

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** APRIL 13, 2010

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: Gary Bucuren, Larry Googins, Audrey Mutschler, Donald Sivy, Michelle Sovich-Lapinski, John C. Thomas, Ronald R. Rock

ALSO PRESENT: Mayor David N. Poling (7:08 PM), Scott A. Shoup, P.E., P.L.S., Randy S. Kunkle, Borough Manager

Mr. Rock reported that the solicitor, Dale Fouse, will not be here tonight; every member of his group is unavailable; any matters that would come up that would involve a solicitors ruling will be tabled and wait until the next meeting.

HEAR THE PUBLIC:

Mr. Rock opened the meeting to the public restricted to borough business; give your name and address for the record and tell Council your concern, hopefully in 3-5 minutes.

John Cermak, Attorney, 1009 Merchant Street, Ambridge (724-318-8260); reported he has been hired by a number of residents to make statements about selective enforcement by the code enforcement officers; there have been numerous cases lately where the code enforcement officer, and before it gets in to litigation wanted to bring it to Councils attention that the code enforcement officer and assistant officer have been going out fining people for different aspects and violations of the borough code; and then they have been following up with another citations yet it appears that they are not doing this universally throughout the municipality; will give one quick and easy example; a gentleman by the name of Michael Maker; sure it has been brought up; has read the minutes for the past year, actually for the past two years that have been on line; Michael Maker has property at 199 Makers Lane and also at 400 Ridge Road Extension; Mr. Luff has been notified and this board has been notified many times over the past couple years by Meagan Trimbur (Meagan Burns), Beth Burns, and a few others about rats and other problems with the property; Mr. Luff has gone out there and has cited once; it went down to the magistrates office, he was fined \$50 and was told to clean it up; wasn't cleaned up completely; yet another case, a Kelly Sivewright Perri, who was fined on 7/30/2009 for rubbish deposit restricted and was fined \$153.50 and also for running an illegal business, a violation of Economy Borough Code, for \$253.50, so close to \$500 in fines and then they turned around less than two months later and cited her again for the same thing; yet they have failed to do anything with Michael Maker; this is just one of many instances he has found in Economy Borough where they are not following through with the ordinances; he can give others; reading through Council notes and driving through; there is a young lady who is on the Economy Borough Municipal Authority (EBMA) who built a garage on her property and now she has been appointed to the EBMA; (asked audience member for the name); Borato; according to the code, it specifically states for the square footage she applied for is on her zoning form and what she has filed in her court record that it is greater than 1,000 square feet, yet the ordinance specifically states in order to build a secondary unit on your property

of over 500 square feet, has to be at least a quarter acre of property, 500-1,000 square feet is a half acre of property, needs one acre of property to build anything over 1,000 square feet; she built almost over 1,150 square foot property, has less than a half acre of property, yet there was no variance filed; it doesn't comply with the current UCC Building Code; there is a question if it needs a sewer tap; these are just some of the issues that are going on; yet Mr. Luff approved this permit; another time he harassed Mr. Klimminski (Klimkowski) who we all know, made it into the newspaper about a shed or deck that was put onto the back of his garage; Adam Klimkowski has proof that that deck has always been there and he was just remodeling it; under the ordinance if you are repairing something you do not need a permit; again he comes out and harasses him about a deck that was already there being repaired, yet he allows someone to build over a thousand square foot property in an area zoned R-2 that is not allowed; what Council is looking at here is a whole can of worms; he has only gone through this stuff for maybe about a hour or hour and a half of investigating; there is a lot of issues with Mr. Luff; at this point he is putting Council on notice that if something isn't done and Council doesn't make sure that things are not being selectively enforced, litigation will come; sorry Mr. Fouse isn't here; has spoke with Mr. Fouse about this already; was at Adam Klimkowski's hearing in front of Ed Howe when he pressed charges against Joe Luff and Ed Howe was aware of all of these things going on; his question to Council as a board is that at some point some of Council is going to have to make a decision, which is support Mr. Luff and his continuous selective enforcement and face litigation; number two, inform Mr. Luff to quit doing selective enforcement and also go back and check out that building permit, because after thirty days the municipality is now responsible for that building permit for Mr. & Mrs. Boratos property; in other words if he comes in here and files an injunction and it needs torn down because it doesn't abide by Councils rules, Economy Borough pays for it, not them, because it is your mistake after thirty days, not theirs; the third thing is lets go litigation and see where it lands; Council will be getting a letter from him; he hopes to hear something back from Council by next Friday, if not, will talk to his clients about starting the litigation.

7:08 PM – Mayor Poling enters the meeting.

David Koty, 207 Ridge Avenue, reported he came before Council approximately three weeks ago and talked about a valuable proposal he would have for Economy Borough; he is not at liberty to discuss the full details, but he does know there are men and women in this room who believe this is going to occur; has done his homework; has lawyers, radio stations, newspapers, reporters, township coordinators, district attorneys, could go on and on about that; proud to be an Economy Borough resident; very proud to see that Economy Borough has something on our signs that say We Love Our Children; three weeks ago he proposed something that is going to change the economic history of Beaver County for generations; it is going to happen, it already is; the business has been named, the land has been found; it is only a matter of time before we join together to see this happen; anybody who wants to join him, he will join you; we will learn to trust one another and we will see it built; we will not fight, we will all get along; in the spirit of unity as discussed three weeks ago; we will be proud; anybody who wants to talk to him; he can learn to trust you and you can learn to trust him; you will see something phenomenal in Economy Borough; the men and women in this room that he has already talked to believe in it; it is about time we join forces and bring Economy to harmony and bring harmony to Economy; we develop a new freedom; is here to look, listen and learn; Beaver County is rich with Indian heritage; rich with history; this establishment that will be built is going to bring back a new steel mill industry that none of us has ever imagined; has joined forces with a man who has already been in the papers; has discussed with him on the phone; as time goes on you will see audio visual representation, attorneys will come to support him; has already hired them; knows their names; these people have real names, real faces and real numbers; as time goes on he looks forward to meeting each and every one of his Council Members and learning how he can help them and how they can help him; will not go on about the entertaining purposes or the meaning behind beavers; they are builders; we are builders, beavers are builders; Beaver County needs new hope and he brings it; anybody who wants to join him, he will freely discuss with him; more will be revealed. Mrs. Mutschler reported he should come before the Economy Borough Planning Commission and enlighten them; it should come before the Planning Commission before it comes to Council. Mr. Koty reported his attorneys and he are now discussing those details; more will be revealed; looking forward to joining forces; with 53 municipalities in Beaver

County; his conversations with phones ringing at township solicitors offices throughout all 53; the funding for this will come from schools, churches, local, state and federal governments, celebrities, private franchisers; this will not fail; failure is not an option; it has already succeeded; as time goes on Council will begin to see what it is; everybody in the county, the jobs it will bring, the jobs that it will take to run this facility and the jobs and successfulness that will come from this facility will build a brand new Beaver County that we will be proud of for generations.

MINUTES:

MOTION by Mr. Sivy, seconded by Mr. Thomas – to approve the Minutes of the March 23, 2010, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR'S REPORT:

Mayor Poling read the Mayor's Report for the Police Department for the month of March, 2010, as prepared by Chief Harrington, which will be on file for review in the borough secretary's office.

Mr. Rock reported he was not at the last meeting and read in the minutes the discussion about an unmarked police car. Mayor Poling reported Butch Thompson discussed that; he is not here tonight; Chief Harrington's vehicle will be unmarked; it will not be a black and white.

MANAGER'S REPORT:

1. YMCA Summer Camps: Mr. Kunkle reported for a number of years the Sewickley YMCA has held its Ambridge Area School District summer camps at the Economy Borough pavilion and would like to do so again this year; the weekly camps will run from June 14th through August 20th (10 weeks) from 9:00 AM until Noon; this has worked out well for everyone; don't recall any problems.

MOTION by Mrs. Mutschler, seconded by Mr. Bucuren – to authorize the Sewickley YMCA use of the pavilion from June 14th through August 20th (10 weeks) for the summer camp. CARRIED UNANIMOUSLY

2. COG Spring Commodities: Mr. Kunkle provided a list of items for the 2010 Spring Commodities as bid out by the Beaver County Regional Council of Governments (COG); most of the items have gone up in price, some a little, some a little more than a little; couple items have gone down in price; overall the trend is up; saves Economy Borough a lot of time and money having the COG do this for us; otherwise we would be reproducing what they do for us; chances of Economy Borough getting a lower price than COG is probably less due to the volume they are able to bid; recommends Council approve the low bidders for the stone, gravel, pipe, etc.

MOTION by Mr. Thomas, seconded by Mr. Sivy – to accept the low bids for the 2010 Spring Commodities as bid out by the Beaver Valley Regional COG. CARRIED UNANIMOUSLY

3. Lighting Project: Mr. Kunkle reported this is an ongoing project for the relighting for three buildings; under a time constraint; copy of Mazza Design Solutions proposal is provided; they have outlined what they

would do as a project coordinator and designer for the lighting in the three buildings; this is the form of an agreement; this cost plus the installation will result in savings of \$3,100 per year at least in electric; this is tied to a \$7,000 state grant; which will help pay for the project; at \$3,100 in savings per year it will be paid back in three to five years; even though it is not an insignificant cost for Mazza it is a significant part of the project; will pay the money up front and save it in the end. Mr. Sivy reported, as an example, in the Public Works building, they have a minimum of three rows of 300 watt incandescent light bulbs; those could be used as heaters, the bulbs are that big; they are obviously inefficient compared to even a fluorescent bulb; just for saving money, the Public Works Department in itself will be tremendous because of the type of bulbs used. Mr. Kunkle reported users will not be able to buy these lights after 2012. Mr. Rock reported in the long run we will be saving quite a bit of money. Mrs. Mutschler reported maybe with the savings we could update the Council Chambers. Mr. Sivy reported update all three buildings. Mr. Bucuren asked if it will be bid out so other people could bid on it. Mr. Kunkle reported this is just for the design; the actual construction will be bid out as part of the project. Mr. Sivy reported this is just an engineer who will help put the bid together properly. Mr. Kunkle reported by approving this agreement is also allowing it to go out for bid once the design is done. Mr. Bucuren asked if there are other people out there that would do designs besides Mazza. Mr. Kunkle reported he is sure there are; Yates was recommended and that is who they use; they are local; they are in Center Township; they have a good reputation in Beaver County.

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Sivy – to enter into the agreement with Mazza Design Solutions to proceed with the lighting project. CARRIED UNANIMOUSLY

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC SAFETY:

Mrs. Mutschler submitted a letter of resignation from Mary Sue Horton as custodian of the police building; Public Safety Committee, based on Chief Harrington's recommendation, would like to replace her with part time officer Ron Hannah; did approach him, he is interested in cleaning the police building; Chief Harrington thought it was a good idea because there is no need to do a back ground check and he has keys; he does work part time; he would not be cleaning as he is working; \$12.00 per hour; she worked approximately 9 hours per week; she put in a letter of resignation at the end of February and was not there for quite a while before; to add to this the substation at Northern Lights (Mr. Uncapher passed away August 13, 2007); hasn't been cleaned down there; not used a lot; he was paid approximately \$100; doesn't know if he wants to take on that; he has the keys and clearances; it is Chief Harrington's recommendation along with the committee. Mr. Rock reported the key here is that the gentleman has the clearances.

MOTION by Mrs. Mutschler, seconded by Mrs. Sovich-Lapinski – to hire Ron Hannah to replace Mary Sue Horton at the same rate of \$12.00/hour as part time janitor at the police department as needed and keep other job as part time police, inquiring if he is interested in cleaning the Northern Lights office. CARRIED UNANIMOUSLY

Mr. Rock reported Public Safety has the letter from the resident on Bock Lane regarding a traffic issue at the school. Mrs. Mutschler reported she has yet to talk to Chief Harrington with regards to this. Mr. Kunkle reported Council would have to work together with the school district.

FINANCE COMMITTEE:

Mrs. Sovich-Lapinski reported the Economy Volunteer Fire Department has submitted their 2008 and 2009 Financial Report; provided copies to Mr. Kunkle and Mrs. Blum; they are in compliant with their reporting for both years.

Mr. Sivy verified that the payment to West Payment Center was for 18 sets of PA Criminal Justice Books.

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Thomas – to authorize payment of all bills listed and properly signed off and approved by the appropriate supervisor. CARRIED UNANIMOUSLY

Mr. Rock reported Council has the first quarter budget report; the Finance Committee will be meeting in the near future; asked Council to look through the budget report; any concerns for the first three months, call Mrs. Sovich-Lapinski, Mr. Kunkle, or Mrs. Blum, so it can be discussed at the Finance Committee; need all the sets of eyes we can get.

ROAD DEPARTMENT:

Mr. Googins read the following summary of work that took place during the month as prepared by Earl Fitzgerald:

- The street sweeping will be finished this week. It took 15 days to sweep the borough.
- Repaired a retaining wall and pipe separation on Shaffer Rd.
- Repaired plows, trucks and equipment that needed repairing. (#4 plow, new cutting edges on the front end loader and backhoe, various repairs to the street sweeper and grease, #8 axle seal, #5 fender, serviced skid steer and roller, went over chipper for up coming season, backhoe window replacement, serviced grader, serviced custodians tractors and mowers and painted plows for summer storage)
- We repaired or replaced street signs through out the borough.
- 4 of the crew attended a Pa One Call locator class.
- Curbside brush pick up was April 5th. We had 11 stops only 9 had brush to chip.
- The yard waste site has been modified to accommodate a 30 yard dumpster.
- Various roads were patched through out the borough.
- We installed delineators at the apex of the speed humps. I have received complaints about cars and trucks riding on the curb with one wheel and damaging the curb and yards.

Mr. Googins reported Mr. Kunkle purchased new American Flags and posts for replacement; since he has been here the Economy Borough Flag Program has not been reviewed; maybe Council would like the rules for the program reviewed; was not here when it started; was a \$30.00 for 3 years; began years ago; thinks Council just needs to look at it to see what we want to do and how to handle it; Mr. Fitzgerald has some input; the American Flags were purchased through Congressman Altmiers office. Mr. Kunkle reported that is the cheapest place found; they are under \$10 each and American made; most catalogues are close to \$30 each. Mr. Googins reported he personally feels it is a good program; takes quite a bit of time to put them up and take them down. Mr. Kunkle reported 4 guys 2 days; twice a year. Mr. Rock reported there is a lot of positive feed back.

ORDINANCE and RECREATION:

Mr. Bucuren reported the 5 K Race will be May 8th; Volleyball Camp will be June 21st; Basketball Camp will be June 28th; and Karate program sometime in July.

Mr. Bucuren reported they had a meeting with Chief Harrington and went over some of the distances and knocked down some of the yardage on how close you are allowed to shoot by buildings and different areas; Council has the draft copy; would like to propose this to Council for review; would like to possibly advertise it; if everybody on Council agrees upon what is written in the draft and possibly advertise it; Andy Melnick was there; he's the one who had the big issue about it; reading over it he is in agreement with it; he likes the language in it; there are a few words and other issues that Joel Chalupiak and a couple of the others had; will probably go over that with Mr. Fouse; if he believes it should be in there; if in agreement would like to advertise it; probably going to run into a little bit of a road block once this goes out; because when we sat at the meeting and talked about this, there is a lot of questions people are going to ask because when you start going through and reading the areas you have to look back to the definitions; the definitions are written out under each statement; that will tell you what type of weapon you are allowed to use in the different areas. Mrs. Sovich-Lapinski asked if it follows the State guidelines or what guidelines were used for it. Mr. Bucuren reported everybody is looking back at the Game Commission, but as far as the Game Commission, they supersede everything here; as long as hunting season is in you can go by the rules of the Game Commission, but basically hunting season is a year round thing; they dropped the yardage making them so some of these guys will have to go back 75 yards in their back yards and have to have enough area behind, which brings back the possibility that they will be going against what is said there; police would come in and possibly fine them up to \$500. Mr. Rock asked if Mr. Bucuren is looking for a motion to advertise the ordinance for the Borough of Economy, regulating the use of firearms within the Borough of Economy. Mr. Bucuren reported yes, as long as Council agrees. Mr. Rock reported he has read it over several times; he is not a gun owner; sees no problems. Mr. Sivy reported he would like to see it advertised fully like last time; only because of the sensitivity of it. Mr. Googins reported what he reads in this is if you have a hunting license and you are hunting, the Pennsylvania Game and Wildlife Code prevails; this is only for plinking in your back yard. Mr. Rock reported that is how he reads it. Mr. Bucuren reported hunting season is all year long; basically it is an all year long season; as long as you have a hunting license you can't supersede that; this is going to protect the guy walking into his back yard and just blasting away; but you can still have to have permission off a neighbor; if you have a house within the footage and the guy gives you permission to do this. Mrs. Sovich-Lapinski asked if the permission is verbal or written. Mrs. Mutschler reported for your own safety, would have the guy write it down. Mr. Bucuren reported one area that we may run into a problem is the timing; it is written as 9:00 AM to ½ hour after sunset. Mrs. Mutschler reported she does not have a problem with the times. Mr. Bucuren reported that would still fall under the guidelines of the Game Commission; if a guy has a hunting license he will be able to do that; everybody at the meeting are in agreement with it; for a few words, how it was worded; have Mr. Fouse look at it one more time to make sure it is ok. Mrs. Mutschler verified that it was faxed to Mr. Fouse; he told her he got it but did not have a chance to look at it. Mr. Rock reported Council can vote on the advertising, but make sure we get final approval of the wording from Mr. Fouse. Mr. Sivy reported contingent on Mr. Fouse.

MOTION by Mr. Bucuren, seconded by Mrs. Mutschler – to authorize the advertising of the proposed firearm ordinance for acceptance at the next meeting, contingent on Mr. Fouse's review.

CARRIED UNANIMOUSLY

Mr. Bucuren reported he will start to look into the burning ordinance soon; will talk with Mr. Fouse to find out if Council can use wording like Cranberry.

PUBLIC UTILITIES

Mr. Thomas requested a copy of the agreement between Ambridge Water Authority (AWA) and Economy Borough for the hydrants be put in his mailbox; would like to look at it; feels there are a lot of hydrants in Economy Borough that they are not maintaining; there are hydrants they can't get into, dirt has slid off the hills; hydrants almost covered; hydrants that are not working; would like for AWA to start maintaining the hydrants properly; feels there are a lot of hydrants not maintained; has seen them pick and choose twenty or thirty hydrants; then the next year they do twenty or thirty more; that is not the proper way; thinks the contract reads that AWA is to maintain the hydrants; they are not doing that; would like to look at that.

Mr. Thomas reported the Economy Volunteer Fire Department (EVFD) has a problem with run off that comes down through the valley behind the banquet hall; they piped it years ago under the ground where it comes in at the front of the building, it goes into a catch basin and runs out; the pipe is either crushed or shot; it is plugged; afraid the banquet hall will get flooded out; talked with Mr. Don Lange, Economy Borough resident with a construction business (new building at the end of Conway Wallrose Road and at Big Sewickley Creek Road); he is willing to dig that up for the EVFD and put new pipe in; asked Council if Economy Borough is willing to donate about 120' of 24" pipe; talked with Mr. Fitzgerald about it this morning; was told the pipe that is in there is 24"; there is no 24" in stock; the biggest is 18"; Mr. Fitzgerald would not recommend putting a smaller pipe in there because of the run off that comes down through there; feels there is a specific reason why they put the 24" in; would Economy Borough donate the pipe to the EVFD? Mrs. Mutschler asked what the cost would be. Mr. Thomas reported he did not have a cost yet. Mr. Rock reported he spoke with Mr. Thomas and felt Council would definitely consider it; we need a price. Mr. Kunkle reported the 18" is just under \$5 per foot on the COG list. Mr. Thomas reported needed is between 100-120 feet; that would be 6 sections of 20 foot long pipe. Mrs. Mutschler reported it would be approximately \$1,200. Mr. Thomas reported when he digs he may find only two sections need replaced or not; don't know for sure. Mr. Bucuren asked if it was plastic. Mr. Thomas reported not, it is something a little heavier. Mr. Googins reported 24" pipe is not on our list; the COG bid for 24" pipe is \$11.50 per foot. Mr. Sivy reported less than \$2,000; it's a safety issue. Mr. Rock reported we don't want to get to the point that the banquet hall is going to flood. Mr. Sivy reported Mr. Thomas also mentioned that the hall can be used as a back up for emergency use. Mrs. Mutschler reported she does not have a problem doing this; donating it; run it by Mr. Fouse in case there is some kind of legality. Mr. Kunkle reported Council is allowed to do that. Mrs. Mutschler reported that is all she wanted to know. Mr. Thomas reported Earl was going to talk to Mr. Kunkle. Mr. Googins reported Mr. Fitzgerald talked to him about this just before the meeting.

MOTION by Mr. Sivy, seconded by Mrs. Sovich-Lapinski – to donate to the Economy Volunteer Fire Department pipe at a cost of \$2,000 or less, as needed.

***Yes – Mr. Bucuren, Mr. Googins, Mrs. Mutschler, Mr. Sivy, Mrs. Sovich-Lapinski, Mr. Rock
Abstain – Mr. Thomas***

Mrs. Mutschler asked what line item it would come out of. Mr. Kunkle reported he would review it and let Council know. Mr. Thomas thanked Council.

PROPERTY and BUILDING:

Mr. Sivy reported Mr. Custer left a note that he is doing maintenance left over from the winter; getting ready to start mowing the grass; trying to keep up until he gets the summer help. Mrs. Mutschler asked the status of the summer help; they should be done with college by the beginning of May. Mr. Kunkle reported this was advertised; 4-5 college age residents applied; they are not quite available yet; has not called anybody yet; they are still at school; will start calling to find out when available to talk to. Mrs. Mutschler suggested giving them

a call because they probably want to get something in line when they get out to make some bucks; what rate was put in the paper? Mr. Kunkle reported \$9, depending on experience. Mrs. Sovich-Lapinski suggested possibly a Boy Scout working on his Eagle badge. Mr. Rock reported that would be a specific project. Mr. Kunkle reported Council has used them before; out front they redid all the plantings and bushes that were there since the building was built; and the flag pole was redone as two separate Eagle Scout projects. Mayor Poling reported a scout did the dog kennel. Mr. Rock asked the status of the dug out Scout project. Mr. Kunkle thought it was a batting cage project. Mr. Sivy thought they were going to put doorways on the dugouts. Mr. Kunkle reported that did not come through. Mrs. Mutschler suggested giving these kids a call to let them know they have a job; they will be scrambling for cash for this summer. Mr. Rock reported jobs are tough to come by for the summer.

Mr. Googins reported there was a note from Mr. Custer in February that the upper floor furnace was out of service in the Community Building. Mr. Sivy reported it started working again. Mr. Kunkle reported it was taken out of service for a while based on a verbal report he had received; it turns out that the problem was not bad enough to take it out of service; turned it back on, it worked; for a while it worked intermittently; now it is working again; gathered prices for when the time come; probably a matter of when, not if. Mr. Sivy verified Mr. Googins was talking about the very first time it went out. Mr. Googins reported it was February; just wondered if the furnace was replaced. Mr. Sivy reported no; but the committee is keeping it in the back of their minds; did get bids; don't want to put a lot of money into that twenty year old furnace.

REPORTS:

SECRETARY:

No Report

ENGINEER:

No Report

SOLICITOR:

No Report

HEAR THE PUBLIC II:

Mr. Rock reported he would open up the Hear the Public Park II at this time for discussion of any of the action items, committee reports discussed.

Mike Lucia, 416 Golden Grove Road, reported in order to get an accurate determination of the damaged pipe, he suggests to pick out the skinniest member of Council, tie a clothes line to them, and send them up the pipe.

R. J. Burns, 112 Almond Way, asked why the borough is not working with the other members of the borough; we have an excellent fire department that has a problem with the pipe in the back; why wouldn't the road department donate a machine to go up there and fix that pipe? Mr. Thomas reported initially when they had the problem, when it backed up a month ago, they almost got flooded; that was when we were having the rain; had a couple hard days of rain; noticed it was plugged; called Earl; at the time Earl did come down and they dug a temporary trench from that pipe; they tried unplugging it at the end; they just couldn't get it unplugged; we

figure it is crushed in there or plugged up somewhere in the line; he did dig a temporary trench right above the line where it ran away from the hall; they did do that for us; they don't have a problem doing that. Mr. Kunkle reported if the borough would have been asked they would have done it. Mr. Burns reported he does not understand if we are going to pay. Mr. Thomas reported he felt that he sits on Council and feels even though he is the fire chief, the borough does help the fire department greatly; Don Lang came up and was willing to do it with no questions asked. Mr. Burns reported he knows Don well; just does not understand why the borough isn't working together; you have an excellent fire department and the building that brings in that fire department money so they can operate; should be a no brainer. Mr. Rock reported what Mr. Thomas is saying is that if we send our workers down there and do the job they will be on borough time; whereas he has found Mr. Lang to do this for free; which lets our borough workers go that particular day and do their borough work; understands what Mr. Burns is saying and agrees to a point; that would be great; remember they are paid workers and they work from seven to three; that is time to be used doing borough work, probably if we couldn't find someone to do this, we would probably, like Mr. Kunkle said, we would do it. Mr. Thomas reported Mr. Lang came forward right away and that is why he did not approach the borough to actually dig it; felt since Mr. Lange is a borough resident, has all the equipment and is willing to do it for us; really appreciated it. Mr. Burns reported he understands that, but the road department is not all that busy. Mr. Googins reported that is not true. Mr. Burns begged to differ with Mr. Googins. Mr. Rock reported we are not going to get into a discussion of who is and is not busy; they can discuss this after the meeting; this is not the time; we are discussing if anyone has anything dealing with what was discussed tonight; now it has gotten off the subject; would like to move on.

John Cermak, reported under the Sunshine Act Council is suppose to allow the audience responses to any motion that is made that is not pre advertised; in other words whenever there is a motion brought up and second, the audience is suppose to be able to give you input on that before you are allowed to vote on it under the Sunshine Act; what he has witnessed tonight was many motions being made and seconded and voted on and being asked at the end if the public has any comment, like the hiring of the police officer as part of housekeeping; that is a direct violation of the Sunshine Law; if he was Council he would ask the solicitor about that because that is a violation; unless you have an agenda that has everything on there; anything that differs from that agenda has to have, once it is made as a motion, and seconded; has to have the audience partake before it can be voted on by the Council Members. Mr. Rock reported as long as he has been on Council that is the way it is done. Mr. Cermak reported the Sunshine Law changed a few years ago and he does know for a fact that the borough has not updated their UCC Code; just saying Council may want to ask Mr. Fouse that because everything Council voted on tonight and if he looked at meeting minutes in the past, that is all illegal; the second thing is there was a motion made to advertise upon consent he thought he heard being said to bring up for adoption in two weeks. Mr. Rock reported Council will not be able to do that; he did say that, but we aren't going to do that. Mr. Cermak reported Council does know you have to wait thirty days. Mr. Rock and Mrs. Mutschler responded yes. Mr. Cermak reported he is just making sure because there is a thirty day window for public comment. Mr. Rock reported as soon as he said it he looked at the calendar and knew it would not pass. Mr. Cermak reported he just wants to make sure Council is aware of that; just looking from a legal standpoint.

David Koty, reported he was listening in; he drives school bus for the Ambridge Area School District for R. J. Rhodes; knows that the drivers of professional stature like himself have noticed many things that need to be changed and over time is sure they can occur; for himself as a driver knows that the road that leads from Conway Wallrose Road that leads all the way to the Elementary School is very narrow; listening about the crosswalk and being there everyday Monday thru Friday, if there is anything that he can do to help solve a problem; more than willing to be contacted. Mr. Rock reported talk to Mrs. Rudar, the principal. Mr. Koty reported he has made appointments, but has only spoken with some of the other teachers and some of the other special needs personnel. Mr. Rock reported he needs to talk to Mrs. Rudar, she is the principal; the teachers or anyone else, they can tell you whatever they want to, they can give you advise, but that is her building; talk to

her. Mr. Koty reported he is planning on it; he needs to schedule that appointment; also knows he has a lot of connections at RJs with Mr. Pfeiffer and Donna as well; they have been in the school district for a good many years and they do quality work; believes in the spirit of unity; if we all band together, we can solve these problems; is only a resident, but has responsibility to his Council.

Mr. Kunkle requested a short Executive Session involving a legal matter, with no vote.

MOTION by Mr. Thomas, seconded by Mr. Sivy – to enter into Executive Session to discuss a legal matter, with no vote to be taken tonight. Time: 8:10 PM CARRIED UNANIMOUSLY

MOTION by Mr. Sivy, seconded by Mrs. Sovich-Lapinski – to return to the regular order of business. Time: 8:30 PM CARRIED UNANIMOUSLY

Mr. Kunkle reported what was discussed in Executive Session was potential litigation with a zoning issue regarding the Harry Slappo appeal, with no decision made.

ADJOURNMENT:

MOTION by Mrs. Mutschler, seconded by Mr. Googins – to adjourn the meeting. Time: 8:31 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
April 20, 2010

List of Bills attached to the Minute Book.