

Economy Borough Council
Regular Meeting Minutes
February 28, 2017

MEETING was called to order at 7:00 p.m. with Mr. Googins presiding and the following members of Council and officials of the Borough present: Mr. Larry Googins, Mr. Gary Bucuren, Mr. Tom Fetkovich, Mrs. Audrey Mutschler, Mrs. Pat Skonieczny, acting Mayor R.J. Burns, Borough Secretary Margie Nelko, and representing the Borough Solicitor Mr. Joshua Kail, Esq.

ABSENT: Borough Manager Randy Kunkle (Excused)

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Adam and Noah Smokovich, of Baden Boy Scout Troop 405, were present for their citizenship merit badge for their Eagle Scout project.

RECOGNITION OF VISITORS: Mr. Googins 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:

Steve Yurkovac of 1010 Conway Wallrose Road, Freedom
JoAnn Borato of 2001 Conway Wallrose Road, Freedom
Adam Smokovich of 2721 Legionville Road, Ambridge
Noah Smokovich of 2721 Legionville Road, Ambridge
Terri Smokovich of 2721 Legionville Road, Ambridge
Jim Petrosky of 146 Mary Reed Road, Baden
Michaeleen Petrosky of 146 Mary Reed Road, Baden
Ray McClellan of 196 Shaffer Road, Sewickley

HEAR THE PUBLIC:

Mike Lucia (not signed in) was present and made the recommendation that Mrs. Jo Ann Borato be considered for the position of Mayor. Mr. Lucia stated that she has shown a lot of work in the community, she takes an interest and comes to the Council Meetings. Mr. Lucia stated that he thinks she would be an asset at least for the remainder of this term. Mr. Lucia stated “now I say that not knowing where all her utilities are connected to, so if there is a problem with that then I withdraw my nomination.”

MINUTES of the Regular Meeting held on February 14, 2017, were presented to Council. Mrs. Skonieczny presented Council with the following three (3) amendments to the minutes:

1. On page 334, Economy Borough Mayor, adding the names of Council members and how they voted to the three (3) roll call votes.
2. On page 334, sentence 23 changing the word “reviewed” to “stated that she reviewed” because it is not necessarily true.
3. On page 336, paragraph 3, last sentence changing the word “reviewed” to “stated that she reviewed” because Mrs. Borato did not produce any documentation.

Mrs. Skonieczny expressed concerns that at the time Council accepted the resignation of Mayor David Poling by resolution, Mrs. Mutschler informed Council that at that point Mr. Burns became the acting Mayor and as acting Mayor Mr. Burns seconded a motion and voted on three (3) motions. There was some discussion regarding the votes made by Mr. Burns being invalid due to he was not sworn into office. Mrs. Skonieczny and the Borough Solicitor will get together to review this matter. **After some review and discussion, it was the consensus of Council to table the February 14, 2017, minutes until the next regular scheduled meeting of Council.**

FINANCE COMMITTEE: Mr. Bucuren, Chairperson of the Finance Committee, presented Council with an update regarding the following items:

1. **Budget Report** for the month of January 2017, was presented to Council. Mrs. Mutschler expressed concerns regarding the incorrect date on this report. Mrs. Mutschler stated that she was confused as to why the revenue and expense balances did not match the budget that was approved by Council. Mrs. Mutschler stated that line item no. 332.100, in the amount of \$400.00, is entered as an income on this report and not as an expense which was the way it was recorded at the time of approval. The Borough Secretary explained that this is a revenue and not an expense. After some review and discussion this report was ordered received and filed.
2. **Treasurer's Report** for the month of January 2017, was presented to Council. After some review, this report was ordered received and filed. Mrs. Mutschler expressed concerns regarding the need to down size the number of bank accounts and questioned the ten dollar fees on some of the accounts. The Borough Secretary explained that the number of bank accounts is one of the items that is listed on the auditor recommendations that has been discussed the last couple of meetings and that the ten dollar fees are due to a lack of activity, which will be refunded at the time a dollar is transferred to those accounts. There was some discussion regarding the flower fund and possibly contacting the individuals who contributed to see how to handle the funds. There was some discussion regarding Mr. Bucuren getting together with the Borough Manager to determine how to down size the number of accounts.

ORDINANCE COMMITTEE: No Report.

PARKS and RECREATION COMMITTEE: Mr. Fetkovich, Chairperson of the Parks and Recreation Committee, advised Council that the Recreation Board will not be able to do Breakfast with the Easter Bunny due to two (2) Board vacancies, one (1) injured member and pressed time frame.

PROPERTY and BUILDING COMMITTEE: Mr. Morrone, Chairperson of the Property and Building Committee, presented Council with updates regarding the following issue(s).

1. **Code Enforcement Services** - The Borough Manager drafted an ad for advertising that was given to the committee. Mr. Morrone requested the ad be distributed to Council for review. Mrs. Mutschler stated that the dates will need changed before advertising.
2. **Police Department Door (Back)** – There was some discussion regarding the time frame for repairs and approximate costs to replace the door. **After some review and discussion, the motion of Mr. Morrone, seconded by Mr. Fetkovich to approve replacing the police department back door subject to the amount not exceeding \$2,500.00 was unanimously carried.**

PUBLIC SAFETY COMMITTEE: Mr. Googins, Chairperson of the Public Safety Committee, presented Council with updates regarding the hiring of a full-time police officer. A letter was received from the Civil Service Commission regarding a request to conduct background information for the top three (3) candidates, one (1) being a Veteran. After conducting the background investigations, Chief O'Brien submitted a letter making the recommendation to extend an offer of employment to Mr. Pierson J. Pollock. **After some review and discussion, the motion of Mr. Bucuren, seconded by Mr. Morrone to approve the recommendation of Mr. Pierson J. Pollock was unanimously carried.**

PUBLIC WORKS (PW) COMMITTEE: Mrs. Mutschler, Chairperson of the Public Works Committee, presented Council with updates regarding the following issue(s). Mrs. Mutschler requested an executive session to discuss the public works department and office personnel.

1. Public Works Bi-monthly Report – After some review and discussion, this report was ordered received and filed.
2. Public Works Position – Mrs. Mutschler stated that Mr. Rich Dunn, Public Works Foreman, has narrowed down the applicants to approximately four (4). Mrs. Mutschler recommended evening interviews at a half hour each and stated that Mr. Dunn would receive two (2) hours overtime pay. Mrs. Mutschler stated she could sit in on the evening interviews possibly along with another committee member. There was some discussion regarding whether the interviews would be done during the day or evenings. Mrs. Mutschler stated that the applicants have jobs, so they would have to take time off and may not get the job, it is putting the burden on the applicant. After some review, it was recommended to attempt to have the interviews on the same day during the day and if unable to do so then the evening would be ok.
3. PennDot Bridge Repairs – Mrs. Mutschler presented Council with information regarding the upcoming bridge repairs on Big Sewickley Creek Road was presented to Council. There was some discussion regarding the detours. The Borough Secretary was asked to post information on the website.

MAYOR'S REPORT: Acting Mayor Burns presented Council with information he received from Chief O'Brien regarding the purchase of a new police vehicle to replace the vehicle we are getting rid of. A quote was received from Route 33 Auto Mall in the total amount of \$37,883.90 through COSTARS. There was some discussion regarding the disposal of the old vehicle waiting on the return of the Borough Manager.

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

1. Skonieczny Lawsuit – An update will be given in executive session.
2. Economy Borough Mayor – The Borough Solicitor reviewed the background of the position of (Acting) Mayor and the procedure of appointing a new Mayor. The position was advertised and two (2) applicants have applied. The Borough Solicitor stated that it is appropriate for Council to discuss the matter of the applicants and an appointment would be done by resolution. Mrs. Skonieczny stated that she wanted to discuss the applicant, Mrs. Borato. Mrs. Skonieczny read a portion(s) of the Borough Sewage and Water Ordinance(s). Mrs. Skonieczny discussed the Economy Borough Municipal Authority's (EBMA) Rules & Regulations, which are subject to the Borough Ordinance(s), does not supersede the Ordinance(s) and there is no conflict with the Ordinance(s) on this matter. Mrs. Skonieczny discussed Section 6.6 which states "The main drainage system of every house or building shall be separately and independently connected with the sanitary sewers." and, with this being said, there is a question of the Borough's liability of a potential civil or criminal matter in this case. In order to make it clear for everyone, the Borough Solicitor asked Mrs. Skonieczny if she was charging Council to pursue this matter or if she was bringing this up as a matter of credibility. Mrs. Skonieczny stated that only as a consideration before we appoint somebody as Mayor who is not adhering to our laws. There was some discussion regarding whether or not a resident can tap into your private sewer and what happens if there is a plug five (5) feet from a residence. Mrs. Skonieczny discussed the EBMA's line inspection procedures. Mr. Googins stated that he understands that you are taking an exception to Mrs. Borato being appointed due to this sewage issue. Mrs. Skonieczny stated yes. Mrs. Mutschler stated that there are issues that need to be looked into and that she doesn't want to maybe vote for someone that possibly in six months (6 mths.) it may come back and have egg on her face. Mrs. Mutschler also stated that there are some things that are questionable and that she is not comfortable making a decision on voting for Mrs. Borato based on these questionable items. **After some review the motion of Mrs. Mutschler, seconded by Mr. Bucuren to approve through Resolution No. 459 nominating Mr. Steve Yurkovac, being a registered elector and resident of Economy Borough, to fill the vacancy of Mayor was made.** A roll call vote was requested. **A roll call**

vote was taken of the members of Council present. The motion tied after receiving three (3) affirmative votes and three (3) negative votes.

Mr. Bucuren – Yes	Mr. Fetkovich – No	Mr. Googins – No
Mr. Morrone – No	Mrs. Mutschler – Yes	Mrs. Skonieczny – Yes

Acting Mayor Burns voted against the motion to break the tie. Mrs. Skonieczny stated that this is an invalid vote because he has no power as Mayor because he has not taken an Oath of Office for that position. The Borough Solicitor requested the Borough Secretary, who is a notary for the Borough, to administer the Oath of Office to Mr. Burns for the position of Mayor, which was then given. As a result of Mr. Burns having not yet been sworn in as Mayor the above roll call vote is nullified. A roll call vote was then requested on the motion of Mrs. Mutschler, seconded by Mr. Bucuren to approve through Resolution No. 459 nominating Mr. Steve Yurkovac, being a registered elector and resident of Economy Borough, to fill the vacancy of Mayor was made (as stated above). A roll call vote was taken of the members of Council present. The motion tied after receiving three (3) affirmative votes and three (3) negative votes. The motion then failed after Mayor Burns voted against the motion to break the tie.

Mr. Bucuren – Yes	Mr. Fetkovich – No	Mr. Googins – No
Mr. Morrone – No	Mrs. Mutschler – Yes	Mrs. Skonieczny – Yes

After some review, the motion of Mr. Morrone, seconded by Mr. Fetkovich to approve through Resolution No. 459 of the Borough of Economy, County of Beaver, Commonwealth of Pennsylvania, nominating Mrs. Jo Ann Borato, being a registered elector, for Mayor was made. Mrs. Skonieczny noted that she takes exception to appointing somebody as Mayor who is not adhering to our laws. Mrs. Mutschler noted that she takes exception due to there are some things that are questionable and that she is not comfortable making a decision on voting for Mrs. Borato based on these questionable items. A roll call vote was requested. **A roll call vote was taken of the members of Council present. The motion tied after receiving three (3) affirmative votes and three (3) negative votes. The motion then passed after Mayor Burns voted yes to the motion to break the tie.**

Mr. Bucuren – No	Mr. Fetkovich – Yes	Mr. Googins – Yes
Mr. Morrone – Yes	Mrs. Mutschler – No	Mrs. Skonieczny – No

The Borough Solicitor stated that before taking the office of Mayor, a notarized Affidavit of Residency must be completed and delivered to the Borough Secretary. Mrs. Borato stated that she has the document ready. The Borough Solicitor asked the document be kept on file after the Borough Secretary stated that the document satisfied the requirement. An Oath of Office for the position of Mayor was then given to Mrs. Jo Ann Borato by the Borough Secretary.

At this time, Mr. Burns delegated the remaining of the meeting be presided by Mr. Googins.

CORRESPONDENCE:

The Economy Borough Municipal Authority Minutes (EBMA) for January 17, 2017, were presented to Council for review. Mrs. Mutschler explained that she requested a copies of their minutes on a timely basis after the approval for Council and a link to their website be placed on the Borough website.

OLD BUSINESS:

1. Fee Resolution – This matter is still on hold due to input from the Planning Commission has not yet been received.
2. Vehicle Insurance Deductibles – This matter is still on hold until the Borough Manager returns.

3. Non-organized Employee Resolution No. 457 – This matter including raises, will be discussed in executive session with a possible vote.
4. Public Works Department Position – This matter was discussed during the Public Works Committee report.
5. Borough Auditor Recommendations (Maher Duessel) – This matter is on hold until the Borough Manager returns.
6. Third-party Code Enforcement Services – This matter was discussed during the Property and Building Committee report.
7. School Bus Stop Ahead Signs (Rt. 989) – The Borough Secretary presented Council with a list of bus stops within Economy Borough from R. J. Rhodes Transit, Inc. After some discussion, the Borough Secretary was asked to provide the Public Works Foreman with a copy of the list.
8. 2016 Audit Engagement Letter Signature – The Borough Solicitor reviewed the background of an issue with the letter. The Auditors agreed to update the letter to include the statement of “The continuation of our yearly service outlined in this letter is dependent on our appointment as auditors by Borough Council at the reorganization meeting.” to satisfy the issue. The Borough Solicitor recommended approval of the letter. **After some review and discussion, the motion of Mr. Morrone, seconded by Mrs. Mutschler to approve the 2016 Audit Engagement Letter with the updated language regarding the reorganization meeting was unanimously carried.** The Borough Secretary was asked to distribute to Council a copy of the signed letter.
9. Bonding for Borough – This matter is on hold until the Borough Manager returns.

NEW BUSINESS:

1. Beaver County Regional COG (BCRCOG) Delegate/Alternate – Mr. Googins presented Council with the need to appoint a Delegate and an Alternate for the BCRCOG. **After some discussion, the motion of Mrs. Skonieczny, seconded by Mr. Googins to appoint Mr. Fetkovich as the Delegate and Mr. Morrone as the Alternate representatives to the Beaver County Regional COG was unanimously carried.**
2. Conway Elementary School – Mrs. Mutschler stated that it has been said that the Conway Elementary School is owned by the Borough of Economy as per an agreement dated from the 1950’s. There was some discussion regarding this subject being reviewed about a year ago and the Borough Solicitor did not find any documentation to this matter. After some review, the Borough Solicitor was asked to research this matter which would be something between the Borough and Freedom School District in the 1950’s.

OTHER BUSINESS:

Mayor Borato expressed her hopes in working together to move the community forward, by making it a place we show we love our children as it says on our sign and to have more family oriented programs. Mrs. Borato she hopes to serve the Borough well.

EXECUTIVE SESSION: Mr. Googins requested Council go into Executive Session regarding a litigation matter and personnel matters regarding the public works and office staff at 8:30 p.m., as per the motion of Mr. Morrone, seconded by Mrs. Mutschler.

On the motion of Mr. Fetkovich, seconded by Mr. Morrone to reconvene at 9:25 p.m. was unanimously carried.

Upon re-entering the public meeting the following items were reviewed:

1. New item– An informative discussion regarding Mr. David Poling having returned the property owed to the Borough except for the Borough Code Book, which was not asked for.
2. Minute Notation – Mrs. Skonieczny requested that the minutes (02/14/2017) reflect that she objected to the acceptance of Mr. David Poling’s resignation because the letter was not signed.

There being no further business, the motion of Mrs. Mutschler, seconded by Mr. Bucuren to adjourn the meeting at 9:26 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

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

1. Consensus of Council to table the Minutes of February 14, 2017.
2. Approve replacing the police department back door not exceeding \$2,500.00.
3. Approve the recommendation of Mr. Pierson J. Pollock to the police department.
4. Tied motion to approve Res. No. 459 – nominating Mr. Steve Yurkovac as Mayor, included roll call vote.
5. Failed motion to approve Res. No. 459 – nominating Mr. Steve Yurkovac as Mayor, included roll call vote.
6. Tied motion to approve Res. No. 459 – nominating Mrs. JoAnn Borato as Mayor, included roll call vote.
7. Approved Resolution No. 459 – nominating Mrs. JoAnn Borato as Mayor, included roll call vote.
8. Approve the 2016 Audit Engagement Letter.
9. Approval to appoint the Beaver County Regional COG Delegate and Alternate.