

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** MARCH 23, 2010

Council Vice President Larry Googins 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: Gary Bucuren, Larry Googins, Audrey Mutschler, Donald Sivy, Michelle Sovich-Lapinski, John C. Thomas

ABSENT: Ronald R. Rock – Prior Work Commitment

ALSO PRESENT: Mayor David N. Poling (7:13), Dale M. Fouse, Esq., Randy S. Kunkle, Borough Manager, Earl Fitzgerald, Public Works Foreman

Mr. Googins welcomed Mr. George Spiridonakos and members of Boy Scout Troop 414 attending the meeting tonight as an Eagle merit badge requirement; Citizenship in the Community; they are learning what it takes to be a responsible citizen in their community and part of that process is to understand how the government does some of its functioning in the community. Mr. Spiridonakos thanked Mr. Googins and Mrs. Blum for being helpful resources throughout the merit badge process. Mr. Googins thanked the troop members for coming to the meeting.

HEAR THE PUBLIC:

Mr. Googins opened the meeting to the public restricted to borough business; try to be 3-5 minutes; speaking one time, trying to get everything in that one time; state your name and address for the record.

Andy Melnick, 416 Friel Road, asked the status of the revisions on the firearms ordinance. Mr. Bucuren reported the committee will be setting up another meeting with the chief of police and possible ways to go; nothing is done with it as of yet; he was out of town for 2 weeks; with winter the way it was put things back; hopefully they will have something within the next week. Mr. Melnick reported the secretary has his phone number and he can be reached almost anytime.

David Koty, 207 Ridge Ave., reported to follow the Roberts Rules of Business is something that he is familiar with; so if he has 3-5 minutes he just wanted to state his name and address and possible solutions for the community and Beaver County; reported he has been a Beaver County resident for many years; has left the county; has a failed marriage (won't go on about that); believes that he has a solution of monumental value; something that will change history for generations to come; only has 3-5 minutes to talk about it; he is developing a business plan that he believes all can share and all can become wealthy; can take pride in Economy Borough; can stretch that outreach to Beaver County; as time goes on this will happen; has people put in place; has people to support this business; will keep Council informed as time goes on; drove past and saw the sign that says "Economy Borough – We Love our Children"; let's give something to our children; this is an awesome opportunity for the scouts; they are the future of our community; they are the future of Beaver County; asked the scouts what they have to do for fun in Beaver County; told the scouts not to be afraid to

Speak up. Mr. Googins reminded Mr. Koty he is addressing Council. Mr. Koty reported to Council that someday the scouts may be members of Council; not here to be argumentative; here to propose solutions; if Council is interested and as time goes on, we will learn from one another; in the spirit of community and harmony.

Tomas Lynch 101 Walnut Drive, reported heavy traffic and speeding continues on Walnut; has Council been able to come up with a solution to cut down on some of the traffic or cut down on the number of people speeding through their neighborhood. Mr. Googins reported if Mayor Poling was here he could answer. Mrs. Mutschler reports the cars can sit with lines; that's about it. Mr. Googins reported he does not have any more information; we can hold this off until Mayor Poling comes to the meeting; see if he has any more information from Chief Harrington; knows that this has been talked about at many meetings; knows that it is hot on the agenda for the police department. Mr. Lynch reported this is hot on his agenda too. Mr. Googins reported he doubts that anybody in the room would not be with him on that; Economy Borough has seventy (70) miles of roads to police. Mr. Lynch reported nothing has been done about it and he has been coming for over a year; it is frustrating; would like to see the police do something about it; has not seen them doing traffic on his street; he lives there; asked how many citations were written in his neighborhood; he knows, zero. Mrs. Mutschler reported every month Mayor Poling reports on how many citations written, but not street by street; does a monthly report on how many citations. Mr. Lynch reported he understands there is a high volume throughout Economy Borough; not saying that the police are not writing anything. Mr. Googins verified with Mr. Lynch that he is talking about in his area. Mr. Lynch asked when the street sweeper will be coming through. Mr. Googins reported the sweeper has been out the last two weeks; and will continue; the last two days they were not out due to the weather; in two more weeks the entire Economy Borough will be complete; weather permitting; they usually start around the end of March, the first of April; they started a little earlier this year because the weather broke and the snow stopped; had a little more than previous years. Mr. Thomas reported they were sweeping in his area today; they will get to Walnut in the next day or two if the weather holds up.

Mike Wilson, 201 Foxglove, reported at the last meeting Council discussed the reason Economy Borough does not use salt is because of the cost; asked if there has been any thought of taking the eight man crew and dividing them up; two four man crews and Council can cover Economy Borough starting at midnight; cover it for sixteen hours and eliminate some of the overtime being paid. Mr. Googins reported, yes this has been looked at; working in shifts; the problem is you don't know when the snow is going to come; you would have to keep them off work, idle or at home; then they would have to come in; can't figure an economical way to do shift work. Mr. Wilson reported divide the eight man crew into two four man crews, you would cover sixteen hours of the day; you would only have eight hours left to where you are not going to have anybody that you would have to call in and every body doing overtime. Mr. Googins reported they have looked into it; the manager, the public works foreman and the practicality does not prove that it is better or any cheaper; the answer to his question is that they have looked into it and they will continue to. Mr. Wilson asked if it is not cheaper to pay four guys straight time than to pay them time and a half; don't know. Mr. Googins reported if you could put them on shift work; i.e. the police work shift work; that is because they are covering twenty four hours of 24/7; we don't predict or can't tell when the snow is going to come; they have to be working/available when the storms come; to keep them available for shift work, some of them would have to be off; and there could be a chance that they would be off for several days in a row waiting for the snow to come; then it may not even appear; that is not economical in that way; yes they have looked at it. Mr. Wilson reported Council is going to pay eight guys eight hours no matter when they work; they are paid eight hours; take the worst months, January, February; not talking year round; this saves money in most peoples minds; eight hours would not be paid overtime covered by straight time. Mr. Googins reported to answer the original question, yes they have looked into this and will continue to look at it and have in the past.

7:13 PM – Mayor Poling enters the meeting.

Mr. Googins introduced Mayor Poling to Boy Scout Troop 414.

MINUTES:

MOTION by Mr. Thomas, seconded by Mrs. Sovich-Lapinski – to approve the Minutes of the March 9, 2010, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR'S REPORT:

Mr. Googins asked Mr. Lynch to address Mayor Poling about the speeding on Walnut Drive. Mr. Lynch reported to Mayor Poling that his question was about trying to curb the speed on Walnut Drive; and was interested to know how many citations were written on Walnut Drive since he has been coming to Council. Mayor Poling reported he did not know; they were sitting on Giant Oak; everybody was turning up the hill; have not talked to them since then. Mr. Lynch reported 90% of the traffic turns up that hill. Mayor Poling reported if they can get written consent from one of the two driveways he talked to him about (so they can sit behind the pine trees) because they are not going to catch them where they are sitting; does not know how many they have written there; the weather just broke about two weeks ago; they just have to roll on it again. Mr. Lynch reported he can appreciate that. Mayor Poling reported he would make sure that area is targeted because he is fed up with it too. Mr. Lynch reported it is getting really bad; the volume of traffic in the last six months has increased. Mayor Poling reported probably the short cut, as talked about before.

Mayor Poling reported something is coming up with the COG on gun ordinances; thought it might pertain to Mr. Melnick's issue; perhaps Gary should attend it too. Mr. Googins reported one of the members of the COG in the past two weeks suggested that an individual come and address the COG regarding the laws surrounding guns in public buildings; COG has not decided if it is in the best interest of the membership of the Councils of Government to have him attend yet, but if COG does he will get in contact with him. Mayor Poling reported it has to do with ordinances. Mr. Googins reported as he understands it and he is just finding out the information; thinks New Sewickley Township had an incident with carrying weapons into public buildings and attempted to pass an ordinance to restrict it and that may not be legal to do. Mr. Fouse reported that is what he heard. Mr. Melnick reported he is not against open carry at all, he is for open carry. Mr. Googins reported he is just talking about this ordinance and that section. Mayor Poling reported it will cover everything; has been a lot of controversy over boroughs and townships adopting these ordinances; this guy is supposed to know the law. Mr. Googins reported the COG meeting is this Thursday; Chad McMillen is the COG solicitor; planned on talking with Chad McMillen this Thursday evening; he will be in contact with you to find out if that is something that is in the best interest of the Council of Governments delegates.

Mayor Poling reported Council's got to do something about Joe Luff; he's got strike three with him; and he has had enough; gotta do something. Mr. Googins reported Mr. Rock is not here this evening. Mayor Poling reported here's the deal, this has been going on for three years; we have some Council Members protecting this guy; has had it; if Council doesn't do something about it, he will sue (pointed at) Mr. Sivy, Mr. Googins, not Mrs. Sovich-Lapinski because she is new; anybody protecting this guy; he has had it; that is all he is saying; strike three.

MANAGER'S REPORT:

1. Police Contract: Mr. Kunkle reported this is the police contract which Council has already received. Mr. Sivy asked Mrs. Mutschler if she was ok with the corrections. Mrs. Mutschler reported it was sent up above and the police are fine with the corrections; it was a go last meeting, but was tabled until everyone was at the meeting.

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to approve the Police Contract for January 1, 2010 to December 31, 2012. CARRIED UNANIMOUSLY

2. Yard Waste Permit: Mr. Kunkle reported with the break in the weather a lot of residents are out in their yards and cleaning up after the heavy winter we have had; a lot of them are familiar with the yard waste permitting process; we need to get started on that again; scheduled for our first chipping day in April; also have grass and yard debris to deal with; last year the permit was \$10; our costs far exceeded what that \$10 permit cost; we sold over 120 permits in 2009; as we move forward and advertise in the newsletter, we will get more people taking advantage of the service; thinks a price increase for that permit is easily warranted; we spent between six and ten thousand is what we projected spending this year; brought in approximately \$2,500 last year; ran this by the Finance Committee; the exact amount is up to Council; at least \$20 or \$25; it will still not cover the entire cost, but if we increase our participation rates then will change; we are also changing how we are doing it a little bit, last year we used a 20 yard box to haul the material out with, this year we will use a 30 yard box and be charged the same amount; we are also looking into how we do it that we can minimize the amount of hauling we have to do; it is an evolving process; will be learning as we go for the next couple years; we have people wanting to buy the permits now. Mrs. Mutschler asked if the permit would be based on a calendar year; permit bought in March would be done at the end of the year. Mr. Kunkle reported yes; the first year this was done (2008) it was stated it was an annual permit, which implied it was good for one year from that date; problem was people were buying them staggered over different times; each permit expired at a different time; having people paying one price during one calendar year and other people possibly paying a different price; if done for the calendar year, can set a price and be done with it and look at it again next year. Mr. Bucuren asked what the \$10,000 was spent on; was it a lot on just dumpsters. Mr. Kunkle reported \$6,000 was on dumpsters; when the grass was growing at it's peak rate, the dumpster was being pulled 3-4 times a month, almost weekly; that lasted for probably two months; before that and after that it continued to be pulled out; that was the single largest expense; the other expense is Beaver County charges Economy Borough to process the material; it is not near as much as the \$6,000 figure, but it adds up as well. Mr. Bucuren reported he mentioned before about taking the materials we have and find an area and mulch it up with the boom mower they have; where he works that is what they do; they haul nothing out during the year; they haven't hauled anything out all last year; have some piles now, that sooner or later they will end up mixing in with some other mulch and stuff they have; then have somebody haul it out; thinks Council can take a lot of the money we are using on dumpsters, take that and find an area for that material, set it in there and mulch it down; talked about this before, before he was on Council; it apparently has not caught on. Mr. Kunkle reported one thing he is checking on currently in that regard is how long under DEP rules you are allowed to keep materials in place; this was looked into a number of years ago by our COG; things could have changed since it was looked into; in order to store material over a certain period of time you have to be permitted by DEP to do that; does not know exactly what those requirements are for the site or what time period you are allowed to store material; there is a threshold that you need to have a site permit to do that; needs to check on that first. Mr. Bucuren reported he does not know what kind of time limit there is on storing the material; is sure we could save a lot of money on the dumpsters. Mr. Kunkle reported it definitely would. Mr. Bucuren reported we would save on what is being hauled down to get processed too. Mr. Kunkle reported we can check into this. Mr. Googins reported we need to continue to look into the program to see if we can do it smarter, better and cheaper; tonight what we are looking for is whether Council wants to increase the permit fee from \$10 to a higher amount; so that people can start using the service; asked Mr. Kunkle what number he suggests it be increased to. Mr. Kunkle reported

\$25.00. Mr. Googins called for questions or a motion to increase the permit fee for the yard waste permit from \$10 to \$25.00. Mr. Sivy reported he realizes this is a permitted use; knows that people use this quite a bit who do not have permits; still part of a different issue he has; this is a growing thing that was started not to long ago; we will still always look for different ways to make it better. Mrs. Mutschler asked the hours of operation. Mr. Fitzgerald reported sunrise to sunset; 7 days a week; the only thing that goes in the dumpster is grass; when you talk the \$6,000 to \$10,000 that is what you are looking at; the brush/mulch hauled down doesn't amount to hardly anything; the bulk of it is grass. Mr. Kunkle reported we accept leaves because the county accepts them; people do have the option of bringing their leaves here rather than pay an extra \$1 per bag for us to go get it. Mrs. Mutschler asked if the bags are emptied into the dumpster. Mr. Kunkle reported if they are paper they can go in; no plastic.

MOTION by Mr. Sivy, seconded by Mr. Thomas – to raise the Yard Waster Permit fee from \$10 to \$25 per calendar year.

Yes - Mrs. Mutschler, Mr. Sivy, Mrs. Sovich-Lapinski, Mr. Thomas, Mr. Googins

No – Mr. Bucuren

Absent – Mr. Rock

Mr. Thomas reported we will check into Mr. Bucuren's suggestion. Mr. Kunkle reported we need to continually look into the program, including that option. Mr. Thomas feels this is the time to look at it, right now. Mr. Bucuren reported he thinks there are ways of saving money; does not think the borough residents should be charged for it; believes there are other ways of saving money on this project; the borough residents don't need to pay for it; that's his opinion. Mrs. Sovich-Lapinski asked Mr. Bucuren to help come up with a plan to do that. Mr. Sivy reported he was just going to suggest they get together; definitely open to ideas. Mr. Kunkle reported Council is required to provide for yard waste; one way or another. Mr. Sivy reported we also have put an additional leaf pick up; added to the fall collection was spring. Mr. Kunkle reported we have done it in the spring before; it has not been overwhelming; now that the stickers cost \$1 per bag, they will probably bring it here; if they can't we will go get it. Mr. Googins reported he agrees that we need to continually look at the program to find better ways and less expense ways. Mr. Thomas suggested Mr. Kunkle check into what he was going to check into with DEP about what Mr. Bucuren talked about; storing and see if there are any stipulations. Mr. Kunkle reported he has a call into Skip Raabe (Director of Beaver County Waste Management). Mr. Thomas reported Council can always change the program. Mr. Kunkle reported we have done that in the past since we have started; have changed a couple different things that we do.

3. Trans Associates Agreement: Mr. Kunkle reported Council authorized the contracting of Trans Associates to do a traffic study and apply for a Highway Occupancy Permit from PennDOT for the Borough road through NLSC; Scott Shoup and Mr. Kunkle met with Trans and CEC to discuss the study and how it will be handled; provided is a Scope of Services Agreement prepared by Trans; it explains what they will do for Economy Borough and the cost to do so; while we've only budgeted for half the cost we can initially make up for this in two ways; first we saved \$4,000 by not going to arbitration over the police contract and second we will receive a windfall in realty transfer taxes upon the sale of the Boal property; even though Council already agreed to hire Trans the formal agreement should be approved as well. Mr. Fouse reported he has reviewed this late last week; was able to compare it to a very similar contract with another client of his; since four years ago the price has gone up a bit, but thinks it is factual; not a whole lot; the scope of the project that they are committing to is similar to the one he was involved with in Center Township; almost identical; same number of intersections; the scope is almost identical; the price is somewhat as well; this project (the study itself) could be a solid year; the impact study itself could be a year away; hopefully sooner; the major portion is actually the impact study; 2/3 of the cost; based on his review and comparing it with a similar contract, recommends approval.

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Sivy – to authorize the President of Council to execute the contract with Trans Associate to complete the traffic study associated with the SR 65 Highway Occupancy Permit. CARRIED UNANIMOUSLY

4. Lighting Project – Let for Bid: Mr. Kunkle reported this will be on the next agenda.

5. Temporarily Out of Service (TOS) Underground Gasoline Storage Tank (UST): Mr. Kunkle reported Economy Borough owns two UST at the far end of the Public Works Garage; one is for gasoline, one is for diesel; they are double walled tanks with sensors in between the walls; in the gasoline tank the sensors detected a leak between the walls; not extending beyond the tanks; therefore that tank was taken out of service; believes that was in 2006; at the time it was taken out of service, the tank was emptied and the DEP regulations allowed us to keep it on TOS status indefinitely; in 2007 the rules were changed which we were not aware of until we got a letter yesterday stating TOS now has a time limit on it; at this point we have until Nov. 10th to decide/to do something about this; the Public Works Committee did meet this evening to discuss some of this; to see what some of our options are; we have until April 16th to respond to DEP to let them know what our plans are; we could make some progress tonight or we could wait until the next meeting (April 13th); don't have a lot of time to work on this; the discussion with the Public Works Committee this evening centered on do we want to just remove the defective gas tank or do we want to consider taking the diesel tank out as well; there were plans at one point to expand the Public Works Garage; does not foresee that happening any time soon; the plans were talked about at one time; the issue that we have to deal with between tonight and the next meeting is do we take out one or both tanks; that leads to another issue; if both tanks are taken out; what do you do about your diesel needs; right now we have our gasoline needs being dealt with what we feel is a working manner; diesel, we would have to figure out what our options are; we have not had a lot of time to gather information to discuss what the options are; at one point it was recommended that if you have to replace a tank, DEP is looking to going to above ground tanks as opposed to under ground tanks; they are easier to deal with and less likely to contaminate the soil and ground water; they have containment that keeps all the fuel contained; the questions to ponder is, is now the time to remove both tanks; you save a little money doing two at one time. Mrs. Mutschler asked who would do the removing; not our guys; they wouldn't do the digging. Mr. Sivy reported some. Mr. Thomas reported there might be some excavating. Mr. Kunkle reported Scott Shoup did talk with the installers of the tank itself or the installer of the new monitoring system (Petroleum Technical); based on yesterday's phone call they feel that with the equipment that we have we would be able to do some of the work and save some of the money; their people would direct our people; they would tell us what we could or could not do. Mrs. Mutschler asked what the tanks are presently made of. Mayor Poling reported he was told they were earthquake proof. Mr. Sivy reported they are double walled metal; another point is both tanks are the same age; even though the diesel tank is not leaking now; could be in 1, 2, 5, or 10 years. Mr. Thomas verified with Mr. Fitzgerald that the gas tank was leaking from the inner to the outer liner. Mrs. Mutschler asked if the above ground tank would be made out of the same material; is it moveable if they start down there and decide to keep it down there for now; have to keep in mind that the fire department uses that tank; wherever it is placed, it has to be accessible to the fire department. Mr. Kunkle reported we would want to place it where we would want to keep it permanently. Mr. Bucuren reported you can get different size tanks; they have a single tank that has 8,000 gallons of gas on one side and 4,000 gallons of diesel on the other side; above the ground; it is a double insulated tank; has monitoring system in it; sure it is costly; Highland Tank makes them; sure there are different sizes of them. Mrs. Mutschler reported they are going to dig some; the final removal will come from Petroleum Technical; would we get a refund; could the old tank be recycled. Mr. Kunkle reported this would have to be bid out; it would be a separate project and have to be bid out; have not checked into the prices yet, but it is very likely that it will be above \$10,000 and would have to be bid out. Mrs. Mutschler reported she wants to know if we will get any money for the old tank. Mr. Sivy reported no; it may be classified as hazardous waste. Mr. Googins reported the question is, as discussed with the Public Works Committee, seems to be we have to make a decision by the next meeting; it would be easier if we could make a decision this evening as to whether we want to (we have to remove one tank, that one has to come out, the current gasoline tank) remove the single

tank and continue using the diesel tank underground; hoping it will last forever or a significant amount of time; or while we are there do we want to take out both tanks that appear to be less expensive than taking out two individual tanks; they are all in the same hole in the same area; to take out both tanks would be less expensive than taking out one and then taking out one later and then have to re address the issue of what we want to do with diesel fuel in the future with an above the ground tank; this decision has to be made no later than the next meeting; one or two tanks so that we can make that commitment to DEP and tell them what we want to do; then we have until November to accomplish that task. Mr. Thomas reported to get the tanks out, we have until November to remove the tanks; we should have a plan in place if we are going to put them somewhere else. Mrs. Sovich-Lapinski asked if we have a plan in place are there any additional extensions; take it in two years to split up the cost. Mr. Kunkle reported there is a provision in the letter that we can apply for an extension; does not go into any detail under what circumstances they would allow an extension; guess is that since we have been TOS for so many years now we have really run out of excuses; we are talking as far as removal goes for both tanks, provided there is no ground contamination, we are looking at probably under ten thousand dollars. Mrs. Sovich-Lapinski reported then Council has to buy tanks. Mr. Kunkle reported there is another step to that; we haven't gotten prices yet. Mayor Poling asked Mr. Bucuren if he would know. Mr. Bucuren reported where he works are big; if we went with a thousand gallons for diesel and a thousand gallons for gas, imagined they could make any tank wanted, or any size; they could make one tank, double lined for above ground; sure it is going to be costly; moved their tank one time when they moved from their old building; it was a big tank. Mayor Poling suggested getting prices and find out. Mr. Kunkle reported we have time; there is probably more information we could learn in the next two weeks. Mrs. Mutschler reported we only have to tell DEP we are removing the one tank; it's a done deal, we make the decision, we're going to remove the one tank; thinks we need to sit down with finance and review the costs; sees if you are going to dig one, you could dig them both; but you need to sit with Michelle; where are we going to get the money; we are running a tight ship here, supposedly; we have to work with finance, but we only have to give them the ok to tell one is coming out by a certain date; it is Councils decision to further it to help us if we remove two. Mr. Kunkle reported we would have to notify DEP if we make that decision. Mrs. Sovich-Lapinski verified that only the one is in question. Mr. Kunkle reported the response to DEP can take place. Mrs. Mutschler reported Council will remove it and it is Councils choice if they want to remove more tanks at the same time; need to sit with finance. Mr. Sivy reported he would also like to look into the extension part to see what can be done. Mrs. Sovich-Lapinski would like to split the costs between two years. Mrs. Mutschler reported Council could make a motion based on us removing it, based on digging it out. Mr. Googins reported he has re read the letter; it appears to say it is allowed what she just said, if it has already been permanently closed, let them know; second thing is that the tanks are to be permanently closed please provide an UST closure notification at lease thirty days prior to the system closure; do you agree that Council is just going to notify them that we are going to permanently remove that tank and that is all we have to say right now and then as we get more information as to the cost of removing two or putting in another tank we could make a decision; now put that to a vote; seems like all they are concerned about is the one that is closed. Mr. Kunkle reported we will get a better idea of the cost involved of at least removal, once we get a couple vendors here to look at it; then they will also have information on the costs of new tanks. Mr. Googins reported right now we need to make a decision that yes we are going to take one tank out; notify them; or we could delay this decision two more weeks. Mr. Bucuren verified that the tank is a thousand gallon tank. Mr. Kunkle reported the diesel is one thousand, the gas is three thousand. Mr. Bucuren asked if they are going to dispose of the tank. Mr. Kunkle reported that is his understanding from a call from Scott Shoup. Mr. Bucuren reported a thousand gallon tank can be removed ourselves; as far as disposal we will have to pay somebody to dispose of it, because of the fumes, etc. Mr. Kunkle reported this has not been done here before; he would have to check into it. Mr. Googins asked Council what they want to do; notify DEP that we are going to remove the one tank; do we want to pursue an extension. Mr. Sivy would like to look in it. Mr. Googins read from the letter if an extension of the TOS end date is to be requested, submit the request to the appropriate region office no later than August 12, 2010; so Council can state that we are going to remove the tank and then sometime later say we need more time, for whatever reason. Mr. Googins asked Mr. Fouse if a motion was needed. Mr. Fouse asked if we would be signing something. Mr. Kunkle reported a letter notifying DEP what Councils intent is. Mr. Fouse reported it would be ok to do this by motion.

MOTION by Mrs. Mutschler, seconded by Mrs. Sovich-Lapinski – To remove the underground storage tank that is temporarily out of service. CARRIED UNANIMOUSLY

COMMITTEE REPORTS and OTHER BUSINESS:

FINANCE COMMITTEE:

No Report

PUBLIC WORKS DEPARTMENT:

No Report

ORDINANCE and RECREATION:

Mr. Bucuren reported the Casino Seneca trip is April 10th; asked Mrs. Mutschler if it is all booked up yet. Mrs. Mutschler reported 35-36 persons. Mr. Bucuren reported the 5K race would be on May 8th; Volleyball Camp will be June 21; Basketball Camp will be June 28th; Karate program will be sometime in July.

Mr. Bucuren reported the Recreation Board met with the new members; they had a lot of good ideas; hopefully we can get some of those things started in different areas; will let the public know what is going on.

Mr. Bucuren reported Roger Kowal called him; he wants to know if there is a way Economy Borough can get with Ambridge Area School District, joining together and possibly splitting the cost on building tennis courts in the borough. Mayor Poling suggested fixing our own. Mrs. Mutschler reported that had been tried before; Randy had tried to coordinate how many meetings with Randy Cosgrove; he has never got back to Mr. Kunkle; you can only call him so many times. Mayor Poling reported Mr. Kunkle has been working on it. Mr. Googins reported if Council wants to keep working on it. Mr. Bucuren reported Mr. Kowal stopped and mentioned it to him and wanted him to bring it up at the meeting to see if there was any interest in it. Mayor Poling asked if we have had any cooperation from Mr. Cosgrove. Mr. Kunkle reported he thinks his intent is positive; understands he is very busy. Mayor Poling reported it takes two and suggested telling Roger we need some cooperation from the school district. Mr. Googins reported now that there are more helpers on the Recreation Board, maybe they can work on options that are available; cost vs. repairing; thinks in his four years, he has heard both ends of this; everybody wants this tennis court, but nobody uses it; don't know where we are at. Mayor Poling reported the ones that are in the back here; as long as he can remember kids are walking up and down Bock Lane with tennis rackets; it has become a big sport where people are taking lessons; any type of activity is good for the community. Mr. Googins asked Mr. Bucuren to look into this to see what he can find out.

Mr. Bucuren reported Mr. Kowal asked him to check with Mr. Kunkle if Economy Borough was set up as a non profit (5013C); did he do anything on that. Mr. Kunkle reported Council would have to authorize that; Economy Borough is not currently a 5013C. Mrs. Mutschler asked what the purpose would be. Mr. Bucuren reported Mr. Kowal was talking with a non profit and it was something he had talked with Mr. Kunkle before about that he had emailed him; does not know the full details of it. Mrs. Mutschler asked if there are more grants if you are a 5013C available. Mr. Kunkle reported it might open up more opportunities; not 100% certain on that. Mr. Googins asked Mr. Fouse if there is a reason for a municipality to be a 5013C. Mr. Fouse reported no, can't think of any. Mr. Googins reported Economy Borough is already non profit; don't need to be classified by the IRS as a 5013C. Mayor Poling asked if it helps our grants in anyway. Mrs. Mutschler asked if

there is a cost involved. Mr. Fouse reported there are filing fees. Mr. Googins asked if there was anything to be gained by that; any commercial grant we could get if we were a 5013C. Mr. Fouse reported Economy Borough would not have any more availability with those kinds of grants if we were a 5013C; sometimes municipalities get involved with the creation of for other non-governmental operations; maybe that is what he is talking about. Mr. Googins reported the Beaver County Regional Council of Governments is listed as a 5013C, Non-Profit Organization; that is for different purposes; they can seek grants multi-municipal purposes. Mayor Poling reported if one is needed they could run it through the Veterans; actually run through the Beaver County Foundation.

Mr. Bucuren reported there would be another meeting set up on the gun ordinance, possibly with the chief of police and talk about some other issues.

Mr. Bucuren reported on January 26th Mr. Sivy was out of town; he asked that Council table doing a vote on appointments for the Recreation Board; out of respect Council said ok; at the last meeting he was not here; can't speak for Mrs. Sovich-Lapinski, does not know if she will feel the same way; it was asked that the vote be tabled on the contract; has another issue he wanted to bring up; thinks out of respect that should have been tabled and brought to this meeting; does not think the contract had to be finished at the last meeting; has an issue in the contract that he wants to talk about; on Page 8 of the old Public Works contract, on Longevity, same thing on the two extra drafts made and the same thing that is in the Labor Agreement Council just passed; on Page 8 states \$2.75 per month for each and every month starting after five years of service; on the contract just signed (Page 5) it states Employees shall receive an additional three dollars per month longevity pay for each and every month starting after five years of service; does that mean Council is paying them \$5.75 per hour or \$3.00 per hour; it states and is written on the new contract signed, same on the draft; is that an additional \$3.00 on top of the \$2.75; thinks this is an issue. Mr. Googins reported it would not be. Mr. Fouse verified it would be an additional \$.25. Mr. Bucuren reported it does not say an additional \$.25 it says an additional \$3.00. Mr. Googins reported Council can look at it again; the wording originally (does not have in front of him) said an additional \$2.75; this contract is changed to an additional \$3.00. Mr. Bucuren reported it was written up at \$.25, is what was talked about; just saying with this in the contract, Council possibly has an issue if somebody pushes. Mrs. Mutschler reported the old contract reads \$2.75 per month for each and every month starting after five years (the old contract); they were suppose to have an additional \$.25; now it is changed to an additional \$3.00 per month; feels additional means you are adding to what you already have. Mr. Bucuren reported then it is \$5.75. Mr. Kunkle reported it is just wording that needs correcting; the Union requested \$.25 and that is what Economy Borough agreed to; the \$3.00 is the total. Mr. Googins reported the Union requested the \$.25; which comes out to \$3.00. Mr. Bucuren reported he sees it as an issue that could possibly be pushed and have to pay. Mr. Googins asked Mr. Fouse to look at this. Mr. Bucuren reported on the old contract it is on Page 8 and on the new contract it is on Page 5; believes the way it is written up there is a possibility that if somebody wants it they could come back and fight this and they might possibly win that argument that Council owes them \$5.75 for every month; which would over double their longevity. Mr. Googins reported the solicitor would take a look at it. Mr. Fouse reported he is satisfied with the language.

PUBLIC UTILITIES

No Report

PROPERTY and BUILDING:

Mr. Sivy reported he got a call from the contractor the day after the last meeting; the contractor called before he called him; what took so long was the doors were there, but the locks were on back order; the locks came in and

he came on Friday and put the doors in; so the doors are installed very neatly; the front sign could possibly be in by April; asked to have them in two, three weeks before Memorial Day; sure he will.

PUBLIC SAFETY:

Mr. Googins reported Mr. Rock has received a letter from Ernie Sotirake, Director of the United Valley React, requesting use of the Community Room on the second floor of the Community Building for a drill that will occur with First Energy Nuclear Power Plant on April 20, 2010; the Boy Scouts have the use of the room right now; it would require that the Boy Scouts be moved to this building for that one particular meeting; the United Valley React will use the Community Building for that exercise; Economy Borough is outside the ten mile radius of the First Energy Nuclear Power Plant; asked Mayor Poling, Mrs. Mutschler and Mr. Thomas if they would coordinate with the Public Safety Departments to make sure this is all in the operation of the disaster exercise.

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Thomas – for approval to allow United Valley React, Inc. to use the Community Building for their drills and disasters, the first one to occur on April 20, 2010; to be coordinated with the Public Safety Committee. CARRIED UNANIMOUSLY

VICE PRESIDENT'S REPORT:

Mr. Googins reported the Pennsylvania State Association of Boroughs Annual Conference is April 25-28, 2010 at the Omni William Penn in Pittsburgh; registration is due by April 5th if anyone wants to attend; since it is in Pittsburgh, the full package for all three days is \$225; single days is \$80 if you just go for one day; there is a reception in the evening which accounts for the difference between the \$80 and the \$225; need to make the registration by April; 5th; he is interested in going; if he goes he would only go for the day, not the evening; would not need a hotel room; as many members of Council that want to attend can attend; it begins at 1:00 on Sunday with registration; Monday starts at 8:00 AM with concurrent sessions; you can attend whichever ones you want to attend; that is what he would go down for; Tuesday they have some concurrent sessions beginning at 8:00 AM; the banquet is Tuesday evening; Wednesday morning is the closing meeting; if anybody is interested in going he would state that he would like to go to the Monday and Tuesday day sessions only for two reasons, for Economy Borough and for the COG; asked if anybody else would be interested; notify Mrs. Blum if you would like to attend by April 5th. Mayor Poling asked if an approval is needed for that or if there is a budget. Mr. Googins reported approval is needed to spend the registration fee for the two days for whoever wanted to attend; training is budgeted. Mr. Thomas would like to look at it to see what is offered.

MOTION by Mr. Thomas, seconded by Mr. Sivy – to pay the daily package fee for any Council Member or borough official for the PSAB Annual Conference. CARRIED UNANIMOUSLY

Mr. Googins asked for a short Executive Session with no vote after the meeting, about the contract.

Mr. Sivy asked Mr. Kunkle if he ever called Comcast about the business package. Mr. Kunkle reported he does have a contact in the business department. Mr. Sivy reported they advertise for a flat rate for business; asked about this a few meetings ago. Mr. Kunkle reported in the past he has done this; what they want to do is an analysis of our Verizon phone bills so they can show us what they can save us; that is what is holding this up right now. Mrs. Sovich-Lapinski asked if this is scheduled. Mr. Sivy reported if not, let's get it scheduled. Mr. Kunkle reported it is just a matter of copying the bills and sending them to them. Mr. Sivy reported what he

read and called them, it would be basically switching over for X amount of dollars; questioned that they want to do a comparison first. Mr. Kunkle reported that is what their normal process is when they find out that we currently have Verizon; they want to see what our bills are and what they are charging us for. Mr. Sivy reported he is asking for the set price for business. Mayor Poling reported he has this; he has two lines; probably saves him \$100 per month; he pays one flat fee. Mr. Kunkle reported our set up is different; we have numerous phone lines; extra phone lines at the police station; a network line coming into the computer. Mr. Sivy reported if Comcast wants our business, they would come out and look at it. Mayor Poling reported he was surprised to see at the police department they probably have 12 numbers; reason being they have one main number they use (which he feels should be changed) the other lines are emergency numbers. Mr. Thomas reported there are phones up in the ceiling. Mayor Poling reported he does not see why they don't flip over the Comcast; they will lump it all together with the computer and phone. Mr. Sivy reported he would like to see what the difference would be.

REPORTS:

SECRETARY:

No Report

ENGINEER:

No Report

SOLICITOR:

No Report

HEAR THE PUBLIC II:

Mr. Googins reported he would open up the Hear the Public Park II at this time for any items discussed during the meeting.

Butch Thompson, First Street, suggested along with the speeding situation, the new police car coming in, let it unmarked; a lot of communities around us have unmarked cars; if you pay attention, if they have a car pulled over, a lot of time it is with an unmarked car. Mayor Poling reported he asked about that a while back. Mr. Thompson reported an unmarked car could be parked anywhere. Mr. Thomas suggested using the police chief's car. Mr. Thompson asked if we could give our patrol officers the opportunity to use an unmarked car every day in their patrolling; you would be surprised what you could catch in an unmarked car. Mayor Poling reported he asked Chief Harrington about that a few years back; why we don't have an unmarked car; for some reason, guessing it's because of people getting pulled over, people impersonating police officers; will talk to him about it again. Mr. Thompson reported we have a new Expedition coming in; how great it would be to let that unmarked. Mayor Poling reported it will be unmarked. Mr. Thompson reported all the lights and equipment would be on the inside the windshield; you could drive by it and never even know it is a police car; then regarding Mr. Lynch's situation, you could sit that in anybody's driveway. Mayor Poling reported there are a couple driveways down there you could sit a bus and they can't see it; trying to get something in writing; i.e. Bob Mecchia on Park Hill, unmarked, would have been perfect because there is nowhere to sit where they couldn't see you. Mr. Thompson reported a lot of the communities surrounding us all use unmarked cars. Mayor Poling reported he noticed that himself. Mr. Thompson reported, New Sewickley Township on Freedom Road on top of the hill, they use their unmarked. Mayor Poling reported he will run this by Chief Harrington again. Mr. Thompson reported instead of putting lettering on this other car, just leave it plain.

Mr. Thompson reported one other topic that was discussed tonight is this situation with Mr. Luff; thinks this situation has gone on long enough; thinks Council has a responsibility to find a solution to this problem; how much longer is Council going to let this go on without a solution; knows Mr. Rock is not here tonight to speak for himself, but is tired of hearing him saying as long as he is in charge, Mr. Luff is going to be his code enforcement officer; that is not the solution and that is not the answer; how much longer is this going to go on without a solution; it seems like it gets blowed over every meeting; these people all can't be wrong; and Mr. Rock, it is not his borough, it's our borough and we have a problem and we would like a solution; to sit here every meeting and have to listen to Mr. Rock saying as long as he's here Mr. Luff will be our code enforcement officer; will say again, is not the answer.

Joann Borato, 2001 Conway Wallrose Road, reported she wanted to expand on that; felt she spoke out of turn when Mayor Poling came in saying he was upset with Joe Luff, strike three. Mayor Poling reported four; missed one. Mrs. Borato reported as titular head of this borough and with the mal content that is felt by the people that have come here constantly; thinks to come in and say something like that and point out different Council members without telling us why, adds fuel to the fire. Mayor Poling reported it does, but he had some fuel added to his fire too; this is about the fourth time and he has had enough; had a situation that his neighbor did not talk to him for a year and a half over a shed that was built on his property that he could have handled; was requested to get a permit for re shingling a roof, which he did not need; other things he won't talk about in public because there is jeopardy, just does not want to talk about it in public; will tell her afterwards; will not talk about it in public; sorry, he should not have come in hot headed, but enough is enough; will talk to her about it; the one situation does not want to talk about in public; it is fairly serious.

Matt Morrone, 280 Foxglove, reported Mr. Sivy discussed before about the doors put in the building; how much did we pay for those doors. Mr. Sivy reported \$2,200. Mr. Morrone reported \$2,200; before he said some parts of the door comes in and some parts does not come in; what kind of doors are they. Mr. Sivy reported it was the hardware; because it is an exit door we had to have panic hardware in it; he did order it all. Mr. Morrone reported he understands that; what he is asking is, Mr. Sivy said part of the doors came in, part of the doors did not come in; when you order a door from a factory (any factory) the whole door comes together; now one time you get the hinges, another time you get the frame another time you get the door; what is the excuse for that. Mr. Sivy reported the panic part did not come in; that is separate; builders know it comes with a hole in the door, it does not come with a lock set. Mr. Morrone reported he puts doors in the Northern Lights Shopping Center; buildings come with metal doors; they come with push bar inside already together; they don't charge you for the lock, then charge you for the bolt, then charge you for what else. Mr. Sivy asked what if we didn't want the panic bar. Mr. Morrone reported when somebody orders a door the door comes together. Mrs. Sovich-Lapinski asked if the door was in the budget. Mr. Sivy reported yes. Mrs. Sovich-Lapinski verified that the door is installed. Mr. Sivy reported he also mentioned that the contractor had some personal issues that put him behind, plus the weather; the doors were put in, they are in budget; does not see what the issue is; asked if there is an issue with the door or the lock. Mr. Morrone reported Mr. Sivy makes it sound like every time something is ordered for these doors; and these doors for \$2,200 is outrageous; at Northern Lights Shopping Center, could put five doors in for that kind of money; they are huge doors, not even low doors; what kind of doors are we talking about here. Mr. Sivy reported at his business park they are charging about \$1,200 per door for a single man door; those are double doors with glass. Mr. Morrone reported you could get doors at a lot of places if you shop around if you want to save money for this borough.

Mike Lucia, 416 Golden Grove Road, asked why they are dragging their feet so long on the gun ordinance; it has been six, eight months; all Mr. Melnick wanted was 50 yards before somebody could shoot a gun next to his house; he is not asking for the world; seems like nobody is making any headway; it is a simple thing; he's not asking for anything else except some space between his house and the guy that shoots; before summer comes and the guns come out again it would be nice to have something on the books; he is all in favor; knows they wanted 150 yards. Mr. Bucuren reported it is not that easy to do; he just started on this in January; not that

easy to do when you are dealing with sportsman's and other people; dealing with the Game Commission Laws. Mr. Lucia reported to just make the laws for the safety of the people that live here who are in danger; just because there are guys that want to shoot next to their house does not give them the right to do that if there is a law saying sometime you have to give a little and we need some space between the houses. Mr. Bucuren reported that the law does not state that you can't shoot next to somebody. Mr. Lucia reported that is why Council should make a law/borough ordinance stating that; give us just 50 yards. Mr. Bucuren reported it is just not that easy. Mr. Googins reported that Mr. Lucia's point is that it is taking too long. Mr. Lucia reported he thinks it is taking too long or somebody is just dragging their feet to get anything done on it; Mr. Melnick's kids will be outside playing in a couple more weeks; and Mr. AK47 will be next door shooting again. Mr. Thomas reported he moved. Mr. Melnick reported he is back. Mr. Googins reported it is taking a bit too long as far as he is concerned; lets not get into a debate over this; he is working the issue and will get it done. Mr. Lucia reported it something needs passed soon before somebody gets shot.

Elizabeth Burns, 100 Stange Road, wanted to reiterate Mrs. Sovich-Lapinski brought up a couple months ago or a year ago that there are how many people in Economy Borough and we had how many complaints regarding Mr. Joe Luff; people come and people go; they get disgusted and she is like them; totally disgusted; said to daughter, why even go, it is falling on deaf ears about Joe Luff; refuse to let Council defeat her; will be here every meeting; wants to know, the personnel problem with Mr. Joe Luff; all these people can't be wrong; there are several people that love him; wonders why; because she is a product of his retaliation conduct now; surmised Mayor Poling is on the list of retaliation conduct, that he is conveniently covering underneath his job; wants to know when will Council suddenly realize that there is something wrong with Mr. Joe Luff; all these people in this borough can not be wrong; does not send a good signal to the general public that we can let this loose cannon go, act unprofessional under the coverage of his job; wants to know when Council will take a vote to do something with Mr. Joe Luff; wants a time table; wants Council to meet and discuss; there is somebody out there that can do a better job; wants to know when either in the Executive Session that you direct your thoughts and your words to handling Mr. Joe Luff; all these people can't be wrong; understands that there are some discrepancies that he will have problems with people doing stuff in Economy Borough, but there are people that are above board doing the right thing and he is finding fault with it, just because he is an arrogant, blank, blank, blank. Mr. Googins reported he asked for the Executive Session to talk about contract negotiations as the subject. Mrs. Burns reported she would like for Mr. Fouse and Mr. Googins to take under consideration this Joe Luff issue; all these people can't be wrong; agrees with Mayor Poling, Council is protecting him; wants to know why; is he your wife's cousin; is he your brother in law; there is some reason why; there is also another well qualified person out there, that will do the job professionally and not give this borough trouble; wants to hear, yes, Mrs. Burns we will try to do something about it. Mr. Googins reported he can't make that decision his self, it is up to the Council. Mrs. Burns reported she thinks in the Executive Session it should be discussed. Mr. Googins reported the Executive Session is for contract negotiations. Mrs. Mutschler reported unless someone requested an Executive Session regarding personnel.

Andy Melnick, reported everybody says it is real difficult to handle the gun situation; every borough around Economy Borough with the exception of New Sewickley Township has the 150 yard ordinance; why do they have it and why don't we; most boroughs don't even allow you to shoot. Mr. Googins reported he is confident Mr. Bucuren will work on that. Mr. Melnick reported he always hears this is real hard to deal with. Mr. Thomas reported at the meeting they did have, they changed some things including the 150 yard issue; more people were in the audience screaming about that; so it was decided to take another look at that, to try to satisfy the people who sit in the audience. Mr. Melnick reported he sat down with the group last time and wanted to reduce that just to give some space; there wasn't much of a committee, Audrey, Gary, Mr. Chalupiak, Bob Gross, etc.; he was not willing to give up 1"; he wanted to shoot from his porch and he has a 100 foot wide lot; that was not much of a committee to deal with a subject like this; as long as Economy Borough feels and is absolutely secure with the situation they have with regards with this ordinance, he is willing to accept it, but

does not agree with it; would like to hear Council say they feel that this is a safe ordinance. Mr. Googins reported Council is waiting for Mr. Bucuren to complete the study and allow him to meet with the people to recommend to Council what they would like Council to look at. Mr. Bucuren reported they have a couple other options that hopefully they will get back within the next meeting or beforehand and let him know something on that; possibly get another group together and go over this again.

Meagan Trimbur, 3225 Ridge Road Ext., reported she thinks it is time (to Mr. Fouse) that we do need to address this Joe Luff issue; he has such arrogance that whenever after a hearing he makes a comment about “oh where is your clan or your cult” and “I must be doing my job pretty good that whenever you come to a meeting and complain about me”; to her this shows arrogance and something needs to be done; thinks Council needs to talk about Joe Luff in the Executive Session tonight; thinks something needs to be done; what is it going to take; for all of them to have lawyers and start suing everybody. Mr. Googins reported it is a Council decision; he is there to run the meeting; it is a Council decision, he is one of seven. Mrs. Trimbur addressed the whole Council; could they please have in their Executive Session tonight a personnel issue and talk about Mr. Luff, once again; would like to know how many reprimands does he have in his file; has he ever been reprimanded in regards to any of the situations that have been brought up; how many formal written complaints against him.

MOTION by Mr. Thomas, seconded by Mr. Bucuren – to have a separate Executive Session for personnel to discuss the Joe Luff situation. CARRIED UNANIMOUSLY

Mr. Googins reported Council will have an Executive Session to talk about personnel issues; requested Mr. Kunkle to attend. Mrs. Trimbur reported he is a menace to this borough.

Tomas Lynch, 101 Walnut Drive, reported in regards to the dumpster situation; personally does not have a problem paying the \$25.00; thinks it is a great service to have; issues he has is the people dumping brush into the dumpsters and during leaf season (knows bags are permitted) feels when people come and dump their bags in the dumpster, the bags take up a lot of room; have actually emptied 50 bags into the dumpster; you would be surprised how much room that freed up; in relation to the tennis courts, would not mind paying \$35 (talked to a lot of people who don't mind paying for the permit) for the privilege of dumping our leaves, grass, etc., would not mind the extra money being put towards a recreational fund; in our borough we do not have a lot for our kids; we have a very young population coming through in the next ten years. Mr. Googins reported he personally thinks we have an opportunity now with a full Recreation Board with new ideas. Mr. Bucuren reported they have talked about funds and different ways to raise money. Mr. Googins think the Recreation Board should be given an opportunity to discuss this. Mr. Lynch reported for the people using the dumpster who have the permit, needs to get back to the marrow of enforcing people to have a permit to dump. Mr. Googins reported Council has attempted to do that. Mr. Lynch reported he understands that, but we need to come up with a valid solution because the season is upon us again; not fair to the people who pay.

David Koty, 207 Ridge Avenue, asked Council if he was to be interested in becoming a member of this Council, needed to know who he should speak to this evening if at all possible; what his requirements would be. Mrs. Mutschler reported he would have to run for office. Mr. Googins reported it is an elected position; not sure what he is asking. Mr. Koty reported his question was answered; obviously he has a lot to learn; that is what he is here for; had met the borough secretary and Council president a few days ago; is here to look, listen and learn; verified that Mr. Thomas made a motion to have an Executive Session on the discontent of the borough members and that Mr. Bucuren seconded the motion.

George Fitzgerald, 189 Wallrose Heights Road, asked if anybody knew if someone is going around asking people with plots of land to do drilling for gas or oil; does not know how true this is. Mr. Kunkle reported this activity is going on; attended a meeting hosted by State Rep. Jim Christiana; the meeting being held was in favor of the drilling and the shale and the audience was made up mostly of people who were likely to be approached; there are a number of issues +/- depending on what side you are on about how you feel about this;

Economy Borough was approached last year and we are taking a look at it, but want to be cautious about it because there are horror stories out there that make you think that maybe this is not a good idea; other stories that there is money to be made; he is aware that the Rehoboth Church was approached as well and believes they did sign an agreement with a company. Mr. George Fitzgerald reported this gentleman is going around to peoples houses showing them a video of what they would do; they want access to their property; gentlemen he talked to only had 16 acres; the surrounding properties around him have substantial amount of property. Mr. Kunkle reported they do try to link larger and larger tracks of land. Mr. George Fitzgerald wondered if Council knows this is going on in Economy Borough. Mayor Poling reported he probably should have a soliciting permit; will find out. Mr. George Fitzgerald reported Council should know what is going on. Mr. Kunkle reported the problem with it is he does not believe Council is in a position to regulate this activity; it is all through the state and federal guidelines; thinks the presentation that Representative Christiana put together is a very good first step; more people need to become more educated; we are all in the same boat; this us something new. Mr. George Fitzgerald reported he was told by the resident that this guy was pushy. Mr. Kunkle reported the one thing the resident should do and thinks this being such a new activity, is catching people off guard; you are talking about your rights, your property, mining activities; most likely you should have a lawyer involved who knows the ins and outs; the average person would not know if they are getting a good or bad deal; some of those things were pointed out. Mr. George Fitzgerald asked if the company was having this meeting he went to. Mr. Kunkle reported no, State Representative Jim Christiana hosted the meeting; they brought in five or six different stake holders in the process; this meeting was aimed mostly at the positive aspect of drilling. Mr. George Fitzgerald reported he feels someone should be able to get a hold of the guy who is doing this and know what company is coming into our borough to try to do these things in our borough; he is bringing this is Councils attention to let them know this is going on; we should know about this. Mrs. Mutschler asked if Mr. George Fitzgerald could have the resident he said he talked to contact Mr. Kunkle. Mr. George Fitzgerald reported he could, as he has the name and phone number, everything. Mr. Sivy asked if he has his card. Mr. George Fitzgerald did not but the resident did; will talk to him tomorrow to see if he will give him that information; has no problem giving it to Council. Mr. Kunkle reported he does not know that anyone here will become the expert, and does not know if any lawyers in this. Mr. George Fitzgerald reported he does not understand, as Mayor Poling said, it is soliciting; he has to have a permit to do that. Mrs. Mutschler reported they have to come in and follow the rules and that does not always happen; depends on what they are doing. Mayor Poling reported you should not open your door unless that permit is hung around his neck; you don't know who it is. Mr. Googins reported if someone is coming to the door that you don't want there; whether they have some kind of identification or not and you don't understand what is going on; thinks that should be reported to the police department and let them be aware of what is happening. Mr. George Fitzgerald agreed with that; this massive type of business going on is something that Council should know about. Mr. Googins said it should be reported to the borough manager; have this individual contact the police department. Mr. George Fitzgerald reported he will contact the guy tomorrow to see what he can get off him to give to you. Mr. Kunkle reported that at least the initial issue EPA just within the last week put money into a study; the major problem is the initial drilling where they have to go down in and put pressurized water into the shale; that is where the mess and the problems seem to occur; the EPA is just now going to do a study to see what impacts that has; that is where people could end up with some troubles; once that part of the process is done, it seems to be a much cleaner process; the facility is on the ground; there is a huge learning curve that needs to take place; possibly through COG or PSAB, we need to have more learning taking place; does not know if Senator Vogel could help; does not know people in his area are going to be approached; they did say that somewhere in this vicinity of Eastern Beaver County they think the cut off is between natural gas and oil is in the shale; there is not enough drilling taking place in this end to know yet; thinks one active well in Beaver County (or it is being drilled); Washington County is different, they have about a dozen or so; there are up in the Northeast part of Pennsylvania is where the activity is the heaviest; we are not seeing it as much here; they are predicting when this peaks out there will be five thousand new wells per year; it is going to be a big thing for quite a while; people are just being approached here; they are being offered a set amount per acre, which the numbers are been very wide; have read thousands of dollars per acres and as much as twenty five dollars per acre; that is what people need to get legal assistance to find out if they are headed in the right direction. Mr. Googins reported

there is probably more going on; knows there is a large conference/training scheduled for April 16th put on by the University of Pittsburgh and the LGA (Local Government Academy) and others; thinks it is in the Monroeville area where they are discussing the Marcellus Share issue in SW Pennsylvania; there is a lot of conferences going on that he does not know how much involvement gets down to the municipal government; it is going on and run by LGA that he assumes has some interest in passing the information on to the local municipalities; does not know what will be discussed; maybe we could get more information as time goes on. Mr. George Fitzgerald thinks it should be known to the borough what is going on; to what degree we need to look into, he does not know; thinks it is something we should have known.

Ruthie Helsel, 119 Gross, reported Council needs to watch out for the elderly; they will go after elderly; we should find out what is going on; they could sell anything to them; should be looked into quickly. Mr. Googins reported he is not speaking for the police, but thinks it is probably difficult to find; they are not going to come and advertise that they are doing it; everybody may have had notice with the Census going around that there is some people posing as Census takers; be careful with that also; does not know what they are doing, what they are saying or what they are trying to access, but be careful about that.

Joann Borato, 2001 Conway Wallrose Road, reported on the drilling; her family has some wells on their property; there are the Marcellus Wells, which are huge, big gas wells; the pad for the Marcellus Well is almost as big as a football field; the well for the regular natural gas that they put the pressurized water down the first time is just a little tank outside and a very small pump; they fracture that well the first time; it is messy, there is water all over the place, run off situations; after about two years and depending on how well that well produces, they have to go in and re fracture that well to get it to produce again; that second fracturing of that well sometimes interferes with aquifers, wells that are for people on well water, situations like that; the only other issue that they try to link them all together is for their transmission lines; so they can move it on down the line to where it needs to be used; however people believe that they own all their mineral rights and gas rights (it is on your deed); sometimes those gas rights are deemed back to the county or municipality; in Westmoreland County they have gone in, have wells and it turns out the proceeds of that well went back to the municipality because way back when somebody had given their mineral rights to the county; these are other different things from her own personal experience. Mr. Googins reported he does not know if anybody here knows how that is done, but he thinks her point is that we need to start educating ourselves on this; don't exactly know how; attend anything we can; will get that letter from LGA for the program in Pittsburgh on April 16; maybe Council should have someone attend that; will take a look at that.

MOTION by Mrs. Mutschler, seconded by Mr. Sivy – to enter into Executive Session to discuss the contracts and a personnel issue, with no vote to be taken tonight. Time: 8:55 PM CARRIED UNANIMOUSLY

MOTION by Mr. Sivy, seconded by Mrs. Mutschler – to return to the regular order of business. Time: 10:00 PM CARRIED UNANIMOUSLY

ADJOURNMENT:

MOTION by Mr. Sivy, seconded by Mrs. Mutschler – to adjourn to adjourn the meeting. Time: 10:00 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
April 7, 2010