

Economy Borough Council
Regular Meeting Minutes
July 08, 2014

MEETING was called to order at 7:00 p.m. with Mrs. Pat Skonieczny presiding and the following members of Council and officials of the Borough present: Mrs. Courtney Barthelemy, Mr. Gary Bucuren, Mr. Larry Googins, Mr. Frank Morrone, Mrs. Pat Skonieczny, Mayor David Poling, Borough Manager Randy Kunkle, Borough Secretary Margie Nelko, and Borough Solicitor Joseph Askar.

ABSENT: Mr. Tom Fetkovich (Excused)

OPENING PRAYER

PLEDGE OF ALLEGIANCE

FIRE REPORT: Fire Chief John Thomas presented Council with updates regarding the Economy Volunteer Fire Department. The department does not have meetings during the months of July and August. Chief Thomas informed Council that the new rescue truck is in service and that the department is in the process of purchasing a new fire engine.

POLICE REPORT - No Report

PUBLIC WORKS REPORT: Rich Dunn, PW Foreman, presented Council with an update report, which is on file in the Borough Office for review. The Public Works Department has worked on repairs to the Borough Community Building ramp area, repairs to trucks/equipment, removal of fallen trees from roadways, grass trimming with the boom truck and crack sealing roads. Mr. Dunn also stated that there are two (2) active mudslides within the Borough, on Merriman Road and Legionville Hollow Road.

RECOGNITION OF VISITORS. Mrs. Skonieczny 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:

George Foltz, 61 Bock Lane, Baden
Anthony Petalino, 80 Bock Lane, Baden
JoAnn Borato of 2001 Conway Wallrose Road, Freedom
Michael Lucia of 416 Golden Grove Road, Baden
Don Lang of 105 Grove Hill Road, Baden
Carol Schomaker of 105 Grove Hill Road, Baden
Ray McClellan of 196 Shaffer Road, Sewickley
Gerald States of 219 Silverdale Drive, Baden
Janet Stange of 420 Sproat Avenue, Freedom

HEAR THE PUBLIC:

Michael Lucia was present to inquire about the status of the computer forensic study, whether there will be any prosecution(s) relating to the two hundred (200) emails found and what is the cost associated with this study. The Borough Solicitor stated that the emails have been prepared for

Council's review, but not distributed as of yet due to Mr. Fetkovich not being in attendance at this evening's meeting. The Borough Solicitor stated he would forward the cost of the study to the Borough Manager.

George Foltz was present to discuss fracking near the Ambridge Water Authority tower. Fire Chief Thomas responded stating he does not believe there will be fracking in this area as per his conversations with the Ambridge Water Authority.

Gerald States was present to inquire about the status of the prior lawsuit filed against the Ambridge Water Authority regarding unfair costs to Economy Borough residents. Mayor Poling stated that the Borough Solicitor at that time challenged the rate increase for our residents compared to Ambridge Borough Residents. Mrs. Barthelemy stated that the current Borough Solicitor was to receive background files from the prior Borough Solicitor. Mr. Googins stated that there was a part of the suit that the Borough had won regarding the first one hundred (100) tap-ins paying the debt of the tower that was built on Conway Wallrose Road. Other parts of the suit discussed included rates for fire hydrants, our residents paying the same rate as Ambridge residents and the Borough Engineer assessing the rates (which is still not resolved). The Borough Solicitor stated that he would contact the prior Borough Solicitor to request the background information for this issue.

Michael Lucia was present to discuss his concerns regarding why the Economy Borough Municipal Authority sewer rates are to increase instead of decrease.

JoAnn Borato was present and addressed the fracking near the Ambridge reservoir and the Economy Borough Municipal Authority (EBMA) sewer rates. Mrs. Borato stated that the EPA requires a 150 ft. easement for fracking. However, private property owners are not controlled by this requirement and that these owners are attempting to stay away from fracking. Mrs. Borato stated that she is on the EBMA Board and that the sewage rates are not going up. There was some discussion as to why there is a flat monthly rate and outflow meters.

R.J. Burns entered the meeting at this time (7:35 p.m.) and resumed presiding the meeting.

Anthony Petalino was present to inquire if there is an update regarding the drainage issue located behind his property. Mr. Bucuren and Mr. Richard Dunn, the Public Works Foreman, reviewed the area and determined that there is water run-off, debris plugging up the drain area. Mr. Petalino would like the drain area cleaned out periodically and still would like to know who is responsible for the maintenance of this drainage pipe. Mr. Petalino stated that Ryan Homes would have done the installation but never recorded it. There was some discussion regarding who owns the property where the line is located. It was determined that the property location is 101 Walnut Drive, which was owned by Ryan Homes at the time of the installation and since has had several other owners. The Borough Engineer has reviewed the deeds but did not do a title search. The Borough Engineer stated that there was not an easement found for this area and that Norman Shoup could not say for certain what had transpired at the time this pipe would have been installed. There was some discussion regarding if the Borough is able to help keep it clean until such time as it is determined if it is Borough owned or if it a private line. The Borough Engineer stated that if the Borough wishes to claim ownership of the line then an easement must be obtained from the private owner(s). Mr. Burns asked Mr. Petalino to grant Council more time to find a solution (next regular scheduled Council Meeting). Mr. Petalino agreed to giving more time and thanked Council, Mr. Bucuren and Mr. Dunn for all the help with this concern.

MINUTES of the Regular Meeting held on June 24, 2014 were presented to Council. **After some review and discussion, the motion of Mr. Bucuren, seconded by Mr. Morrone to approve the Regular Meeting Minutes of June 24, 2014 as presented was unanimously carried.**

PUBLIC WORKS COMMITTEE – Mr. Bucuren, Chairperson of the Public Works Committee, presented Council with updates regarding contract negotiations and numerous drainage issues throughout the Borough.

The Mayor requested an update regarding the drainage issues on Walnut Drive. The Borough Manager and Mr. Dunn looked into this issue and found that the drain is plugged. This resident was informed last year that when the deck is removed then the Public Works Department will be able to get the equipment in to correct the issue, which appears to have been started. There was some discussion regarding the solution to this issue.

The Mayor requested an update regarding the water run-off issues along Clover Road, on the Mack property. Mr. Dunn stated that he looked at the issue but was unable to meet with the resident at that time due to she was on vacation. Mr. Burns inquired if there was an easement along this area. Mr. Shoup stated that there is not an easement where the water run-off issue is. Mr. Shoup also stated that there is an easement for the drainage pipe that runs along the driveway.

PARKS and RECREATION COMMITTEE – No Report.

PUBLIC UTILITIES COMMITTEE – Mrs. Skonieczny, Chairperson of the Public Utilities Committee, presented Council with an update regarding the current refuse contract. E. Reid Powell Refuse implemented a \$3.00 increase to the quarterly refuse bills to the residents. This increase is to help offset the price increase of diesel fuel and is permitted by the current contract. Mrs. Barthelemy presented Council with her recollection from prior Council Meetings an agreement made with E. Reid Powell regarding no rate increase in exchange for an exclusive contract that would be extended until December 31, 2017. There was some discussion regarding the agreement (including a no rate increase for January 01, 2013, in exchange for a contract extension) which was agreed to and upheld. There was some discussion and controversy regarding the section of the contract that relates to price adjustments in reference to diesel fuel fluctuation.

PROPERTY and BUILDING COMMITTEE – No Report.

PUBLIC SAFETY COMMITTEE: – No Report.

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

1. Treasurer's Report for the month of June 2014 was presented to Council. After some review and discussion, this report was ordered received and filed.
2. Bills Payable entered for the period of June 07, 2014 through July 03, 2014 in the amount of \$95,264.30 from the General Fund was presented to Council for review. Mayor Poling stated that check number 22844 payable to himself (from June 2014 Bills Payable) was voided because he had used the Borough credit card for the Memorial Day purchases listed (see check number 22923

payable to FNB Commercial Credit Card). Mrs. Barthelemy inquired if that check number 22904 is for printing, mailing and postage of the Spring Newsletter and that she feels that a new company should be hired to do a better job. The Borough Manager stated that this invoice is for the mailing and postage and that he has begun to look for another company to handle this service in a timelier manner. There was some discussion regarding check number 22962 payable to Williamson Law Book Company for the purchase of parking tickets for the police department. Mrs. Barthelemy questioned check number 22923 payable to FNB Commercial Credit Card for a membership belt and Community Day food for the police department. The Borough Manager stated that this part of the invoice will be researched and that an answer will be forwarded to Council for review. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Morrone to approve the list of Bills Payable with the exception of check number 22923 which will be held until the conclusion of the research on the purchases was unanimously carried, with the exception of Mrs. Skonieczny regarding the Public Safety bills, due to her son works in the department and the exception of Mr. Bucuren regarding the Public Works bills, due to his brother works in the department.**

Mrs. Barthelemy stated that she was approached by a resident stating that they witnessed one of our police officers loading shelving into a police vehicle in front of Walmart. Mrs. Barthelemy stated that she did not see a shelving purchase on the list of bills and that she hopes this was not a personal purchase during work hours. The Mayor stated that Walmart may have donated the shelves for the evidence room; however, he would look into this issue.

MAYOR'S REPORT – The Mayor's Monthly Police Department Report for June 2014 was presented to Council. After some review, this report was ordered received and filed.

The Mayor requested Council and the Borough Manager to draft a letter to PennDot with a carbon copy to State Senator Elder Vogel, Jr. to discuss funding for road repairs and drainage issues along Bock Lane, Bradford Park Road and Golden Grove Road. The Mayor stated that funding is available through the Transportation Bill. Mr. Googins stated that it may be possible to add the sinkhole on Hoenig Road.

The Mayor requested Council's permission to authorize the Public Works Department to handle the general maintenance of the Veteran's Memorial area. **After some review, it was the consensus of Council to authorize the Public Works Department to conduct general maintenance of the Veteran's Memorial area was unanimously carried.**

MANAGER'S REPORT: The Borough Manager presented Council with updates regarding the following issues:

1. **Resolution No. 448** – The Borough Solicitor stated that he is waiting for a response back from Berkheimer Associates.
2. **Ambridge Area School District Memorandum of Understanding** – The Borough Manager stated that Chief O'Brien has requested Council to postpone any action on this issue. One of our Officers is currently at a conference where this is one of the training topics.

SOLICITOR'S REPORT – The Borough Solicitor stated that the MGSoft-net Representative inquired if Council had made a decision regarding the upgrading of the computers. The Mayor stated that this needs finalized, the Borough Office equipment is getting worse. Mrs. Skonieczny stated that CompuGig submitted a proposal at the cost of \$41,000.00; she told him that she would forward it onto Council for review.

Mrs. Barthelemy inquired if a copy of the Police Procedure Manual from the Chief was ever distributed to Council. This was given to the Borough Solicitor for review prior to Council's review and action. The Borough Solicitor stated that it is ready for Council's review and that an electronic copy can be obtained from Chief O'Brien.

ENGINEER'S REPORT – The Borough Engineer presented Council with updates regarding the following issues:

1. Gate located at Elizabeth Street and Oliver Avenue – A letter dated July 7, 2014, outlining the search results for this issue. The original Sproat Plan (1926) created Elizabeth Street and a portion of Oliver Avenue. The Stange Plan (1955) created Sproat Avenue. Neither the Sproat Plan nor Sproat Plan No. 2 dedicated Elizabeth Street or Oliver Avenue to the public. The Stange Plan does dedicate streets for public use, but the only street accepted by the Borough was Sproat Avenue. The Borough Engineer is confident that Elizabeth Street and Oliver Avenue are private; therefore, the Borough has no authority over this matter. Mrs. Skonieczny respectfully disagreed and volunteered to give a copy of the case file she reviewed to anyone who would like a copy. There was some discussion regarding whether the public has a right to use this roadway or not and whether the erected gate is illegal. The Borough Solicitor stated that it was recommended at the prior meeting for the individuals to retain legal advice prior to erecting the gate. The Borough Engineer stated that further research will be costly. Mrs. Stange stated that her father-in-law created Sproat Avenue in 1955 and it is a right-of-way on the old deed(s). Mrs. Stange stated if you own property on the Sproat Plan then you have a right-of-way which no one has the right to barricade and there will be issues if no one is able to get emergency assistance.
2. Courts – will have three (3) quotes ready for the next scheduled Council Meeting.
3. Beaver Road Culvert – The Borough Engineer stated that keeping the repairs to drainage would keep the bids under the public bid limit. The Mayor stated that he was under the impression we were repairing the drainage issue and repaving. There was some discussion regarding in house paving, but it was determined that this is a larger job than our equipment can do and it will need to be outsourced. There was some discussion regarding a request for bids with an alternate. **After some review and discussion, the motion of Mr. Morrone, seconded by Mr. Bucuren to authorize the Borough Engineer to advertise bids for repaving and drainage repairs on Beaver Road was unanimously carried.**

NEW BUSINESS

Mrs. Skonieczny requested Building Inspection Underwriters (BIU) to be added to the roster for Council.

Mrs. Barthelemy stated that Animal Friends in Ohio Township in dire need of adoptions, time and donations, if anyone is so moved to add a new furry friend to their home or help in any way they can.

Mrs. Skonieczny requested an update regarding the Janicki Rezoning Request. The Borough Solicitor stated that the Beaver County Planning Commission has not responded as of this time. The Borough Manager stated that our Planning Commission had met the prior evening and has a call into Mr. Blumling, Chairperson of the Planning Commission, to acquire an update regarding this issue. Mr. Googins requested a letter from Planning Commission regarding their decision.

There being no further business, the motion of Mr. Morrone, seconded by Mr. Bucuren to adjourn the meeting at 08:35 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager