

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

ABSENT: Audrey Mutschler (prior commitment), John C. Thomas (prior commitment)

ALSO PRESENT: Mayor David N. Poling (7:16 PM), Dale M. Fouse, Esq., Randy S. Kunkle, Borough Manager, Earl Fitzgerald, Road Foreman

William Vescio, President, Bryon Funding, Inc., gave an update and a market commentary of the Police Pension Fund and the Non Uniformed Pension Fund for the Second Quarter, 2009.

HEAR THE PUBLIC:

President Rock advised the next order of business is to hear the public; asked that your name and address be given for the record; restrict comments to Economy Borough business and try to keep comments to 3-5 minutes.

Skip Raabe, 203 Park Hill Road, came before Council with his concerns of the proposed firearms ordinance; feels it is more restrictive than the Pennsylvania Game Commission laws; target shooting is not addressed; hopes the intent is not to eliminate shooting in Economy Borough; property line could be looked at as it is severely restrictive; if this is put in place, the police would have no choice but to enforce the ordinance.

John Campbell, 123 Gross Drive, other issues not addressed was archery targets; if on your own property and have a safe range, should be able to shoot it; no exemptions for police departments; not addressed are hobby air guns or paint ball guns; as long as a person has written permission from the landowner you can hunt within a safety zone on your next door neighbors property as per the PA Game Law; at no time during the year is there not some type of legal hunting season that goes on; should be an exemption stated in ordinance; might want to address hunting on less than 15 acres.

Ron Musi, 11 Bock Lane, does not understand why recently this has become a problem; reads an as extension of the safety law 150 yards from the dwelling or property line; feels this is one property owner trying to dictate what another property owner does on his property, therefore interfering with his right for the pursuit of happiness which is a constitutional right; if he is target practicing on his own property into a proper back stop that is approved by the borough, police department, or whoever, it is not a safety issue; this ordinance restricts him from doing this.

David Zychowski, 87 Mary Reed Road, asked what caused this proposed ordinance. Mr. Rock reported complaints from a resident whose neighbor was shooting a semi automatic in the back yard; Council decided to tighten up the ordinance with some restrictions; draft something that has wide parameters. Mr. Zakowski feels this has taken away their rights; paid for the 46 acres to have his right to hunt.

7:16 PM – Mayor Poling enters the meeting.

Andy Young, 201 Bradford Park Road, stated he feels the \$1,000 fine attached to the proposed firearm ordinance is ridiculous; uses a pellet gun to control groundhogs; cross bows need addressed; need to define the caliber of the weapon; has no problem with an ordinance written with reasonable sense and following the Pennsylvania Game Commission; asked Council to reconsider the fine and type of firearm addressed.

Daniel J. Iwaskewycz, 2637 Hemmerle, suggested Council should go after the violator.

James Neal, 210 Amsler Road, asked if this is going to be a felony charge and \$1,000 fine?; this looks like nothing but follow the money trail. Mr. Rock reported the intent of the ordinance is safety.

Earl Stange, 420 Sproat Avenue, agrees with what has been said already; this ordinance is more restrictive than Cranberry Township; so far this year has shot 11-12 groundhogs in back yard to stop them from destroying his property; need “other property” defined; if this is passed, will it be enforced?; feels complaints should be allowed to be anonymous.

Jerry Chalupiak, 300 Tyro Road, feels the whole ordinance should be scraped; surrounded by large acreage; can shoot any day and not bother a sole; this ordinance will take away his rights; definition means you are defining something, below it states “not limited to”, how is this a definition; whole thing needs to go.

Keith Stumpf, 1899 Hillsdale Avenue; wished to voice his discontent with the whole bill; needs scraped; this bill stops he and his daughters from being able to hunt; sucks and needs scrapped; if this bill passes he will make sure he votes next time.

Andy Milnik, 416 Friel Road, stated he is the resident who requested this; has a neighbor who is shooting an AR15 (in dispute if it was automatic) 40’ from his property; he goes to ranges and does not walk in front of fire lines when he shoots; it was talked about following the Game Commission laws and being 150 yards from structures; mentions that it was to be firearms only; provided Council with copies of Cranberry and Marshall Townships firearm ordinances; hopes Council would try to protect someone who can not use their backyard because someone decides to set up a shooting range; talked with the guy, had the police there; does not feel 150 yards from an occupied structure is unreasonable; does not address 100 foot lot frontages when a neighbor is only 40’ away; agrees this proposed ordinance is strict.

Mr. Rock stated Council is to a point now to table this back to committee with the input and come up with something livable for both sides tonight and previously; if anyone has more information that has not been mentioned that they feel is important, write them down, call or give to Mr. Kunkle or Mrs. Blum.

MOTION by Mrs. Raymer, seconded by Mr. Sivy – to table the proposed fire arm ordinance, send it back to committee. CARRIED UNANIMOUSLY

Mr. Googins suggested a representative from the public as a consultant to the Ordinance Committee; wrote down suggestions mentioned; suggested Skip Raabe could get together with some of the gun clubs. Mr. Fouse advised a motion is not needed for a resident representative for this ordinance. Unidentified resident stated he is a land owner, sportsmen's club member and taxpayer and wants to represent himself if a committee is formed; does not believe a committee should be formed; has a serious issue with this entire ordinance; does not want Council to limit his rights. Mr. Rock suggested 1 or 2 people from the sportsmen's club, they would be able to speak to the other members; the more people on a committee, very little gets done; give the representative your information; this has been tabled and will go back to the ordinance committee; Skip Raabe will be a representative with possibly 1 or 2 other people; will contact him when the ordinance committee is meeting; no changes to anything that may have happened previously. Mr. Muci reported a lot of board members of the sportsmen's club are here tonight and assured Council that this will be discussed at their next meeting and they will have a position statement from the sportsmen's club; hopes any future meetings on this subject would be made public. Mr. Fouse advised that if Council considered a revised ordinance on this issue it would have to be re-advertised.

Ralph Spangler, 125 Andrus Road, stated he is a good close friend to someone who has been hammered in the last few weeks about the junk on his Dad's place; he is cleaning up; made 300% improvement; needs to be eased up on; he is not a dead beat; knows it needs to be cleaned up; there are other places in Economy Borough that need cleaned up, too.

Meagan Trimbur, 3225 Ridge Road Ext., stated she lives next to that property; filed a complaint 2 years ago with Mr. Luff on April 24, 2007; talked with Mr. Maker May 2, 2007 and was told he did not own the property and couldn't clean up until he owned it; junk cars, grass, trouble with groundhogs and wants her father to come and shoot; has increased her property value; tried to be nice; would have been glad to help him if he would have said he was older and can't do it; but instead Mr. Maker called her a liar; has an issue with this; concerned about the safety of her 2 year old son; is a responsible parent; her child does not run onto his property; he has not cleaned up on her side of the property; invites everyone to her house to see this; pays taxes, too.

Charlie O'Donnell, 154 Mary Reed Road, felt he needed to come before Council regarding Mrs. Mutschler's personal attack on him 2 week ago. Mr. Rock stated Mrs. Mutschler is not at the meeting tonight. Mr. O'Donnell stated he was not at the last Council meeting when she read 2 pages of a personal attack on him; she was not involved in it; it was between the mayor and his self; they have a cordial relationship; will be meeting on August 5th; he said at the June 23rd meeting that she asked for a report and she received it on May 28, 2008; from that, two weeks later, he got 2 pages of tongue lashing; had his name 14 times in a real condescending type of statement; can't believe Council let this go on; he is a taxpaying member of the community; should not get beat up like that; ridiculous; would like to review her ethics form that she signs at the beginning of the year.

Roger Kowal, 479 Amsler Road, asked when the first part of Amsler might be scheduled to be paved; it is falling apart. Mr. Googins reported the plan is to seal coat Amsler Ridge Road. Mr. Fitzgerald reported not this year, however they do plan to do something with the settlement on the roads.

Dan Chalupiak, 109 Daniel Drive, asked the status of the requested fire hydrant on Daniel Drive; was told 4 years ago by John Peoples, Baden Borough, that Baden would put the hydrant in if Economy Borough paid for it; the nearest hydrant is 400 yards away in front of Quigley High School. Mr. Rock asked Mr. Kunkle to review this.

Jo Ann Borato, 2001 Conway Wallrose Road, asked if the list of bills is being given out prior to the meeting night for review as requested a few meetings ago. The secretary advised a draft list of bills is given 1 week prior to the meeting and a final list the day of the meeting. Mr. Sivy reported it is not uncommon to ask questions about bills prior to payment at the meetings.

MINUTES:

MOTION by Mrs. Raymer, seconded by Mr. Googins – to approve the Minutes of the June 23, 2009, Regular Session of Council, as written. CARRIED UNANIMOUSLY

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

MAYOR'S REPORT:

Mayor Poling thanked the road crew for removing an animal carcass from Mary Reed Road at Recreation Drive; the Game Commission was unable to get to it for a few weeks.

MANAGER'S REPORT:

1. EIT: Mr. Kunkle reported in his last report he summarized the status on the county wide EIT collection; by September 15th municipalities have to appoint a primary and an alternate to the committee that will decide how the collections will be handled; a meet and discuss meeting may take place prior to September, so the sooner the appointment is made the better; it is recommended that those appointed have knowledge of EIT collections; suggestion is Council appoint Mr. Kunkle the primary and Mrs. Blum the alternate.

MOTION by Mr. Mutschler, seconded by Mrs. Raymer – to appoint Mr. Kunkle as primary representative to the Beaver County EIT Committee and Mrs. Blum as alternate. CARRIED UNANIMOUSLY

2. Paving: Mr. Kunkle reported since 1986, when Economy Borough bought its first paver, we've been able to do some paving in house (i.e. Cliff Road last year) and others have been contracted out due to the limitations of our paver; paving in house eliminates the profit a private contractor would make, thus saving the borough money; the main obstacle to buying a new paver has always been the price tag; at last check it was at \$120,000; last week we received a flyer from Walsh Equipment advertising a 2002 LeeBoy Model 8000 paver with less than 1,000 hours on it; Earl checked into it further as requested and after going over it with the Road Committee, the recommendation is that Council bid out this paver or its equivalent; the money to pay for it would come from the Highway Aid Fund; last year we budgeted \$150,000 for contracted paving and another \$50,000 or more for in house work; we didn't do any contacted work and the year before we contracted out about a half mile of paving; with over 50 miles of roads to maintain we are not replacing them at an adequate rate; if we could put that \$200,000 (or more) entirely into asphalt we'd be able to slow the pace at which we are falling behind. Mayor Poling asked how the paver would be transported and the trucks to haul the materials. Mr. Fitzgerald reported we would haul it with the trailer we already have. Mr. Kunkle stated depending on the job if needed would hire an extra truck or two; will save money over the cost to contact out. Mr. Sivy verified that the new price would be \$120,000; after questioning, the main difference on this one can push the truck that is feeding it; the current paver has to be fed from the sides with shovels of asphalt.

MOTION by Mr. Mutschler, seconded by Mr. Googins, to authorize the bidding out for the purchase of one 2002 Leeboy model 8000 Paver with less than 1000 hours or the equivalent make and model. CARRIED UNANIMOUSLY

COMMITTEE REPORTS and OTHER BUSINESS:

ORDINANCE and RECREATION:

Mr. Kunkle reported the fire arms proposed ordinance has been tabled and sent back to the committee.

Mr. Rock asked the status of the tennis courts. Mr. Kunkle reported he talked with Mr. Cosgrove and not all members of Council were in total agreement with paying for the tennis courts if moved to the Jr. High. Mayor Poling reported there may be some funding coming from a grant; possibly \$10,000.

PUBLIC UTILITIES:

Mr. Googins reported Ambridge Water Authority has been testing, filling and chlorinating the tank; issues Mr. Tomaszewski had have been resolved; the Verizon issue will be resolved last week; DEP still needs to inspect; AWA plans to put a notice in the Beaver County Times to get wider notification to residents in the area affected by the water tank with older homes that they need to install pressure reducing valves. Mr. Rock asked Mr. Kunkle if Mary Hrodic has been in contact with him. Mr. Kunkle reported Ms. Hrodic told him they expect the tank to be in operation next month.

PROPERTY and BUILDING:

Mr. Sivy reported reviewing multiple security systems; has a meeting scheduled with a vendor to get ideas and pricing; will talk to Chief Harrington for his input; very little shrubs and branches this past week in the dumpster; this is a learning process for all of us and the process may keep changing.

PUBLIC SAFETY: No Report

FINANCE COMMITTEE: No Report

ROAD DEPARTMENT: No Report

REPORTS:

SECRETARY: No Report

ENGINEER: No Report

SOLICITOR: No Report

HEAR THE PUBLIC II

President Rock opened the floor back up for questions about what was discussed during the business portion of the meeting.

Roger Kowal, 479 Amsler Ridge Road, concerned that with the purchase of the paver and the additional work load, Council should not throw away all the contracted paving until we can see what the road crew can handle; bring people in to get some work done. Mr. Googins reported this was discussed; feels Council needs to decide how to task the road department; in the past they have been asked to do jobs other than take care of the roads; Council is confident we will save Economy Borough money by doing this; will have to look at other tasking that was done in the past that would not require the skilled road department (i.e. putting up swing sets); Laurel Road was the only contracted paving schedule for this year.

Jo Ann Borato, 2001 Conway Wallrose Road, suggested comparing the cost of the contracted paving and in house paving with Laurel Road; would like to see it kept in house and save money, however a benefit of outsourcing is if someone got hurt on the job, it would not be a liability against our worker's compensation. Mr. Googins reported this would be looked at; the comparison of contracted out in 2007, contracted out was \$117,230, in house is estimated at \$73,000 with a savings estimated at 38%; will have to still contract out the milling (est. \$5,000-\$7,000). Ms. Borato felt this is a logical process, to save money and answer the road needs in a timelier manner; would like to see the numbers and savings. Mr. Googins stated Council is elected to do this and have spent a lot of time researching; will provide any information; if don't have the answer will find out for the residents. Mr. Sivy reiterated safety was a main concern for Council when they had Dean Vidovich remove the tree a few weeks ago (there were power lines and a rotten tree involved) no way no how that any Economy Borough employee life is worth the \$1,200 to remove the tree plus the \$300 to remove the stump; Mr. Vidovich had 2 other contractors look at the tree; because of the power lines, it had to be taken down the way it was; we do not have equipment to work around power lines.

Gary Bucuren, 3480 Conway Wallrose Road, stated he disagreed with Mr. Sivy; thinks the tree could have been done in house with no problem, to save Economy Borough money; same liability as with everything that is done; when paving, trucks are up in the power lines; asked what is the difference between the old paver at 13' wide and the new paver at 13' wide. Mr. Sivy stated it is how the material is supplied to the paver; the men literally have to shovel the material on the old paver, partly gravity fed. Mr. Bucuren suggested holding off this year and not buying the paver to save money. Mr. Googins stated he does not believe the paver we have can do sufficient paving that Economy Borough needs. Mr. Bucuren stated it is his opinion that this time of year it is a waste to spend taxpayers' money. Mr. Sivy stated this is going to be paid from the Liquid Fuels Fund.

Charlie O'Donnell, 154 Mary Reed Road, stated as an electrical engineer for 25 years with experience in NEC Codes, NFP Codes and OSHA standards, he feels there is no scenario at all that Economy Borough should have an employee near high power lines who is not properly trained; we would be in violation of the codes.

Elizabeth Burns, 100 Stange Road, asked if there was grant money available to buy a new one (paver). Mr. Googins stated there are none available.

Butch Thompson, First Street, asked how the purchase of the paver will affect the police department; they have not purchased a new car in 2 years; why don't we replace police cars like we used to. Mr. Rock reported the police department has a separate budget; the police department is 43% of the budget and the road department is 23% of the budget; feels it got to the point where Economy Borough was replacing low mileage police cars; asked that question when he got on Council; two Ford personnel questioned why Economy Borough would replaced a Ford police vehicle with only 88,000 miles, they should be 150,000 miles; Council tried to get 100,000 miles if they are not having problems. Mr. Sivy reported Council did a study and the (PSP) Pennsylvania State Police holds their cars to 150,000 miles. Mr. Thompson asked if repair costs are going up on the cars as he sees 2-3 cars at Stanley's. Mr. Sivy reported Economy Borough has 11 police vehicles; they are at Stanley's for maintenance (i.e. oil changes, state inspections, etc.); has a technical background in this; not a lot in heavy bills; watches this. Mr. Googins reported the budget put together at the end of the year allocates

money into departments; using funds allocated in the road department budget for the paver; has nothing to do with the purchase of the police cars or the police budget; working within the road department budget.

David Zakowski, 87 Mary Reed Road, asked what process has to take place to get a fire hydrant installed. Mr. Googins reported it would be better if Mr. Thomas was here; he has the knowledge and comprehensive mapping of which part of Economy Borough has water available and which part does not; this is for when the EVFD is called for a fire, he knows where to get the water from. Mr. Brickner reported when the EVFD is called out, the hydrant information is faxed to the command vehicle and if tankers are needed. Mr. Googins stated if a hydrant is not available at a reasonable distance, tanker trucks are used; if the need arises, mutual aid with the surrounding municipalities would kick in. Mayor Poling asked Mr. Brickner about the pressure near his house; has a hydrant 100 yards from his house with not pressure. Mr. Brickner reported his area is tankered until the new water tank is in service; can not boost the pressure, can only pump out what the hydrant gives. Mr. Googins reported if the water line is there, we can request AWA to put a hydrant in; when AWA puts the hydrant in we pay for the hydrant and an annual service fee; Council relies on the EVFD for the recommendation. Mr. Zakowski asked what the annual hydrant service fee is. Mr. Rock reported \$125/year per hydrant (\$50,000 is budgeted for 2009). Mr. Rock reported 1-2 times a year in the mail we receive letters from our volunteer fire department asking for donations; if you can send something to them; they do a fantastic job and every penny counts; they will appreciate your donation; in 36 years living in Economy Borough has had 2 chimney fires; response was fast to put the fire out; glad to have them; they have a big area to cover. Mr. Googins reported that Jake Thomas is the fire chief and if he feels we needs a hydrant, we will get a hydrant.

Matteo Morrone, 208 Foxglove Drive, asked the status of Council Chambers air conditioner tonight. Mr. Kunkle reported the air conditioner is set at 74 degrees. Mr. Sivy reminded everyone that you have to take how many people are in the room times 99 degrees.

ADJOURNMENT:

***MOTION by Mr. Raymer, seconded by Mr. Googins – to adjourn the meeting. Time: 8:42 PM
CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum
Borough Secretary
August 5, 2009