

Economy Borough Council
Regular Meeting Minutes
September 23, 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. Gary Bucuren, Mr. Tom Fetkovich, 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. Scott Shoup.

ABSENT: Mr. Larry Googins (Excused)

OPENING PRAYER

PLEDGE OF ALLEGIANCE

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:

Anthony Petalino, 80 Bock Lane, Baden
Mark Van Kooten, 326 Compton Court Drive, Sewickley
JoAnn Borato of 2001 Conway Wallrose Road, Freedom
David Ames, 405 Golden Grove Road, Baden
Julie Hribar of 2459 Herr Road, Ambridge
Debbie Cercone of 2464 Herr Road, Ambridge
Audrey Mutschler, 2820 Ridge Road Ext, Baden
Elizabeth Burns, 100 Stange Road, Freedom

HEAR THE PUBLIC:

Anthony Petalino, of 80 Bock Lane, was present to express his gratitude to Council and everyone who participated in resolving the drainage issues near his property and inquired if the easements will be recorded. Mr. Shoup stated that a copy of the recording would be sent to Mr. Petalino for his files.

Mark Van Kooten, of 326 Compton Court Drive, was present to inquire if the Borough has/had any plans on running water service up to Compton Court Drive. Mr. Shoup stated no, however, several years ago Ambridge Water Authority wanted commitments from residents to pay the tap-in fees upfront on several projects. Mr. Shoup recommended Mr. Van Kooten discussing this inquiry with the Ambridge Water Authority.

Julie Hribar, of 2459 Herr Road, was present to inquire what the next step is in regard to the property of 2462 Herr Road (Janicki). Mrs. Hribar stated that the smell is still bad and that the manure pile(s) have not been moved. The Janicki's stated at an earlier meeting that they would be willing to move the pile(s) to meet the Borough Code. The Borough Solicitor recommended that Mrs. Hribar should see a private attorney to discuss her concerns.

Debbie Cercone, of 2464 Herr Road, was present to discuss her concerns about a complaint she reported regarding the issues arising from the horses on the property of 2462 Herr Road (Janicki). Ms. Cercone stated that it was her understanding that Council had voted that this property would not be zoned Agricultural/Rural Residential (RA). At Public Hearing of September 09, 2014, a motion to deny an application to re-zone the property to RA was passed by Council. There was some discussion regarding the Janicki's having a thirty (30) day appeal period at the county level with a Judge presiding. Ms. Cercone asked if the public is able to attend. The Borough Solicitor stated it would most likely be a public hearing.

MINUTES of the Regular Meeting held on August 26, 2014, were presented to Council. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Bucuren to approve the Regular Meeting Minutes of August 26, 2014 was unanimously carried.**

MINUTES of the Regular Meeting held on September 09, 2014, were presented to Council. Mrs. Skonieczny presented Council with an amendment to page 28, paragraph 2 of New Business, correcting Policy and Procedure Manual to Police Policy and Procedure Manual. Mr. Fetkovich presented Council with an amendment to page 26, moving the informational paragraph from the Property and Building Committee to the Parks and Recreation Committee paragraph, due to this information was recorded for the wrong Committee. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Bucuren to approve the Regular Meeting Minutes of September 09, 2014 as amended was unanimously carried.**

PUBLIC SAFETY COMMITTEE: – No Report.

FINANCE COMMITTEE – No Report.

PUBLIC WORKS COMMITTEE – Mr. Bucuren, Chairperson of the Public Works Committee, presented Council with updates regarding the following items:

1. 1997 Peterbilt 330 (Truck No. 05) – The truck is ready to be placed out for bid. The truck has 81,402 miles and is a Cat diesel, Allison automatic, steel dump body, central hydraulics.
2. Storm Drain Repairs-Conway Wallrose Road – The storm drain in front of the Economy Volunteer Fire Station, 1215 Conway Wallrose Road, is in need of repair(s). There was discussion regarding having this area televised in order to determine the extent of the damage and what type of repairs will be needed. The camera is a half day rental, which means it can be used on other streets before it is returned. Mr. Shoup stated that the storm drain pipe may have a hole or it may be partially collapsed. According to PennDot regulations, the Borough is responsible for these repairs, which could include approximately 250 ft. under the shoulder area, the curb area and possibly behind the curb.

PARKS and RECREATION COMMITTEE – Mr. Fetkovich, Chairperson of the Parks and Recreation Committee, expressed his gratitude to Council and the Borough Engineer for the fantastic job that was done to the basketball court located at Maddock Park which offers four (4) new Pickleball Courts. Mr. Fetkovich stated that there are approximately 50 – 60 players that are using these courts.

PUBLIC UTILITIES COMMITTEE – No Report.

PROPERTY and BUILDING COMMITTEE – No Report.

MAYOR’S REPORT – No Report.

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

1. **Borough Office Computers** - The Borough has received two (2) bids for replacing the office computer equipment and back-up services. There was some discussion regarding the differences in the bids and that some of the items listed were still hard to compare. The Borough Secretary was asked to contact the companies, simplify the differences and then forward the information to Council for review prior to the next regular scheduled Council Meeting.

The Borough Solicitor stated that Vi-Haus has accepted the revised one year “Cloud” service agreement for the police department computer system without a price change. There was some discussion regarding if the motion made was for three (3) years or one (1) year. Mrs. Skonieczny noted a difference between the old proposed agreement and this agreement, which is ten (10) hours of monthly hosting service that was included in the monthly rate on the old proposed agreement. Mrs. Skonieczny suggested asking for approximately five to five and half (5 to 5.5) hours of hosting service in the new agreement.

2. **West View Water Treatment Plant** – The Borough Manager presented Council with an overview of West View Water’s plans in regard to developing a road along Tevebaugh Road and the Baden boundary. The Borough Engineer explained that in 2007 the Borough condemned a right-of-way in the shopping center for Walmart, which loops over to Tevebaugh Road and then through the edge of the property owned by West View Water. West View Water proposes using this property as a roadway to the new plant, which would have a thirteen percent (13%) grade. The Borough permits roadways to have a maximum ten percent (10%) grade, therefore, making this proposed roadway unacceptable. The Borough Engineer stated that this is a private driveway (with approximately a thirteen percent (13%) grade) that comes through this right-of-way and it would be unusable if the grade is reduced. The original plans for Walmart show a frontage of 700-800 ft. on Tevebaugh Road, which can be reduced to a ten percent (10%) grade but it would require considerable amounts of earth moving. There was some discussion regarding Council’s position with this matter, the possibility of West View Water modifying their plans and how both of these issues could or would affect the private driveway.

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

1. **Resolution No. 448 Appointing a Liaison to Berkheimer** – A Resolution of the Borough of Economy authorizing, empowering and directing the proper officers of the governing board to appoint a liaison between it and Berkheimer was presented to Council for review. There was some discussion regarding the amendments to page 2, section 2 of the Resolution. The amendment has directed Berkheimer of Bangor to provide tax information and/or records to the Borough Secretary upon request by the Borough Solicitor. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mrs. Barthelemy, to approve Resolution No. 448 for adoption was unanimously carried.**

2. Professional Code Services, Inc. (PCS) 3rd Party Agreement – West View Water Authority is requesting the Borough’s approval to use PCS as the inspectors for the new proposed water treatment plant. The Borough Solicitor has reviewed the agreement and recommends approval. **After some review and discussion, the motion of Mr. Bucuren, seconded by Mr. Burns, to approve the UCC Service Agreement with Professional Code Services, Inc. was unanimously carried with Mrs. Barthelemy abstaining due to the lack of ample time to review the document.**

3. PZ Northern Tax Appeal – The Borough Solicitor presented Council with the background of the tax appeal from PZ Northern which was requesting a sixty percent (60%) decrease on their tax bill. PZ Northern has withdrawn their appeal, which appeared before Beaver County Judge Kwidis. There was some discussion in regard to the possibility of the taxes being increased for PZ Northern.

4. Resolution No. 450 Approving and Adopting Policies and Procedures – A Resolution of the Borough of Economy approving and adopting the Police Officer Policy and Procedure Manual was presented to Council for review. This Resolution establishes and memorializes standards of conduct, goals, objectives, and policies for the police department. **After some review and discussion, the motion of Mr. Bucuren, seconded by Mr. Morrone, to approve Resolution No. 450 for adoption was unanimously carried with the exception of Mrs. Skonieczny (due to her son works in the department) and Mrs. Barthelemy who abstained.**

ENGINEER’S REPORT – No Report.

NEW BUSINESS

1. Adding a Spouse to Health Insurance – The Borough Manager presented Council with a background on how the police officer who patrols the Northern Lights Shopping Center were offered health insurance through the Borough. The Borough Manager stated that at that time Municipal Employers Insurance Trust (MEIT) was the health insurance provider, the current provider is the Western Pa Teamsters and Employers Welfare Fund (Teamsters). The insurance rates for MEIT were different for individual, individual and spouse, and family. The Teamsters offer a flat rate regardless of the number of participants. The police officer is requesting authorization to add his spouse to the policy since it would not cost the Borough any additional premium. Mr. Fetkovich inquired whether this officer is part-time or full-time. The Mayor stated that the officer is part-time with a set schedule. There was some discussion regarding the terminology in the collective bargaining agreement for this issue and if the Borough can offer health insurance to some part-time employees and not all. The Borough Solicitor was requested to research these issues and report back to Council at the next regular scheduled meeting.

2. FOP and Association Dues – The Borough Manager presented Council with an update regarding the FOP and Association Dues that is withheld from participating police officers wages. In the past the payments were made directly to the appropriate banks, and the forensic auditor (Nottingham) did not like this procedure due to a lack of paper trail. The Borough Manager stated that these funds belong to the employee’s and need to be distributed by a check payable to the appropriate organization, care of the appointed individual. This procedure was discussed and approved by Maher Duessel.

3. 2015 Municipal Minimal Obligation (MMO) – The 2015 MMO was presented to Council as submitted by Hallett Associates, Inc. The MMO's outline the required funding amounts due to the pension plans in order to remain qualified for state aid. The obligation due for the Police Pension Plan is in the amount of \$207,602.00 and the obligation due for the Non-Uniform Pension Plan is in the amount of \$80,392.00.
4. Western PA Teamsters and Employers Welfare Fund (Teamsters) Report – An Independent Accountants' Report of Applying Agreed-Upon Procedures to the payroll and related records of the Police Healthcare Premium for December 1, 2013 through June 30, 2014 and the Non-Uniform Healthcare Premium for January 1, 2011 through June 30, 2014 were received and found to have no errors. After some review, these reports were ordered received and filed.

OTHER BUSINESS

Mrs. Barthelemy stated that the Borough of Baden is having their annual Apple Fest on October 11, 2014.

Mrs. Barthelemy requested an update regarding gift cards for the Recreation Board Members as previously discussed at the regular scheduled Council Meeting of July 22, 2014. During this meeting, it was the consensus of Council to table this issue until the Borough Solicitor can be consulted. There was some discussion regarding if the Borough would be setting a precedent with other volunteers. Mrs. Barthelemy stated that it must be the consensus of Council not to move forward.

Mrs. Barthelemy expressed concerns regarding the Bit-x-Bit reports and invoices received for the email forensic study. There was some discussion regarding if a report was going to be received or just the packet of emails without spending more money. The Borough Solicitor stated that the invoice provides a detailed guideline for what had transpired and is a public document. There was some discussion regarding certain line items pertaining to phone conversation(s) and email(s) that were billed.

Mrs. Barthelemy expressed concerns regarding whether all UCC Inspectors are welcomed in the Borough or not. At the September 09, 2014, regular scheduled Council Meeting; Mrs. Barthelemy requested proof of whether an employee for BIU was not recommended to work in the Borough was handled in a public meeting. The Borough Manager stated that he could not find any proof that this was handled in a public meeting. There was some discussion regarding past complaints and problems arising from Mr. Luff being the Code Enforcement Officer for the Borough. Mrs. Barthelemy felt that if he is competent to do the job then he should be eligible to work in the Borough. **Mrs. Barthelemy made a motion that every UCC Inspector from BIU and all other companies should be eligible to conduct inspections within the Borough. The motion failed due to the lack of a second.** Mr. Burns stated this would be discussed during executive session.

Mrs. Skonieczny presented Council with concerns regarding the current way Non-Uniform employees are paid when off on Workers Compensation. The way employees are being paid at present is the Borough is paying one hundred (100%) percent of their wages and the employee is signing over the Workers Compensation payments to the Borough. This practice increases payroll taxes, pensions, etc. There was some discussion regarding the terminology of the Borough Personnel Policies and Procedures Manual for this issue.

Mrs. Skonieczny presented Council with concerns regarding an Amusement Tax that has been collected by the Borough from local companies who have mechanical devices and/or games of

chance. In 2010 the Council voted to adopt Resolution No. 429, which establishes a schedule of fees and charges per Borough Ordinance No. 303. Mrs. Skonieczny stated that Ordinance No. 303 states taxes are expressly excluded from this schedule. Resolution No. 429 was never advertised making it invalid as per Act 511, which requires Resolutions to be advertised. The collection of these taxes for the last four (4) years has been unlawful.

EXECUTIVE SESSION: Mr. Burns requested Council go into Executive Session in regard to personnel matters consisting of discipline matters at 08:55 p.m.

On a motion of Mr. Bucuren, seconded by Mr. Morrone to re-convene into the public meeting at 09:43 p.m., was unanimously carried.

Personnel Discipline – After some review, the motion of Mr. Burns, seconded by Mr. Bucuren to conduct a Pre-Disciplinary Conference a for Borough employee in accordance with the Borough of Economy Personnel Policies and Procedure Manual was unanimously carried by all members of Council present.

Forensic Study Emails – After some review, the motion of Mr. Burns, seconded by Mr. Morrone to release the emails from the forensic study conducted by Bit x Bit, which was supplied by the Borough Solicitor was unanimously carried by all members of Council present.

There being no further business, the motion of Mrs. Skonieczny, seconded by Mr. Morrone to adjourn the meeting at 09:45 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager