

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** AUGUST 11, 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, Dale M. Fouse, Esq., Norman C. Shoup, P.E., P.L.S., Randy S. Kunkle, Borough Manager, Earl Fitzgerald, Road Foreman

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.

Butch Thompson, First Street, reported the Beaver County Times (BCT) had an article in Sundays BCT that Mr. Googins said Economy Borough already bought the paver; asked that the bid be tabled and cleared up before going any further as this makes it look like a scam. Mr. Googins said he was misquoted; this was from a meeting with Senator Stout; they were asking what municipalities were doing to help out with the fact that funding will not increase from the state; that was stated as an option and misquoted. Mr. Rock directed the secretary to call the BCT to indicate that Economy Borough is considering purchasing a paver, it is out for bid, and does not mean we will purchase it.

Andy Milnik, 416 Friel Road, volunteered to be a member of the committee to revise the proposed firearms ordinance. Mr. Rock reported the committee will be the 3 member Ordinance/Recreation Committee, Mr. Milnik and possibly Skip Raabe as the sportsmen's representative. Mr. Thomas said a meeting will be set up for next week and either the manager or secretary will contact him of the place, date and time.

Jo Ann Borato, 2001 Conway Wallrose Road, back to the paver issue; feels this is a capital expenditure; doesn't care where the funds are coming from; was under the impression from the last meeting that it would be taken into consideration after a cost analysis between in house and outsourcing would be done prior to buying a paver; if it is out for bid are we able to back out of this; thinks this all needs to be looked at; thinks this is jumping the gun in this financial environment; seems like a frivolous expense at this time without a good cost examination. Mr. Rock reported Council does not have to accept the bid; Mr. Fitzgerald did a cost examination showing a substantial savings if we would have had a paver; will provide it to Mrs. Borato and Mrs. Mutschler. Mr. Googins reported the established road committee reported back to Council that the committee looked into this with Mr. Fitzgerald and came up with the data talked about which is not formal, just work notes; can only do so much as far as paperwork to get every resident of Economy Borough up to speed on every thing that this Council does; have to trust the people hired and the Council are doing that work and he verifies that that work is being done; there is nothing that is being done in the Road Department, Police Department or any other department that Council doesn't look at thoroughly to see that it is the best for the dollar for the residents of Economy Borough. Mrs. Borato stated there is doubt due to the over run on the salt shed and accountability on other expenditures; his committee has left it open for doubt as to what they are capable of doing. Mr. Googins reported there was no over run that was not approved by Council. Mrs. Borato stated as a citizen of Economy

Borough she would like a more open voice to be heard; ran a business for 10 years and would like to know the cost effectiveness of the purchase, if everything was considered. Mr. Googins reported yes. Mrs. Mutschler asked if the information requested was public information. Mr. Fouse stated what was described was something in writing and public information. Mrs. Borato suggested putting information sheets with reasoning's at the borough secretary's window; copy of notes is acceptable; concerned of a snow ball effect and end up having a huge amount of money being spent; we have a school board that is out of control; people are worried about their taxes going up; feels we need more cost accountability; concerned about the expense of money at this time no matter where it comes from. Mr. Googins reported that where the money comes from is a valid point; when you look at investing rather than spending money in equipment; Economy Borough technically is a corporation; we do a cost analysis of if it is better to purchase, hire out, postpone, etc.; these decisions are made in any type business; appears, for whatever reason, that some residents of Economy Borough feel that this Council does not do that; in the 3 ½ years he has been here, has not seen it not happen; it does happen; spends an enormous amount of time looking into things; Council all does its share looking into what needs to be done to look into what is best for Economy Borough; it is our belief that postponing paving of Economy Borough roads as we have in the past and if this continues, the cost to the residents of Economy Borough will be far greater than doing something about it now; spending money now, Economy Borough will save in the future; savings will not show up immediately; the easy solution would be don't spend any money, don't buy anything; everybody would be happy today; future Council's will have problems; his opinion is that he does not want to leave the future people in Economy Borough or Council strapped with a problem that we can solve now; how much time and effort put into researching, as much time and effort he feels is needed to make a valid decision; feels everyone else on Council does the same. Mrs. Borato asked why paving has been postponed if we already have a paver. Mr. Googins reported the paver we have now will not pave the borough roads to the quality that is wanted for paved roads that will last; the current paver is a 1986 model, made for paving small narrow rural roads/parking lots/driveways; have used it to pave some roads; not wide enough; if you don't do a good job paving the roads, they will fall apart. Mrs. Borato asked why it was not sold before and use the funds for a new paver? Mr. Googins reported it would be put out for bid. Mrs. Borato asked if Economy Borough is going to buy a roller. Mr. Googins reported no, we have a roller. Mr. Sivy reported when you own a business you have to spend money to make money; in this case Council wants to spend money to save money; we have an opportunity to buy a very good paver for a very good price; does not think the price is astronomical by no means and could possibly make it up in one job; will have to see when the bids come in. Mrs. Borato still thinks Economy Borough has inadequate equipment to do jobs that need done in Economy Borough; we would need to hire tri axel dump trucks; thinks to get the paver and not have everything else in line to make that equipment work and generate money; wants to make sure the investment has a positive return. Mr. Sivy also wants a return on the investment; PennDOT does not have trucks; they hire them out; Economy Borough has a fleet of 5 Peterbilt dump trucks; for a larger job Economy Borough could hire out like PennDOT. Mr. Googins reported Economy Borough will save money because Economy Borough does not have to make a profit, Economy Borough provides a service; there will be savings; there is a wide gambit of variables to come up with a percentage of savings; came up with 30-35% savings; Scott Shoup came up with about the same range; Mr. Fitzgerald came up with the same range; this basically means Economy Borough can do 1/3 more roads than we have been doing; the BCT article was a different subject, but the same area; all municipalities in Beaver County have the same problems; increase in prices, decrease in revenue, stretching dollars. Mr. Sivy suggested if Mr. Googins is correct at 35%; half would be 17 ½%; even 10% because the paver will sit over winter months; can not get 10% on money at a bank; hoping to get a much bigger investment than 10%. Mrs. Borato requested a copy of Mr. Fitzgerald's work sheet.

Tomas Lynch, 101 Walnut Dr., to keep residents informed suggested posting upcoming projects on the Economy Borough website and in the Economy Connection. Mr. Rock reported this is a good idea as the Economy Connection is out 2 times per year, down from 3; someday we may depend solely on the website. Mr. Googins reported the webmaster posts information that the manager, secretary and recreation sends; Economy Borough does not have an IT department; Cranberry has a large budget and a full time IT person; to save money we send batches to be posted all at once; costs money to do this.

John Campbell, 123 Gross Drive, asked how much paving has been done in the last 2 years; how much money was allocated for paving that was spent on equipment. Mr. Fitzgerald reported ½ mile in house last year (\$25,000) and 600' scheduled for this year (\$19,000). Mr. Campbell stated his point is that money allocated for paving was spent on the crack sealer and now taking money to buy equipment and not doing any paving; doesn't make sense to buy something with no money to use the equipment purchased; why buy something that will set for 1-2 years until you have ample money to use it. Mr. Fitzgerald reported Economy Borough has salt to buy yet this year; cost is astronomical; salt is \$63/ton this year; will probably be spending an additional \$60,000 for salt; the money has to come from somewhere. Mr. Rock reported Mr. Googins is looking outside the box and beyond next year; this is how municipalities have to think; the Council in 1994 did a one million dollar bond issue to pave roads because prior Councils let the roads go to pieces; don't want to do that again; in order to save money we have to spend money now. Mr. Googins reported we will start paving next year and some will be done this year; we have already gone several years without doing any appreciable paving; we have a little over 51 miles of Economy Borough roads; some are unimproved; there are 45 +/- miles of Economy Borough roads that need to be paved; the engineering study said a road of our type should last 15 years; you need to do approximately 3 miles of road a year; each year we are falling behind by only doing ½ - 1 mile per year; crack sealing the roads might make that road last from 15 to 17 or 18 years; this is a PennDOT and LTAP fact; these are people who teach how to do roads; i.e. Freedom Road (SR 989 to the soccer arena) was paved 5-8 years ago; it is now stripped with crack sealer to extend the life of the road; that is what Economy Borough is doing to make our roads last longer; we can't afford to contract out paving because the cost has gone up; the wages have gone up; projects over \$25,000 require prevailing wage; the cost of paving has increased dramatically; more than our revenues have increased; the idea to get by this is to patch/crack seal/do paving in house to keep up; may not be able to do 3 miles per year, but we want to do more than ½ mile; don't have commercial taxes in Economy Borough; need an influx of commercial money from somewhere; the ultimate goal is not to raise taxes. Mr. Sivy said Council could do nothing and the money may or may not go to contract paving; if we do it in house at a bare minimum we could take the 17 ½ % or up to 35% savings and use that savings money to pave additional roads that we would have to put out for contracted paving and get less for our money; doing in house projects has been brought up at every meeting and that is what Council is trying to do. Mr. Campbell feels to do in house you have to have the funds to work with why spend money indiscriminately; the price of salt to maintain the roads is skyrocketing for everybody; got to rob Peter to pay Paul to pay for the salt; whatever fund it is taken from will be short because you don't have the funds needed to do the job you want to do. Mr. Googins asked why do the borough residents want to do with the roads? Audience members suggested applying for grants or outsourcing therefore eliminating a position on the road crew. Mr. Googins reported if you hire someone to do something they will be making a profit; feels Economy Borough can eliminate the profit and easily see a savings; Economy Borough is a nice borough; one of the best boroughs in Beaver County; best Police Department, best Road Department; our roads are in excellent shape; a great place to live; really don't have any big problems; all Council has to do is be very careful with our money because we don't have any commercial income.

Elizabeth Burns, 100 Stange Road, asked how do we know we can't get any grant money if nobody applies for it; why can't we apply? Whose job is it to apply? Why can't we try to get some money, the government was giving money to help put people back to work; why can't we apply for something like that; can't say no we can't apply when there is a 10% chance we might get some; might bring in some revenue; her sister in law got money for Freedom Borough when she was on Freedom Borough Council; always applying for grants; plans on talking to her about where, who and what. Mr. Rock stated it is Council's job to direct the borough manager. Mrs. Burns reported Economy Borough's code enforcement officer gets a raise every time he gets a certification; should put a cap on his salary like other business's do; 2-3% raise every year for cost of living; is the borough managers car necessary; waste of gasoline; should stay here at the borough building; if Economy Borough is this bad we need to watch every penny; need to put a cap on the code enforcement officer payment; need to start researching and looking at what we are spending money on everyone's salary and gas money; will help apply for grants, will volunteer time to do the secretarial work for the grants; apply and get some grant money from the state or federal government for the paver.

Maria Cardinale, 7 Ann Street, came before Council regarding the 3 pine trees on her property that were cut back off the road by the road department; feels the trees are ruined and should be cut down and replaced with pines; was not notified the trees would be cut; detracts from her property. Mr. Kunkle reported he does not know why she was not notified and asked if she or her brother were present when the trees were being cut. Ms. Cardinale stated after the trees were cut, it was noticed by her brother; he went outside and asked what they were doing and why they didn't cut them all the way down because now they are ugly; they detract from the property; they were sentimental, her Dad planted the trees; feels there was no reason for the trees to be cut back; there are other trees on Ann Street that come to the edge of the grass; her trees did not go any further than the grass; every year during snow removal the trucks come closer to her property than anyone else's and purposely break the branches on the trees; year after year; why did they come on Ann Street during Merriman Road paving to turn around; in November the branches were cut and now the branches have no needles. Mr. Kunkle stated the branches were cut back off the road. Ms. Cardinale asked why she was the only one; feels her property is singled out. Mr. Kunkle reported the drivers are asked to drive their snow routes to locate where there truck may be trouble with trees; in the course of plowing the truck mirrors will hit the trees; when reviewed the branches extended over the road. Mrs. Cardinale stated the trees were not on the road and now all she has left is a branch without any needles left on it. Mrs. Mutschler asked how Council could rectify this problem; what does she feel we could do to correct something like this; she should have been notified. Ms. Cardinale reported her brother called Mr. Kunkle during the repaving of Merriman Road to report the trucks on Ann Street. Mr. Thomas asked what does Ms. Cardinale want Council to do. Mrs. Mutschler verified that they are 3 pine trees. Mr. Rock asked Ms. Cardinale what she wants done. Mrs. Cardinale stated the trees have to come down and replanted for privacy in front of her house; if she plants shrubs in front of her house will the workers come again to her property and break the new shrubs; this has been going on a number of years; they come closer to her property than anyone else's property. Mr. Rock reported he does not think Economy Borough road crew did this on purpose. Ms. Cardinale respectfully disagrees; this is done on purpose for years. Mr. Thomas asked why she did not come sooner if it has been for years. Mr. Cardinale stated in the beginning they just broke off the tips of the branches; now they have ruined the trees completely; for what reason are they singled out; suppose to be a 35' road, only a 20' road, maybe; other residents extend their driveways on the roadway; suggests borough engineer survey the street. Mr. Thomas does not feel they are being singled out. Mr. Cardinale feels someone on his street who must know someone on the borough and complained to Economy Borough about the trees. Mr. Googins verified with Mr. Kunkle and Mr. Fitzgerald that he has not received a complaint about the trees. Mr. Fitzgerald reported he sends the crew out every year to go over their route for issues with trees; mirrors/doors are damaged while plowing; lots of issues with trees; put in the newsletter before to cut your trees back; the crew cut there and on Watch Hill; the two workers who did the job said they talked with Mr. Cardinale and he said he was ok with them cutting the tree, but not the next one. Mr. Cardinale said he was not ok with them cutting the trees; when he saw them they already had the trees cut; asked them to remove the trees; they told him they can't do that; then they parked next to the next trees; wants to know the reason why their property is being singled out. Mr. Rock does not believe they are being singled out; the trees were cut off the roadway; understand why he is upset; don't know what Council can do for him. Mr. Carinale said he saw from his window and asked why when Merriman Road was being fixed, the trucks would come on Ann Street 3-4 times a day to turn around at the end of the street, came over to his side of the street just to break the branches; feels they were joy riding. Boyd Piatt suggested if the trees are ruined, cut them down and put 3 new trees in if that would satisfy Mr. Cardinale. Mr. Rock asked Mr. Fouse if Council is in legal rights to cut the trees down. Mr. Fouse advised if they are on the right-of-way, we can cut them down; need to find that out first. Mr. Cardinale asked if there is an ordinance for him to be served with a registered letter. Mr. Rock stated no. Mr. Rock asked if the trees are on his property or in the right of way. Mr. Cardinale stated they are on his property. Mr. Rock reported Economy Borough can not take them down. Mr. Fouse asked if the trees are obstructing Economy Borough's ability to remove snow? Ms. Cardinale stated no, not obstructing your ability to remove snow. Mr. Rock reported the trees will be Mr. Cardinale's responsibility.

Meagan Trimbur, 3225 Ridge Road Ext., reported at the hearing Mr. Maker was only fined \$50.00 because he said he does not have the means and the judge felt bad for him; he was fined \$50 and has 10 days to get the rest of the property cleaned up or it will go back to the magistrate and the fine will go up; does not want to cause a hardship on Mr. Maker; to Mr. Kunkle, who is the Economy Borough main code enforcer for Economy Borough. Mr. Kunkle reported Joe Luff is the main code enforcement officer since Ray is no longer able to perform building code functions; Ray is delegated to do zoning. Mrs. Trimbur reported Joe Luff reported he is the building inspector and Ray is the code enforcer. Mrs. Trimbur asked why Mr. Luff met with Mr. Maker a few days before the hearing? Mr. Rock stated this has gone through the magistrate and asked if Council is at liberty to talk about this since it is in the magistrate's hands? Mr. Fouse felt this is public knowledge. Mrs. Trimbur told Mr. Rock she has all facts, unlike some people. Mrs. Trimbur reported Mr. Luff said he met with Mr. Maker a few days before the hearing and she wants to know why; feels Mr. Luff is working with Mr. Maker and not working with her. Mrs. Trimbur asked why Economy Borough sent two code enforcers to the hearing. Mr. Kunkle reported both were involved with the case and may have been needed. Mrs. Trimbur reported we wasted taxpayers money because Mr. Luff did not say a word, just sat at the hearing; Mr. Luff passed the buck to Mr. Tomaszewski saying this is all yours, here you go; Mr. Tomaszewski needs to be commended, he did do a good job and she thanks him for that; taxpayers dollars were wasted by sending 2 code enforcers, one paid \$20 per hour to sit and say nothing. Mr. Kunkle reported both people were involved in the case and may have been needed. Mrs. Trimbur does not see how both were involved in the case when she filed the complaint in writing with Mr. Luff; it has been herself and Mr. Luff who have had the conversations; does not see why Ray was brought into this; why did Joe Luff tell Mr. Tomaszewski that before he can talk to anybody it has to go through Mr. Luff. Mr. Rock reported Ray is the assistant and this would be the chain of command. Mrs. Trimbur reported at the hearing Mr. Tomaszewski stated that they like neighbors to work together; Judge Ed Howe said why do we have code enforcers, if we have codes, we need to enforce them, shouldn't be up to the neighbors to work it out; start enforcing codes; not saying to nit pick at things; clearly this property was out of compliance in several areas and should not have been this long; once again she feels Mr. Luff is not working with her and has never worked with her; he should be working with her because she is not the one breaking the law. Mrs. Trimbur asked Mr. Kunkle how much grant money he has gotten for Economy Borough. Mr. Kunkle reported in 2008 a \$49,000 grant for recreation equipment at Sunset Hills Park and \$7,000 for replacement lighting in this building; applying for an \$18,000 grant for replacement lights in the next 2 buildings.

Ruth Helsel, 119 Gross Drive, reported she is here regarding 109 Clearview Drive; she filed a complaint with Ray and would like to know how long it takes to have something done; there are cats everywhere in the tall grass; the house has been empty for 2 years. Mr. Rock asked if animal control has been contacted. Mr. Kunkle was not aware of animals; knew the grass was high; received a quote today from Economy Landscaping of \$450, first cut and clean up and \$45, every other week; animal control will need to be called. Mrs. Helsel reported calling the police because the lights were on in the garage; has cut the grass in the past and would cut the grass but branches from a storm are down in the grass. Mr. Rock suggested once the grass is cut the cats may leave. Mr. Thomas asked why this is being contracted out; will we get this money back. Mr. Kunkle reported liens will be filed against the property under the nuisance ordinance. Mr. Thomas suggested having the part time summer help cut the grass in house instead of spending \$450; we could do it for 1/3 of the cost. Mrs. Mutschler reported we are coming to the end of the season and Mike Moyer will be going back to school soon. Mr. Sivy reported they are getting behind in the grass cutting; would like to evaluate first to make sure how many limbs are in the grass so we don't do damage to our equipment. Mr. Rock stated Council needs to make a decision on this; cut the grass or not. Mrs. Helsel reported it is 1/2 acre lot with a house and garage. Mr. Thomas suggested contacting Triangle Pet to get rid of the cats and have the part time summer help look at the property. Mrs. Mutschler asked if the property could be charged for the Triangle Pet services. Mr. Sivy asked if Economy Borough labor can be charged against the property; keep track of expenses to do that. Mr. Rock directed that Triangle Pet be contacted for the cats; then get Mike to cut the grass. John Campbell reported this is behind his house and has not been cut for 2 years; suggested Council would not want to take Economy Borough equipment there to try to cut the grass; a company would probably use a brush hog or a Lexmark; the back of the property has a bank to it and is full of limbs; someone cut the grass by the Jr. High and it looks

worse now than before it was cut; if he owned a lawn service would not cut it for \$450; would be taking a chance on damaging equipment; they have a mess there they have to try to clean up totally before the first cut and if they go back to cut; if not all the debris will be laying there. Mr. Thomas questioned if Economy Borough has equipment to cut it properly; we should send Mark Custer up to take a look at it to see if we can cut it and clean it up properly. Mr. Rock directed if not, go with Economy Landscaping.

Tomas Lynch, reported he has been a tree climber for 13 years and a certified arborist; regarding the pine trees, spruces, once cut back off the road, very hard to make them aesthetically pleasing; Economy Borough can only legally cut back from the road. Mr. Googins reported the bottom edges of the pine trees were green; once the green is cut off it is wood; looked at it, it is lined up with the road; looks terrible, but lined up with the road; will the wood grow green. Mr. Lynch stated no unless you cut it back to green; the rule of thumb is only cut back 25%; with the homeowners permission, it could be cut back to the trunk to look aesthetically nice.

MINUTES:

Mr. Sivy requested on page 112 the abbreviation PSP be spelled out as Pennsylvania State Police.

MOTION by Mr. Googins, seconded by Mr. Mutschler – to approve the Minutes of the July 28, 2009, Regular Session of Council, as corrected. CARRIED UNANIMOUSLY

MAYOR’S REPORT:

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

Mayor Poling recommended Mr. Kunkle draft a letter to Senator Vogel on behalf of himself and Council in support of Senate Bill 554 allowing local police to use radar. Mr. Googins suggested if the residents agree they should also send separate letters. Mrs. Mutschler suggested more people would sign a petition. Mayor Poling reported this frees up where they can sit; they can sit anywhere.

MANAGER’S REPORT:

1. Foxglove Drive Cul-de-Sac: Mr. Kunkle reported 2 dead 60’ dead trees in the cul-de-sac at the end of Foxglove Drive; he and Earl met with residents near there; one already had damage done to a car; has an estimate of \$1,000 from Dean Vidovich to remove the dead trees. Mr. Shoup reported the cul-de-sac is Economy Borough property. Mr. Googins reported the trees are dying from the top down; one is leaning towards a house. Mr. Thomas verified that the 60’ trees are too tall for the road department to take down.

MOTION by Mr. Mutschler, seconded by Mr. Googins – to authorize Dean Vidovich to remove the dead trees in the cul-de-sac at the end of Foxglove Drive for a cost of \$1,000.00. CARRIED UNANIMOUSLY

2. TEAM Agreement: Mr. Kunkle reported Economy Borough has been a member of PSAB’s “The Employment Alliance of Municipalities” (TEAM) for a number of years; PSAB has again teamed up with Reed Smith, a very large firm with attorneys who focus on labor law, to be our go to labor law specialists; as a member we can make up to 9 phone calls/emails for legal advice for contract negotiations or labor issues, send one person for free to the annual labor and Employment Law Seminar, and, they will provide other services at discounted rates, such as review personnel policies; it is recommended that we continue to be a TEAM member

as we are entering into two contract negotiations, by signing the agreement; the cost is \$350 per year. Mr. Sivy verified money is budgeted for this.

MOTION by Mr. Sivy, seconded by Mrs. Raymer – to authorize the execution of the TEAM agreement at a cost of \$350 per year. CARRIED UNANIMOUSLY

3. TEAM Seminar: Mr. Kunkle reported this year’s seminar starts at 1:30 PM Wednesday, September 16, 2009 and wraps up at 4:00 PM the following day in the Holiday Inn Harrisburg/Hershey (Grantville); this has been a very effective seminar in that it provides current legal issues in employment law, including contract negotiations and tactics; subject areas to be covered include: problem and practical issues faced by managers/EO’s/Police chiefs; handling emergency issues; a panel of labor arbitrators will discuss collective bargaining issues; there will be a “Public Sector Update”; retirement issues; managing labor costs; and discipline; registration for the first person is free (\$200 each thereafter); strongly recommends at least one person go and take copious notes to share with everyone; the room rate is \$87.

MOTION by Mr. Thomas, seconded by Mrs. Mutschler – to authorize Randy Kunkle to attend the TEAM Seminar September 16-17, 2009, and report information back to Council committees. CARRIED UNANIMOUSLY

Mr. Rock asked if Mr. Cosgrove has contacted Mr. Kunkle yet. Mr. Kunkle reported no; he may be on vacation.

Mr. Rock reported the MSP Noise is being handled by New Sewickley Township.

Mr. Rock reported Council has the proposed traffic calming policy for review and comments; will be put on the next agenda.

COMMITTEE REPORTS and OTHER BUSINESS:

ROAD DEPARTMENT:

Mr. Mutschler read the Road Report for the month of July, 2009:

- Prep work on roads to be sealed this year. Work being done includes base repairs, drainage work, scratch paving, profiling with the grader and cleaning berms.
- Worked on trucks and equipment.
- Patched various roads

Mr. Mutschler requested an executive session regarding personnel with no vote.

ORDINANCE and RECREATION:

Mr. Thomas reported a meeting will be scheduled an evening next week on the gun ordinance.

Mr. Googins asked the status of a replacement recreation board sign; would like to get rid of the old one. Mr. Sivy reported he talked with a contractor and needs a specification sheet. Mr. Thomas reported the new sign at EVFD No. 2 was approximately \$3,000. Mr. Sivy asked if the price included the letters. Mr. Thomas said the letters usually come with it; will review it and give Mr. Sivy a final figure.

PUBLIC UTILITIES: No Report

PROPERTY and BUILDING:

Mr. Sivy reported rain delayed some of the mowing; some mower maintenance done; will have someone look at the camera issue for the dumpster; will get with the Building Committee on this; several different set ups; the dumpster has not been overloaded with shrubs lately. Mayor Poling suggested including this in with the police department. Mr. Sivy reported Chief Harrington told him the police system needs updated; will talk to Chief Harrington and the building committee to see if this can be done together at the same time.

Mr. Sivy reported regarding a comment made at the last meeting; this meeting, listed on the list of bills are 5 separate police vehicles that were serviced at Stanley's; simple oil filter changes; seeing a lot of police vehicles there for regular maintenance; average price of bills was less than \$30.

PUBLIC SAFETY:

Mrs. Mutschler reported reading the July 28, 2009 minutes; Charlie O'Donnell stated that he thought she personally attacked him; after he read his letter she had requested a copy of it; he said he would provide it, he did not provide it because he said he made some minor changes to it; he did say in his email he would welcome any correspondence relative to the issue, which she did when she read her letter and if he thought she was attacking him 14 times by mentioning his name doesn't know who he thought she wrote the letter to; he thought this was a personal issue between him and the mayor; whether it be him or anyone else on Council who comes here to raise an issue and you cite minutes, it is no longer personal; this is a public meeting and she can respond to it, which she did; now in the mailbox she received a letter from prior Council members stating that somewhere in between 2002 and 2004 we gave permission for the maintaining of the scrap money to be used for the coffee fund or miscellaneous food money when called out at odd hours for snow plowing; from 2002 to 2004 be aware she has kept all the minutes; it is not stated in the minutes whatsoever; the statements made there are wrong, Council never did this; can sit and listen to the tapes, but was told the tapes don't count; the legal minutes are what Council approved here; the minutes have never stated they were allowed to keep the money for a coffee fund; if he thought she was attacking him, no; correspondence is by a letter.

Mrs. Mutschler reported the police list for contract negotiation is ready and will provide a copy to the police committee.

FINANCE COMMITTEE:

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

Mrs. Raymer reported to Mayor Poling that a resident called her requesting more police presence for the safety of the kids at Woodlawn and Shaffer. Mayor Poling said he would put this on the list.

Mrs. Mutschler asked that the \$1,500 roll over motion made in December 9, 2008, be adjusted to the recreation board line item that is over budget. Mr. Kunkle will review this.

Mrs. Mutschler asked the status of the Earned Income Tax (EIT) revenues coming in. Mr. Kunkle reported the EIT is slow coming in; keeping an eye on this. Mr. Googins reported the Finance Committee met and evaluated

this; looking at the numbers it appears the EIT is coming in; looks like ½ of the June 30th estimated shortage has been made up; will know more at the end of the month; feels we need more information from CENTAX and an explanation as to the returns getting in. Mrs. Mutschler asked if the contract is year to year; this money is counted on. Mr. Googins reported the shortage is catching up. Mr. Rock suggested getting an appointment with Mr. Villella to meet with the Finance Committee during an evening; has questions also; Mr. Kunkle is to contact Mr. Villella.

REPORTS:

SECRETARY: No Report

ENGINEER:

Mr. Shoup reported the bids for Laurel Road were opened as advertised and read as follows:

\$33,160.00 – Youngblood Paving
\$37,276.00 – A. Felino Construction
\$46,220.00 – Protech Asphalt Maintenance
\$58,400.00 – M. Facchiano Construction

Mr. Shoup reported the low bid was checked and is in order; Youngblood does very nice work; the bid is good for 60 days. Mr. Googins requested the bid be tabled until the next meeting to compare in house vs. outsourcing.

Mr. Shoup reported they have looked into the fire hydrant on Droz Avenue; they believe it would be in the best interest of Economy Borough to get 2 samples of water from 2 different spots and have an independent analysis for an approximately cost of \$100.00.

MOTION by Mr. Googins, seconded by Mr. Sivy – to authorize approximately \$100 to have water tested at 2 different sources on Droz Avenue. CARRIED UNANIMOUSLY

SOLICITOR:

Mr. Fouse reported the appeal of eminent domain of Giant Eagle has been denied by the Commonwealth Court of Pennsylvania; they have 30 days from August 7, 2009, if they decide to file a petition for appeal to the Pennsylvania Supreme Court.

HEAR THE PUBLIC II:

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

Elizabeth Burns, Stange Road, asked the location of the TEAM Conference and if mileage could be saved by using the borough vehicle. Mr. Rock reported the conference is in Hershey/Grantville and the borough vehicle is not able to travel that distance.

Butch Thompson, First Street, asked why the borough manager was not on top of the scrap metal money; if scrap metal is going out, shouldn't money be coming in; why did he not think this should be accounted for; needs to be answered; this is his job; don't just give it away. Mr. Rock reported this has been discussed over and over again; permission was given by Council. Mr. Thompson stated according to Mrs. Mutschler permission was not given. Mrs. Mutschler stated she read the minutes. Mr. Mutschler reported it was voted on. Mrs. Mutschler stated she read the minutes and she did not vote on it; she said that her letter said they came one time to gain permission; they came back, no, it goes into the general fund; what part don't we understand here; Council did correct it after the fact when a petty cash allowance was made. Mr. Thompson stated it doesn't say how much money. Mr. Rock stated it has been over 10 years; he and Mr. Mutschler both started at the same time; he can remember sitting here; if it is not in the minutes, would not question Mrs. Mutschler about it as she has the minutes; he and two other Council people are under the same impression, that Council basically gave the road department foreman permission to take the scrap metal money, put it in a fund to buy food for the men during overtime; remembers saying that and remembers the president of council at that time telling the road foreman not to bother Council with this; put that money away; Mrs. Mutschler has the minutes and it is not in the minutes. Mr. Thomas stated he goes back further than Mr. Rock and if you want to go back, that is what Council did; Council did give the road foreman permission to take the scrap to the junk yard; when the money came back it went into their coffee fund; that was years ago when he first got on Council, Council did do that; what has transpired over the years, what was voted on and what was done; he knows originally Council did do that. Mrs. Mutschler asked where it was done at; did Council do it in a public session with the solicitor present; does not think Mr. Fouse would give the ok; if it was the past solicitor shame on him because that was Economy Borough funds. Mr. Thompson stated there are no receipts; how much did you give away; sloppy bookkeeping; enough is enough. Mr. Rock stated this has been said many times; what happened is what happened. Mr. Thompson stated everything is let go; another example is that a borough employee was paid wages and benefits he was not entitled to at a cost of up to \$100,000.00 and you want us to let that go; has had enough; where did that go; who has explained that here. Mr. Rock believed this was all explained. Mr. Thompson asked when; what happened, how did it happen; deserves answers on this; this is a lot of money; how did we lose all this money; just can't blow it off. Mr. Rock referred Mr. Thompson to the attorney general's office. Mr. Thompson said he is asking the President of Council; tell what happened; feels the public deserves this; ask the borough manager to tell. Mr. Rock reported based on the events, what happened is correct; did not lose any money; anything that was paid out was paid out properly. Mr. Thompson asked why we are asking for it back; Mrs. Mutschler made a motion to ask for it back. Mr. Rock stated Council followed all legal procedures. Mr. Thompson asked why it happened in the first place. Mr. Rock reported this was not discussed this evening. Mr. Thompson reported it will be discussed at the next meeting.

Tomas Lynch, suggested putting a sign at the yard waste dumpster advising that a permit must be obtained from the Economy Borough office. Mr. Rock stated that is a good point and it will be checked out.

Meagan Trimbur, suggested the road department take turns buying coffee instead of using scrap money; this is what is done where she works. Mrs. Trimbur commented that Mr. Maker thinks this situation is a joke; it is not a joke; understands that he was up bragging at work that he only got fined \$50 and he pleaded at the hearing that he doesn't have the means; Mr. Maker makes \$48,000 per year; more money than she makes; does not want to hear Mr. Maker does not have the means; asked Council several meetings ago to reprimand Joe Luff; feels she is ignored once again by Council; then after Mr. Luff was ignorant to her again and disrespectful, asked that Council fire Mr. Luff; her two issues are Mr. Maker and Mr. Luff; wants to know what Council is doing with Mr. Luff. Mr. Rock reported about two meetings ago Council had an Executive Session; Council and Mayor Poling sat down with Mr. Luff; talked to Mr. Luff and got his side of the story; Council asked questions and he gave his answers; when the Executive Session ended he did not hear from any Council Member or anyone involved that they would suggest a reprimand or any kind of disciplinary action taken against Mr. Luff; presumed everyone involved were happy with his answers regarding your situation and other situations that were discussed. Mrs. Trimbur stated Council has several residents complaining about this man and thinks something need to be done; feels Council believes Mr. Luff and are calling her a liar; will take a lie detector

test; has nothing to hide; her frustration is coming from Mr. Maker making this out to be a joke; does not find it a joke when it affects her 2 year old son; Mr. Luff has never been respectful towards her; feels that as a taxpayer in Economy Borough that he should be treating her with respect, because she is not the one breaking the law.

JoAnn Borato, asked if the policy for the scrap metal has been changed. Mrs. Mutschler reported Council gave each department \$500 of miscellaneous money to use as needed, with receipts. Mrs. Borato suggested a wild life camera on a pole for the yard waste site. Mr. Mutschler reported the committee looked at that today. Mr. Sivy reported the issue is where to set the camera in order to get a license plate number and that it won't be stolen.

Ruth Helsel, suggested using the smaller paver to pave resident's driveways to raise money for the new paver. Mr. Fouse stated there would be numerous liability issues and it should not be considered.

Mayor Poling reported the Veterans Memorial is under construction; hopefully there will be dedication this Fall; for the public record, all his services are 100% volunteered.

Mr. Googins requested an Executive Session regarding contract negotiations with no vote.

ADJOURNMENT:

MOTION by Mrs. Mutschler, seconded by Mr. Mutschler – to adjourn the meeting to Executive Session regarding personnel and contract negotiations, with no vote to be taken. Time: 9:21 Pm CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
August 18, 2009

List of Bills attached to Minute Book