

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** AUGUST 25, 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, John C. Thomas, Ronald R. Rock

ABSENT: Donald Sivy, Business commitment

ALSO PRESENT: Mayor David N. Poling (7:04), Dale M. Fouse, Esq.

HEAR THE PUBLIC:

Ray Kenny, 195 Sylvester Street, reported the case against Ronald Dunlap is not a closed issue; code enforcement officer, Joe Luff, may have dropped all charges again, but this case is not closed; there was a hearing scheduled for Monday, August 24, 2009 regarding the complaint against Ronald Dunlap, 2020 Barbara Street; Joe Luff dropped all charges on Monday, August 17, 2009; Ronald Dunlap submitted to Joe Luff on that same day, August 17, 2009, documentation that does not apply to this case; it comes from 13-180-79B; that ordinance applies to off street parking of businesses; our complaint has nothing to do with article 13; nothing was mentioned in Ronald Dunlap's documentation about junk equipment that he continues to store on his property; yet Joe Luff decided that Ronald Dunlap is no longer violating any zoning ordinances; the continued violations are storage area issues not parking areas; Ronald Dunlap stores a recreational vehicle and trailer in the front yard on a corner lot; as per zoning, corner lots shall provide front yards on each street frontage; the storage of an RV and a trailer is a seasonal activity; this is a continuation of violation of Article 12-180-76 Storage C & D; as previously stated on enforcement notice dated May 7, 2009, and again on notice dated June 10, 2009; please read the definition of junk as listed in the borough zoning book; it is not only an environmental nuisance and blight, but is also a violation of Ordinance 180-66, Equipment Storage Yard; the definition of Equipment Storage Yard is an area of land devoted to the storage, whether temporary or permanent, of construction equipment, farm equipment or other heavy equipment or vehicles in excess of 26,000 pounds gross vehicle weight (GVW); 180-66 O (1) the minimum site required for an equipment storage yard shall be five acres; Ronald Dunlap definitely does not own 5 acres at 2020 Barbara Street; therefore, this too is a zoning violation; this complaint has been going on since October, 2008; the zoning is in place, we have done the work, now do your job.

Joann Borato, 2001 Conway Wallrose Road, had some questions for Mr. Kunkle but can wait on those issues when he is here; stated the paver concerns her; asked Mr. Googins when the bid was put out for the paver; when did the bid expire; verified that Council would consider the bid tonight whether or not the paver is purchased and technically the paver has not been purchased. Mr. Googins reported the manager or engineer would bid the equipment out. Mr. Rock reported the paver has not been voted on yet. Mrs. Borato reported according to the National Asphalt Pavers Association, Pennsylvania Asphalt Pavers Association and the cost benefits to actually out source and in house paving; thinks Council needs to stop and think about a \$35,000 expenditure at this time no matter where Council is getting the funds from (Liquid Fuels or what); perhaps the paver was put out by another municipality or another company because they needed to get rid of a capital asset; in regards to the National Asphalt Paving Association in March, 2009, they are on the verge of several break throughs in paving; concerned if Council purchases this paver Economy Borough will be behind the eight ball in what new methods of paving can be; demonstrated to the City of Pittsburgh was a paver that is able to

recycle the asphalt material; the National Asphalt Pavers Association is also coming up with a way to recycle asphalt shingles from roofs used in the paving of roads; the paver demonstrated to the City of Pittsburgh was invented by Al Benedetti of McKees Rocks; talked to Al Benedetti and he has been in the paving industry for a long time and said out sourcing has several benefits to doing it in house; an independent contractor has to pay the prevailing wage in the state; the benefit that they have that Economy Borough does not have is if they want to extend their job overtime to get the job done they are not under the constraints to pay the employees overtime, sick time, vacation time; that gives them a benefit; contacted the hotmix.org group; hotmix.org is a group of people who do hot mix asphalt for paving companies and municipalities all over the country; hotmix.org has the ability to buy in bulk for several contractors, getting a better rate than just one contractor or municipality; the way Mr. Fitzgerald presented his numbers looks like there was a cost savings, but the cost savings is not as great as lead to be believed; for these reasons she is asking Council to consider a no vote for this paver; was watching the paver on the Walsh Equipment website; Friday, August 21, 2009, the paver was removed from the website; called Walsh and asked about the paver and was advised they were contacted by Economy Borough and were told that they were the successful bidder for this paver and the paver was coming to Economy Borough; if the bids were to be opened today and voted on today, Economy Borough has a serious problem, smacks of collusion, smacks of corruption; concerns her in this financial atmosphere in our country that we can willy-nilly spend \$35,000 and this comes to light from Walsh Equipment; has done investigating and found in 2006 when the Auditor General audited the Liquid Fuels Fund and there were misappropriations of a contract; has not found a reason to trust the Road Committee and sees no reason to trust the Road Committee; asked when this comes up for vote today that Council in order to look like ethical, honest people who are concerned about the money that is being spent in this community, vote no for this paver, until it is brought to light how this bid was won by Walsh.

Bill Puryear, Walsh Equipment representative, reported no one at Walsh would have told Mrs. Borato the paver was sold. Mrs. Borato advised Mr. Puryear he needs to talk to Mike Walsh or Vickie. Mr. Puryear reported Walsh has been in this business for 75 years and knows until Council awards the bid, it is not sold; the paver was put on hold for Economy Borough until Council made a decision; has dealt with municipalities too long to be that stupid. Mr. Rock asked why it was taken off the website. Mr. Puryear reported because it was put on hold until Walsh is notified if Economy Borough makes an award; if the award is not made the paver goes back on the website. Mr. Rock verified with Mr. Puryear that Walsh has sold Economy Borough things in the past and he knows Mr. Fitzgerald. Mr. Puryear reported when Walsh bids something to a municipality they realize it may take 30 days before the municipality can have a meeting and makes a decision; always put the equipment on hold when they sell a used piece of equipment to a municipality; normal way Walsh does business. Mr. Rock verified with Mr. Puryear that this has been done this way before. Mr. Puryear reported the paver came from Summit Township in Erie County; they traded this in to buy a bigger one. Mrs. Borato asked Mr. Puryear why he is at the meeting tonight. Mr. Puryear reported he knew the paver was going to be discussed tonight and wanted to find out the result. Mrs. Borato asked Mr. Puryear if he had another municipality willing to pay \$40,000 for this paver but he put it on hold for Economy Borough for \$35,000; seems like an odd way to do business. Mr. Puryear stated yes they would hold the paver; they are old fashioned up there.

Elizabeth Burns, 100 Stange Road, asked Mr. Puryear who his main contact on Economy Borough Council has been that he has talked to; has it been Googins, Mutschler, or borough manager Kunkle. Mr. Puryear reported Walsh put out an advertisement with used equipment for sale; Earl said there may be some interest because they have been talking about a paver for several years, not just recently; this has been ongoing for several years about a paver; Walsh got the used one in on trade from Summit Township, Erie; it was in very good condition and told Earl about it; Earl approached Council and Mr. Kunkle and said they would interested in putting it out for bid, which they did; the bids were opened August 20th. Mr. Rock stated that is how he understands this; basically Walsh spoke to Earl Fitzgerald about it. Mr. Puryear reported this might have been in the budget in the past, not this year; it has been discussed. Mr. Rock reported this has been discussed for four or five years; this became available, you spoke to Earl, Earl spoke to Randy and Randy spoke to Council.

Butch Thompson, 115 First Street, wanted to clear up at the end of the last meeting discussion was on the Attorney General investigation and the money lost; asked Mr. Rock if he made the statement that he would not tell him what happened. Mr. Rock reported he has nothing to say about it; the matter was brought to an end several months ago; everything has been brought to an end; nothing to discuss about that matter. Mr. Thompson asked Mr. Fouse if Mr. Rock can legally say he is not going to discuss this. Mr. Fouse reported he is not sure how much Mr. Rock may know about the Attorney General investigation. Mr. Thompson stated someone in Economy Borough has to know what happened to all that money. Mr. Rock reported Mr. Thompson should contact the Attorney General. Mr. Thomas reported he has and they won't give him any information. Mr. Thompson asked why this is a secret; even the mayor doesn't know; he would like to know; a lot of people would like to know what happened to that money.

Meagan Trimbur, 3225 Ridge Road Ext., stated this is public knowledge and as President of Council Mr. Rock should be able to provide that information to the residents; if the residents are asking for an answer, should be able to provide the information. Mrs. Trimbur reported once again Mr. Googins via the August 12, 2009 Beaver County Times article that Economy Borough has purchased the paver; once again Mr. Googins is a liar and a true politician; offered to take a lie detector test; would like to see how many of Council would take a lie detector test; wants to see who is dipping their hands in the cookie jar; if Council is going to buy a \$35,000 paver, thinks Economy Borough should have a forensic audit done to show how much money is missing. Mrs. Trimbur reported that once again Mr. Luff is not doing his job; had the hearing, Mr. Maker had ten days to get the property cleaned up; ten days was Saturday, August 15th; stopped at the borough office on Wednesday and was told he has until Monday the 17th; Monday morning called at 8 AM to find out what was going on and was told that they had not gone over to that property yet; she called at 12:30 on her lunch break to see what is going on; Mr. Maker did not have that property cleaned up; Mr. Maker should have been cited again and once again gone back to the magistrate; once again there is favoritism and brotherhood going on; he was given until Monday after work to get the rest of the property cleaned up; it should have been taken care of by Saturday; who is working for who here; will take a lie detector test that Mr. Rock told her on the phone off the record that there is favoritism; has nothing to hid, apparently Mr. Rock does; residents want answers of what is going on; wants to clean house on Council; Council needs to be gone; needs to be a new Council here; reported if Mrs. Raymer is going to talk about her before a meeting, go on record and say it; understand she made a comment that she needs to bring a crowd of people with her; can stand there by herself and go on; wants answers; how much money is gone; wants to know why favoritism is going on in Economy Borough; clear to her that Council is not working for the people. Mr. Rock reported there is no money loss, there is no favoritism going on in Economy Borough. Mrs. Trimbur asked Mr. Fouse if the residents can have a forensic audit; there is a company in Wexford that does forensic audits; they will come in and investigate everything and tell us how much money is missing and give the residents the answers they want for approximately \$6,000; would rather pay that before buying a new paver for \$35,000. Mr. Fouse reported audits are done every year; has never seen this done initiated by residents request. Mrs. Trimbur stated the resident's want a forensic audit; wants an answer. Mr. Rock reported he seen no reason or any kind of audit; Mark Turnley audits Economy Borough yearly; Kim Turnley was here about 2 months ago and went over the complete audit with Council; basically said we are doing fine; a few minor areas were pointed out to Council, but in comparison to most municipalities Economy Borough is in fantastic shape; to pay more money for an audit that is going to prove nothing is a poor investment of Economy Borough money. Mrs. Mutschler reported she read that Moon Township did a forensic audit with the change of borough managers to put everyone's minds at ease. Mr. Rock reported his mind is at ease; Economy Borough has an auditor, he did the job; read in the newspaper that Moon Township had problems and that is why they did a complete audit of the municipality because of problems they had for several years. Mrs. Trimbur asked what is going to be done with Mr. Luff; he threw out Mr. Kenny's case and not working with him. Mr. Rock reported Mr. Luff send Mr. Tomaszewski there for a second opinion; Mr. Tomaszewski wrote in his report that the complaint should not be pursued; Mr. Luff sent Mr. Tomaszewski to separate himself from the case and Mr. Tomaszewski came up with the same conclusion; Mr. Luff has given Mr. Kenny the other avenue to take if he wishes to pursue the case; he explained to Mrs. Kenny her course of

action is to file an appeal with the Zoning Hearing Board and that he or the secretary will help her to fill out her application.

Mr. Googins stated this is the second meeting in a row he is accused of lying because of a statement was written in the Beaver County Times (BCT); that meeting was sponsored by and he was there representing the Beaver County Regional Council of Governments; the question came up by the BCT reporter during or after the meeting, what are municipalities doing to resolve the problem that they are all having with costs associated with maintaining roads; what he told the reporter was as an example, Economy Borough was considering purchasing a paver and doing in house paving; asked Mrs. Theodore if she would ask the reporter, Bob Bauder, if he would contact him; had called him in the past two weeks but did not follow up; the statement in the BCT is that Economy Borough was purchasing a paver, but actually the conversation was a possible solution or something like that to solve the problem; asked Mrs. Theodore to call him tomorrow or have Bob Bauder call him to clarify the statement; everything was taken by notes and is not always transcribed by the newspapers 100%; the intent of the article was to focus attention of the Commonwealth of Pennsylvania who has shorted municipalities; to pick apart a single statement that the BCT may not have transcribed 100% accurately really has nothing to do with the intent of the article; would like to get this straightened out so Mrs. Trimbur no longer calls him a liar.

Elizabeth Burns, asked how many complaints it will take about Joe Luff before something is done; reported hearing of an incident in the Ridgewood Plan; Mr. Luff tagged a deck as not having a permit; the owner reminded him that he did in fact have an approved permit; feels this is idiotic behavior; story of a women wanted to build a ramp for her invalid mother and he shut it down and made it miserable for her; her daughters incident of two years going by; Mr. Kenny's incident; there are ordinances on the books; might as well not have rules in Economy Borough; might be Joe Luff Borough; asked the mayor what can be done; wants him reprimanded; where she works, one time, verbal, second time, written, third time you're out; seems like he does what he wants to do; when the going gets tough he passes it over to Ray; Mr. Tomaszewski is a very nice person; never had any problems with Ray; there are numerous incidents with Joe Luff; Sovich Lapinski made the remark about how many people are in Economy Borough 10,000, 13,000; how many people here have had problems with him; not everybody knows that they can come to Borough Council and complain; now has a patio room that is now triple enforced over and above the building code, reason being stated by Joe Luff, high winds; required smaller windows, more walls; people are ignorant to the fact of what their recourses are; did not know last year that she could come to Council; had a fight in the yard with Joe Luff about the patio room, about him shutting down the work force; the worker said it is up to code; Joe Luff wanted her to read his code book, but wanted it refortified because of the high winds here; reported her problem to Mr. Googins when he was running for Council; argued in front yard when he was giving his campaign promises; promised he would help her and do something about this; voted for him and sorry she did; only one or two Council who are helpful. Mayor Poling reported he has no jurisdiction over the code enforcement officer; up to Council. Mrs. Burns reported she wants to change things; years ago the mayor was the head; now we have Mr. Rock who runs everything as a classroom; tired of listening week after week of complaints about Joe Luff and nothing being done; something needs to be done; needs to be reprimanded and a freeze on his wages; need specifications on his wages and crack his hand and say shape up or your are out of here, the Economy Borough residents are not idiots; reported Mr. Kenny has a beautiful entrance way to his house; but there is farm equipment there; in her daughters case, it is cleaned up somewhat; imagines Council wants more tax dollars coming in to Economy Borough, but not going to if we have Mr. Luff to put a thing on these people to increase values when there is a formal complaint made; wants something done; when Mr. Kenny was speaking, none of Council was paying attention to him or commented on it; this man is hitting a brick wall; Joe Luff handed it over to Ray; told Mrs. Raymer they are coming every week to keep an eye on all of Council; disgusted; trying to get more people to come to see how their tax dollars are being spent. Mr. Googins reported he suggested to Mrs. Burns that she come to Council with her issues.

Hilda Kenny, 195 Sylvester Street, asked why Council is allowing Joe Luff to drop the charges on Ronald Dunlap junk and storage when it was wrong documentation; he is telling her she has to pay \$300 to go before the Zoning Hearing Board when it is wrong; if he would have done his job it would have been settled years ago; all he has accomplished is pit one neighbor against the other; should have never reached this point that a complaint had to be filed; whoever the code enforcement officer was at the time should have never allowed this to collect; feels this is a storage issue, not a parking issue; this is not a closed issue, they are not done; this is going to get cleaned up; there is zoning in place, no reason why it shouldn't be taken care of; does not think they should pay \$300 to go before the Zoning Hearing Board; there are definite violations; if Joe Luff was doing his job it would be taken care of; what is Council going to do about it. Mr. Rock reported they have a letter explaining they can file an appeal to the Zoning Hearing Board. Mrs. Kenny asked why she should file an appeal and pay \$300 when the wrong documentation was presented to Joe Luff; does not make sense. Mr. Rock reported Council is the wrong venue; she would file an appeal with the Zoning Hearing Board. Mrs. Kenny reported she does not want to pay \$300 to go before the Zoning Hearing Board because of Joe Luff's incapability to do his job. Mr. Kenny reported Council hired a jerk and they are stuck with him.

Matt Morrone, 208 Foxglove Drive, asked where he went to school or college to be building inspector. Mr. Rock reported his base certificates are from classes at the California University of Pennsylvania and was able to update them. Mr. Morrone does not think he went there. Mr. Rock reported Mr. Kunkle is not here this evening to verify this; will have to wait for the next meeting. Mr. Morrone reported they have been coming to the meetings and Council is doing nothing. Mr. Rock reported Council does what they can according to the law. Mr. Morrone stated they have a lot more coming; if Council does not like their seat they can get up and leave; someone can take their place that can do a better job. Mr. Rock reported there is an election coming up, he is up in two years; file a nomination petition and run. Mr. Morrone reported they can get a lot more done in a different way.

Jo Ann Borato, 2001 Conway Wallrose Road, is shocked at Mr. Rock's flippant off the cuff quick remarks; this is supposed to be a representative Council of the people of Economy Borough; they do try to put trust in Council; citizens like Mr. Thompson ask questions about money and they get a run around; every meeting is tumultuous; quick to dismiss a forensic audit; wondered what rock all the dirt is hiding under; hates to badger the old issues; these citizens have been suffering for years with complaints; Economy Borough has been suffering with money gone missing, scrap metal money gone missing; Economy Borough is suffering at the hands of this Council and to dismiss a forensic audit without knowing what it can do to enlighten the citizens of Economy Borough; a forensic audit is different from Council's audit because Economy Borough says here's my books, aren't my numbers in columns pretty and doesn't everything match up nice; a forensic auditor will come in and go through the files and looks at every one of the receipts to make you accountable; corporations go through forensic audits all the time when there is a change of leadership; does not know how costly they are, should be looked into; if sitting on Council or before taking a seat would want a forensic audit; just to put an end to the animosity that is in the room; every other Tuesday these citizens come in here and can't stand Council because they get no answers; citizens have no idea of where the money has gone and Council is spending money like they can't write the check flipping fast enough; show the citizens where their money has gone and how it has been spent; be great if everything was peachy keen and Council comes out smelling like roses; then she would have to eat crow; what does Council have to lose. Mrs. Mutschler made a motion to have a forensic audit. Mr. Rock reported he did not call for a motion. Mrs. Mutschler requesting looking into the cost of a forensic audit; tired of coming to the meetings and being badgered. Mr. Rock asked Mr. Fouse if a motion is needed to see how much something would cost. Mr. Fouse reported no motion is needed to find out a cost. Mr. Rock directed the secretary to have Mr. Kunkle find out the basic cost of a forensic audit for the past four or five years (or what the average is) for every account, with and without the pension plans.

Elizabeth Burns, 100 Stange Road, remarked about the flippant attitude; they are the residents and taxpayers of Economy Borough; Council works for the 10,000 residents; wants Mr. Rock to stop being flippant; understands it is not easy sitting on Council; residents come to Council with valid complaints; feels something has gone

screwy here; Mr. Kunkle is conveniently not here today. Mr. Rock stated Mr. Kunkle suffered an injury, went to the doctor and is under medical advisement not to be here; will quit being flippant when residents quit being flippant. Mrs. Burns is questioning why the Walsh representative is here; like a sure thing. Mr. Rock reported Walsh Equipment has been here in the past; when a bid is out and they are the low bidder, they usually send a representative the night that Council is going to vote; there have been times in the past that Council has tabled the bid and times Council has accepted the bid and times Council turned down the bid. Mrs. Burns asked if there were any other bidders in the audience. Mr. Rock reported Economy Borough put out the request for bids; they have the equipment. Mrs. Burns feels things don't seem right.

Meagan Trimbur, stated she came to Council for the first time May 26, 2009, since she has come to Council, Council has been disrespectful to her, especially Mr. Rock; has been nothing but respectful; he insulted her intelligence when she was reading her statement about how they were called a lynch mob; when she gave the definition of a lynch mob Mr. Rock corrected her in the middle of her speaking; that was disrespectful; she is in a separate field of education; Mr. Rock is English, she went for Special Education; was asked if she knew the Amendments (to the Constitution) she learned the codes; asked if he knows sign language. Mr. Rock reported no on the sign language; the idea on the Amendments to the Constitution was given as an example of the 13th Amendment; which is Civil Rights; and the example of how that is interrupted (the analogy being the ordinance) the Civil Rights was interrupted in the 1880's to actually exclude American Indians and black Americans, but include Chinese immigrants who had been working on the railroad; their children born here were American citizens, but the idea that the native American Indian, their children born here were not considered to be American citizens; that's the interpretation; was trying to tell her it is in the interpretation; in 1954 it was reinterpreted to integrate the schools. Mrs. Trimbur reported the way Mr. Rock talks to her and presents things insults her intelligence and it is not appreciated; has a Masters Degree in Special Education; works with children with autism, cerebral palsy and optical impairment; he could never do what she does. Mr. Rock said he couldn't do what she does. Mrs. Trimbur said the reason she called Mr. Googins a liar is because she asked him a few meetings ago about a report from the Beaver County Rodent Control that he said he had and was asked at the meeting he said he had no report. Mr. Googins reported he had the conversation with Mrs. Trimbur in the hallway by the glass doors; he was told that the report from the rodent control officer stated that there was no evidence of rodents there; this can be twisted; told what was told to him that the rodent control officer found no evidence; this was not an argument or debate, it was a sharing of information; she can call him a liar but the intent was to tell her not to bark up that tree until she gets verification; can twist it or tell the people something different but that was the conversation; was a conversation with her mother present; a sharing of information to tell her something that he was aware of; now she is calling him a liar because he stated it in one way and she interpreted or heard it in another way, it doesn't make a difference; he was trying to give her some information; told her that last week when they talked privately; now she is back accusing him of lying to her; that is her free will, we live in a free country, can say what we want. Mrs. Trimbur stated Mr. Googins told her that there was a report, asked to see it in black and white and there was no report; he put her on the defense.

Mr. Googins asked Mr. Fouse if it is unusual for a vendor to come to an award meeting to see the results of the vote. Mr. Fouse reported he has seen this happen at other municipal meetings. Mr. Googins addressed Mr. Rock that he does not believe at the public portion of the meeting Council should allow the residents to attack a public vendor who comes to a meeting to find out if he is awarded the bid; if the residents want to attack Council and make statements is one thing, but to badger a vendor who came here in the capacity of representing his company to see if they are awarded a bid; verified with Mr. Puryear that he was not asked to attend tonight's meeting; previously Mr. Fitzgerald told Mr. Googins that Walsh asked if they needed to come tonight to explain any questions on the paver that is being voted on; was told they did not need to come; he came here on his own free will. Mrs. Borato said he told her she did not know what she was talking about; has names, times and ways to find out at what point the paver was taken off the website; smacks of collusion and insider buying; something is wrong here; had a right to defend herself; was not badgering the vendor; sorry if it

appeared that way to the vendor; he should not be badgered; he also should not call a citizen of a borough that he is trying to sell, manipulate, push on a piece of equipment and call that citizen a liar; thinks Council would defend her.

Ruth Helsel, 119 Gross Drive, reported the grass is cleaned up at 109 Clearview Drive and she appreciates it; saw 2 cats last night; grass is cut. Mr. Thomas asked who cut the grass. The secretary reported Economy Landscaping. Mrs. Mutschler asked Mr. Fouse the procedure to file the liens against the homes to make sure all the funds are recovered. Mr. Fouse we have the authority to file the liens; reported the liens have not been filed yet due to the multiple grass cuttings; every case is different; with multiple cuttings and if the property is held by a bank, the determination would be made and the bank put on notice the fact that the lien is filed; the property is being sold they are required to contact Economy Borough to find out what the total amount is due. Mrs. Mutschler asked who files the lien, Mr. Fouse or Mr. Kunkle. Mr. Fouse reported none have been filed yet; Mr. Kunkle knows what is needed; a bill. Mr. Rock directed the secretary to ask Mr. Kunkle about the files for the liens. Mr. Fouse reported if there is a bank known, a simple lien would be sufficient; a bankruptcy would be more of a concern; it would be on a case by case basis; this is not fool proof, it does not work all the time; sometimes the property gets sold without the lien being recognized; it is a method to get your money. Mrs. Mutschler felt we have hit the end of the season; need to find a cheaper avenue, be it the part time worker or something to not be out several hundred dollars. Mr. Thomas asked how long Mike Moyer is here. Mr. Rock reported he was out the last two weeks and will be back occasionally; Mark checked the property to see if it was in the realm of our equipment; the property was in bad shape and did not want to cut it. Mr. Thomas reported if the part time worker is not here and Economy Borough does not have another part time worker we should hire another part time worker until the end of the season; since it is cut now, the part time worker can cut it now; why pay to have someone else cut it; cheaper than outsourcing. The secretary reported Mike Moyer was at firearms school the last two weeks and is now available on Tuesdays and Thursdays during the school season, with Council approval. Mayor Poling reported Mike Moyer is worth two people; requested Mr. Moyers schedule from now until December 31st. Mr. Rock directed the secretary to get Mr. Moyers schedule for Council.

Elizabeth Burns, reported two mornings this past month while pulling out of Stange Road after seeing nothing coming in either direction, at approximately 5:30 AM, a car was passing another car on Conway Wallrose Road coming up on her; concerned for her safety. Chad Lively reported he is working the midnight shift and would look into the problem tomorrow morning. Mayor Poling reported this happened to him a few days ago; if he would not have slowed down feared it would have been a head on collision.

Tomas Lynch, 101 Walnut Drive, reported he is fed up with speeding thru out Economy Borough; works in construction and when he tells people to slow down, they flip him the bird, told to f off; feels this is disrespectful to the kids; appreciates everything the police have done; asked if there is something more that can be done, not just on Walnut Drive, but everywhere. Mr. Rock reported Council is discussing a resolution with a Traffic Calming Policies and Procedures; our own residents do most of the speeding; police are doing the best they can in the target areas. Mayor Poling suggested putting on the front page of the next newsletter an article that would impact the citizens about the speeding issue; this would get to 3,500 homes, 10,000 residents; something to make people more aware to slow down and pay attention before someone gets hurt. Mr. Lynch suggested reporting the numbers from the speed timing device documents. Mayor Poling stated he was shocked at the amount of citations written; 1,200 citations in a year's time. Mr. Lively reported the numbers are skewed because a lot of the younger drivers see the speed timing device and try to see how fast they can go from one stop sign to the next; it is still speeding, but they would not do that normally; they see the device, see how fast they can get the car from zero to sixty; even had a stop watch to see how fast they could get the car to go.

Mr. Rock reported the order of the meeting will be changed as Mr. Fouse had to leave by 8:30 PM.

RESOLUTION NO. 245 – Approving and Adopting a Traffic Calming Policies and Procedures: Mr.

Fouse reported he has reviewed the proposed policy and talked with Mr. Kunkle yesterday; wording changes were discussed; with the Stop Sign Ordinance adoption, a committee was created consisting of Chief Harrington, the engineer, borough manager and someone from the road department; the committee was created to study and make recommendations to Council with regard to the location of stop signs; Mr. Kunkle may not have had a chance to review the ordinance before he was injured yesterday; in the proposed Traffic Calming Policies and Procedures, the reference to who will conduct the study to determine when it is warranted to have the speed bumps/other traffic control devices is “the Borough Engineer and/or Traffic Consultant” ; suggests taking out “the Borough Engineer and/or Traffic Consultant” and insert “Our Traffic Committee” (in three places); the committee was created for the stop signs and this likewise is a traffic control device; why wouldn’t Council take advantage of that committee whenever deciding about raised median islands, curb extensions or speed bumps. Mr. Googins suggested waiting for the exact term. Mr. Fouse reported he brought Resolution No. 245 with him tonight which just states Council is approving and adopting a traffic calming policy to address speeding on borough streets that is attached to the resolution; Council does have a committee that looks at traffic; the committee includes Chief Harrington, the borough manager, someone from the road department and the borough engineer; sometimes the traffic control devices don’t meet the warrants; the engineer can only render an opinion based upon information, however the police chief might very well know whether or not a traffic control device is needed, better than the engineer; put it in that context you would have a better ability to calm traffic more effectively than just looking through an engineers eyes; also Council authorized the location of stop signs in various locations in Economy Borough by ordinance; believes the law says whenever you are contemplating a traffic control device, you are required to authorize that by ordinance; the policy can be adopted by resolution; when Council makes a decision to do whatever you decide to do to calm traffic, will have to be done by ordinance; the Committee will come back to Council and report what action on what road is proposed to do; by adoption the resolution tonight no formal action to do anything specific on the roads is taken tonight. Mr. Lively reported the police department wants the safety of the roads, but is concerned about the response time for the police, ambulance and fire departments if every road in Economy Borough eventually gets speed bumps; statistics show it will slow down response time; if someone is having a heart attack, it might take them thirty seconds longer to get there and that is time you might not have; glad Chief Harrington is on the committee. Mrs. Mutschler reported Council already has the committee established. Mr. Lively reported he was told about this yesterday and to research all last night about it; not finding a lot of good things about it; accidents have increased because of the speed bumps; injuries have occurred; the committee needs to look at all of this to see what to do. Mr. Rock reported this seems to be the best alternative that something is going to be permanent; will be very specific when it is time to putting it on roads; would be a last resort to put on any road in Economy Borough; one road in particular Council is looking at; may see this problem occurring; even the residents may come back and request them out. Mr. Lively reported everything that he has read, people that are against it are the people that have them put in; they were on the petitions to have them put in, once put in, they wanted them out; accidents increased, the speeding does increase, people slow down at the bump and take off to get to the next one. Mr. Rock reported Council can put them in and can also take them out; they are removable. Mrs. Mutschler asked if Council can take them out. Mr. Fouse responded yes. Mr. Lively reported the residents from Park Hill Road want it on Park Hill, but if they have to drive down Mary Reed Road to work they don’t want it on Mary Reed Road; he is for safety 100%, but concerned about response time. Mr. Rock thanked Mr. Lively for his candidness and input; have to do something about this issue. Mr. Lively reported they have written a record number of citations this year. Mr. Googins reported that the resolution just adopts the Traffic Calming Policies and Procedures; the Traffic Calming Policies and Procedures evaluation from the police department could factor in one of the ten or twelve options. Mr. Lively advised Council this is the only state that the local police does not have radar and urged everyone to call the state representative or senator getting very close; a lot of restrictions on it. Mr. Rock read proposed Resolution No. 245.

MOTION by Mr. Googins, seconded by Mrs. Raymer – to accept Resolution No. 245, approving and adopting a Traffic Calming Policy. CARRIED UNANIMOUSLY

Mr. Googins agrees with Mayor Poling's suggestion to put something in the next newsletter; article is needed by August 28, 2009. Mayor Poling advised he does not have the time as his time is crazy; asked Mrs. Mutschler to write an article for the front page on speed; he will get some people to help her. Mr. Rock reported he will talk to Mr. Kunkle to emphasize the importance to have this article on the front page. Mrs. Mutschler asked Mr. Lively to work on the article tonight.

8:30 PM – Mr. Fouse exits the meeting.

MINUTES:

MOTION by Mr. Mutschler seconded by Mr. Thomas – to approve the Minutes of the August 11, 2009, Regular Session of Council, as written. CARRIED UNANIMOUSLY

Mr. Googins suggested Council sit down with Mr. Fouse and decide what Council wants written in the minutes. Mayor Poling said these minutes are very detailed and he likes them.

MAYOR'S REPORT:

Mayor Poling advised he is picking up three trees for Mrs. Brown for Jeffrey B. Meddock Recreation Park; Mrs. Brown is dealing directly with the nursery and he is picking up the trees for her; is donating money towards them also. Mr. Thomas felt when this was talked about they are to be planted around the recreation area; the recreation committee has not talked about it. Mayor Poling advised if the road crew needs an auger for the front of the skid he has one to lend them. Mrs. Mutschler suggested checking to see where to put them in relationship with any additional equipment that may be put in. Mr. Thomas reported if we get the recreation grant applied for (pavilion) we will have to look at what will be put in over there. Mayor Poling asked Mr. Thomas to meet with Mrs. Brown. Mr. Thomas asked Mayor Poling for her address.

Mayor Poling asked about a family being evicted out of their home. Mr. Thomas reported he was involved with this; he got called Thursday morning by our code enforcement officer and the police department about a house at the top of Harmony Road; two young children live in the house with two adults; no electric running to the house; house is a disaster, piles of garbage; Mr. Luff said they are working on it; thinks it has to be taken care of; they were running a generator with four thin extension cords thru a window into the house; they are renters; the property owner was there also; looked in the window; inside like the outside; no way to let people live in the house with no electricity, running a generator and running four thin extension cords thru a window; don't know what they were running; the house could burn down; as fire chief and fire marshal said something had to be done; property owner agreed; he instructed Joe Luff that he felt that there were many fire codes in violation there; did not want to have that responsibility to fall back on him; he would be the one at two or three in the morning if something happened dragging kids out of that house; something had to be done; the police, Mr. Luff, the property owner and he decided to do the eviction notice to get them out; did not want to do that because of the kids involved, but does not want the responsibility of something happening to that home; sooner or later something will happen, it is a complete disaster; afraid they would try to jump the electric from the pole into the house; that is why it was decided to get them out of the house. Mayor Poling said he did not know the police were involved; told Chief Harrington there is due process with evictions at the magistrates; wanted to find out if due process was served. Mr. Thomas reported the property owner was told to go District Justice Howe's office and file a complaint; no rent has been paid on that house for the last five years; property owner was hesitant to get them out, was going to go Friday, not sure if he did or not; hoping the people are out of there; followed what should have been done; Officer Droz, property owner, code enforcement officer and he was there and made the determination; wanted the police there when they went to the property. Mayor Poling asked if the police were there for the eviction. Mr. Thomas reported the police were there for everything; in

agreement that they should not be in that house; violating every fire code. Mrs. Mutschler asked if there was a written formal complaint as required. Mr. Thomas reported when asked he was told Mr. Luff was investigating the property next to it; something was said about that property and it went from there; he got the phone call and went and looked at it with the police; if a formal complaint was filed, would have to check at the office. Mr. Thomas had a copy of the eviction notice put out. Mayor Poling asked to keep the copy of the eviction notice. Mrs. Mutschler reported when an order to vacate is put on the door, make sure the right house number is on it; the order to vacate is not the house number on it. Mayor Poling stated when it involves police there is a due process, you can't just evict someone out of their home. Mr. Thomas reported he had nothing to do with that; Mr. Luff was coordinating that with Officer Droz; his concern was about the kids involved.

Mayor Poling reported something frustrating to him; with the election coming up feels we need to put some stipulations on the amount of time candidates spend in the offices up here if it is not borough business; asked if there is a restriction we can put on it; peoples cars are here three, four, five hours at a time and it is prior to election; does not have time to police what they are doing; comes in the office, gets his mail, says hello and goes because they are paying for their wages; thinks at campaign time, unless it is borough business, nobody has any business in any of these offices, up there, here or down there; we have two months and thinks we need to watch this very carefully; talking candidates in general. Mr. Rock reported he is in the office periodically. Mr. Googins reported he is here more often; they are having budget meetings, contract negotiations, etc. Mayor Poling stated that is understandable, they are on Council.

MANAGER'S REPORT:

No additional action items.

COMMITTEE REPORTS and OTHER BUSINESS:

ROAD DEPARTMENT:

MOTION by Mr. Mutschler, seconded by Mr. Googins – to accept the bid of Walsh Equipment, Inc. in the amount of \$33,900 for a 2002 Lee Boy Model 8000 Asphalt Paver.

Yes – Mr. Googins, Mr. Mutschler, Mrs. Raymer, Mr. Rock

No – Mrs. Mutschler, Mr. Thomas

Absent – Mr. Sivy

Mr. Googins appreciates that Mrs. Borato has gathered information; would like to see it as it conflicts with what he has; is interested in what she has presented; interested in the future; would like to see the information if she gets a chance. Mrs. Borato said she would take it under consideration.

ORDINANCE and RECREATION:

Mr. Thomas reported having a meeting on the gun ordinance; made some progress; has some information to give to Mr. Kunkle from the seven-person committee; possibly may have something at the next meeting; want Mr. Fouse to review it first. Mr. Rock thanked Mr. Thomas for the time spent on this issue.

PUBLIC UTILITIES: No Report

PROPERTY and BUILDING: No Report

PUBLIC SAFETY:

Mrs. Mutschler reported the committee had the first meeting of the contract negotiations; waiting for a reply back.

Mrs. Mutschler reported in regards to the Executive Session at the end of the last meeting; did not sit well with her; made some phone calls and found out one part of the Executive Session regarding contract negotiations was ok; the other part saying it was for Personnel was illegal; Personnel did not mean that Earl was sitting at the meeting; she sat for forty five minutes and was badgered; that was an illegal meeting; she did contact the governor's office and spoke to their department about being badgered that long; felt intimidated in the meeting; let Council know she can proceed and file a complaint with regards to that.

FINANCE COMMITTEE:

Mrs. Raymer reported Finance had a meeting with Bob Vilella regarding the collection of EIT from last year to this year; he is going back to his office and do work for Economy Borough; wants to check that some of the delinquency; office staff is working on 2005, 2006 and 2007; trying to get Economy Borough back on track.

Mrs. Raymer reported the 2010 Budget worksheets are out to all the departments; request they be returned to Mr. Kunkle by September 15, 2009.

REPORTS:

SECRETARY:

Mrs. Mutschler asked if the borough employees will be offered flu shots again this year; last year the line was long at Med-Fast; some got the shot, some didn't; suggested coordinating to have Economy Borough employees in line a half hour prior to the advertised regular shots. The secretary reported arrangements have not been made yet. Mr. Rock directed the secretary to contact Med Fast to possibly set up a time where the Economy Borough employees could get in an out.

ENGINEER: No Report

SOLICITOR: No Report

HEAR THE PUBLIC II:

Mr. Rock reported the second part of the Hear the Public would be anything covered in the context of the agenda tonight.

Meagan Trimbur, advised Mr. Thomas she understands his concern with the property, definitely when it comes to the welfare of a child, valid concerns; questioned Mr. Luff if there was an enforcement notice given; would also like to know, Mr. Luff stated in the newspaper that he always like to work with people; did Mr. Luff try to

work with this gentleman; she understands that he lost his job; wants to know if there is something we can do as Economy Borough to help these people because there are little children involved. Mr. Thomas reported he did get in contact with the people; he did talk to them at one point. Mrs. Trimbur reported he does have valid concerns regarding a fire; Mr. Luff stated in the paper that he likes to work with people; seems like he chooses to work with a select few; this family is already down now; what can we do to help them especially when there is small children involved; that is a big concern for her. Mr. Thomas reported eviction is one of the last things he would do when kids are involved; should see the place; does not want this on his conscience; as fire chief and fire marshal he represents Economy Borough; feels he does his job well; will not put the safety and welfare of the children in jeopardy when the parents don't care; feels the parents can't have respect or concern for those kids or they would not be in that situation. Mrs. Trimbur asked if Children Youth Services has been called. Mr. Thomas reported that was brought up when they met there. Mrs. Mutschler suggested looking into a committee in the borough to get donations and help people. Mr. Rock reported legally Council can't get involved. Mrs. Trimbur reported she would be more than glad to help if anyone wanted to work with her. Mayor Poling reported private citizens and social groups could help; there are a lot of people in hardship situations. Mrs. Mutschler suggested there should be some way to get information to hardship families. Mr. Thomas reported this is a sad situation. Mrs. Trimbur stated she wants to know if Mr. Luff is trying to work with them and if there was an enforcement notice.

Joann Borato, was glad Mr. Googins is interested in what she found out; thinks it was said to try to placate her; thinks his interest would have been better placed prior to taking the vote and maybe tabling the vote, seeing what information she had and bringing Council back for another vote; to get the information after the vote is late; will think about showing the information; will provide phone number of Al Benedetti; organizations are on line; Harrisburg was willing to fax information; information out there is easy to find; wished his concern to be enlightened by the information she found would have come before the vote; thanked Mr. Thomas and Mrs. Mutschler for their no vote. Mr. Googins reported the information gathered together by the engineer, with Earl Fitzgerald, with the committee and others, lead us to believe that it was in the best interest of Economy Borough to continue a paving program; that we couldn't afford to continue to outsource; we could debate if it is cheaper or more expensive to outsource, but the figures we have from the engineer and other agencies other than the ones she talked about lead them to that conclusion; was not placating her, was asking her because it was not consistent with some of the information that the committee had; could do nothing; will be off Council in three or four years; the roads are not going to last forever; it is an easy decision to sit there and do nothing, spend no money and look beautiful to everyone in the back of the room and everyone in Economy Borough until a period of time when all of a sudden it starts falling apart; talked about this several times; whether she agrees with that decision or not he respects her disagreement with that; it is a matter of fact that the roads will not last if we do nothing; we do not have the funds to have a paving program to do all the work we need to do and outsource it; the reason for asking for Mrs. Borato's information was because there is tons more of information and courses on this than what she came up with; somewhere in the middle is the right answer; why not table; the price is far below the market price for this paver; the bid came in \$1,000 less than the flyer, anticipating other bids; if not done tonight we run the risk of losing it; it would be advertised again and someone else may purchase it; thinks that is a loss for Economy Borough; this is a financial savings for Economy Borough to continue to pave in house with a paver that is adequate to do what we need to do; the engineer agrees; does not have a problem with her disagreeing with him; it is not disingenuous of him asking for the information; she does not have to give it to him, but he likes to have as much facts that he can and gather as much as he is able to get to make a decision; he will look up the web sites on his own; up to her; does not expect everyone to agree with the decision; not an easy decision; the easy way out is what she is asking for, to do nothing; save all the money you can; in two, four, or eight years they may be off Council and someone else will have the problem; not the way he works, will not pass the problems on to future Council people; making the decision is he spending Economy Borough money, taxpayers money; made a conscience decision and looked at all the information we had; appreciates her descending information also, that's why he asked for it, but she doesn't have to give it to him if she does not want to, it is up to her. Mrs. Borato reported she thought it was disingenuous was in light of other information she got from Mike Walsh and his assistant Vickie. Mr. Googins reported we have determined that

should not have been said; does not doubt what she was told; it is not what occurred; there is nothing secret; have to follow the process exactly like it is suppose to happen; did not ask Mr. Puryear to come here. Mrs. Borato reported we can agree to disagree.

Elizabeth Burns, asked now that Council has purchased this paver what will happened to the old paver; will it be put on line to be bid out to recover some of the money spent Mr. Googins reported it will be put out to bid, but it is not worth much money; no reason to keep it. Mrs. Burns asked when we will start to pave roads with the new paver. Mr. Googins reported he does not know that, because we don't have a paving program; now that we can establish a program. Mrs. Burns asked at the next meeting will they be able to get an estimate from someone to look at the paver to see how much it is worth and when it can be sold; paving season is soon to be over; the quicker we move the quicker we recover that money. Mr. Googins will look at that; may have to wait until spring. Mrs. Burns suggested cash for clunkers.

Meagan Trimbur, reported Mr. Googins has thrown out the information about the paver, it was published in the paper that it was bought and residents questioned about it; Mrs. Borato stated all this information; could everything been put on hold tonight and ask Walsh Equipment to hold it a little longer to let Council discuss it more with added information; to compare all information to see what is in the best interest for Economy Borough. Mr. Googins reported Council could have done that, but does not believe the result would have been different; does not expect the paver to go down in value. Mrs. Trimbur wished this would have been tabled; ask Walsh Equipment to hold the paver until the next meeting while additional information presented by residents was compared with information we already have; thinks that would have been more appropriate to show the residents the Council is taking into consideration of what they are saying and respecting them; thinks it should have been researched more with the new information provided. Mr. Googins reported this has been discussed at meetings off and on since he has been on Council; not a new topic for Council. Mr. Mutschler reported the committee looked at a new paver at a cost of \$120,000; we are saving \$81,000.

Ray Kenny, reported he is going home disappointed in Council; Joe Luff violated the ordinance by not following thru and Council knows he is violating the ordinance; why doesn't Council tell him; he does not have to pay \$300; already in the system; solve it. Mrs. Kenny reported it is not over.

Elizabeth Burns, asked who is Joe Luff's superior. Mr. Rock advised Joe Luff reports to Mr. Kunkle; Mr. Kunkle then reports to Council. Mrs. Burns reported the ordinances are written; he stated the farm equipment is an eye sore as he walks out his door; this is a clear violation of the ordinances; if we are not going to follow the ordinance, why do we have them; why does Mr. Kenny have to pay \$300 to go to a Zoning Hearing Board when this should have been taken care of by Joe Luff who is not doing his job; the ordinances are in the book with clear definitions; why has he not taken care of this; wants Mr. Kunkle, his superior, to take care of this; does not think these older people should have to pay \$300 to go to the Zoning Hearing Board when it is in black and white that this is illegal and you can be fined; her daughter brought up the ordinance says the borough will pay to get these cleaned up if the property owner does not. Mrs. Trimbur reported Ordinance No. 124 stated within five days if the owner does not start to clean up the property the borough has the right to go in clean up the property and then charge the owner; that did not happen in her case. Mr. Rock reported Economy Borough has never done that; that was never set up as a past practice; we have given the owners thirty days; all Economy Borough code enforcement officers have done that; maybe the person is working five days or a vacation planned for five days; this is the legality or ethical meaning of the ordinance; same as the Amendments to the Constitution being interpreted in different ways; it is black and white, but with many different shades; it can be interpreted in many different ways; by interpreting it in a different way a lot more problems may be caused. Mrs. Burns went back to the house Mr. Thomas talked about; one persons junk is another person treasurers; agree about the house and is worried about the children; but Mr. Kenny put in a beautiful entrance and takes care of his property; are these, monuments or something; does not understand why he has to walk out and see farm equipment, there is no farm there, less than an acre of property; the ordinance is very clear as to what it is; why do we have ordinances. Mr. Rock reported Economy Borough enforced the ordinance as best for all

residences. Mrs. Burns said it's who you know, how much money you have; apparently Mr. Luff knows someone on Council because he is protected; apparently when he was hired he had no certifications; he was hired and two weeks later he got his certifications. Mr. Rock reported all the certifications are up to date. Mrs. Burns asked why Mr. Rock is protecting him so much; when he is clearly not doing his job. Mr. Rock reported he is the Economy Borough code enforcement officer and has done nothing wrong to be anything other than the code enforcement officer. Mrs. Burns said he is not talking to the residents at the Superette or Giant Eagle because they are clearly upset with Mr. Luff; demands something be done with Mr. Luff. Mayor Poling reported if it was up to him he would have taken action two years, fifty complaints ago; has no authority over the situation that is going on; has people coming into his store shaking in tears; would have taken action years ago; somebody has got to do something; loves you all, but tired of hearing Joe Luff's name. Mr. Rock reported the lady that came to his store also came to see him; her problem was not with Mr. Luff; in talking she realized her problem was not with Mr. Luff it was with the next-door neighbor. Mayor Poling stated her problem was the way Joe Luff addressed her. Mrs. Burns reported Mr. Luff is very unprofessional; if she does not do her job properly at Sewickley Valley Hospital, she gets a verbal warning, second time a written warning, third time you are out; why do we not have some kind of personnel issues here; it is not four or five people complaining about Joe Luff; asked two meetings ago to fire Mr. Kunkle if he is not doing his personnel issue correctly; he has not counseled Mr. Luff; Mr. Luff needs to be told not to go on property with his sunglasses on acting cocky and macho; does not need a patio room that is triple enforced when the code states a specific thing; he had her worker change it; tear it all down and rebuild it because it wasn't what Mr. Luff wanted not that it wasn't to code; he forgot that Tom Oaks in the Ridgewood Plan already had his building permit for his deck; couldn't use it or he would be fined; his father in law told this to her; he is not professional; does not want him associated with Economy Borough; talked to someone in Baden and he is working in Baden; how is he working both places and billing both places; how can he be in two places at one time. Mr. Rock reported it is known that he works for Baden; it was recommended; he works in Economy Borough part time and part time in Baden; over thirty homes were started in Economy Borough since January; no other municipality comes close to that; he has very little to do in Baden; he is on call for Baden; in works thirty, thirty-five hours per week for Economy Borough; on his other days he arranges his work down here. Mrs. Burns reported thirty-five hours a week is four eight hour days; that gives him another day to work in Baden or he is working seven days a week sixteen hours a day and billing both boroughs. Mr. Rock reported he can work as many jobs as he wants; always been here when needed; Baden luckily gets a few hours a week. Mrs. Burns asked how it is known what hours he puts in. Mr. Rock verified with the secretary that time cards are submitted. Mrs. Burns reported seeing him at Home Depot shopping. Mr. Googins understand the decision was made by Mr. Luff and Mr. Tomaszewski the determination from the ordinances that they were reviewing and Mr. Kenny has issues of ordinances that they were violating; their next step if they disagree with his decision is to appeal to the Zoning Hearing Board; the Zoning Hearing Board is a judicial board established by municipalities to hear cases within the municipality; they are judges and that is why they can make those decisions; since it has been such a controversial issue between Mr. Kenny and Mr. Dunlap and Mr. Luff, suggested as a special case Council could waive the fee or if Council doesn't waive the fee, if he is successful in presenting his case, not charging him for it. Mrs. Mutschler asked if it was written that the fee can't be waived; Dale could answer this. The secretary reported it would be Council's wishes. Mr. Googins reported is he trying to find a way that the case can be heard without a financial burden. Mrs. Burns doesn't understand when the ordinance says farm equipment and it gives acreage and there is less than that; there is farm equipment on the property for years unattended and rusting; that is in direct violation of the ordinance. Mr. Googins stated he is just trying to find a way for other individuals to look at it objectively. Mrs. Burns does not feel it should go to the Zoning Hearing Board. Mr. Rock read from a copy: The individual named below is certified for the following categories and these certifications shall expire July 1, 2012, unless revoked or suspended by the Department; Name, Joseph R. Luff; Certification Category 10, Residential Building Inspector; 11, Residential Electrical Inspector; 14, Residential Energy Inspector; 15, Building Inspector; 20, Mechanical Inspector; 21, Plumbing Inspector; 24, Building Plans Examiner; 28, Energy Plans Examiner; 29 Building Code Official; he has also completed the certification for elevator inspector; we have elevators at the new school; they were not working, had a problem with the school a

year ago; there were children with disabilities that could not get around; he had to inform the school district to fix the elevators; he does have the proper certifications; went to California University of Pennsylvania.

Mrs. Trimbur reported Mr. Luff was certified February 15, 2006 as Residential Building Inspector and Building Code Official; May 10, 2006 he was certified for Residential Energy Inspector, Commercial Building Inspector, Commercial Mechanical Inspector, Commercial Plumbing Inspector; October 2, 2007 Residential Electrical inspector; July 1, 2009 Building Plans Examiner and Energy Plan Examiner; was told his certification are good until 2012; however before this in the minutes it shows there was questions in regards to his certification at the time he was hired; at the time he did not and was in the process of getting it; he should have had it. Mr. Rock reported his hiring was contingent upon getting the certifications, which he did get. Mrs. Trimbur asked his hire date. Mr. Rock felt about that time, Mrs. Mutschler brought up how much would be paid per hour; it was deemed so much per hour upon certifications that we could use in Economy Borough; if it was a certification (i.e. railroad inspection) that does us no good, would not be paid; certifications that he would use in Economy Borough. Mrs. Trimbur verified with Mr. Rock that Mr. Luff is the code enforcement officer; filed a complaint April 24, 2007; Mr. Luff ignored her complaint for over two years; as the code enforcer he should be in trouble for ignoring her for over two and a half years until she brought it to Council; he should have been reprimanded for that; no excuse; he picks and chooses who he wants; favoritism going on here because the house next to her is owned by a borough employee; asked Council to reprimand Mr. Luff; feels by Council that she was ignored just like she was ignored by Mr. Luff; asked for him to be fired; believes everyone deserves second chances, but feels he has had many chances; after two and a half years of ignoring her, something should have been done, he should have been out of here, he has been disrespectful to her many times; screamed at her in her face; has patience, this will not break her; will not loose her cool with Council or him; he has to have some anger management issues; he is very disrespectful; as an Economy Borough resident has an issue that he represents Economy Borough; asks that honesty and respect be brought back to Economy Borough; at the last meeting perceives that Council calls her a liar because they took Mr. Luff's word over her word; clear cut, showed pictures from 2007 to 2009 of the junk accumulated; have documented all her conversations in regards to that property; showed a copy of the complaint; she did Mr. Luff's job for him; she took the pictures and came on April 24, 2007 gave him the pictures and filled out the complaint; something should have been done then. Mr. Rock reported he did not call her a liar; she can infer that; spoke to Mr. Luff and he was questioned by Council with Mayor Poling present; no one made any comments to take any action against him; he gave his side of the story of what went on and there are two side to every story. Mrs. Trimbur asked if Mr. Rock is saying everyone here had nothing to say about this after she provided all the information in Executive Session. Mr. Rock reported he can not repeat what was said in Executive Session; she can speak privately to every member it would be their ethical involvement if they want to share what went on; can not tell her what went on in Executive Session it was a personnel matter. Mrs. Trimbur said Mr. Rock just said that nobody said anything when you went into Executive Session about it; nobody had an issue with it so nothing got done; he just said that.

ADJOURNMENT:

***MOTION by Mr. Mutschler, seconded by Mrs. Raymer – to adjourn the meeting. Time: 9:28 PM
CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum
Borough Secretary
September 7, 2009