

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, Dale M. Fouse, Esq., Randy S. Kunkle, Borough Manager

William Vescio, President, Bryon Funding, Inc., gave an update and a market commentary of the Police Pension Fund and the Non Uniformed Pension Fund for the First Quarter, 2010.

HEAR THE PUBLIC:

Mr. Rock 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.

Robert Mueller, 104 Roberts Lane, reported it was brought to his attention that at this meeting it was going to be brought up about the pipe issue and the culvert along Rose Street and Roberts Lane; public works has the basin put in and they are pouring for the pipe; they told him it needed to be brought to the Council meeting for the 100 foot that he could buy from the borough at cost; would like to make the arrangement to make the payment to the secretary or whoever and have the pipe brought down. Mr. Rock asked Mr. Kunkle the status of this. Mr. Kunkle reported Council does have that request; number three on page two of the Managers Report talks about this pipe; one of the things to point out to Council is that DEP sent to Mr. Mueller a letter along with permit and permit related issues; has a copy of that letter; even though DEP waived one type of permit, considered to be the complicated permit based on the short length of this; there still are requirements, not only requirements, but sometimes it comes in the form of suggestions; i.e. you should do this or you should do that; i.e. you should contact the Beaver County Conservation District; i.e. you should contact the Fish and Wildlife people; things of that nature; there are certain stipulations or things that should be followed in the installation of this pipe; in particular because Lake Donald (contains fish) is shortly below where we are talking about here; that is also a tributary to the North Fork of Big Sewickley Creek; thinks whatever precautions DEP has suggested or given, it would behoove Council to say that a condition of selling this pipe is that those guidelines be followed. Mr. Rock verified with Mr. Kunkle that, that is his recommendation. Mr. Thomas asked if Mr. Mueller understands what the guidelines are and if he has the letter. Mr. Mueller reported the DEP director of this region said for the 100' none of that was required; they waived the 100' for the 100' of pipe put in if he was to go beyond the 100' he would have to go through all these other steps; has the complete package waiving the 100'; had the director out twice; he told him no problem with him putting 100' of pipe in; if it was beyond 100' he would have to go get an engineer, go through the Army Corp of Engineers, and all the other different organizations for permits to go beyond the 100'; up to the 100' he said there was not problem with putting in 100' and he waived it. Mr. Rock asked if that is the length of the pipe. Mr. Mueller reported it is actually closer to 200'; but 100' would be sufficed to get past the emergency issue that he has for his father's safety. Mr. Kunkle reported he is still recommending that if Council sells the pipe, that it be conditioned on following

the guidelines, whatever stipulations, guidelines, suggestions are contained in the November 4, 2008 letter from DEP to Mr. Mueller. Mr. Rock verified with Mr. Kunkle this is listed as an action item on the agenda; will do this with the action items; basically Council will follow Mr. Kunkle's recommendation. Mr. Mueller reported he would get back with DEP himself also. Mr. Rock reported Council wants to protect him and protects Economy Borough also; will deal with this under action items. Mr. Mueller reported he also has a concern that he brought to Earl's attention when they were putting the basin in, that there is run off still off Rose Drive going into this that he pointed out that he believes it is from people driving on the berm of the road; feels it is not from the berm of the road; anybody that goes down there can see that the whole length of the property is washing out from the water run off from Rose Street in the vicinity of the emergency issue for his fathers safety; it is based off across the street from homes on the other side of Rose Street, the way they put their driveways in and parking areas; there is no drainage culvert on their side so any water that comes down beyond there clearly shows where there is a lot more damage to the property; brought to Earl's attention; would like to see what can be done about it; either a curb put up or fill to be brought up to raise the side of the road above the level of the road. Mr. Rock asked Mr. Kunkle to have Mr. Shoup look at this. Mr. Googins reported Mr. Shoup has looked at this multiple times; does not know what his report is; will have to wait to get his report. Mr. Rock reported Council will get something from Mr. Shoup on this; see what his recommendation is; to see if it is a borough concern. Mr. Mueller asked the expectations of when this can possible be done; has a time frame to start this project; his understanding was it just had to be cleared that Council had it in the minutes that he could buy the pipe and he could get the pipe possibly tomorrow. Mr. Rock reported that goes back to the December 8, 2009 meeting where Council did agree, as long as you had everything taken care of with the DEP; this is something different. Mr. Mueller reported he was of the understanding that the regional director was out twice and he told him that if it was under 100' there was no grounds for any type of permit, but if it went beyond 100' it would require the various other permits and have the Army Corp of Engineers out to observe. Mr. Rock verified with Mr. Mueller he as told he did not need anything. Mr. Mueller reported the DEP director said the 100' is waived and he could put the pipe in; just go with it; the first the director was out he was told he would need 36" pipe; the second time he said no that would be the engineer; Mr. Shoup said it would be 18" because that is what Economy Borough would be running from the catch basin. Mr. Rock reported Council is still going to go with Mr. Kunkle's recommendation under the action items; Mr. Mueller can speak to Mr. Kunkle after the meeting about the time frame; Council will go with his recommendation. Mr. Mueller reported he would get back in touch with Mr. Kunkle tomorrow. Mr. Sivy reported 100' keeps getting mentioned, but it says 80' in the report; is that just approximately. Mr. Kunkle reported Economy Borough put the first 20' in; it would be 80' more. Mr. Sivy asked if we have copies of November 4, 2008 letter from DEP; do we have a copy waiving the requirements. Mr. Kunkle reported he interprets it differently; can give it to Dale and Council; it is multiple pages; it tells him that something is being waived, but there is other things that have to be, or should be followed to do this project; if the DEP person verbally waived all those things, he was not there to hear that; if you read the materials it tell him there are certain things that should be occurring even though the regular permit, general permit whatever the name of that permit is, is waived there are still things that should be done. Mr. Rock asked if the DEP has told Mr. Mueller that this is all waived, did he hear that from them or the representative. Mr. Mueller asked what package Mr. Kunkle has; is it the same; he can go get his package right now. Mr. Kunkle reported it is the same one dated November 4, 2008; feels we're interpreting it different; which is fine; doing what he is doing to protect Economy Borough's interests; Mr. Mueller can do what he wants, DEP will deal with him. Mr. Thomas reported he feels the first thing Council should do is let Mr. Fouse look at it. Mr. Fouse asked if Council has ever seen or dealt with a DEP waiver; reported he knows exactly what Mr. Mueller is talking about; they will waive a permit; sure it has been waived; then they add on 4 to 6 pages of things suggest strongly that be done; that is what Randy is talking about. Mr. Googins asked if Council approves later in the meeting the sale of the pipe pending that Mr. Mueller follow those suggestions. Mr. Fouse reported that is what Mr. Kunkle is recommending; Economy Borough is protected. Mr. Mueller reported at that point DEP gave him nothing towards what he had to do towards putting the pipe in; in the package was a diagram if you were going to drive over it, a roadway going over it, etc.; Mr. Mueller said Mr. Shoup saw the package and agreed that non of it was necessary. Mr. Rock reported Council would deal with that as an action item and go from there.

Mike Lucia, 416 Golden Grove Road, reported at the last meeting there was an issue brought up by the attorney representing himself to Council about the way Council is conducting the meetings; asked if it is going to be addressed. Mr. Rock reported if Council had anyone address it, it would be Mr. Fouse; has a copy of the Sunshine Law and will do what they feel is correct.

Attorney John Cermak, 1009 Merchant Street, Ambridge, PA, reported he did fax to Mr. Kunkle on 4/14, a copy of the Sunshine Act; not sure if he has the same one he has. Mr. Rock reported he has the DCED handbook dated January, 2009 and asked if there is a newer one. Mr. Cermak reported what he has is the actual statue off something that is used by attorneys; it pretty much shows under Section 65 Pa.C.S.A. § 710.1, Public Participation; asked Mr. Rock if he has seen that portion. Mr. Rock reported he has the Public Participation from DCED, January, 2009. Mr. Cermak asked Mr. Rock if he read the part that he underlined; that comment of matters of concern of official action or deliberation which are or may be before the board or council prior to taking official action; his complaint last time was that one of the things Council had done was hire a police officer part time to do housekeeping duties; there was no public comment on that; Council voted on it, Council seconded it, Council then had a general discussion on it; made a vote, unanimously voted on; then at the end Council asked for public comment on it; that is putting the cart in front of the horse, because at that point the residents could not comment on it; this is one reason the Sunshine Law is there, to protect people that before you vote on it you can get ideas of what the residents want. Mr. Rock reported Council did not originally have that on the agenda; if it would have been on the agenda the public could have commented on it; he added about two years ago, from a concern of one of the residents a request for public comment at the end of the meeting; felt he might have some questions he might like to ask at the end and other people might like to ask at the end of the meeting; Council added the second Hear the Public; not just for agenda items, anything that Council talked about; Council did not put that on the agenda. Mr. Cermak reported it was not on the agenda, so no one knew about it; that is where it is a violation of the Sunshine Law; that's why he brought it up last time; has never been at any other Economy Borough meeting, can only read what is in the minutes; don't know what has happened prior; faxed along to Mr. Kunkle because someone had asked him what the penalty would be; penalty is not exceeding \$100 per member who voted on that; which is individual; not Economy Borough; plus the cost of prosecution, plus all attorneys fees; that is why he wanted to warn Council at the last meeting; he is used to monthly meetings.

MINUTES:

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Sivy– to approve the Minutes of the April 13, 2010, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR'S REPORT:

Mayor Poling reported he mentioned a month ago that Ed Benko, 222 Woodcroft Road, is requesting guiderail; will it be discussed today. Mr. Kunkle reported he has a report on this.

Mayor Poling reported on May 8th will be the Children's Miracle Network fundraiser for Children's Hospital, a 27 mile walk starting at Rite Aid in Conway. Mrs. Mutschler reported this is also the Economy Borough 5 K Race; asked Mayor Poling if he was coming to shoot the gun. Mayor Poling reported he will shoot the gun; if anybody wants to participate, they are inviting elected officials; he is walking to Ambridge; would like to make a show of support for the community.

MANAGER'S REPORT:

1. Fees Resolution: Mr. Kunkle reported no action will be taken tonight; the Finance Committee is recommending the following changes to the fees resolution: (1) based on the cost of the Memorial Flag program change it from \$30 to \$40 per 3 year period; approximately 115 residents participate, which takes four men and two trucks four days to accomplish; (2) taxes on jukeboxes and amusement devices; change from \$50 as established in 1958 to a new amount and name Ray Tomaszewski as collector; (3) create a \$25 maintenance fee for the pavilion and community room, the money to be used specifically for those facilities; will be put on the next meeting agenda; Council should think about that. Mr. Googins verified that Economy Borough already has an Amusement Ordinance and it would be updated. Mrs. Mutschler asked how many machines are involved. Mr. Kunkle reported we won't know until we get into it for a year or two and get around to all the businesses. Mayor Poling asked who the previous collector was. Mr. Kunkle reported Joan States did it for a number of years.

2. Resolution No. 427 –Amending Act 537 – Martelli Sewage Treatment: Mr. Kunkle reported Act 537 is the Sewage Facilities Act; each municipality is required to have an official Act 537 Plan; at this point in time Economy Borough's consists of the Phase 2 Sewage Project; that is what set out the most recent Act 537 Plan; there is a lot on Amsler Ridge Road that the Martelli's want to develop (Mrs. Martelli is here tonight); if there are any questions about the property itself, they would be better to answer than he would; since they don't have access to public sewage and since the property does not perk appropriately for a typical septic system, they have to go into a small flow treatment facility; in 1998 Economy Borough had their first one of these, Diel, on Green Forest; their system is over there; went through this same process; the resolution to amend Act 537 is a formality; it's our notice to DEP that this is going to occur; in looking the Diel package of information, was reminded that at that time Council adopted an ordinance; because this is a kind of unique treatment type of facility, they are treated a little differently; the Diels are still in an agreement with Economy Borough whereby Economy Borough is holding in escrow money from the Diels to address that facility should they ever fail to maintain it or keep it in operating order; believes after talking with Mr. Fouse, there will be an additional agreement Economy Borough will have to look at the with Martelli's. Mrs. Martelli reported the package was originally sent to Economy Borough in March, 2008; she was told in order for her to put this sewage system in if she was going to have her and her mothers mobile home on the lot it needed to be subdivided; that took a year; Charlie Coe did the subdivision; from that point on they were suppose to do the resolution and the transmittal letter and send it to DEP; it got lost; here we are 2010; DEP will probably take 3-4 months to get their approval; would like to push this forward faster in order to get it done while the weather is nice; she is paying almost \$400 a month in a park, plus a mortgage; paying almost \$800 a month to live in a trailer park; understands it was sold to somebody in Economy Borough; there is nobody maintaining it; there is nobody in the office; want to get out of there as quickly as possible. Mr. Fouse reported he does not think the necessity of this agreement (assuming we need to have it) would hold up the resolution. Mr. Kunkle reported Council can adopt the resolution tonight; have the paperwork submitted; Martelli's filled out 99% of it; there were a few planning related questions that he filled out with Jim Blumling, Chairman of Economy Borough Planning Commission; assuming when she talked about March, 2008 she is talking about the Planning Commission. Mrs. Martelli reported yes, that is where it was sent to. Mr. Kunkle reported he does not recall it ever being forwarded to Council. Mr. Martelli reported at this point they just want to get it resolved. Mr. Kunkle asked if they could stop by tomorrow or if he could drop it off. Mrs. Martelli reported she could stop tomorrow. Mr. Kunkle reported the resolution and the transmittal letter would be signed. Mr. Kunkle reported small flow sewage treatment facilities are not something Economy Borough does every often; it does require a resolution, it does require some additional paperwork and an agreement which we will be getting into soon; Council will be much more acquainted with it in the near future; the recommendation tonight is to go ahead and pass Resolution No. 427 amending Act 537; resolution is attached. Mr. Sivy reported he is assuming that the Economy Borough Municipal Authority (EBMA) has knowledge of this. Mr. Kunkle reported the Act 537 Plan is actually Economy Borough's plan; it is the instructions to the EBMA; plus amendments like these are small

amendments; this is an individual lot that Economy Borough has to deal with through the Act 537 Plan; this is how we deal with it. Mrs. Martelli reported they have approval from the Beaver County Planning Commission, approval from the Army Corp of Engineers, DEP approval, etc. Mr. Sivy verified that this has nothing to do with the EBMA. Mr. Kunkle reported this is just a fancy on lot septic system; they don't get involved with those.

MOTION by Mr. Sivy, seconded by Mr. Thomas – to adopt Resolution No. 427 amending the Economy Borough Act 537 Plan by permitting a small flow sewage treatment facility for Thomas Martelli. CARRIED UNANIMOUSLY

3. Mueller Pipe Sale: Mr. Kunkle reported he is not going to reiterate everything, but his recommendation is that if Council chooses to sell the pipe, that it is done on the condition that any and all recommendations, guidelines, suggestions that may be in the November 4, 2008 DEP letter to Mr. Mueller be followed as a condition of that sale; this is to protect Economy Borough. Mr. Googins reported he has looked at it; talked to Mr. Mueller a few times; talked to Earl Fitzgerald several times, looked at it; talked with Shoup Engineering about the situation; we all agree that Mr. Mueller will put the additional 80' of pipe in there that as we have done in the past on some similar situations that we have allowed residents to purchase pipe through Council; would just say one thing; the size of the pipe that the engineer has suggested that he put in there (18") is not in stock; this is not something that Economy Borough purchased; that might delay it a little bit; may have to get it ordered to get it in for him; they don't order that normally through the commodity bidding; might not have it in stock; won't take long to get it.

MOTION by Mr. Googins, seconded by Mr. Sivy – to approve Robert Mueller's purchase of (80') up to 100' of pipe (diameter to be determined) on the condition that any and all recommendations, guidelines, suggestions that may be in the November 4, 2008 DEP letter to Mr. Mueller be followed. CARRIED UNANIMOUSLY

Mr. Mueller reported that he was told that what Economy Borough felt was their responsibility was the catch basin and 20'; feels he was eligible for 100' from that point; it was a borough person here that gave him that information that his permit grants him 100' on top of whatever Economy Borough felt they were responsible for. Mr. Kunkle reported it would have to be verified and if that it is the case it would be 100'; so it would be for 80 or 100 feet.

4. Benko Guiderail Request: Mr. Kunkle reported this is on the supplemental agenda; received a written request yesterday from Edward Benko, 222 Woodcroft Road; this property sits on a very sharp curve as well as a hill leading away from the curve; apparently the gas meter is located not far off the road has been taken out a number of times; the request being made is for guiderail; on the report to Council he is suggesting we attempt to handle other or future requests of this nature the same; if we use some kind of standard to apply to see if the guiderail should be installed; PennDOT uses what they refer to as warranted when they determine if guiderail is needed at a new location or not; suggesting Council use PennDOT warrants or any other method that Mr. Shoup might have; feels he would go along with the PennDOT warrants; and go ahead and instruct Mr. Shoup to make that assessment and if the guiderail is warranted to go ahead and approve the appropriate amount that should be put in; there are two curves on Woodcroft; one gets more attention than the other; wanted to note that gas meters can be relocated; he had one relocated a few years ago; in case the warrants are not met, this might be another option; thinks in this case, the warrants will be met; if Council approves this there would be an outlay of funds. Mr. Rock verified that Mr. Kunkle's recommendation is to have Mr. Shoup study the situation. Mr. Kunkle reported we may want to get a price/estimate on the cost before Council actually approves the work; does not think it will be a great length of guiderail; everything costs money. Mr. Rock asked if Chief Harrington is aware of this. Mr. Kunkle reported he thinks his input should be listened to before it is carried out; thinks he will agree with it as well; wants him to be aware of this; to get the ball rolling Council could approve the engineer to start to assess this situation to make a recommendation. Mr. Fouse reported a motion is

not needed just to have the engineer look at this. Mayor Poling asked if the other section of Woodcroft would be looked at. Mr. Kunkle reported we have approached that person in the past and they did not want guiderail; the plastic posts were put up; maybe he will see this and decide to change his mind. Mr. Rock asked Mr. Kunkle to talk to Mr. Shoup and hopefully we can solve this as quickly as possible. Mr. Kunkle asked Mr. Benko if he had anything else to add. Mr. Benko reported over twelve years it has been happening once every couple years; it happened three times recently; in February with the snow the gas meter was plowed off; added to his letter, if a guy drives over a gas meter it shoots up 12-15 psi of gas comes out and he's in a running car, it is a dangerous situation there; he is requesting this because he believes it is a safety issue for an operator; the gas company came out within the hour at 5:00 AM and shut the gas off; whatever time it was blowing out at that hour it is a safety issue. Mr. Googins wondered why they put the gas meter out so close to the road. Mr. Benko reported it was there when he got there so he did not do anything about it. Mayor Poling reported all the older homes used to have it in the front yard; it was easier for the meter readers. Mr. Thomas reported they are now moving them back to the homes. Mr. Benko reported all the gas meters on Woodcroft are within 10, 12, 15 feet of the road; he is the same situation, but he is on the curve. Mr. Thomas asked how many times that meter has been knocked out. Mr. Benko reported three. Mr. Thomas reported he is surprised they have not recommended he move it back to the house; all the ones the fire department has been on that are out by the road have been relocated back to the home; suggested he check into his insurance; thinks the insurance will pay to have it relocated. Mr. Benko reported they just installed a new one at a cost of \$1,300 (insured by Geico); he told them to go ahead and put it back where it was; 10-12 feet off the road; thinks next time it is his nickel. Mr. Thomas reported he would check with the insurance and see; might be part of his homeowners; a lot of people don't know they have this insurance.

President's Report:

Mr. Rock reported receiving a letter from Dana Seifner, US Census Bureau Field Operations Supervisor, thanking Mrs. Blum, Mr. Kunkle and the staff here for the US Census Bureau for use of the site for testing; they appreciated the Economy Borough hospitality.

Mr. Rock reported he missed the meeting two weeks ago; has a note from Ted Brickner thanking Council for the appreciation lunch Council gave them for all the work they did in February; this is from the Road Department.

Mr. Rock reported a letter was sent to Mr. Kunkle from the Department of Environmental Protection; the Economy Borough Act 101 Recycling Performance Grant in the amount of \$6,786 is coming back to Economy Borough reflecting 552.8 tons of residential materials recycled by residents and businesses in the year 2007; Mrs. Blum spent a lot of time with this particular project; we are getting \$6,786 back.

Mr. Rock reported after the last meeting two weeks ago he met with Kim Turnley; she will be coming tentatively in May dealing with the audit; went over all the fine points; audit wise Economy Borough is in excellent shape; Mrs. Turnley also had high recommendations for both the work of Mr. Kunkle and the work of Mrs. Blum; how very well organized they are, how everything is in such fine order and very positive about their particular contribution; Mrs. Turnley will probably be here at the next meeting or two to go over the audit with Council; everything looked very good for Economy Borough.

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC SAFETY:

No Report

FINANCE COMMITTEE:

Mrs. Sovich-Lapinski reported the Finance Committee met and reviewed the budget to date for the first quarter and find everything to be satisfactory; there were a few minor questions that she had that will be looked into.

ROAD DEPARTMENT:

Mr. Googins reported street sweeping is completed; Public Works Department is working on putting the equipment back in order; has reviewed some stormwater issues within Economy Borough; some paving issues; some road improvement issues they will be doing the next few months; Mr. Kunkle is more up to speed on that; they shored up the hill by the road going to the pavilion; that road was deteriorating and falling down; he, Mr. Thomas, Mr. Kunkle looked at it; that will hold the road up. Mr. Thomas reported they did a very nice job on the wall; they did a real good job. Mr. Googins reported it makes it look a lot bigger there; they are still reviewing the underground storage tank issue talked about the last few meetings.

ORDINANCE and RECREATION:

Mr. Bucuren provided the first quarter financial report for the Recreation Board to the Finance Committee.

Mr. Bucuren reported the 5K Race (Run/Walk) will be May 8th; Tennis Camp is June 21-25; Volleyball Camp is June 21-25; Basketball Camp is June 28-July 2; Fun Fore All Family Passes can be purchased before Memorial Day; the passes are good until September 6, 2010.

Mr. Bucuren reported they will possibly have a play session at Bounce You on Thursday, July 22; 2 hour session for kids; possible golf outing coming up in September.

Mr. Bucuren reported the proposed firearms ordinance is under review; reported he was checking into the ordinance on burning; last meeting he talked about using the same/similar wording that Cranberry has on their ordinance; thinks it is a little too much on what they have; doesn't think it will go in Economy Borough; would like to look into revising the Economy Borough burning ordinance and adding burning of leaves into it. Mr. Rock reported he agrees with that. Mr. Thomas reported that definitely has to be looked into about burning of leaves; thinks this is something that should be considered, not burning leaves. Mr. Bucuren reported he was looking into the ordinance on what Economy Borough has, talks about burning brush and other items; thinks we could possibly do is put a section in there that says no burning of leaves in any area; barrels or whatever. Mr. Thomas reported that is the biggest problem is people burning leaves; he gets so many calls about people burning leaves; especially in the evening/night; people in the summer have their windows open; people trying to sleep and two doors up they are burning leaves; not out, smolders all night; probably 90% of his calls is on people burning leaves. Mr. Bucuren reported he would like to possibly get something written up as far as our current ordinance and add no burning leaves; put it out to the public and go from there. Mr. Rock reported he likes his idea.

PUBLIC UTILITIES:

Mayor Poling reported he recently had property tapped into the Ambridge Water system and he was very pleased with their service; they treated him very well; Jeff Allen did a good job and treated him well. Mr. Sivy asked if his home water pressure has increased. Mayor Poling reported no. Mr. Thomas reported he has; he has a boost pump on his system and no longer needs it; shut it off.

PROPERTY and BUILDING:

Mr. Sivy reported he will review with the borough manager and the code enforcement officer about the sign location to make sure everything is off the road. Mr. Rock asked the status of the sign. Mr. Sivy reported they have to get the location first.

REPORTS:

SECRETARY:

No Report

ENGINEER:

No Report

SOLICITOR:

Mr. Fouse reported he would like to discuss in Executive Session four items; three involving litigation 1) the Ambridge Water Authority; 2) received correspondence from the property owner near or about the commercial district behind Northern Lights Shopping Center; 3) Slappo Litigation, an appeal has been taken to the Economy Borough decision to amend the zoning map; had a meeting with the attorney who represents, Harry Slappo; in this juncture under normal circumstances, we would be required to reproduce the record of those proceedings; that costs money to pay for the transcription of the hearing; and 4) discuss raises, with no vote.

Mr. Googins reported Mayor Poling asked about a presentation being done at the Beaver County Regional COG meeting from an organization called the Firearms Owners Against Crime; basically what they were relaying was if you start dealing with any restrictions to the weapons in buildings to look at the law first before you write any borough ordinance; that is their message; it was a very nice presentation; wasn't anything more than just stating, review the law before you make restrictions. Mr. Fouse followed up by reporting that he did talk with these people; gave them a copy of the proposed Economy Borough ordinance; was told they thought it was appropriate. Mr. Googins reported he was told the same thing; in fact they said maybe they could come to Economy Borough Council and ask for a copy of the ordinance as a model for other municipalities.

HEAR THE PUBLIC II:

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

John Cermak, 1009 Merchant Street, Ambridge, reported he brought up two weeks ago about an issue with selective enforcement dealing with Joe Luff; at this time he is still waiting for a response or any action; what he did do, for the solicitor so he may be able to pass along to Council, what he means by selective enforcement, there is a case that is already handled once and is being handled again; it's Kelly Sivewright Perri who was cited on some issues and also Michael Maker who was cited on some issues for the same problems; they were handled two separate ways; one was fined \$50.00 (which was Mr. Maker). Mr. Rock reported Council did not discuss that this evening, but Mr. Cermak did say at the last meeting that Council will be getting a letter from

him and hopes to hear something back from Council. Mr. Rock verified with Mr. Kunkle that Council never received a letter from Mr. Cermak. Mr. Rock asked Mr. Cermak to just give Council the letter. Mr. Fouse reported to make it better than that, he should just file a lawsuit; don't come in Council Chambers making an argument like this, passing out cases to Council here. Mr. Cermak reported he was not passing out to Council. Mr. Fouse reported Mr. Cermak is passing them to him. Mr. Cermak answered correct. Mr. Fouse requested Mr. Cermak do it the appropriate way, not at a public setting, in this fashion; that is improper as far as he is concerned; feels it is not professional either. Mr. Cermak would disagree, it is not dealing with litigation, this is dealing with an employee. Mr. Fouse reported Mr. Cermak is threatening litigation; he called it selective enforcement; as far as he is concerned, you don't discuss that here, now as an attorney; you file the appropriate papers and we will deal with it in the appropriate forum; this is not the right forum. Mr. Rock gavelled the final word. Mr. Cermak reported if that is Council's wishes, so be it. Mr. Rock reported we would end up with Mr. Fouse.

Robert Mueller, 104 Roberts Lane, wondered if Council and Mayor Poling may get word to the road maintenance crew suggesting his gratefulness and his appreciation for their dedication and hard efforts of work they have been performing for him on the matter at hand that is on his mind for his fathers safety; he greatly appreciates their hard labor and what they have been doing; knows it's good to hear from their higher ups. Mr. Rock reported he appreciates hearing this and they will hear about it.

***MOTION by Mr. Thomas, seconded by Mrs. Mutschler. – to enter into Executive Session to discuss the Ambridge Water Authority litigation; the Slappo litigation; Northern Lights Shopping Center contiguous property; and employee raises, with no vote to be taken tonight. Time: 8:03 PM
CARRIED UNANIMOUSLY***

***MOTION by Mr. Sivy, seconded by Mrs. Sovich-Lapinski – to return to the regular order of business.
Time: 9:04 PM CARRIED UNANIMOUSLY***

Mr. Fouse advised during Executive Session Council discussed briefly the discovery issues and scheduling with regards to the Ambridge Water Authority litigation; reviewed with Council correspondence received from a contiguous property owner near the Northern Lights Shopping Center; next discussed was the Slappo litigation, the appeal to Economy Borough's decision to amend the zoning ordinance, what Economy Borough is required to do and what Economy Borough is actually going to do as required; last, Council discussed raises for non bargaining unit employees and these matters will be placed on the next agenda for the next meeting; no decisions or votes were made during the discussions.

ADJOURNMENT:

***MOTION by Mrs. Mutschler, seconded by Mr. Googins – to adjourn the meeting. Time: 9:06 PM
CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum
Borough Secretary
May 5, 2010