

Economy Borough Council
Regular Meeting Minutes
June 28, 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. Gary Bucuren, Mr. Tom Fetkovich, Mr. Larry Googins, Mrs. Audrey Mutschler, Mrs. Pat Skonieczny, Borough Secretary Margie Nelko and representing the Borough Solicitor, Mr. Joshua Kail, Esq.

ABSENT: Borough Manager Randy Kunkle (Excused)

OPENING PRAYER

Mayor Poling entered the meeting at this time (7:05 p.m.)

PLEDGE OF ALLEGIANCE

Mr. Frank Morrone entered the meeting at this time (7:07 p.m.)

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

HEAR THE PUBLIC:

Mr. McClellan was present to express his concerns regarding the large (possibly overweight) trucks traveling on Shaffer Road which will most likely damage the upcoming paving. Mr. McClellan also expressed concerns regarding the speeding on Shaffer Road. Mr. Burns stated that this is a residential road with a 10 ton weight limit and asked the Borough Secretary to request Chief O'Brien to have the police officers watch Shaffer Road.

MINUTES of the Regular Meeting held on May 24, 2016, were presented to Council. **After some review, the motion of Mr. Googins, seconded by Mr. Burns to approve the Regular Meeting Minutes of May 24, 2016, was unanimously carried.**

MINUTES of the Regular Meeting held on June 14, 2016, were presented to Council. Mrs. Skonieczny presented Council with an amendment to the minutes on page 241, under item number 3 of the Finance Committee Report changing the portion of the motion from “to approve the check that she was unaware of” to state “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.” Mayor Poling presented Council with an amendment to the minutes on page 241 regarding his concerns on the PZ Northern Limited Partnership disbursement which was requested to be added verbatim. **After some review, the motion of Mrs. Mutschler to approve the Regular Meeting Minutes of June 14, 2016, as amended failed due to a lack of second.**

FINANCE COMMITTEE: No Report.

PARKS and RECREATION COMMITTEE: Mrs. Skonieczny, Chairperson of the Parks and Recreation Committee, presented Council with an email that she had received from the Recreation Board. Mrs. Skonieczny reviewed the background of the bounce house waiver (which is not needed now), the list of checks for services/entertainment and the task list that the Public Works Department will help with.

PROPERTY and BUILDING COMMITTEE: No Report.

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. Mrs. Mutschler stated that she noticed that one of the PW employees was cutting grass and not in proper attire as per the contract, she asked Mr. Fetkovich, Chairperson of the Public Works Committee, to look into this issue.

MAYOR'S REPORT: The Mayor expressed his concerns regarding the Ambridge Area School District raising school taxes almost 4 mills. The Mayor asked if it is feasible to write a letter of concern. These increases are hurting our residents, the commercial district and residential development. The Ambridge Area School Board did not give any reasons for the increase. **After some review, it was the consensus of Council to have the Borough Solicitor draft a letter to the Ambridge Area School Board expressing concerns regarding the increase in school taxes.**

SOLICITOR'S REPORT: The Borough Solicitor presented Council with updates regarding the following issues:

1. **Ordinance No. 217 Amendment** – The amendment is the requirements to have a street opened beyond the center line and it will basically keep the ordinance as is unless it is determined necessary to open the road beyond the center line by the Borough Engineer and Borough Council both in a public setting. Mrs. Skonieczny challenged items number two and three (2 & 3) based on the fourteenth (14th) Amendment of the United States Constitution to be treated equally. This wording is allowing exceptions to be made to violate an ordinance that we have in place. The Borough Solicitor stated that he reviewed numerous situations within our ordinance book and other municipal ordinance books that gives discretion to one (1) individual. This will actually put a process in place for it to be heard in public for necessary situations that are determined by the both the Borough Engineer and Borough Council. There was discussion regarding this issue being subjective and how it could be challenged. There was some discussion regarding the possibility of placing a daily fee for road closings and bond requirements. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mr. Morrone to authorize the advertising of the amendment to Ordinance No. 217 was moved, Mrs. Skonieczny requested a roll call vote be taken. A roll call vote was then taken of the members of Council present. The motion was approved having received six (6) affirmative votes of the seven (7) participating members of Council. Mrs. Skonieczny voted against the motion.**
2. **Dwelling Demolition(s)** – The Beaver County Community Development Program does not have the dwelling(s) in Economy on the current list. There was some discussion regarding the possibility of putting some pressure on the owner(s). The Borough Solicitor will look into this issue.

OLD BUSINESS:

1. **Ordinance No. 457** – An Ordinance accepting an extension of White Pine Lane and Silver Brook Court in Whispering Pines Estates Phase III as Borough roads was presented to Council for review. The Borough Office received a request from the Borough Engineer to postpone the adoption of this ordinance because he is working on a bond issue with the developer. There was some discussion regarding whether this ordinance would need re-advertised, which was determined that it did not.

2. Workers' Compensation Panel of Physicians – A draft of a panel of physicians for work-related injuries was presented to Council for review. There was some discussion regarding MedExpress's capabilities for treating employees and there being sufficient options for medical facilities being located on both sides of the Borough. There was discussion regarding whether Municipal Risk Management Workers' Compensation Pooled Trust (MRM) has reviewed/approved the proposed list due to the possibility of a bill being denied and the Borough being liable to pay it. Council requested this list be forwarded to MRM Trust for approval prior to the next regular scheduled meeting of Council. Mrs. Mutschler inquired if we mandate a urine test for worker's compensation and/or accidents. The Borough Solicitor stated that it is a normal practice in the private sector and that he will review this issue. There was some discussion regarding the CDL Random testing policy.
3. Outside Code Enforcement Officer (CEO) Services – Mrs. Skonieczny expressed concerns regarding the section of Scope of Services-A-17 on the Dawna Pella Agreement which was forwarded to Council for review. This section states "the authority to enter a structure or premises during the hours of 7 a.m. and 7 p.m. if probable cause exists and a warrant is obtained." There was discussion regarding whether the CEO has the authority to obtain a warrant due to probable cause and/or to enter a dwelling. There was some discussion regarding Council members being approached by residents complaining about various issues with their neighbors. There was discussion regarding the status of prior complaints and the upcoming hearing for a residence on Harmony Road.
4. Police 12-Hour Work Shift – Mr. Burns read a letter, dated June 27, 2016, received from Police Chief O'Brien regarding the progress of the 12-hour shift schedule and requested that the letter be kept on file in the Borough Office. There was discussion regarding scheduling concerns, scheduled time off, if there was a way to help with the scheduling and whether there is a more appropriate way to schedule the School Resource Officer and the Detective.

NEW BUSINESS: None.

EXECUTIVE SESSION: Mr. Burns requested Council go into Executive Session regarding police contractual matters at 7:55 p.m., as per the motion of Mr. Fetkovich, seconded by Mr. Googins.

There being no further business, the motion of Mr. Fetkovich, seconded by Mr. Googins to adjourn the meeting at 9:12 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

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

1. Approve the Minutes of May 24, 2016.
2. Failed motion to approve the Minutes of June 14, 2016.
3. Consensus of Council to draft a letter to the Ambridge Area School Board.
4. Approval to advertise an amendment to Ordinance No. 217 (roll call vote taken).