

Economy Borough Council
Council Minutes
February 27, 2018

MEETING was called to order at 7:02 p.m. with Mr. Tom Fetkovich presiding and the following members of Council and officials of the Borough present: Mr. Tom Fetkovich, Mr. Gary Bucuren, Mr. Frank Morrone, Mrs. Audrey Mutschler, Mrs. Pat Skonieczny, Mayor Jo Ann Borato, Borough Manager Randy Kunkle, Borough Secretary Margie Nelko, and Borough Solicitor Mr. Joseph Askar, Esq.

ABSENT: Mr. Brian Westrom (Excused)
Mr. R.J. Burns (Excused)

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

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

Susan Scheller of 3160 Conway Wallrose Road, Baden
Twain A. Popowich of 29 Mason Road, Baden
Ray McClellan of 196 Shaffer Road, Sewickley

HEAR THE PUBLIC:

Susan Scheller was present to request an update regarding Valley Waste Service, Inc. bills. The Borough Manager reviewed information acquired from the latest meeting with Valley Waste Service, Inc.

MINUTES of the Regular Meeting held on February 13, 2018, were presented to Council. Mrs. Mutschler expressed concerns regarding the need to clarify her statement regarding a public hearing under Old Business on page 488. The following was entered into the February 13, 2018, minutes as per Mrs. Mutschler's email dated February 18, 2018: A public hearing regarding the amending of the Nonconforming Lot Size Ordinance that we advertised in December and that was also advertised twice in January indicating the hearing would take place tonight. There was some discussion on whether or not this hearing could be postponed but was determined in order to do so it would have to be re-advertised. It needs to be noted that the meeting continued until the information required for the hearing was gathered.

Mrs. Skonieczny expressed concerns regarding her statements addressing the permanent removal of the Public Safety Committee being omitted from the first paragraph on page 487 of the minutes. The following was entered into the February 13, 2018, minutes as per Mrs. Skonieczny's email, dated February 18, 2018: Mrs. Skonieczny stated that it appears that the removal of the Public Safety Committee by President Westrom outside a public meeting was in violation of the Sunshine Act and the violation needs to be cured. President Westrom re-established the Public Safety Committee and cured the violation. **After some review the motion of Mrs. Skonieczny, seconded by Mr. Bucuren to approve the Regular Meeting Minutes of February 13, 2018, as amended above was unanimously carried.**

FINANCE COMMITTEE: No Report.

ORDINANCE COMMITTEE: Mrs. Skonieczny, Chairperson of the Ordinance Committee, informed Council that the ordinance regarding Council compensation is still being worked on.

PARKS and RECREATION COMMITTEE: Mr. Fetkovich, Chairperson of the Parks and Recreation Committee, informed Council that the Borough Office has received the dimensions for the playground equipment and the dimensions are smaller than expected. The Borough Manager stated that the Public Works Foreman believes storage of the playground equipment will not be a problem.

PROPERTY and BUILDING COMMITTEE: No Report.

PUBLIC SAFETY COMMITTEE: Mr. Bucuren, Chairperson of the Public Safety Committee, presented Council with an overview of an email with Chief O'Brien regarding a backup officer for the Resource Officer.

PUBLIC WORKS (PW) COMMITTEE: No Report. The Borough Manager presented Council with an update regarding the next meeting date with the union.

MAYOR'S REPORT: Mayor Borato presented Council with updates regarding the following issues:

1. Borough Building and Public Works Department Video Cameras – Mayor Borato explained that more questions/concerns have been made regarding the possibility of having more monitors for the Borough building. Mayor Borato recommended Vector Security attending a meeting of Council to address any concerns or questions members of Council may have.
2. Heart and Lung Policy – Mayor Borato explained her findings from researching this matter with other municipalities and reviewing the written material available. Heart and Lung is concurrent with worker's compensation. The injury should be reported as a worker's compensation claim and then the officer should write a letter explaining what happened to Council, then Council should make the decision if it is a Heart and Lung situation. Members of Council discussed the differences between worker's compensation and Heart and Lung, other case law, and the possibility of a policy because it would be a case by case situation. The Borough Manager explained that MRM Workers' Compensation Pooled Trust does not cover Heart and Lung, only worker's compensation and that the employee would receive full wages with no tax deductions. The Borough Manager explained that the employee has the right to a public hearing in the event the employee is denied, and he/she wishes to appeal the decision. Mayor Borato recommended Council making the decision since the wages would be paid from tax coffers and a letter from the employee accompanied by a written recommendation from the Chief to Council. The Borough Solicitor was asked to research this matter and present a recommendation to Council.

SOLICITOR'S REPORT: The Borough Solicitor presented Council with updates regarding the following issue(s):

1. Skonieczny Lawsuit – No update at this time.
2. Video Cameras (Right-to-Know) – No update at this time.
3. Council Pay Ordinance – This matter was discussed under the Ordinance Committee Report.

ENGINEER'S REPORT – No Report.

OLD BUSINESS:

1. Non-organized Employee Resolution – This matter will be discussed in executive session.

2. Assistant Code Enforcement Officer – This matter is on hold.
3. Recording Device – Mr. Fetkovich requested the Borough Manager to purchase a recorder for the next meeting of Council.

Mrs. Mutschler expressed concerns regarding the September 2016 Emergency Operations Plan (EOP) and the September 27, 2016, Council Minutes. Mrs. Mutschler stated that because of the recent flooding she was reviewing the EOP and believes there are errors in the resource portion of the plan. Mrs. Mutschler also stated that the plan was approved at the September 27, 2016, Council Meeting and that those minutes are incorrect because it states the motions to approve were made by members of Council who were not present at that meeting. Mrs. Mutschler expressed concerns regarding wording that the EOP is non-public in both the EOP and the minutes. Members of Council discussed the accuracy/error concerns, how to correct them and if the EOP is public information. The Borough Solicitor recommended making any updates needed to the EOP and then pass the updated version.

NEW BUSINESS: None.

OTHER BUSINESS:

Mr. Fetkovich stated that he was unable to attend the last Beaver County Regional COG meeting but moving forward Mr. Westrom and he will be attending the meetings.

Mayor Borato, as Vice Chair of the Economy Borough Municipal Authority (EBMA), stated that the report of discharge on Winterset Road from the February 13, 2018, Council Meeting has been found to be drainage from a storm sewer pipe and not raw sewage.

EXECUTIVE SESSION: Mr. Fetkovich requested Council go into Executive Session regarding a personnel matter at 7:45 p.m., as per the motion of Mrs. Mutschler, seconded by Mrs. Skonieczny.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager

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

1. Approve the Minutes of February 13, 2018, as amended.