

Economy Borough Council
Regular Meeting Minutes
June 14, 2016

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

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

OPENING PRAYER

PLEDGE OF ALLEGIANCE

FIRE REPORT: No Report

POLICE REPORT: Chief O'Brien presented Council with an update regarding the completion of the Click It or Ticket Program.

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, erected Memorial Flags, mowed the parks, Economy Way, Borough complex, and replaced catch basins along Pinehurst Drive and Oakhaven Drive at Willow Drive and drainage/pipe repairs/improvements to Doniport Road, Mary Reed Road, Sunset Hills Drive and Ridgewood Drive.

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:

JoAnn Borato of 2001 Conway Wallrose Road, Freedom
Gerry Downey of 177 Pinehurst Drive, Freedom
Okey Matthews of 335 Springer Road, Freedom
Ray McClellan of 196 Shaffer Road, Sewickley

HEAR THE PUBLIC:

Ms. Gerry Downey was present to express her concerns and to inquire as to why the residents of the Ridgewood Plan and the Borough were not notified of the proposed traffic light at the intersection of Conway Wallrose Road and Dunlap Hill. There was some discussion regarding these concerns and her questions were answered.

Okey Matthews was present to request an update regarding 345 Springer Road. The Borough Solicitor stated that the Beaver County Community Development Program is going to review their files on this location to determine where it stands.

MINUTES of the Regular Meeting held on May 24, 2016, were presented to Council. **After some review, the motion of Mr. Morrone to approve the Council Minutes of May 24, 2016, failed due to a lack of second.** Mr. Bucuren abstained due to he was not present at that meeting.

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

1. Treasurer’s Report for the month of May 2016, was presented to Council. After some review, this report was ordered received and filed.
2. Budget Report for the month of May 2016, was presented to Council. After some review, this amended report was ordered received and filed.
3. Bills Payable entered for the period of May 11, 2016 through June 14, 2016, in the amount of \$2,095,859.93 from the General Fund and in the amount of \$1,149.02 from the Highway Aid (Liquid Fuels) Fund were presented to Council for review. There was discussion regarding concerns about check number 24796 in the amount of \$1,900,000.00 payable to PZ Northern Limited Partnership. This check is a result of the stipulated damages for the condemnation of Economy Way for the Walmart project (Case No. 12459-2007). The value of this property and payment format was the result of a settlement between PZ Northern Limited Partnership and Walmart Developers Group. There was discussion regarding the incoming wire transfer from Walmart Developers Group for this amount being entered into the budget under line item 387.100, which was done on the recommendation of the auditor(s) of Maher Duessel. There was discussion regarding the concerns that Mrs. Mutschler had with this check, which encompassed why it was prepared, signed and distributed prior to the knowledge of all Council members present, and that it was not discussed during the public session of a Council Meeting. The Borough Solicitor acknowledged that he should have informed the Council of the agreement between the parties. There was discussion regarding this transaction following the Developers Agreement that was approved by the prior Council, which indemnified the Borough from any such payments. The Borough Solicitor stated the Borough was merely a conduit for payment from Walmart Development Group to PZ Northern with no liability to the Borough. **After some review and discussion, the motion of Mr. Bucuren, seconded by Mr. Fetkovich to approve the list of Bills Payable as listed was carried with the exception of Mrs. Skonieczny regarding the Public Safety bills, due to her son works in the department and she opposed the approval of the check that was disbursed contrary to the Borough Code and without Council’s knowledge or approval prior to disbursement.**

General Fund

05/13/2016	24789	Approved Toilet Rentals, Inc.	(3) Standard Units w/Hand Sanitizer-Parks	442.50
05/13/2016	24790	Course Vector, LLC	2016 Website-Graphic Design Fee	112.50
05/13/2016	24791	Rhoades Law, LLC	Pension Plan-DROP Plan Inquiries	3,084.60
05/20/2016	24792	ELF Entertainment, Inc.	2016 Community Day-FunHouse,Obstacle,Train Rental Dep.	1,125.00
05/20/2016	24793	Classic Tent Rentals	2016 Community Day-Tent Rental	1,503.76
05/24/2016	24794	Joseph A. Askar Law Offices	2016 Solicitor Services & Retainer	7,743.75
05/25/2016	24795	FNB Equipment Finance	2012 F550 Super Duty Trk Payment	15,423.74
05/26/2016	24796	PZ Northern Limited Partnership	Economy Way Condemnation Stipulated Damages	1,900,000.00
06/01/2016	24797	Busch Systems International Inc.	Recycling Containers (501)	5,551.08
06/14/2016	24798	ADT Security Services	Monthly Security Service-Boro, PW	84.36
06/14/2016	24799	Aflac	Employee ACC Insurance	175.11
06/14/2016	24800	Ambridge Wholesale Tire Inc.	Vehicle Tire Purchase (20)	2,316.00
06/14/2016	24801	Amcom Office Systems, Inc.	Monthly Copier Maintenance-Pol	17.95
06/14/2016	24802	American General Services Corp.	2016 Real Estate Tax Refund	564.26
06/14/2016	24803	Approved Toilet Rentals, Inc.	(6) Standard Units w/Hand Sanitizer-Parks/Rec Board	712.50
06/14/2016	24804	Atlantic Tactical	Sig Sauer Lock Nut/Receiver Ext-Pol	11.99
06/14/2016	24805	Beaver Agway	Grass Seed-PW	99.99

06/14/2016	24806	Beaver County Central Printing	2016 Per Capita Tax Bills	2,076.48
06/14/2016	24807	Beaver Cty Dept.-Waste Management	2016 Recycling-Brush (30 cy.)-Grass (90 cy.)	202.50
06/14/2016	24808	Beaver Cty Times-Newspapers Inc.	Legal Ad-Zng Ordin/2016 Roadway Improv.t Bids	1,017.20
06/14/2016	24809	Beaver Valley FOP Lodge #4-Creese	2016 1st Qtrr Empl. FOP Dues-Pol	435.00
06/14/2016	24810	Beaver Valley Sheet Metal Co.	A/C Maintenance-Pol	390.00
06/14/2016	24811	Broker's Settlement Services Inc.	2016 Real Estate Tax Refund	309.58
06/14/2016	24812	Building Inspect. Underwriters of PA	Building Permit Inspections	160.00
06/14/2016	24813	Butler Gas Products Co, Inc.	Monthly Cylinder Rental-PW	22.10
06/14/2016	24814	C & K Wholesale, Inc.	Equipment Repair Parts-PW	70.42
06/14/2016	24815	Clean Care, Inc.	Floor Mat Service-Pol	88.43
06/14/2016	24816	Columbia Gas	Monthly Gas Service	875.15
06/14/2016	24817	Comcast 0029740	Monthly Internet Service-Pol	850.59
06/14/2016	24818	Comcast 0029955	Monthly Internet Service-Admin, CEO, PW	105.75
06/14/2016	24819	Corelogic	2016 Real Estate Tax Refund	566.24
06/14/2016	24820	Costco Membership	2016 Membership Renewal	220.00
06/14/2016	24821	Coverall North America, Inc.	Monthly Cleaning Services-Admin, Pol, PW	739.00
06/14/2016	24822	Crivelli Ford, Inc.	Vehicle Repair Parts/Services-Pol	139.52
06/14/2016	24823	Cummins Bridgeway, LLC	Generator Maintenance Agreement-Pol	711.83
06/14/2016	24824	DCED Loan Acct-Commonwealth PA	2016 2nd Qtr. DCED Loan-Salt Shed	2,764.55
06/14/2016	24825	Duquesne Light Company	Monthly Electric Service	1,271.29
06/14/2016	24826	Economy Boro. Pol Assoc-Viscuso	2016 1st Qtrr Empl. Assoc. Dues-Pol	740.00
06/14/2016	24827	Economy Borough Senior Citizens	2016 Senior Citizen Allocation	1,000.00
06/14/2016	24828	Economy Electric Supply Co.	Electric Repair Parts-Veterans Memorial	171.55
06/14/2016	24829	Economy Plumbing & Heating Co.	Misc Operating Supplies-Custodial/PW	53.98
06/14/2016	24830	Economy Volunteer Fire Dept.	2016 2nd Qtr. EVFD Fire Allocation (Borough)	58,250.00
06/14/2016	24831	ELF Entertainment, Inc.	2016 Community Day-Fun House,Obstacle,Train Rental Bal.	1,125.00
06/14/2016	24832	Everest Settlements	2016 Real Estate Tax Refund	439.90
06/14/2016	24833	FNB Commercial Credit Card	Misc. Purchases (GenCks/Boots/EvidenceSup)-Admin/Pol	740.55
06/14/2016	24834	Galeton	Misc. Operating Supplies-PW	173.47
06/14/2016	24835	Galls LLC	Uniform Expenses-Pol	70.18
06/14/2016	24836	Grainger	Basketball Nets-Parks	109.80
06/14/2016	24837	Heritage Security & Service Co.	2016 Real Estate Tax Refund	437.26
06/14/2016	24838	High-tech Batter Solutions	AED Defibrillator LifePak Battery-Pol	170.95
06/14/2016	24839	Home Depot Credit Services	Misc. Supplies-PW	278.82
06/14/2016	24840	Incom Supply of Pittsburgh	Minor Equipment-PW	96.96
06/14/2016	24841	Iron City Workplace Services	Uniform Services-PW	610.87
06/14/2016	24842	JC Ehrlich Co., Inc.	Pest Control Services-Admin, Pol	420.98
06/14/2016	24843	Kania, Mark Andrew	2016 Real Estate Tax Refund	1.32
06/14/2016	24844	Kunkle, Randy S.	Mileage Reimbursement-Mgr.	204.93
06/14/2016	24845	Lacal Equipment Inc.	Equipment Repair Parts-PW	20.66
06/14/2016	24846	Lane Enterprises, Inc.	Inline Bell Pipe-PW	4,468.60
06/14/2016	24847	LCA-Lease Corp of America	Telephone Leasing-Pol	451.09
06/14/2016	24848	M & M Uniforms, Inc.	Uniform Expenses-Pol	140.95
06/14/2016	24849	Marsilio Court Reporting Service	Stenographer Services-Zoning/Public Hearing	444.60

06/14/2016	24850	MDIA	Building Permit Inspections	1,934.00
06/14/2016	24851	MGSof-Net, Inc.	Troubleshoot Server/Email Setup-Admin/Council	112.50
06/14/2016	24852	Michael Baker International, Inc.	Planning Commission Consultant Fees	1,925.00
06/14/2016	24853	MRM Workers' Comp Fund	2016 Worker's Comp Policies-CEO, Admin, Pol, PW	21,493.62
06/14/2016	24854	Murphy Tractor-Powerplan	Equipment Repair Parts-PW	411.88
06/14/2016	24855	Napa-Station Auto Parts	Equipment/Vehicle Repair Parts-PW	309.18
06/14/2016	24856	Nationwide Employee Benefits	Group Life Insurance Coverage-Admin, PW	679.42
06/14/2016	24857	Nelko, Margie	Mileage Reimbursement-Sec	14.36
06/14/2016	24858	Occidental Life Ins Co of NC	Employee Paid Life Insurance	79.14
06/14/2016	24859	PA One Call System, Inc.	PA One Call Services	135.89
06/14/2016	24860	PA State Association of Boroughs	2016 Website Updates	120.00
06/14/2016	24861	PENN Power Group	Vehicle Repair Parts-PW	6.27
06/14/2016	24862	Penn Suburban Abstract, LLC	2016 Real Estate Tax Refund	819.60
06/14/2016	24863	Pennsylvania Sling Co.-ALP	Misc. Operating Supplies-PW	767.87
06/14/2016	24864	PGH Networks	Telephone Maintenance-Pol	79.99
06/14/2016	24865	Preferred Settlement Svcs, Inc.	2016 Real Estate Tax Refund	237.48
06/14/2016	24866	Reed Oil Company	Diesel Fuel-PW	1,527.18
06/14/2016	24867	Reliance Standard Life Insurance	Group Life Insurance Coverage-Pol	343.20
06/14/2016	24868	Safety-Kleen	Misc. Operating Supplies-PW	270.72
06/14/2016	24869	Sewickley Construction Prod Inc.	Misc. Operating Supplies-PW	239.90
06/14/2016	24870	Shoup Engineering Inc.	Engineering Services	1,601.00
06/14/2016	24871	Staley Communication, Inc.	2016 Radio Service Contract-Pol	200.00
06/14/2016	24872	Stanley's Economy Auto Supply	Vehicle Repair Parts/Services-Pol	297.41
06/14/2016	24873	Staples Advantage	Misc. Office Supplies-Admin	36.08
06/14/2016	24874	SunSetz Lawncare	2016 Contracted Lawn Maint. Service	240.00
06/14/2016	24875	SWIF-State Worker's Ins Fund	Wrkrs Comp Ins Payment-Fire	1,455.00
06/14/2016	24876	T & L Ferguson, Inc.	Catch Basin Repair Supplies-PW	238.00
06/14/2016	24877	Taylor & Alsko	Zoning Hearing Legal Services	825.00
06/14/2016	24878	Teamsters Local Union 250	Union Dues-PW	557.00
06/14/2016	24879	The Keeper of the Stationery	5x8 Nylon American Flags (50)	700.00
06/14/2016	24880	Thomson Reuters-West	2016 Purdence Codes Subscription Renewal-Pol	200.00
06/14/2016	24881	Title Source Inc.	2016 Real Estate Tax Refund	1,075.64
06/14/2016	24882	Tomaszewski, Raymond	Mileage Reimbursement-CEO	59.35
06/14/2016	24883	Trans Associates Engin Cons., Inc.	2016 Traffic Signal Svcs-ConwayWallroseRd/Dunlap Hill	517.65
06/14/2016	24884	Verizon 7877-Pol	Monthly Telephone Service-Pol	605.93
06/14/2016	24885	Verizon 838283708-Admin (4779)	Monthly Telephone Service (Long Dist.)-Admin	72.92
06/14/2016	24886	Verizon S0007576-Business	Monthly Telephone Service-Admin	74.46
06/14/2016	24887	Verizon Wireless-220027085-Laptop	Monthly Telephone Service (Laptop)-Pol	502.61
06/14/2016	24888	Verizon Wireless-902786759-MainCell	Mthly Cellphone Service-Admin, PW, CEO, Fire	192.96
06/14/2016	24889	Vi-HAUS	2016 Monthly Hosting Agreement Fees-Pol	850.00
06/14/2016	24890	W. PA Teamsters Emp Welfare Fund	Monthly Health Insurance-Admin, PW, Pol	26,084.10
06/14/2016	24891	Walsh Equipment	Street Sign Replacements-PW	232.60
06/14/2016	24892	Wells Fargo RE Tax Service	2016 Real Estate Tax Refund	1,099.42
06/14/2016	24893	Wex Bank-Sunoco	Monthly Gasoline Usage-Pol	2,214.48

06/14/2016	24894	Wine Concrete Products, Inc.	Catch Basin Risers-PW	1,122.00
06/14/2016	24895	Witmer Public Safety Group	Ammunition-Pol	691.98
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				2,095,859.93

Highway Aid Fund

06/14/2016	118	Duquesne Light Company	Mthly Electric Service-Celestial Dr., Satellite Dr.	1,149.02
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				1,149.02

Mayor Poling expressed the following concerns regarding the PZ Northern Limited Partnership payment. "I think that it is ridiculous how much they got. I have been listening to complaints myself for 5 yrs. and this is a joke. I remember Dale Fouse, when this whole thing started, Dale used to laugh about the condemnation because he said that they already got their compensation that the road doubled the value of the property. We sit here and listen to people complain about pot holes and it is a rundown, broken down, shopping center for years. I have worked with the VA and I have worked with different merchants and they don't even reach out to lease. I think they did it on purpose to try to get a big pay day out of it. If I had an opportunity to vote for it I wouldn't have given them a penny because I don't think they paid that much for the whole plaza. I am serious. You talk about a pay day and see Walmart is out of Bentonville, Arkansas, they don't know. You tell me any property in Economy Borough that is worth \$400,000.00 an acre. I bet you can buy property in Cranberry Township in the heart of the busiest section for \$400,000.00. So it's kinda like, you know, what's it all for. I mean a beautiful VA, beautiful, they won't even return a phone call to lease a building. We wasted our time down there at that meeting that check was already out. They sit there and play like now what are we going to do. Now something will get done because they have the money. I would have made them use their own money like everyone else does. We improved that property, we should have took the whole plaza as far as I am concerned."

PARKS and RECREATION COMMITTEE: No Report. There was some discussion regarding Community Day.

PROPERTY and BUILDING COMMITTEE: No Report. There was some discussion regarding the replacement windows for the Borough Building.

PUBLIC SAFETY COMMITTEE: Mr. Googins, Chairperson of the Public Safety Committee, requested an executive session to discuss contract negotiations.

ORDINANCE COMMITTEE: No Report.

PUBLIC WORKS (PW) COMMITTEE: No Report.

MAYOR'S REPORT: The Mayor expressed his concerns regarding the need for an outside code enforcement services to help Mr. Tomaszewski, the Borough Code Enforcement Officer (CEO). The Mayor stated that the Borough Manager has been helping Mr. Tomaszewski with the extra work load, which is unfair to the Borough Manager. There was some discussion regarding this issue having been discussed by Council and that hiring a full time CEO would not be cheaper than outsourcing the services when needed. The Borough Manager was asked to electronically forward the information of the interested person for CEO services to Council for review.

SOLICITOR'S REPORT: The Borough Solicitor presented Council with updates regarding the police contract, the demolition status of 345 Springer Road and the amendment to Ordinance No. 217, which have all been discussed at various times throughout this meeting.

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

1. Dunlap Hill Traffic Light – Trans Associates received minor comments from PennDot regarding the application which will be addressed.
2. 2016 Roadway Improvement Project – The contract with Shields Asphalt Paving for the 2016 road paving, parking lot paving and line striping has been executed.

OLD BUSINESS:

1. Proposed Taco Bell – The Borough Manager presented Council with the background of the proposed Taco Bell to be located at Northern Lights Shopping Center. The Land Development plans have been reviewed and recommended for approval by both the Borough Planning Commission and the Beaver County Planning Commission subject to receiving a Highway Occupancy Permit from PennDot and the use of silt sacks in the catch basins during construction. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mr. Fetkovich to approve the Taco Bell Land Development Plan subject to receiving a Highway Occupancy Permit from PennDot and the use of silt sacks in the catch basins during construction was unanimously carried.**
2. Prior Employee Letter – Mrs. Mutschler inquired about the status of the letter received from a prior employee requesting a life insurance policy. The Borough Manager reviewed the background of retirees and life insurance policies. There was discussion regarding a recent retiree receiving \$5,000.00 for a policy and now two (2) prior retirees are requesting the same even though their retirement was a negotiated settlement for early retirement. Mrs. Skonieczny requested a copy of the settlement(s) for her review. The Borough Solicitor will review this matter as well.
3. West View Water Authority (WVWA) (Ordinance No. 217 Amendment(s)) – Mrs. Skonieczny inquired about the status of WVWA digging in the middle of Tevebaugh Road. There was some discussion regarding the prior meetings minutes and motion for this issue. There was some discussion regarding the Borough Manager being able to give WVWA a permit if they abide by the ordinance lawfully and that they are violating the paving ordinance with the proposed paving of the Borough's portion of Tevebaugh Road. There was discussion regarding Ordinance No. 217 being enacted for Columbia Gas and the Ambridge Water Authority to cover laterals and connections to homes but not this type of project. The amendment to Ordinance No. 217 would be for large development projects such as this. There was discussion regarding the ramifications of the construction being stopped for this project. **After some review, the motion of Mrs. Skonieczny to require West View Water Authority to adhere to Ordinance No. 217 lawfully, failed due to a lack of second.** The Borough Solicitor will draft an amendment to Ordinance No. 217 for review prior to the next regular scheduled meeting of Council.

NEW BUSINESS:

1. Lamatte Property (500 Conway Wallrose Road) – A letter, dated May 20, 2016, was received from Mr. J. Lauson Cashdollar, Esq. regarding the property containing dilapidated buildings that the Borough is filing proceedings on. The property owner is proposing a solution to give the Borough the property for an outdoor nature park or converted into a wetlands park. There was some discussion regarding liens, maintenance expenses and the acceptance of this property would remove it from the tax rolls. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Morrone to notify Mr. J. Lauson Cashdollar that the Borough of Economy is not interested in acquiring this property was unanimously carried.**
2. Proposed Ordinance to accept White Pine Lane and Silver Brook Court – A certified letter, dated May 26, 2016, informing the Borough that the final wearing course for Whispering Pines Phase III was completed and requested these streets be dedicated to the Borough. The Borough Manager stated that the Borough has adopted the other streets within the Whispering Pines Development and this is the last phase. A letter, dated June 2, 2016, was received from the Borough Engineer indicating that the roads within the Whispering Pines Phase III have been inspected and recommends these road be accepted by the Borough.

After some review and discussion, the motion of Mr. Bucuren, seconded by Mr. Morrone to advertise an ordinance to accept White Pine Lane and Silver Brook Court in the Whispering Pines Phase III Development was unanimously carried.

3. **Recreation Board Checking Account** – The Borough Manager presented Council with the background of this checking account and stated that the signatories for this account needs to be updated. The Borough Manager recommends having the President of Council and himself as signers for the account, which coincides with all of the other bank accounts. There was some discussion regarding keeping this account separate from the General Fund and monitoring the account monthly. **After some review and discussion, the motion of Mr. Fetkovich, seconded by Mr. Morrone to appoint Mr. R.J. Burns, President of Council, and Randy Kunkle, Borough Manager, as signatories for the Citizens Bank Recreation Board Account as of June 15, 2016, was unanimously carried.**
4. **Jack Subdivision** - This parcel consists of approximately a 1.216 acres located on Howard Road. The owner is proposing to subdivide the property into two (2) lots, one lot at approximately .687 acres and the other at approximately .529 acres. This subdivision has been reviewed and recommended for approval by both the Borough Planning Commission and the Beaver County Planning Commission. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mrs. Mutschler to approve the Jack Subdivision was unanimously carried.**
5. **Workers' Compensation Panel of Physicians** – The Borough Manager presented Council with an overview of how a panel of physicians for work related injuries helps the Borough. The Borough Manager recommended using physicians from Beaver, Butler and Allegheny Counties since the Borough is situated between the three (3) and submitted a list from Harmony Township and Cranberry Township as a guide for Council's review. There was some discussion regarding the procedures for employees with work related injuries. The Borough Manager was asked to establish a panel of physicians for Council's review at the next regular scheduled meeting of Council.

EXECUTIVE SESSION: Mr. Googins requested Council go into Executive Session regarding contractual and personnel matters at 8:57 p.m., as per the motion of Mr. Fetkovich, seconded by Mr. Morrone.

There being no further business, the motion of Mr. Morrone, seconded by Mr. Fetkovich to adjourn the meeting at 9:48 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager

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

1. Failed motion to approve the Minutes of May 24, 2016.
2. Approval of Bills Payable for June 2016.
3. Approve Taco Bell Land Development Plan.
4. Failed motion to require WWA to adhere to Ordinance No. 217.
5. Respond to J. L. Cashdollar's request regarding 500 Conway Wallrose Road.
6. Approval to advertise an Ordinance to accept White Pine Lane and Silver Brook Court.
7. Appointing the President of Council and Borough Manager as signatories to Recreation Board Account.
8. Approve Jack Subdivision