

Economy Borough Council
Regular Meeting Minutes
May 27, 2014

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, Mrs. Courtney Barthelemy, Mr. Tom Fetkovich, Mr. Larry Googins, Mr. Frank Morrone, Mrs. Pat Skonieczny, Mayor David Poling, Borough Manager Randy Kunkle, Borough Secretary Margie Nelko, Borough Solicitor Joseph Askar, and Borough Engineer Mr. Norman Shoup.

ABSENT: Mr. Gary Bucuren (Excused)

OPENING PRAYER

PLEDGE OF ALLEGIANCE

PUBLIC HEARING – PETITION TO RE-ZONE (Mr. and Mrs. Larry Janicki, of 2462 Herr Road)

The Borough Solicitor presented Council with an update regarding the re-zoning request for 2462 Herr Road, which was postponed from the previous meeting due to the need for further information. The Borough Engineer reviewed the entire background of the Zoning Maps and has determined that there are discrepancies with information submitted to the Beaver County Planning Commission. The Borough Engineer stated that the 1972 to the present Zoning Maps have been reviewed and has come to a different decision than the Janicki's surveyor. The Borough Engineer stated that this issue came up in 2011 and that a letter was written stating that the property was zoned Suburban Residential (R2), not Agricultural/Rural Residential (RA). There was some discussion regarding the Zoning Officer (at that time) based his zoning decision of the property based on the 1990 Zoning Map showing the dividing line across Herr Road. The Borough Engineer stated that Herr Road is not plotted correctly on the map and that all of the other Zoning Maps all show that the property is R2 and that none of the property is RA. There was some discussion regarding if the property could be Grandfathered, which requires continuous unpermitted usage. The Borough Engineer presented Council with a map that shows the terrain with an overlay of the Zoning Map. Mrs. Skonieczny questioned that if Herr Road is inaccurate, then how does Council know what the zoning is. The Borough Engineer stated that by looking at the original 1966 Zoning Map, you will see that the Rosenberg driveway is the same as it is on the map that was distributed during the meeting (Section of Economy Borough Zoning Map showing location of R-1 Zone dated 05/16/2014). The Borough Engineer also reviewed the zoning calculations from the RA zoning line along Mason Road on the original map then measuring the RA distance which comes right up to the Janicki property. There was discussion regarding whether this new information should be presented to the Planning Commissions. **After some review and discussion, the motion of Mr. Googins, seconded by Mrs. Skonieczny to remand back to the Beaver County Planning Commission and the Economy Borough Planning Commission for reconsideration in the light of the newly discovered evidence by the Borough Engineer, was unanimously carried.**

Neil Bishop expressed his concerns regarding the Janicki property encroaching onto his property, which consists of three (3) lots along the property line.

Julie Hribar stated that for as long as she has lived there that there have never been animals kept on the property, it was an orchard farm.

Andrew Janicki inquired if there was anything more that they could do to help with this matter. Mr. Janicki expressed concerns regarding this delaying his re-location plans to and to refer this back to the Planning Commissions is now causing a hardship for the family. Mr. Janicki discussed section 180-115 D. of the Borough Code, which discusses the mailing of notices and also states "This subsection shall not apply when the rezoning constitutes a comprehensive rezoning." Mr. Janicki feels that the surrounding properties should not require notification of this matter, due to the re-zoning of their property would not affect anyone else's tax assessment. Mr. Googins stated that his understanding is that the surrounding properties do receive notification during a re-zone, but he will re-read the Borough Code to verify. The Borough Solicitor reviewed Comprehensive Rezoning and recommended Council continues to notify all properties outlined in the Borough Code.

Larry Walter expressed his gratitude to everyone for all that is being done regarding this issue and that he noticed the line comes across his property where it never did before.

Debbie Cercone expressed her gratitude for Council's interest and patience with this issue. Ms. Cercone feels that this will affect her property should they attempt to sell and that she should receive notification(s). Ms. Cercone inquired how to go about filing a complaint for the horses on the property, which is not permitted. The Borough Manager stated that the forms are here in the Borough office.

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:

Andrew Janicki of 109 Albine Drive, Glenshaw, PA 15116
Anthony Petalino of 80 Bock Lane, Baden
Julie Hribar of 2459 Herr Road, Ambridge
Nancy Janicki of 2462 Herr Road, Ambridge
Debbie Cercone of 2464 Herr Road, Ambridge
Larry Walter of 2464 Herr Road, Ambridge
Marie Walter of 2464 Herr Road, Ambridge
Robie Barkley of 120 Oliver Avenue, Freedom
Mr. & Mrs. George Batykefer of 180 Oliver Avenue, Freedom
Richard Ray of 1776 Overlook Drive, Ambridge
Neal Bishop of 1788 Overlook Drive, Ambridge
Ray McClellan of 196 Shaffer Road, Sewickley
Bob Cipriani of 145 Oliver Avenue, Freedom
Mr. & Mrs. Earl Stange of 420 Sproat Avenue, Freedom
Blanche Gilbert, 460 Sproat Avenue, Freedom

HEAR THE PUBLIC:

Janet Stange expressed concerns regarding a newly erected fence across Oliver Avenue directly over the right-of-way. Mrs. Skonieczny stated that she personally drove to the location and has noted that this is not a movable fence. The Borough Engineer stated that in 1938 Elizabeth Street was part of a subdivision, which are not worded like today's subdivisions. This subdivision shows a twenty-five foot (25 ft.) private road on Elizabeth

Street coming out of Oliver Avenue and it was a dedicated right-of-way. The Borough Solicitor explained that if it was stated as a private road and has not been changed since, then it remains a private road to this day. Mrs. Stange stated that this has been a right-of-way for the last one hundred years (100 yrs.). There was some discussion regarding the Borough Engineer and the Borough Solicitor researching this issue and presenting Council with the results. Mrs. Stange stated that this area should be kept for emergency access in the event that Sproat Avenue is blocked, due to there is no other access to Sproat Avenue.

Holly Batykefer stated that the reason the request to place a gate between Oliver Avenue and Sproat Avenue was that Oliver Avenue is a private road and that these residents have had the expense of repairing/maintaining this road. Mrs. Batykefer stated that if everyone wants to help fund the repairs/maintenance to the area then that would be fine to use this area as a public access. There is and has been damage to the private property (yard) and the road is not a plowed street. The property owners of Oliver Avenue have keys to the gate and it would be acceptable to provide keys for the emergency departments.

Jerry Seelinger, of 117 Clover Road, Baden, on behalf of Boy Scout Troop 414, stated that last fall Council granted permission for the troop to plant trees in Meddock Park (Recreation Drive Park) along Mary Reed Road. Mr. Seelinger is requesting Council's permission to continue this project by planting more trees by the playground and erect a duplicate bench. The duplicate bench will be dedicated to the two (2) past Adult Leaders. The families of the two (2) Adult Leaders have donated the materials. The Borough Manager stated that notifications will need completed. **After some review and discussion, the motion of Mr. Fetkovich, seconded by Mrs. Barthelemy to authorize Boy Scout Troop 414 to plant trees and erect a duplicate bench in Meddock Park as done before was unanimously carried.**

MINUTES of the Regular Meeting held on May 13, 2014 were presented to Council. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Fetkovich to approve the Regular Meeting Minutes of May 13, 2014 was unanimously carried.**

PARKS and RECREATION COMMITTEE: Mr. Fetkovich presented Council with an update regarding the following items:

1. 3rd Annual Community Day - Is scheduled for June 14, 2014 from 12:00 p.m. to 7:00 p.m. Mr. Fetkovich provided a breakdown for expenses that need to be paid, which is approximately \$4,301.97. There was some discussion regarding the fund to be used for payment of these expenses and whether a motion is required or not. The Borough Manager reminded Council that the state laws have changed in July 2012, which requires the Borough to handle the Recreation Board Fund and that there is an amount budgeted for these expenses. **After some review and discussion, the motion of Mr. Fetkovich, seconded by Mr. Googins to authorize payment of the breakdown submitted for the 3rd Annual Community Day expenses from the General Fund account number 452.333 was unanimously carried.** There was some discussion regarding the lack of a Treasurer's Report for the funds. Council requested these reports to be submitted for the next regular scheduled Council Meeting.
2. Pickleball Court & Economy Municipal Park Playground Equipment – There was some discussion regarding pickleball courts and playground equipment for Economy Municipal Park.

PUBLIC UTILITIES COMMITTEE – No Report.

PROPERTY and BUILDING COMMITTEE: Mr. Fetkovich stated that he has met with Chief O'Brien to discuss video surveillance cameras and building locks. Mr. Fetkovich stated that three (3) estimates were received. Two (2) of these estimates are being reviewed in depth to compare the equipment, as well as, the dollar amounts. The third estimate has been dismissed due to being considered too high of an estimate.

PUBLIC SAFETY COMMITTEE: Mr. Morrone stated that keys for Walmart have been distributed to the Fire Department and Police Department. The Police Department will need to acquire more keys. There was some discussion regarding if the Borough has an account with Guzik and the type of keys that need made. The broke gutter on the station has been fixed. Mrs. Barthelemy inquired if anyone has received a copy of the updated Police Policy and Procedure Manual. The Borough Solicitor was asked to review first and then it would be distributed to Council.

FINANCE COMMITTEE – None

PUBLIC WORKS COMMITTEE – None

MAYOR'S REPORT – Mayor Poling presented Council with an update regarding the following issues.

1. **Red-light at Dunlap Hill** – The Mayor stated that he had attended a meeting with State Senator Vogel and State Representative Matzie regarding the approval of the Crows Run Project, which has been ongoing for fifty years (50 yrs.). The Borough will need to begin to focus of this issue now that we can expect detours.
2. **Senior Citizen Club** – A letter was received from the Senior Citizen Club regarding a donation to the group, which is received yearly. There was some discussion regarding this donation and that it has been budgeted for. **After some review, the motion of Mrs. Skonieczny, seconded by Mr. Morrone to approve a donation to the Senior Citizen Club as budgeted was unanimously carried, with the exception of Mr. Fetkovich who abstained due to being a member of the club.**
3. **Memorial Day** – The Mayor expressed his gratitude to the Public Works Department and the Police Department for all their help and efforts with the celebration.
4. **Opening of Walmart** – The Mayor expressed his gratitude to the Public Safety Committee and the Police Department for all their help and efforts in the Grand Opening of the Walmart.
5. **Top Three (3) Applicants for Police Chief** – There was some discussion regarding Council receiving the names of the top three (3) applicants from 2013's search for the position of Police Chief. Mrs. Barthelemy stated that the prior Borough Solicitor stated that these names are not intended to be public, due to jeopardizing current employment. This information should it be made public could result in a law suit. **After some discussion, it was the consensus of Council that an excellent applicant has been hired and that the names are not needed.**

6. Line Painting Equipment – There was some discussion regarding the possibility of purchasing line painting equipment, which could help with reducing speeding within the Borough by painting ghost lines for the Police Department.

MANAGER'S REPORT – The Borough Manager presented Council with an update regarding the following issues:

1. Summer Commodities – A Beaver Valley Regional Council of Governments (COG) Spring Commodity Price List for 2008 thru 2014 was submitted to Council for review and consideration. The COG solicits bids for these products and in doing so eliminates the need for the Borough to request bids. This also reduces the cost of the products, due to combining municipalities purchase for higher volumes. The Borough Manager requested Council to approve the lowest bids and authorize entering into a contract with the same. There was some discussion regarding whether these prices included delivery and if the Borough accepts the bid is there a legal requirement to purchase from them. It was determined that the 19mm binder, the 9.5mm wearing and the cold patch were not bid with a delivery. It was also determined that the Borough is not required to purchase from the vendors if the bid is accepted. After some review and discussion, the motion of Mr. Fetkovich, seconded by Mr. Morrone to accept the COG Spring Commodity Price List as submitted and authorize entering into a contract with the vendors with the lowest bids was unanimously carried.
2. Police Life and AD & D Insurance – A letter, dated May 27, 2014, was received from Richard J. Creese, President of the Economy Borough Police Officer's Association, regarding the Life Insurance Policy for retired police officers. The letter is requesting the Borough to purchase a policy in the amount of \$5,000.00 for retired Chief Harrington, as per Article XVII Section 17.4 of the Police Contract. There was some discussion regarding Section 2.2 excluding the Chief and if there was a section under his contract regarding this matter. The Borough Solicitor was asked to review both documents. **After some discussion, it was the consensus of Council to table this matter until the next regular scheduled Council Meeting.**
3. Promotions – The Civil Service Commission has made a recommendation to modifying the Civil Service Rules and Regulations. On April 28, 2014, the Civil Service Commission voted unanimously to remove a requirement of a promotable candidate to take and pass a medical and psychological examination. The Borough Solicitor agrees with the recommendation, due to the individuals currently work for the Borough, have already passed these tests and it could result in a union dispute, which accepting will result in avoiding any future issues. After some review and discussion, the motion of Mr. Morrone, seconded by Mr. Fetkovich to approve the Civil Service Commission's recommendation to remove the requirement of a promotable candidate to taking and passing a medical and psychological examination was unanimously carried, with Mrs. Skonieczny abstaining.

OLD BUSINESS

Mrs. Barthelemy expressed concerns regarding the website being outdated. The Council photo needs replaced with a current picture, the Council Minutes need updated as well. **After some review, it was the consensus of Council to re-take a Council Photo at the regular scheduled June 24, 2014 meeting.** The Borough Manager was requested to remind Council and acquire Officer Hartsell to take the photo.

Mrs. Barthelemy expressed concerns regarding the Spring Newsletter being completed. The Borough Manager stated that the draft newsletter has been approved, it should be being printed and ready for distribution shortly.

REPORTS – None

SOLICITOR’S REPORT – No Report.

ENGINEER’S REPORT – No Report.

NEW BUSINESS – No Report.

There being no further business, the motion of Mr. Morrone, seconded by Mrs. Skonieczny to adjourn the meeting at 08:43 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager