

Economy Borough Council
Regular Meeting Minutes
January 12, 2016

MEETING was called to order at 7:00 p.m. with Mr. R. J. Burns presiding and the following members of Council and officials of the Borough present: Mr. R.J. Burns, Mr. Tom Fetkovich, Mr. Larry Googins, Mr. Frank Morrone, Mrs. Audrey Mutschler, Mrs. Pat Skonieczny, Borough Manager Randy Kunkle, Borough Secretary Margie Nelko, representing the Borough Solicitor Mr. Joshua Kail, Esq., and Borough Engineer Mr. Scott Shoup.

ABSENT: Mr. Gary Bucuren (Excused)
Mayor Poling (Excused)

OPENING PRAYER

PLEDGE OF ALLEGIANCE

FIRE REPORT: No Report.

POLICE REPORT: Chief O'Brien presented Council with updates regarding the Economy Borough Police Department. Police Chief O'Brien presented Council with an overview of the calls for service for 2015, which did increase by twenty-seven percent (27%). These incidents resulted in a total of two hundred seventy-two (272) criminal charges being filed over the year on one hundred ninety-eight (198) Criminal Complaints.

PUBLIC WORKS (PW) REPORT: Rich Dunn, PW Foreman, presented Council with an update report that is on file in the Borough Office for review. The PW Department has worked on repairs to the trucks/equipment, fallen tree removal, back filled and cold mix patched areas on various roads within the Borough, and installed a catch basin on Foxglove Drive.

RECOGNITION OF VISITORS: Mr. Burns welcomed everyone to the meeting and requested the discussion(s) regarding Borough business be kept to 3 – 5 minutes in length.

The following visitors were present:

Ray McClellan of 196 Shaffer Road, Sewickley
Adam Benford, representing PennEnergy Resources LLC.

HEAR THE PUBLIC:

Adam Benford presented Council with a letter dated January 12, 2016, inviting Council to attend an emergency response training session at the Big Knob Grange on February 15, 2016. This training is being extended to first responders, local police and ambulance departments, as well as local Council and Township Members. The Borough Solicitor inquired if the Beaver County 911 was invited. Mr. Benford did not know off hand, but will look into it. The Borough Solicitor stated that Mr. Wes Hill is the Emergency Service Director for Beaver County.

MINUTES of the Regular Meeting held on December 15, 2015, were presented to Council. There was some discussion regarding the language or substance of the DAS Ordinance portion of the Public Utilities and Ordinance Committee section of the minutes. **After some review, the motion of Mrs. Mutschler, seconded by Mrs. Skonieczny to table the Regular Meeting Minutes of December 15, 2015, until the next regular scheduled meeting of Council in order to review any corrections was unanimously carried.**

MINUTES of the Reorganization Meeting held on January 4, 2016, were presented to Council. **After some discussion, it was the consensus of Council to postpone the Reorganization Meeting Minutes of January 4, 2106, until the next regular scheduled meeting of Council due to it was not on the agenda.**

2016 BOROUGH COUNCIL COMMITTEE APPOINTMENTS were made by Council President Mr. R.J. Burns, as follows:

FINANCE

Gary Bucuren, Chairman
Tom Fetkovich
Larry Googins

PUBLIC SAFETY

Larry Googins, Chairman
Frank Morrone
Tom Fetkovich

PARKS and RECREATION

Pat Skonieczny, Chairperson
Gary Bucuren
Audrey Mutschler

PUBLIC UTILITIES and ORDINANCES

Audrey Mutschler, Chairperson
Pat Skonieczny
Gary Bucuren

PROPERTY and BUILDINGS

Frank Morrone, Chairman
Audrey Mutschler
Pat Skonieczny

PUBLIC WORKS

Tom Fetkovich, Chairman
Larry Googins
Frank Morrone

Mrs. Skonieczny inquired as to how these committees were formed without any input from other members. Mr. Burns stated that in the past the President of Council makes the appointments. Mrs. Skonieczny formally declined the appointment of Parks and Recreation Chairperson, due to it is not her forte and it would be a disservice to the public because there would not be any reports for the next few years. Mrs. Skonieczny requested being placed where she could better serve the public in her capacity. Mr. Burns stated that the appointments will move forward. There was some discussion regarding the Parks and Recreation Chairperson only needing to read the reports submitted by the Recreation Board President. Mrs. Skonieczny stated she will submit any reports received from the Recreation Board President but does not want involved otherwise. **After some review and discussion, the motion of Mr. Burns, seconded by Mr. Morrone to approve the 2016 Borough Council Committee Appointments as presented was unanimously carried with the exception of Mrs. Skonieczny who opposed.** Mrs. Skonieczny stated that as for the committee reports, I do want to, for the record, make a correction. I do apologize to the public, I was under the misunderstanding that the chair of the parks and recreation had to coordinate all the things and think it all up and I didn't know it was just to accept the reports. I stand corrected and apologize.

FINANCE COMMITTEE: Mr. Googins, on behalf of the Finance Committee, presented Council with an update regarding the following items:

1. **Bills Payable** entered for the period of December 16, 2015 through January 12, 2016, in the amount of \$89,962.94 from the General Fund and in the amount of \$1,149.94 from the Highway Aid (Liquid Fuels) Fund were presented to Council for review. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Burns to approve the list of Bills Payable was unanimously carried, with the exception of Mrs. Skonieczny regarding the Public Safety bills, due to her son works in the department.**

General Fund

12/16/2015	24365	Aflac	Employee ACC Insurance	87.88
12/16/2015	24366	Blumling, Jim	2015 Planning Commission Chair Service	720.00

12/16/2015	24367	Carlson, David	2015 Planning Commission Secretary Service	600.00
12/16/2015	24368	Kowal, Rodger	2015 Planning Commission Service	540.00
12/16/2015	24369	Kowalski, Myron	2015 Planning Commission Service	540.00
12/16/2015	24370	Lang, Don	2015 PC & Emergency Mgmt. Asst. Services	750.00
12/16/2015	24371	Lodovico, David	2015 Zoning Hearing Board Chair Service	150.00
12/16/2015	24372	Loedding, Richard	2015 Planning Commission Vice-Chair Service	600.00
12/16/2015	24373	Meegan, Robert	2015 Planning Commission Service	450.00
12/16/2015	24374	Mutschler, Audrey	2015 Planning Commission Service	540.00
12/16/2015	24375	Pcsolyar, Chad	2015 Planning Commission Service	540.00
12/16/2015	24376	Sacco, Robert	2015 Planning Commission Service	180.00
12/16/2015	24377	States, Gerry	2015 Zoning Hearing Board Service	120.00
12/16/2015	24378	Stewart, George	2015 Zoning Hearing Board Service	40.00
12/16/2015	24379	Thomas, John C.	2015 Fire Marshall & Emergency. Mgmt. Services	1,200.00
12/16/2015	24380	Travis, Karla N.	2015 Zoning Hearing Board Service	40.00
12/21/2015	24381	UST Indemnification Fund-Commonwealth	2016 Diesel Tank License	82.50
12/30/2015	24382	Bucuren, Christopher M.	2015 Boot Allowance	100.00
12/30/2015	24383	Kifer, Terry	2015 Boot Allowance	100.00
01/12/2016	24384	ADT Security Services	Monthly Security Service-Boro, PW	84.36
01/12/2016	24385	Aflac	Employee ACC Insurance	87.88
01/12/2016	24386	Allied Adjustors, Inc.	2015 Bulletin Dues-Pol	250.00
01/12/2016	24387	Voided	Voided	0.00
01/12/2016	24388	Amcom Office Systems, Inc.	Monthly Copier Maintenance-Pol	17.95
01/12/2016	24389	Bauman Office Plus	Toner/Drum-Pol	294.26
01/12/2016	24390	Beaver County Times-Newspapers Inc.	Legal Ad-DROP Ord/Civil Service/Reorg Meeting	297.60
01/12/2016	24391	Bob Sumerel Tire Co., Inc.	Tires-PW	1,115.47
01/12/2016	24392	C & K Wholesale, Inc.	Vehicle Repair Parts-PW	133.90
01/12/2016	24393	Clean Care, Inc.	Monthly Floor Mat Service-Pol	88.43
01/12/2016	24394	Cleveland Brothers-CAT Financial	Vehicle Repair Parts-PW	1,826.60
01/12/2016	24395	Columbia Gas	Monthly Gas Service	1,738.33
01/12/2016	24396	Comcast 0029740	Monthly Internet Service-Pol	183.13
01/12/2016	24397	Comcast 0029955	Monthly Internet Service-Admin, CEO, PW	115.25
01/12/2016	24398	Coverall North America, Inc.	Monthly Cleaning Services-Admin, Pol, PW	739.00
01/12/2016	24399	Damian, Amato & Start, P.C.	Legal Services-Mayor	211.50
01/12/2016	24400	Duquesne Light Company	Monthly Electric Service	1,337.42
01/12/2016	24401	E. Reid Powell Refuse, LLC	Roll-off Box Swaps	1,850.00
01/12/2016	24402	Voided	Voided	0.00
01/12/2016	24403	Economy Plumbing & Heating Co.	Misc Operating Supplies-PW	31.40
01/12/2016	24404	Fastenal Company	Misc Operating/Vehicle Supplies-PW	103.87
01/12/2016	24405	FNB Commercial Credit Card	Misc. Uniform Exp, Postage, IACP Dues-Admin/Pol	472.25
01/12/2016	24406	George T. Bisel Co., Inc.	2016 Edition PA Child Custody Law-Pol	178.77
01/12/2016	24407	Grainger	Misc. Small Tools/Bldg. Supplies-PW/Custodial	502.75
01/12/2016	24408	Harrington, Thomas.	Retirement Healthcare Costs	670.66
01/12/2016	24409	Iron City Workplace Services	Uniform Services-PW	498.96
01/12/2016	24410	JC Ehrlich Co., Inc.	Pest Control Services-Boro, Pol	206.72
01/12/2016	24411	Joseph A. Askar Law Offices	2015 Solicitor Services & Retainer	2,861.25
01/12/2016	24412	Kunkle, Randy S.	Mileage Reimbursement-Mgr.	58.88
01/12/2016	24413	M & M Uniforms, Inc.	Uniform Expenses-Pol	1,764.00
01/12/2016	24414	MDIA	Building Permit Inspections	2,770.00

01/12/2016	24415	Michael Baker Jr., Inc.	Planning Commission Consultant Fees	1,225.00
01/12/2016	24416	Mobile Radio Service, Inc.	2016 Radio Service Contract-Pol	171.00
01/12/2016	24417	Morton Salt, Inc.	Salt-PW	22,158.15
01/12/2016	24418	Murphy Tractor-Powerplan	Equipment Repair Parts-PW	1,180.73
01/12/2016	24419	Napa-Station Auto Parts	Vehicle Repair Parts-PW	131.49
01/12/2016	24420	Nationwide Employee Benefits	Group Life Insurance Coverage-Admin, PW	372.46
01/12/2016	24421	Occidental Life Insurance Co of NC	Employee Paid Life Insurance	79.14
01/12/2016	24422	PA One Call System, Inc.	Monthly PA One Call Services	34.29
01/12/2016	24423	PGH Networks	Monthly Telephone Maintenance-Pol	79.99
01/12/2016	24424	Pitt Chemical & Sanitary Supply Co.	Misc. Operating Supplies-PW	143.80
01/12/2016	24425	Reed Oil Company	Diesel Fuel-PW	494.07
01/12/2016	24426	Reliance Standard Life Insurance	Group Life Insurance Coverage-Pol	343.20
01/12/2016	24427	Russell Standard Corp.	Cold Patch-PW	949.52
01/12/2016	24428	S & D Calibration Services, Inc.	Acutrak, Enrad & Vascar Certifications-Pol	248.00
01/12/2016	24429	Safety-Kleen	Parts Washer Fluid-PW	257.20
01/12/2016	24430	Sharp n Fix	Equipment Repair Supplies-PW	54.00
01/12/2016	24431	Shoup Engineering Inc.	Engineering Services	176.00
01/12/2016	24432	Spectrum Medical Corp, LLC	2015 Mobil Random Drug/Pre-employment Testing	135.00
01/12/2016	24433	Stanley's Economy Auto Supply	Vehicle Repair Parts/Services-Pol	396.67
01/12/2016	24434	Staples Advantage	Misc. Office Supplies-CEO	9.98
01/12/2016	24435	Taylor & Alsko	Zoning Hearing Legal Services	450.00
01/12/2016	24436	Teamsters Local Union 250	Union Dues-PW	549.00
01/12/2016	24437	Tomaszewski, Raymond	Mileage Reimbursement-CEO	28.87
01/12/2016	24438	TransAxle LLC	Equipment/Vehicle Repair Parts-PW	314.62
01/12/2016	24439	Tri-State Hose & Supply Company	Equipment/Vehicle Repair Parts-PW	72.70
01/12/2016	24440	Verizon 0207-Pol	Monthly Telephone Service-Pol	113.28
01/12/2016	24441	Verizon 7877-Pol	Monthly Telephone Service-Pol	600.17
01/12/2016	24442	Verizon 838283708-Admin (4779)	Monthly Telephone Service (Long Dist.)-Admin	53.31
01/12/2016	24443	Verizon S0007576-Business	Monthly Telephone Service-Admin	71.66
01/12/2016	24444	Verizon Wireless-220027085-Laptop	Monthly Telephone Service (Laptop)-Pol	501.90
01/12/2016	24445	Verizon Wireless-902786759-MainCell	Mthly Cellphone Service-Admin, PW, CEO, Fire	193.69
01/12/2016	24446	Vi-HAUS	2016 Monthly Hosting Agreement Fees-Pol	850.00
01/12/2016	24447	W. PA Teamsters Emp Welfare Fund	Monthly Health Insurance-Admin, PW, Pol	24,810.03
01/12/2016	24448	Westrom, Laurel	2015 Breakfast w/Santa Expenses	65.34
01/12/2016	24449	Wex Bank-Sunoco	Monthly Gasoline Usage-Pol	2,069.72
01/12/2016	24450	Wine Concrete Products, Inc.	Catch Basin Risers-PW	225.00
01/12/2016	24451	Ambridge Water Authority	2015 4th Qtr. Water Service	1,027.99
01/12/2016	24452	SWIF-State Worker's Insurance Fund	Wrkrs Comp Ins Payment-Fire	1,455.00
				<u>89,962.94</u>

Highway Aid Fund

01/08/2016	113	Duquesne Light Company	Mthly Electric Service-Celestial Dr., Satellite Dr.	1,149.94
				<u>1,149.94</u>

PARKS and RECREATION COMMITTEE: No Report.

PROPERTY and BUILDING COMMITTEE: No Report.

PUBLIC SAFETY COMMITTEE: No Report.

PUBLIC UTILITIES and ORDINANCE COMMITTEE: No Report.

PUBLIC WORKS (PW) COMMITTEE: No Report.

MAYOR'S REPORT: No Report.

MANAGER'S REPORT: The Borough Manager presented Council with updates regarding the following issues:

1. Selling/Disposal of Used Police Vehicle – The 2004 Ford Explorer has been picked up by Route 422 Auctions and will be ready to sell at the February 12, 2016 auction.
2. Recreation Board Vacancy – The Borough Manager stated that Mr. Earl Fitzgerald had verbally expressed that would be willing to fill this vacancy if no one else was interested. After being explained about the written requirement, Mr. Fitzgerald will be submitting his intent to be re-appointed to the Recreation Board.
3. Zoning Hearing Board – After being on the Zoning Hearing Board for the last twelve years (12 yrs.), Mr. David Lodovico has decided not to request a re-appointment to the Zoning Hearing Board due to personal time commitments. The Borough Manager recommended moving Mr. Gerald States from an Alternate to the vacant three year term (3 yr.) seat on the Board. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Burns to appoint Mr. Gerald States to fill the vacant seat on the Zoning Hearing Board was unanimously carried.** There was some discussion regarding whether to advertise the vacant Alternate seats on the Zoning Hearing Board if no one was found to fill the seats. Mr. Googins requested a letter be sent to Mr. Lodovico on behalf of Council expressing their gratitude for all of his service.

SOLICITOR'S REPORT: The Borough Solicitor requested Council to take an official vote on the poll vote that was taken via email on December 29, 2015, regarding the Susan Blum settlement which was recommended by our insurance carriers and outside council so that it is in the minutes. Mrs. Mutschler questioned if it was an email vote or a poll vote and if it is legal vote, due to in the past the governor's office informed her that if there is no meeting then the vote(s) do not count. Mrs. Mutschler also inquired as to how a vote can be ratified if one of the members of Council is no longer here. The Borough Solicitor stated that it was an email poll vote, which was to accept or reject the settlement at that time, and that it is legal as long as the official acts are taken in a public session. The Borough Solicitor stated that the official vote is to be taken tonight with members of Council present and that the deadline is tomorrow by a certain time. There was some discussion regarding this issue not being on the agenda and the practices of voting on such. Mrs. Mutschler inquired if she is able to vote due to she is a new member of Council. The Borough Solicitor stated that this is up to her to abstain or not due to she knows what knowledge she has on the subject. There was some discussion regarding the fact that Mr. Bucuren should be present at the vote due to he is a defendant and whether Mr. Googins should abstain or not, due to paragraph seventeen (17) of the pleadings of the amended complaint. There was some discussion on whether there was sufficient defense for this case, the testimonies given and whether this is setting a precedent for future litigation by other employees. The Borough Solicitor stated that Mr. Chris Gerber, of PIRMA, attempted to get a Council member to attend a court ordered federally mandated settlement conference and no one could/would attend and this would not look good in federal court. Mr. Googins stated that it is his understanding that PIRMA is suggesting that we settle the case for \$80,000.00 and if we do not and they continue the litigation then any additional cost of litigation (estimated to up to \$200,000.00 of tax payer's dollars) that exceeds the settlement amount would be the Borough's liability. Mr. Fetkovich stated that a cost analysis has been done to settle and not to settle and as a Council it is our best interest to make the decision that will save the Economy taxpayers the most money. Mrs. Skonieczny stated that she may agree if PIRMA has done their job as they did with the Fitzgerald case where additional information was discovered during depositions, but in this case we have not got that far yet. Mrs. Mutschler inquired if at a later date information is found that there was fault with her, could we go back and sue or are our hands tied. The

Borough Solicitor stated that, generally speaking, yes but without getting into specifics he could not say. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Fetkovich to accept the Susan Blum settlement as recommended by PIRMA and outside Council was put to vote. A roll call vote was taken of the members of Council present. The motion was approved after receiving four (4) affirmative votes of the six (6) participating members of Council. Mrs. Mutschler and Mrs. Skonieczny voted against the motion.**

Mayor Poling entered the meeting at this time (8:00 p.m.)

ENGINEER'S REPORT – The Borough Engineer presented Council with updates regarding the following issue(s).

1. **Zoning Map Update(s)** – A copy of the old and proposed Zoning Map was distributed to Council for review and any questions that may arise. Mrs. Sandra Nelko, Shoup Engineering, Inc., was in attendance to present the changes to Council and answer any questions. Some of the areas that were affected are Amsler Ridge Road and Big Sewickley Creek Road, Anne Street, Conway Wallrose Road and Route 989 (Dunlap Hill), Conway Wallrose Road and Valley Drive, Cooney Hollow Road and Hoenig Road, Friel Road, Herr Road, Tevebaugh Road (Walmart). There was some discussion regarding the color coded areas and the difference(s) in these areas. The proposed map will include and show all parcels as of October 2015. There was some discussion whether the residents were contacted, which was determined that the changes were made to benefit the residents. The Borough Solicitor was asked to look into whether the residents need notified of the Public Hearing individually or if the public hearing notice advertisement is sufficient. Mrs. Nelko stated that the proposed Zoning Map needs to be sent to the Beaver County Planning Commission for review and any comments prior to holding a Public Hearing. Mrs. Mutschler inquired whether the Beaver County Planning Commission will have a response in time for the next regular meeting of Council. The Borough Solicitor stated that it would first need to be added to their schedule prior to their response. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mr. Morrone to accept the proposed changes by the Planning Commission and Shoup Engineering, Inc. and to forward the Zoning Map to the Beaver County Planning Commission for review was unanimously carried.**

Mr. Burns inquired if the Conway School property has reverted back to Economy when the school was vacated, as per his recollection from past Council meetings. The Borough Manager stated that he does not recall seeing any paperwork regarding this, but does remember that the property was to become part of Economy or part of the shopping center. The Mayor stated that when this was deeded to Conway for the use of a school it was to revert back to Economy and that this is a matter that the Borough Solicitor could research for Council.

OLD BUSINESS:

1. **Planning Commission Appointment** – An email has been received from Mr. Chad Pcsolyar expressing his interest in being re-appointed to the Planning Commission for another four year (4 yr.) term. **After some review, the motion of Mr. Burns, seconded by Mr. Fetkovich to re-appoint Mr. Chad Pcsolyar to the Planning Commission was unanimously carried.**
2. **Former Employee Life Insurance** – The Borough Manager recommended discussing this matter in executive session.
3. **DROP Plan Issue** – The Borough Manager recommended discussing this matter in executive session.
4. **Distributed Antenna System (DAS) Ordinance** – Mr. Kail presented Council with an overview of his research regarding the proposed DAS Ordinance. As thought, Mr. Kail stated that the Borough is not permitted to prohibit (ban) these systems, however, it is able to restrict them as per a federal statute named the Telecommunications Act of 1996. Mr. Kail presented two (2) citations, one being a Federal citation (no. 47USCA-332c-7) and a Commonwealth citation (no. 686892D905) that review this issue. Should the

Borough decide to control how these systems are done then it needs to move in a more regulatory action rather than banning. Mrs. Skonieczny stated that she could not fathom that we would be required to expose our residents to low levels of radiation. The federal government answered that argument with if it is approved by the UCC and it is within the UCC regulations municipalities cannot raise the subject of health as an issue. Mr. Kail recommends using a form Ordinance to base a Borough Ordinance on.

NEW BUSINESS:

1. Civil Service Commission Testing – The Borough Manager stated that the Mayor had requested this item to be placed on the agenda for discussion. The testing will take time and it does have some costs associated with it. The list is active for one year (1 yr.) and can be extended for another year if the Borough exercises the extension before the expiration. **After some review and discussion, the motion of Mr. Morrone, seconded by Mr. Googins to authorize the Civil Service Commission to move forward with the Civil Service Commission Testing in order to acquire an updated list was unanimously carried.**
2. Musi Subdivision – This is a simple subdivision request for property located at the corner of Conway Wallrose Road and Orchard Lane. The subdivision will remove a property line and add another property line to reconfigure a lot for potential sale or developing. The Planning Commission has reviewed the subdivision and recommends Council’s approval. **After some review and discussion, the motion of Mr. Burns, seconded by Mrs. Mutschler to approve the Musi Subdivision was unanimously carried.**

Mr. Googins reviewed the notation on the end of the December 2015 Code Enforcement Officer’s report regarding the demolition(s) that have been put on hold due to the Borough Solicitor was looking into. Mr. Googins requested this be looked into for the next meeting.

EXECUTIVE SESSION: Mr. Burns requested Council go into Executive Session in regard to personnel matters at 8:50 p.m., as per the motion of Mr. Morrone, seconded by Mr. Googins.

There being no further business, the motion of Mr. Burns, seconded by Mr. Morrone to return to adjourn the meeting at 9:27 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager

Motion(s) made and/or Council consensus decision(s):

1. Table the Minutes for December 15, 2015.
2. Consensus to postpone Reorganization Minutes for January 4, 2016.
3. Approval of 2016 Borough Council Committee Appointments.
4. Approval of Bills Payable for January 2016.
5. Appoint Mr. Gerald States to the Zoning Hearing Board vacant seat.
6. Roll Call Vote to accept the Susan Blum Settlement.
7. Accept the proposed Zoning Map changes.
8. Re-appoint Mr. Chad Pcsolyar to the Planning Commission.
9. Authorize the Civil Service Commission Testing.
10. Approval of Musi Subdivision.