the last few weeks. Mr. Thomas reported he also did not hear the noise. Mr. Rock reported MSP was wrapping the cyclone with heavy plywood; he saw 1 side done, they must have finished. Mr. Mecchia verified with Mr. Thomas that the name of the complainant would be kept confidential on a burning complaint in a neighborhood.

Sal Boboth, 105 Timber Ridge Road, asked if the public would be notified somehow if Economy Borough would be considering a major project, i.e. adding on to the municipal building. Mr. Kunkle advised there would be public meetings, it would be in the minutes and could be on the website. Mr. Thomas reported it all would be legally advertised. Mr. Rock stated there is a process; due to the affect on the taxpayer, all residents would know of any building project. Mr. Boboth reported regarding the police building air conditioner, that Richard Refrigeration is an Economy Borough business. Mr. Sivy asked Mr. Kunkle to email him tomorrow with the name and phone number. Mrs. Mutschler reported the warranty should be checked and this could possibly need bid out.

Jo Ann Borato, 2001 Conway Wallrose Road, is concerned with the negative perception she feels Joe Luff gives as a first impression representing Economy Borough. Mr. Kunkle reported being the code enforcement official is a difficult job; people don't like to be told what to do or like change; there was discussion in Executive Session and we will try to make sure Joe Luff is trying to represent Economy Borough the way Council and the residents would like it to be represented. Mr. Rock asked that complaints be put in writing to Mr. Kunkle.

Richard Harrison, 1220 Conway Wallrose Road, reported he had an issue with Mr. Luff 2 ½ years ago on a building permit; heard other people say Joe Luff is not certified and requested list of his certifications and expiration dates. Mrs. Mutschler requested a list of dates and certifications that Mr. Luff had when hired and dates certifications were obtained.

John Campbell, 123 Gross Drive, suggested Council needs to follow up on where the stuff is going to. Mrs. Mutschler stated Council should deal with one issue at a time.

Andy Milnick, 416 Friel Road, reported Leet Township recently condemned an abandoned rat infested house; it was a 2 year process.

Mechelle Poling, 230 Dogwood Circle, provided an aerial picture of a residence to Council and Mayor Poling; felt this is a pig sty and Joe Luff is not doing his job; concerned the liability for Economy Borough if Joe Luff does not have his certification; can't pick and choose what to enforce.

Clare Lynch, 101 Walnut Drive, questioned if Economy Borough needs Joe Luff that badly; he told people he is aware of computer software to check aerial views for possible permit violations; feels this is a problem to be followed up on. Mr. Rock verified with Mr. Kunkle that a complaint has not been received on this property. Mr. Thomas stated you can't see this property from the road; this is a private lane.

Mechelle Poling, 230 Dogwood Circle, reported residents always call their home complaining about Joe Luff and they are directed to the borough manager or Mr. Thomas; Mr. Luff left a hang tag on a resident's door when 9 other residents on the street had the same driveway work done and no hang tag.

R. J. Burns, 112 Almond Way, asked if Council was going to take action or talk about it; paying \$22.00/hour; paying people to do nothing.

John Campbell, 123 Gross Drive, said he passes a swimming pool every day that is in state violation, no fence; no one says anything; needs to cite things that aren't being cited. Mr. Campbell reported the Veterans Memorial Project is starting back up. Mr. Campbell asked what was discussed/the conclusion of the Executive Session. Mr. Rock stated Council discussed borough problems and how to attack them.

Charles J. O'Donnell, 154 Mary Reed Road, read a prepared statement to be made part of the public record, but did not provide a copy of the statement for the minutes (the following is written from the audio recording):

“Has lived in this borough for 18 years and over the 18 years has met a number of good people who live and work in this borough; among them I have met a number of dedicated borough employees, volunteer firemen and policemen who I believe are second to none; I will never forget the first time my daughter came home from Economy Elementary to tell me all about stranger danger; she learned about strangers from the dedication of Officer Chris Foley and the borough police department in their efforts to make our kids safe; she even got a baseball card of him that she proudly displayed on her dresser; similarly we have a number of borough employees that have been extremely dedicated to their jobs; which brings me to the reason I am here; apparently the mayor's wife brought my name to your attention last week, last council meeting; she claimed that I was sending emails to her husband that were harsh and she did not like the tone of them and wanted her statements made part of the public record; this all revolves around 2 emails I sent to Mr. Poling asking him to substantiate the accusations his campaign made regarding the borough employee and good friend of mine, Earl Fitzgerald; I sent both emails to Mr. Poling via his contact email address on his public website; specifically I wanted to hear any proof whatsoever that Earl used money raised from selling scrap for anything other than he was directed by council to use it for; (sound garbled) unable to produce a shred of evidence to substantiate any claims I was told that I should use my right to know and read the minutes; I took their advise and I read the minutes; the following minutes provide ample evidence that refutes any claim of misusing money; please see the minutes from June 10, 1997, June 11, 1998, February 2, 1999, May 25, 2000, May 27, 2008, June 10, 2008, June 24, 2008, July 8, 2008; Mrs. Mutschler also requested a report regarding scrap money and the borough manager produced that on May 28, 2008; all these minutes mention as well as the borough managers report state that Earl did exactly what council told him to do; shortly after that a petty cash account was set up for the working foreman to use; I think the Poling's should take their own advise and read the public documentation, which they can obtain by their right to know also; all this public documentation clearly states that Earl did nothing inconsistent with council's directives; a note regarding Mrs. Poling's chastising me in public and private is that I never addressed either of my two emails to Mrs. Poling and therefore I feel she has no right to respond to me; my emails were sent to the mayor of the borough that I live in and not to his wife or dog or cat or Aunt Millie; I sent my emails to the mayors contact email address on his public website; I voiced my feelings to a public figure as per my first amendment of the Constitution guaranteeing my right to speak freely; Mrs. Poling in turn sent me an unsolicited email to my personal email address; and you should see that unsolicited email she sent me; the bottom line (sound garbled) Mrs. Poling told council two weeks ago that she did it only for public grandstanding in an effort to divert it away from claims that they can't possibly substantiate; all the records prove that; after all this issue is between the mayor and myself; has nothing to do with the borough or the council; while people are allowed to have their opinions, they have no right to pass off fabricated accusations as fact in a public forum such as a council meeting; in the future I would hope council

does not allow a citizen to waste time in a public meeting with irrelevant chatter; as for Earl, he continues to serve as a working foreman of the borough road department; Earl has worked for Economy Borough for 29 years; and was promoted to working foreman in 1999; he has served as the vice president, president and now as past president of the American Public Works Association, Western Pennsylvania Chapter; in that role he has brought a wealth of information back to the borough and saved the borough thousands of dollars via new techniques used, new equipment knowledge, problem resolution by experience etc.; I understand as I a number of national committees that the experience of knowledge tapped is invaluable; I know as I have been a national member of the IEEE, ISA, and a voting member of MP37 (sound garbled) National Committee; on top of that it is good publicity that Earl has brought by having a presence coming from Economy Borough, PA; he is a dedicated employee who has worked hard to maintain our roads all year long; Earl has spent countless hours behind the wheel of a salt truck cleaning roads so we can all go to work safely when we woke up; he also has been called out of his home numerous times to clear roads from debris of storms that passed over; Earl says this is all part of his job; a job he takes great pride in and his work speaks for itself; all of this said he certainly doesn't deserve the character assassination of Mr. and Mrs. Poling (sound garbled) contain complete fabricated accusations they have made.

Mrs. Mutschler requested a copy of the written statement be given to the secretary in order to make a reply. Mayor Poling stated he never met Mr. O'Donnell before but would like to sit down and have a meeting with him for about an hour to show him in black and white, no accusations. Mr. O'Donnell said he would be glad to do that.

ADJOURNMENT:

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

Respectfully submitted,

Susan A. Blum
Borough Secretary
July 24, 2009