

Economy Borough Council
Council Minutes
October 10, 2017

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, Mr. Frank Morrone, Mrs. Audrey Mutschler, Mrs. Pat Skonieczny, Mayor Jo Ann Borato, Borough Manager Randy Kunkle, Borough Secretary Margie Nelko, representing the Borough Solicitor Mr. Joshua Kail, Esq., and Borough Engineer Mr. Scott Shoup.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Mr. Doug Vogel, Mr. Joe Olich, Ms. Elizabeth Bertha and Mr. Joe McWilliams of Valley Waste were present to address any concerns or questions Council may have had. Some of the topics discussed were scheduling, fees, recycling, E-waste, household waste and Christmas tree pickup.

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:

John Wargo of 155 Stange Road, Freedom

HEAR THE PUBLIC: None.

MINUTES of the Public Hearing held on June 13, 2017, were presented to Council. **After some review, the motion of Mr. Morrone, seconded by Mr. Googins to approve the Public Hearing Minutes of June 13, 2017 as presented was unanimously carried.**

MINUTES of the Regular Meeting held on July 25, 2017, were presented to Council. **After some review, the motion of Mr. Morrone, seconded by Mr. Googins to approve the Regular Meeting Minutes of July 25, 2017 as presented was unanimously carried.**

MINUTES of the Regular Meeting held on August 22, 2017, were presented to Council. **After some review, the motion of Mr. Bucuren, seconded by Mr. Morrone to approve the Regular Meeting Minutes of August 22, 2017 as presented was unanimously carried.**

FINANCE COMMITTEE: Mr. Bucuren, Chairperson of the Finance Committee, reviewed the Bills Payable for the period of September 26, 2017 through October 10, 2017, in the amount of \$352,796.81 from the General Fund and in the amount of \$1,225.90 from the Highway Aid (Liquid Fuels) Fund were presented to Council for review. **After some review and discussion, the motion of Mr. Morrone, seconded by Mr. Fetkovich to approve the list of Bills Payable was unanimously carried, with the exception of Mr. Bucuren regarding the Public Works bills, due to his brother works in the department and the exception of Mrs. Skonieczny regarding the Borough Solicitor's bill regarding litigation matters.**

General

10/10/2017	26074	ADT Security Services	Monthly Security Service	89.16
10/10/2017	26075	Aflac	Employee ACC Insurance	214.11
10/10/2017	26076	Allegheny Cty Medical Exam. Office	Crime Lab User Fees	250.00
10/10/2017	26077	Ambridge Water Authority	2015-2017 Hydrant Svcs/2017 3rd Qtr. Water Svcs	70,181.46
10/10/2017	26078	Amcom Office Systems, Inc.	Monthly Copier Maintenance/Overage	21.01
10/10/2017	26079	Anderson Equipment Co.	Equipment Repair Parts	112.57
10/10/2017	26080	Animal Control Services	Animal Control Service Fee	550.00
10/10/2017	26081	Approved Toilet Rentals, Inc.	(3) Standard Units w/Hand Sanitizer-Parks	330.00
10/10/2017	26082	Beaver Valley Sheet Metal Co.	Furnace/AC Maintenance/Filters	2,660.00
10/10/2017	26083	Blumling, Jim	2017 Boot Allowance	100.00
10/10/2017	26084	Brkich Design Group	2017 Fall/Winter Newsletter Designing	735.00
10/10/2017	26085	Building Insp. Underwriters of PA	Building Permit Inspections	1,660.00
10/10/2017	26086	Chalupiak's Country Pumpkins	Straw	75.00
10/10/2017	26087	Cintas	Misc. Medical Supplies	26.78
10/10/2017	26088	Columbia Gas	Monthly Gas Service	1,403.00
10/10/2017	26089	Comcast 0029740	Monthly Internet/Phone Service	467.42
10/10/2017	26090	Comcast 0029955	Monthly Internet/Phone Service	115.25
10/10/2017	26091	Coverall North America, Inc.	Monthly Cleaning Services	739.00
10/10/2017	26092	DCED UCC Fees	2017 3rd Qtr. UCC Fees	56.00
10/10/2017	26093	Duquesne Light Company	Monthly Electric Service	1,294.64
10/10/2017	26094	E. Reid Powell Refuse, LLC	Roll-off Box Swaps	2,405.00
10/10/2017	26095	Economy Vol. Firemen's Relief Assoc.	2017 Vol. Fireman's Relief Allocation	52,446.96
10/10/2017	26096	Fidelity Investments-State Aid	2017 Pension State Aid Allocation	151,412.36
10/10/2017	26097	FNB Commercial Credit Card	Misc. Purchases	319.84
10/10/2017	26098	Glatz Auto Detailing	2017-2018 Vehicle Detail Services	3,375.00
10/10/2017	26099	Guth Laboratories, Inc.	Misc. Operating Supplies	40.00
10/10/2017	26100	HDH Group, Inc.	SWIF Workers Comp Ins. Commission	1,155.00
10/10/2017	26101	Hovis Auto Supply	Equipment Repair Parts	46.11
10/10/2017	26102	Hunter Truck Sales & Service, Inc.	Late Fee	3.25
10/10/2017	26103	Iron City Workplace Services	Uniform Expenses	395.76
10/10/2017	26104	JC Ehrlich Co., Inc.	Pest Control Services	438.98
10/10/2017	26105	Joseph A. Askar Law Offices	2017 Solicitor Services & Retainer	3,045.00
10/10/2017	26106	Knighthawk Alarm Services	Camera Diagnostic/Rep/Replacement	695.00
10/10/2017	26107	LCA-Lease Corporation of America	Telephone Leasing	241.28
10/10/2017	26108	M & M Uniforms, Inc.	Uniform/Rug Services	103.90
10/10/2017	26109	McClymonds Supply/Transit Co. Inc.	Limestone	5,395.24
10/10/2017	26110	MDIA	Building Permit Inspections	3,890.50
10/10/2017	26111	MGSoft-Net, Inc.	Computer/Cloud Antivirus Renewal	105.00
10/10/2017	26112	Michael D. McDowell, Esq.	Grievance Arbitration Services	2,129.09
10/10/2017	26113	Mister Smith's Garage	Equipment Repair Services	25.83
10/10/2017	26114	Napa-Station Auto Parts	Misc. Operating Supplies	61.58
10/10/2017	26115	Nationwide Employee Benefits	Group Life Insurance Coverage	268.76

10/10/2017	26116	Occidental Life Ins. Co of NC	Employee Paid Life Insurance	79.14
10/10/2017	26117	PA One Call System, Inc.	PA One Call Services	83.82
10/10/2017	26118	PA State Association of Boroughs	Training Webinar	45.00
10/10/2017	26119	PENN Power Group	Vehicle Repair Parts	42.75
10/10/2017	26120	Petroleum Technical Services, LLC	Underground Storage/Record Inspections	325.00
10/10/2017	26121	PGH Networks	Telephone Maintenance	99.00
10/10/2017	26122	Pitney Bowes Global Fin. Svcs, LLC	2017 4th Qtr. Lease	168.30
10/10/2017	26123	Prof. Graphic Communications Inc.	Asst. CEO Business Cards	50.95
10/10/2017	26124	Reed Oil Company	Diesel Fuel	1,873.30
10/10/2017	26125	Reliance Standard Life Insurance	Group Life Insurance Coverage	125.20
10/10/2017	26126	Russell Standard Corp.	Cold Patch	865.00
10/10/2017	26127	S & D Calibration Services, Inc.	Acutrak, Enrad-Vascar Certs.	228.00
10/10/2017	26128	Shoup Engineering Inc.	Engineering Services	4,158.50
10/10/2017	26129	Smitty's Service.	Vehicle Inspection/Maint. Services	1,191.17
10/10/2017	26130	Soil Screeners Inc.	Top Soil	885.00
10/10/2017	26131	Spectrum Medical Corp, LLC	Random Drug Testing Services	245.00
10/10/2017	26132	Sprint Communications	Mthly Cellphone Service	421.69
10/10/2017	26133	Staley Communication-BearCom-	2017 Radio Service Contract	200.00
10/10/2017	26134	SunSetz Lawncare	2017 Contracted Lawn Maint. Service	620.00
10/10/2017	26135	SWIF-State Worker's Insurance Fund	Workers Comp Ins. Payment	1,521.00
10/10/2017	26136	Taylor & Alsko	Zoning Hearing Consultant Fees	1,162.50
10/10/2017	26137	Teamsters Local Union 250	Union Dues	360.00
10/10/2017	26138	Tomaszewski, Raymond	Mileage Reimbursement-CEO	6.05
10/10/2017	26139	Tri-State Hose & Supply Company	Equipment Maintenance Parts	88.07
10/10/2017	26140	Vi-HAUS	2017 Monthly Hosting Agreement Fees	875.50
10/10/2017	26141	W. PA Teamsters Emp. Welfare Fund	Monthly Health Insurance	24,752.44
10/10/2017	26142	Walsh Equipment	Dog Waste Signs/Parts	350.00
10/10/2017	26143	West Central Equipment, LLC	Equipment Repair Parts	149.51
10/10/2017	26144	Wex Bank-Sunoco	Monthly Gasoline Usage	2,745.08
				<u>352,796.81</u>

Highway Aid Fund

10/10/2017	134	Duquesne Light Company	Mthly Electric Service-Street Lights/Traffic Signals	<u>1,225.90</u>
				1,225.90

ORDINANCE COMMITTEE: No Report.

PARKS and RECREATION COMMITTEE: Mr. Fetkovich, Chairperson of the Parks and Recreation Committee, presented Council with information regarding a potential matching grant program. A meeting is being scheduled with the company's representative, members from the Recreation Board and if possible, Mr. Bucuren and Mrs. Mutschler (members of the Parks and Recreation Committee) to discuss the possibility of participating in the matching grant program. A decision must be made by November 15, 2017, to participate in this opportunity.

PROPERTY and BUILDING COMMITTEE: No Report.

PUBLIC SAFETY COMMITTEE: No Report.

PUBLIC WORKS (PW) COMMITTEE: Mrs. Mutschler, Chairperson of the Public Works Committee, presented Council with updates regarding the following issue(s):

1. Public Works Bi-monthly Reports – After some review and discussion, these reports were ordered received and filed.
2. Shirts and Coats – Mrs. Mutschler stated that in the past the Borough has supplied tee-shirts, sweatshirts and coats to the Public Works Department and they need replaced. Mrs. Mutschler discussed the possibility of rentals and that pricing is being researched.
3. Public Works Contract – An update will be given in executive session.

MAYOR'S REPORT: Mayor Borato presented Council with information and/or updates regarding the following issues:

1. Mayor's Monthly Police Department Report for September 2017 – After some review, this report was ordered received and filed.
2. Police Department Hiring Issues – This matter is on hold while waiting for more information.
3. Video Camera/DVR Replacements – The Mayor presented Council with an overview of a quote received from Vector Security, in the amount of \$3,157.00 and the prior quote received from Knighthawk Alarm Services in the amount of \$3,595.00. The Mayor is recommending using Vector Security which is \$438.00 dollars less than the other quote and still gives the department what it needs. Members of Council reviewed and discussed the issue of one company having the key fob service and the other being used for the camera/DVR service. Mrs. Skonieczny expressed concerns regarding additional expenses if the troubleshooting results in replacing wiring and hardware. Mr. Burns stated that the Borough has been notified that it is a safety and liability issue which needs addressed. Members of Council discussed the option to purchase a new DVR to see if it fixes the problem before moving forward. **After some review and discussion, the motion of Mr. Morrone, seconded by Mr. Googins to approve the purchase of a DVR from Vector Security was unanimously carried.**
4. Police Secretary Agreement – This matter will be discussed in executive session with a possible vote.
5. Patrolling of Northern Lights Shopping Center Parking Lot Follow-up – The police department is able to patrol and cite for violations along Economy Way because it is a public street. Members of Council discussed concerns regarding the parking lot being a free for all with the lack of pavement markings which could lead to potential accidents and handicap parking markings. The Borough Solicitor reviewed his findings.
6. Act 172-2016 – The Mayor presented an overview of the program which would permit either a real estate tax or earned income tax credit for volunteer firemen. Members of Council discussed the requirements needed to meet the criteria, if the criteria information is currently being recorded and how it could/would affect the Borough's income. The Finance Committee and the Borough Solicitor was asked to look into this matter.

SOLICITOR'S REPORT: The Borough Solicitor presented Council with updates regarding the following issue(s):

1. Skonieczny Lawsuit – No update at this time.
2. Ethics Commission Recusal – The Borough Solicitor advised Council that to recuse yourself from a vote you need to have something on public record stating why. Mrs. Skonieczny stated that she requested the recusal inquiry be on the agenda to discuss the result of Mr. Burns asking the Borough Solicitor to look into if Mr. Bucuren and she should have recused themselves. The Borough Solicitor advised that the ethics law states that if a family member is part of an association or group then you are able to vote. Mrs. Skonieczny inquired if the Borough Solicitor had researched the information that Mr. Burns asked for and what the determination was. The Borough Solicitor stated that he did not research it and it is not appropriate to make an ethics opinion, that he is able to present what the law states, but he has no authority to do an investigation.
3. Concord Church Road – The Borough Solicitor stated that research has been done and for all intents and purposes this is a public road for three (3) reasons. The first is the ordinance(s) verify this, the second is that it has been under the Borough's care for at least thirty (30) years (the statute states twenty-one (21) years to be considered a public use) and the third is that vacating the property without the owner's permission is a violation of law due to the owners would lose access to a public way. Mrs. Skonieczny stated that when a portion of the road was vacated by ordinance there was an attached drawing showing it was supposed to be a cul-de-sac and all of the Borough documents show a dead end. Under the law, in order to be a public road, it must have an entrance and exit of a public thoroughfare or cul-de-sac, which was never implemented. Members of Council discussed if there is evidence of anyone claiming this portion of the road as private use, via a gate, no trespassing signs, etc. and the statute of limitations regarding appeals.

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

1. Traffic Calming Study (Harmony Road) – The Borough Engineer presented Council with an update regarding the speed humps on Harmony Road.
2. Stange Road Drainage – The Borough Engineer distributed information regarding this matter to Council for review. The Borough Solicitor explained that this issue is a nuisance not a hazard and that it is very wet with no real signs of erosion. Members of Council discussed that this issue has been brought to Council before and whether houses were erected prior to the storm sewer being built. The Borough Engineer stated that it is a concrete cross-drain pipe most likely put in by the developer/contractor of the lots.
3. In-house Paving of Merriman Road – The Borough Engineer presented an overview of the research that was conducted with the Public Works Foreman for the locations of Merriman Road, Perry Road and Cooney Hollow. There is a balance of approximately \$43,000.00 left in the 2017 paving budget. The Harmony Road speed humps will cost approximately \$10,000.00, the paving of fifteen hundred (1,500) feet of Merriman Road will cost approximately \$20,000.00, the paving of Perry Road will cost approximately \$10,000.00 and then the paving of Cooney Hollow Road starting at the top and moving down (no estimate given). Members of Council discussed whether the paving would be up to Borough specs, if the Borough was going to start implementing roads being paved to Borough specs including putting crowns on the road for drainage, the number of houses on the roads, if there is time to complete all of the roads before the plant closes and as the budget permits, prioritizing and paving

the roads in an order of importance. The Borough Engineer stated that he would discuss structural fixes for Merriman Road with the Public Works Foreman. **After some review and discussion, the motion of Mr. Fetkovich, seconded by Mrs. Mutschler to approve fixing Merriman Road properly was unanimously carried.**

OLD BUSINESS:

1. **Boy Scout Newspaper Recycling Bin Request** – The Borough Manger stated, that after speaking with Reid Powell, the Borough owns another recycling bin. Mr. Powell will deliver the other bin and take away the old one in exchange for the delivery. The Public Works Department will be able to weld the lid onto the recycling bin.
2. **Economy Borough Volunteer Fire Department Tax Exoneration Request** – Members of Council discussed the amount to be exonerated, that an exoneration was approved by Council in 2016. The parcels that are used are currently off the tax rolls, this parcel is vacant and unused. The Borough Solicitor will research this matter.
3. **Economy Ambulance Request** – The Borough Manager stated that the funding was not budgeted in 2017 but it may be budgeted for in 2018 at Council’s discretion. The Borough Solicitor stated that he did review this matter and the issue is with their collections. The Finance Committee will review for the 2018 budget.
4. **Police Officers Association Reprimand Grievance Arbitration Reimbursement Request** – Mayor Borato presented an overview of the contract rules for this issue and discussed that this request would be setting a precedent. The Borough Solicitor stated that the Borough is under no obligation to approve this request but there is nothing to prevent it either. The Borough Solicitor expressed caution that if it is approved then the wording needs to be carefully drafted to eliminate a habit. Mr. Justin Skonieczny, representing the Police Association, presented Council with an overview of the association’s position which included their fear of this happening again and not having the funds to act as a result of the arbitration costs. Mrs. Mutschler expressed her position of being in favor of the request due to it should have not gone this far and it should have been handled in house. Mrs. Skonieczny expressed her position of being in favor of the request due to all the facts and circumstances surrounding the issue. **After some discussion, the motion of Mrs. Mutschler, seconded by Mr. Bucuren to approve the request of the police bargaining unit to reimburse them for the costs occurred as the result of the arbitration.** Mrs. Mutschler also requested the letter, dated September 24, 2017, received from Mr. Justin Skonieczny, Association President, be attached to the minutes. Mr. Googins expressed his position against the request by stating he would not go against the negotiated contract. Members of Council discussed whether there was a breach of contract and the issue that of an arbitrator’s decision is a finding of fact. A roll call vote was requested. **A roll call vote was taken of the members of Council present. The motion failed after receiving four (4) negative votes and three (3) affirmative votes of all members of Council present.**

Mr. Bucuren – Yes Mr. Fetkovich – No Mr. Googins – No Mr. Burns – No
Mr. Morrone – No Mrs. Mutschler – Yes Mrs. Skonieczny – Yes

5. **Refuse (Garbage) Contract Bids** – The Borough Solicitor stated that there are some details that need corrected, the Borough Manager agreed that the basic terms are good, but he would like to review the terminology of the OPIS pricing, fuel surcharges and Christmas tree collection. The commercial properties will be able to contact Valley Waste Service, Inc. directly to set up service. **After some**

review and discussion, the motion of Mrs. Mutschler, seconded by Mr. Morrone to accept the Valley Waste Service, Inc. bid including the Household Hazard and E-Waste collection subject to the review of the Borough Solicitor and Borough Manager was unanimously carried.

6. 2018 Minimum Municipal Obligation (MMO) - The Borough Manager stated that after the last meeting, it was discovered that the 2018 MMO was calculated with Mr. Earl Fitzgerald as an active member. The MMO has been recalculated and has been reduced from \$14,405.00 to \$11,167.00 for 2018.
7. Public Works Contract – This matter was discussed under Public Works Committee portion of the meeting.
8. Fee Resolution – This matter is still on hold while waiting for input from the Planning Commission.
9. New F350 Pickup Truck – This matter is on hold while waiting for question(s) from the dealership(s) are being answered.
10. Petty Cash Policy – This was forwarded to the Finance Committee for review, no update at this time.
11. Piano Disposal – The piano has been placed on Craig’s List.

NEW BUSINESS: None

OTHER BUSINESS: None.

EXECUTIVE SESSION: Mr. Burns requested Council go into Executive Session regarding a contractual matter and a personnel agreement matter at 9:11 p.m., as per the motion of Mrs. Mutschler, seconded by Mr. Morrone.

On the motion of Mr. Morrone, seconded by Mr. Googins to reconvene at 9:36 p.m. was unanimously carried.

Upon re-entering the public meeting, the following item was reviewed:

Mr. Fetkovich mentioned that the Recreation Committee and possibly someone from the Recreation Board will meet next Tuesday, October 17, 2107, at 5:30 p.m. to discuss a potential playground grant and meet with the sales representative.

There being no further business, the motion of Mr. Fetkovich, seconded by Mr. Googins to adjourn the meeting at 9:38 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager

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

1. Approve the Public Hearing Minutes of June 13, 2017.
2. Approve the Minutes of July 25, 2017.
3. Approve the Minutes of August 22, 2017.
4. Approve Bills Payable for October 2017.
5. Approve the purchase of a DVR from Vector Security.
6. Approve fixing Merriman Road properly.
7. Failed motion to approve the Police Association reimbursement request, included a roll call vote.
8. Acceptance of the Valley Waste Service Inc. bid for refuse collection.