

Economy Borough Council
Regular Meeting Minutes
October 14, 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. Larry Googins, 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. Tom Fetkovich (Excused)

OPENING PRAYER

PLEDGE OF ALLEGIANCE

FIRE REPORT: No Report

POLICE REPORT: Chief O'Brien presented Council with updates regarding the Economy Borough Police Department. Chief O'Brien stated that the police department has received a donation six (6) new Dell Venue Tablets from Walmart, estimated over \$5,000.00.

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 trucks/equipment, replaced curb on Pfaff Road, tar and chipped select roads and worked with State Pipe Company, televising storm drain pipe on Conway Wallrose Road.

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:

JoAnn Borato of 2001 Conway Wallrose Road, Freedom
Celia Janosik of 305 Hoenig Road, Sewickley
Julie Hribar of 2459 Herr Road, Ambridge
Debbie Cercone of 2464 Herr Road, Ambridge
Audrey Mutschler of 2820 Ridge Road Ext, Baden
Ray McClellan of 196 Shaffer Road, Sewickley

HEAR THE PUBLIC:

Celia Janosik, of 305 Hoenig Road, was present to express her concerns regarding drilling/fracking in the Borough. Mrs. Janosik stated that she is against fracking within the Borough and feels that the residents should be notified within a 3 mile area of the fracking areas. There was some discussion regarding if the location(s) for drilling have been disclosed. Mrs. Janosik stated that Southwest Pennsylvania Environmental Health Project (www.environmentalhealthproject.org) has a list of targeted recommendations to help reduce exposure and potentially harmful emissions related to natural gas drilling.

Mr. Tom Fetkovich entered the meeting at this time (7:12 p.m.).

Debbie Cercone, of 2464 Herr Road, was present and inquired if the Planning Commission would know where the proposed well location(s) will be. The Borough Manager stated that DEP sends a notice once an application has been applied for. There was some discussion regarding one location being in the Economy Park area and how this came into effect. The Borough Solicitor explained that the park is owned by Beaver County not Economy Borough and that there were concerned people who attended the public meeting regarding Economy Park.

JoAnn Borato, of 2001 Conway Wallrose Road, was present to inquire if the emails that were made public are available. Mrs. Borato stated that she filed a Right-to-Know request and received an email stating that they were not available at that time. The Borough Solicitor stated that the emails should be available at the Borough Office by the end of this week. Mrs. Borato also presented some information regarding how drilling/fracking effects shallow water wells and suggested residents should purchase subsidence insurance. Mrs. Borato also stated that if drilling/fracking is happening on county property then there should be a Legacy Fund from the county to protect the Borough. The Borough Solicitor stated that would need to be addressed at a county public work session or a public meeting. The public meetings are held on the second and fourth (2nd & 4th) Thursdays of the month beginning at 10:00 a.m.

MINUTES of the Regular Meeting held on September 23, 2014, were presented to Council. The Borough Secretary presented Council with a revised copy of the minutes for review. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Fetkovich to approve the Regular Meeting Minutes of September 23, 2014 as revised was unanimously carried.**

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. **Budget Report** for the month of August 2014 was presented to Council. Mr. Googins stated that the Borough Manager has been working on the 2015 Budget and a Finance Committee meeting has been scheduled to review the draft. After some review and discussion, this report was ordered received and filed.
2. **Treasurer's Report** for the month of September 2014 was presented to Council. After some review and discussion, this report was ordered received and filed.
3. **Bills Payable** entered for the period of October 2014, in the amount of \$562,684.28 from the General Fund was presented to Council for review. There was some discussion regarding the PIRMA bill being lower for 2015, it was determined that there were some vehicles removed from the policy. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Morrone to approve the list of Bills Payable 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.**

PUBLIC WORKS COMMITTEE: Mr. Bucuren, Chairperson of the Public Works Committee, presented Council with updates regarding the 1997 Peterbilt 330 bidding and updates regarding contract negotiations will be discussed in executive session.

PARKS and RECREATION COMMITTEE: Mr. Fetkovich, Chairperson of the Parks and Recreation Committee, stated that Trick or Treating in the Borough has been scheduled for Thursday, October 30th from 6 p.m. to 8 p.m. Mr. Fetkovich requested this information be placed on the informational sign in front of the Borough Building.

PUBLIC UTILITIES and ORDINANCE COMMITTEE: Mrs. Skonieczny presented Council with updates regarding the following issues:

1. Amusement Tax – Mrs. Skonieczny reviewed Resolution No. 429 pursuant to Ordinance No. 303 regarding an amusement tax. Mrs. Skonieczny stated that Resolution No. 429 is unlawful due to it was never advertised making it invalid as per Act 511, which requires Resolutions to be advertised. Ordinance No. 303 states taxes are expressly excluded from this schedule. **Mrs. Skonieczny made a motion to return the unlawfully collected monies to the local businesses. After some discussion, the motion of Mrs. Skonieczny, seconded by Mr. Burns to table until after executive session discussion, was unanimously carried.**
2. Clarifying the Definition of PW Wages for Determining Pensions – The Ordinance from July 2013 needs to be replaced. A new Ordinance needs adopted with the union's consent.

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

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

1. Adding a Spouse to Health Insurance – The Borough Solicitor will look further into this and whether we can treat similar employees differently.
2. 1997 Peterbilt 330 (Truck No. 05) – The Borough Manager stated that the 1997 Peterbilt 330 is ready for the advertising for bids. It has been recommended that a minimum bid of \$30,000.00 should be set due to the truck is in very good condition with low hours and mileage. There was some discussion regarding where the Borough was going to advertise, Muncibids was suggested. After some discussion, it was the consensus of Council to table this matter until further research can be done regarding the best place(s) to advertise.

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

1. MGSoft-net – The Borough Solicitor stated that a motion to ratify the September 30, 2014, email vote to contract with MGSoft-net for the Borough IT and hardware as proposed in their proposal needs completed. Mr. Burns made the motion to contract with MGSoft-net for the Borough IT and hardware as proposed in their proposal "see attachments". Mr. Bucuren, Mr. Fetkovich, Mr. Morrone and Mrs. Skonieczny were all in favor of MGSoft-net. Mrs. Barthelemy exercised her right to not vote outside a public meeting. Mr. Googins did not participate in the email vote. There was some discussion regarding the current equipment status being in need of an emergency vote or not and that this issue has been discussed in prior meetings. Mrs. Barthelemy and Mr. Googins expressed their objections to motions and voting

being conducted by email and/or telephone. **After some review and discussion, the motion of Mr. Fetkovich, seconded by Mr. Morrone, to ratify the email vote to contract with MGSoft-net for the Borough IT and hardware as proposed in their proposal was unanimously carried, with Mrs. Barthelemy opposing.**

2. **Re-scheduling Pre-disciplinary Conference – After some review and discussion, the motion of Mr. Burns, seconded by Mr. Bucuren, to ratify the email vote of October 7, 2014, to reschedule the pre-disciplinary hearing was unanimously carried.**
3. **Complaint Received for the Janicki Property** – The Borough Solicitor reviewed the results of the Public Hearing. The property has been classified as part RA and part R2 by the prior Borough Zoning Officer. There was some discussion regarding the zoning for this property being grandfathered as part RA and part R2. The Janicki's would need to abide by the grandfather rules or this property would revert back to being R2 only. The entire property will be R2 for future owners.
4. **Unfair Labor Complaint from the Teamsters** – While discussing this with the Teamsters, the topic of the labor agreement came up and the Borough Solicitor would like to pursue this further. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Bucuren, to authorize the Borough Solicitor to represent the Borough in finalizing a collective bargaining agreement.**
5. **Vi-Haus Agreement** – The Borough Solicitor stated that the one year (1 yr.) agreement has been forwarded to the Borough for execution. There was some discussion regarding the service hours were not being offered due to only the police department is opting to use this company. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Burns, to accept the Vi-Haus Agreement for one year (1 yr.) dated September 22, 2014, was unanimously carried, with the exception of Mrs. Skonieczny regarding the Public Safety bills, due to her son works in the department and Mrs. Barthelemy opposing.**

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

1. **Beaver Road Culvert** – The Borough Engineer presented Council with an update regarding the repaving and drainage repairs to Beaver Road.
2. **Storm Drain Repairs-Conway Wallrose Road** – The Borough Engineer presented Council with an update regarding the storm drain in front of the Economy Volunteer Fire Station, 1215 Conway Wallrose Road. This area was televised and it has been determined that there is approximately a forty (40 ft.) foot length of pipe damage. The damage is within the PennDot Right-of-Way. There was some discussion regarding if a Highway Occupancy Permit (HOP) was required. The Borough Engineer will verify whether the Borough needs to apply for a HOP or not. Mrs. Barthelemy inquired if the Borough will be notifying the schools at the time the roadwork is being done. The Borough Manager stated yes the schools will be notified ahead of time and that traffic will be interrupted some.
3. **Water Run-off Problem for Clover Road (Mack)** – The Borough Engineer presented an update regarding the water run-off problem for the Mack property on Clover Road. They will grant an additional easement to lengthen the pipe. The Borough Engineer wants to talk with the down-stream neighbor before doing anything.

4. Drainage Problem for 80 Bock Lane (Petalino) – The Borough Engineer reported that the easement agreements have been mailed to the residents with the option of using the Borough Secretary as the notary.

NEW BUSINESS:

1. Catalina Subdivision – The Borough Manager presented Council with background of the proposed subdivision to divide one lot into two a half acre lots. The Beaver County Planning Commission and the Economy Borough Planning Commission both recommend approval of the proposed subdivision. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Fetkovich to approve the Catalina Subdivision as proposed above was unanimously carried.**
2. Economy Borough Municipal Authority (EBMA) Reappointment – A letter, dated October 6, 2014, was received from Mr. David A. Carlson, Chairman of the EMBA Board, requesting Council to re-appoint Mrs. JoAnn Borato to a five year (5 yr.) term to the EBMA Board. **After some discussion the motion of Mrs. Barthelemy, seconded by Mr. Fetkovich to re-appoint Mrs. JoAnn Borato to a five year (5 yr.) term on the EBMA Board was unanimously carried.**
3. Gemini Software – There was some discussion regarding the information on this software should be maintained for several years.

OTHER BUSINESS:

Mrs. Barthelemy expressed concerns regarding the lack of the Borough Manager's participation during the executive sessions. There was some discussion regarding whether the Borough Manager was told not to participate and it was determined that this was not the case. The Borough Manager stated that he was unsure if his participation was appropriate when the discussions could involve him. The Borough Solicitor would advise the Borough Manager if there is a meeting that he should not attend due to this type of reason.

EXECUTIVE SESSION: Mr. Burns requested Council go into Executive Session in regard to the amusement tax and personnel matters consisting of discipline, workers compensation, collective bargaining matters at 08:40 p.m.

On a motion by Mr. Fetkovich, seconded by Mr. Googins, all voted aye to return to regular business at 10:22 pm.

Motion by Mrs. Skonieczny, seconded by Mr. Bucuren, to suspend the full payment of employee's salaries that are off on Worker's Comp and receiving a workers comp check, Mrs. Barthelemy asked if this is moving forward only. It would be effective back to September 16th. That being the case Mrs. Barthelemy's vote is no, six voted aye.

Motion by Mrs. Skonieczny, seconded by Mr. Bucuren, to table any action on Ordinances 444 and Resolution 429, all voted aye.

Motion by Mr. Burns, seconded by Mr. Bucuren, to terminate the employment of Earl Fitzgerald based on the results of the pre-disciplinary hearing held last week. Mrs.

Barthelemy requested it be put on the record that she doesn't believe the borough has sustained its burden of proof that Mr. Fitzgerald has unlawfully removed any property from the borough; she personally believes this is motivated by political animus. Mr. Googins stated he will be voting against the motion because he believes the punishment exceeds the charges against Mr. Fitzgerald.

Roll Call vote:

Mr. Bucuren	yes
Mrs. Barthelemy	no
Mr. Fetkovich	no
Mr. Googins	no
Mr. Morrone	yes
Mrs. Skonieczny	yes
Mr. Burns	yes

Four yes, three no, motion carries.

There being no further business, the motion of Mr. Googins, seconded by Mr. Bucuren, to adjourn, all voted aye at 10:32.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager