

Economy Borough Council
Regular Meeting Minutes
December 09, 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, Mr. Gary Bucuren, Mr. Tom Fetkovich, Mr. Larry Googins, Mr. Frank Morrone, Mrs. Pat Skonieczny, Mayor David Poling, Borough Manager Randy Kunkle, Borough Secretary Margie Nelko, Borough Solicitor Mr. Joseph Askar, Esq., and Borough Engineer Mr. Scott Shoup.

ABSENT: Mrs. Courtney Barthelemy (Excused)

OPENING PRAYER

PLEDGE OF ALLEGIANCE

WEST VIEW WATER TREATMENT PLANT: Mr. David Ivanek and Mr. John Schaudé, both of Bankson Engineers, Inc. and Mr. Andrew Campanaro, of Hayes Design Group were present to discuss the proposed West View Water Treatment Plant. The Borough Solicitor reviewed the issue of the neighboring properties not being officially notified, which has since been completed. The proposal has not changed and the gravel and partially paved driveway is designed as a private access for West View Water Authority (WVWA) and the adjacent neighbor, Mr. Stadnik. This driveway will coincide with the Economy Way condemned right-of-way. The Borough Solicitor asked what liability is extending to the Borough in anticipation of the private driveway being approved. Mr. Ivanek stated that being the fact the private driveway coincides with the Economy Way condemned right-of-way it would need to be spelled out in the Developers Agreement that WVWA is going to build and maintain the private driveway with no liability to the Borough. The Borough Solicitor asked if WVWA anticipates the idea of adding the Borough as an additional insured on the private driveway in mere conjecture that the Borough may be brought into some sort of lawsuit. Mr. Ivanek stated that this may be entertained. There was some discussion regarding the proposed grading of the private driveway not meeting the allowable grade as per the Ordinance. Mr. Ivanek stated that a modification has been requested for the portion of the Ordinance that refers to wherever feasible a minor road shall not exceed 10 % grade. The proposed grade is at 13.4 % for approximately 400 ft. to where the access coincides with the Economy Way condemned right-of-way. Mr. Ivanek stated that the private driveway will be built to Borough code with the exception of the grade to enable a portion of the driveway to be used as a public road if needed in the future. Mrs. Skonieczny expressed concerns regarding if the grade is approved then according to the Borough Engineer's letter it would foreclose this as a public road. The Borough Engineer stated that it is his opinion that a public road which is used for the purpose of accessing commercial or residential sites at the top of the hill would be unacceptable. There was some discussion regarding the grading leading up to Walmart and the need for two (2) access roads to Walmart. It was determined that there are two (2) access roads to Walmart, one being Economy Way and the other being an emergency access from Sproat Avenue. There was some discussion regarding whether there was a requirement to have two (2) separate access roads to Walmart, which was determined that it was not a requirement. Mrs. Skonieczny expressed concerns regarding the Borough Engineer's opinion of the 13.4 % grade being inappropriate and does not feel that she could vote against his opinion and has concerns regarding the protection of Mr. Standik's rights. The Borough Solicitor stated that Mr. Standik has the right to express any concerns he may have regarding this proposal and that his rights would be protected by his deed. Mr. Ivanek stated that the private driveway is being improved, Mr. Standik will now have a paved driveway at less than 13.4 % grade and will be completely maintained by WVWA. The Borough Solicitor inquired if this was a side agreement with Mr. Standik. Mr. Ivanek stated yes, this was done prior to the purchase of 15.4 acres and was recorded on both of the deeds. There was some discussion regarding if the modification approval by Council would affect Mr. Standik's deed. The Borough Solicitor stated that

this is not a modification but a deviation of the grade that is allowable by the Ordinance. There was some discussion regarding the condemnation of Economy Way which runs from Northern Lights Shopping Center to Walmart and continues across the WVMA property then coincides with the driveway and then continues on to Tevebaugh Road. There was some discussion regarding Walmart having access to Economy Way and that Walmart would have to upgrade the roadway or move the roadway should there be a need to use it. **After some review and discussion, the motion of Mr. Burns, seconded by Mr. Fetkovich to approve the West View Water Treatment Plant Project subject to legal review and the proper documentation (Memorandum of Understanding) being in place was unanimously carried, with the exception of Mrs. Skonieczny who opposed, due to she would not go against the Borough Engineers opinion.** The Borough Solicitor requested for WVMA to meet with him to set up the Memorandum of Understanding and not a Developers Agreement.

FIRE REPORT: Chief Thomas presented Council with updates regarding the Economy Volunteer Fire Department. Chief Thomas stated that Santa Clause will be traveling through the Borough next Tuesday, Wednesday and Thursday and that the annual Christmas Party is on December 20, 2014. Chief Thomas stated that the EVFD has received a grant in the amount of approximately \$13,000.00 from Columbia Gas. The EVFD has ordered carbon monoxide detectors in the amount of approximately \$10,000.00 and the remaining \$3,000.00 will be spent on (3 or 4) carbon monoxide meters. The carbon monoxide detectors will be distributed to residents who need them free of charge and the carbon monoxide meters will be used by the EVFD to determine gas levels during call outs. The Chief stated that Steven Joy and Ed Howe write/apply for the all of the EVFD grants. Mr. Burns, on behalf of Council, congratulated the EVFD on securing the grant(s) received for the 2014 year. There was some discussion regarding the program for checking on the elderly during for emergencies and power outages (which has not been started) and the Knox Box is still being reviewed. There was some discussion regarding help with maintaining the emergency access road from Sproat Avenue to Walmart, it was agreed to that the PW department would periodically drive this road to help with keeping it open.

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 trucks/equipment, prepared trucks/equipment with plows and salt spreaders and cleared fallen trees. The department has also helped with the installation of a new gas line to the Borough building.

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
John Wiebe of 2832 Conway Wallrose Road, Freedom
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:

Audrey Mutschler, of 2820 Ridge Road Ext., was present to discuss her concerns regarding emails from the email forensic audit and missing Council Minutes from the Borough website. Mrs. Mutschler addressed the Borough Solicitor in regard to whether she is able to comment on some of emails from the email forensic audit. The Borough Solicitor stated that she was able to make a public comment on them,

however, Council may not be able to respond to her comments. Mrs. Mutschler reviewed some emails from/by Council Members and employees outlining different issues that she has concerns about. Mrs. Mutschler asked if these issues were not comparable to what Joan Orié got into trouble for. The Borough Solicitor stated that this is something that cannot be commented on. Mrs. Mutschler expressed other concerns regarding campaigning and as a Council person that you are aware of legal actions regarding branching out to others before your findings are found. The Borough Solicitor stated that several issues have been discussed during executive session and that Council have the same rights as a regular citizen. The Borough Solicitor also stated that Council is aware of the emails given to the public and he will be addressing any issues from these emails according to Council's wishes. Mrs. Mutschler expressed concerns regarding missing Council Minutes from the Borough website. It was determined that the Borough office discussed this matter and using another municipality as an example reduced the Council Minutes to two (2) years, however, they would/could be reposted at Council's discretion.

Matt Morrone (not signed in) was present to address concerns regarding PennDot informing him that the Borough Manager told them it was his responsibility to fix the ponding problems at a residence he was working at on Bradford Park Road. The Borough Manager stated that he received several complaints regarding the ponding on a state road and contacted PennDot to look into the problem. Mr. Morrone stated that PennDot will be resolving the ponding issue at this location.

Elizabeth Burns (not signed in) was present to express her concerns regarding the integrity of the tape recordings of the meetings and wants to know what Council is going to do about it. Mr. Fetkovich stated that the prior Borough Secretary used two (2) tapes at each meeting. There was some discussion regarding getting microphones and speakers throughout the Council chambers. The Borough Manager and Borough Secretary were instructed to research and price what is available to make this process better.

Debbie Cercone, of 2464 Herr Road, was present to express her concerns regarding the zoning of the Janicki property. Ms. Cercone inquired if there was a letter being written allowing the Janicki's to keep their horses and what can the residents do. The Borough Solicitor stated that there are steps that can be taken and that he was not able to give legal advice. Ms. Cercone stated that another neighbor now has two (2) horses and their property that is not zoned RA. The Mayor stated that he did receive a copy of the written letter from Mr. Joe Luff regarding the zoning decision of the Janicki property and that Ms. Cercone could receive a copy by filing a Right-to-Know request.

JoAnn Borato, of 2001 Conway Wallrose Road, requested a clarification of the response to Mrs. Mutschler's email concerns regarding legal action. The Borough Solicitor restated that Council has no different standards than citizens on the other side of their table. The Borough Solicitor explained that should someone want to file a complaint alleging certain violations, as with Ms. Orié was, it does not have to be somebody elected on Council, it can be anybody in the state of Pennsylvania.

Regis Leindecker (not signed in), of 418 Golden Grove Road, was present and asked the Fire Chief if the carbon monoxide detectors are only for gas. The Fire Chief stated that this is the most common use, but there are other gases that could be in your home such as sewer gases, garbage disposal gases, etc...

Steve Borato, of 2001 Conway Wallrose Road, was present to express his concerns regarding the newsletter being received late and to discuss a better way to dispose of leaves (possible leaf vac) since burning is no longer permitted. Mr. Burns stated that the newsletter concerns were addressed at the last meeting. Mrs. Skonieczny stated that one of the problems was the extension of deadlines, which Council decided that there will no longer be deadline extensions. There was some discussion regarding the possibility of a joint municipal program or the possibility of building a fenced in pile/compost site. **After some discussion, it was the consensus of Council to request Mr. Dunn to come up with a plan to dispose of leaves.**

Ray McClellan, of 196 Shaffer Road, was present to inquire about the deadline dates for the newsletter. The Borough Manager reported that the deadline dates are the first of April and September.

Reverend Dr. John M. Wiebe, Concord Presbyterian Church, 2832 Conway Wallrose Road, was present to review a letter dated December 12, 2014, regarding a request for a waiver of signage fee. The church is proposing to erect a “freestanding bulletin sign” on their hillside parallel to Conway Wallrose Road. **After some review and discussion, the motion of Mr. Googins, seconded by Mrs. Skonieczny to approve the signage fee waiver for the “freestanding bulletin sign” along Conway Wallrose Road was unanimously carried.**

MINUTES of the Regular Meeting held on November 25, 2014, were presented to Council. There was some discussion regarding minor amendments to the minutes that were distributed to Council for review. **After some review and discussion, the motion of Mr. Fetkovich, seconded by Mr. Morrone to approve the revised Regular Meeting Minutes of November 25, 2014, was unanimously carried.**

PROPERTY and BUILDING COMMITTEE: Mr. Fetkovich, Chairperson of the Property and Building Committee, stated that new gas line to the Borough Building has been completed. There was some discussion regarding the reasons for the delay in the completion of this project. The Borough Manager stated that he filed a complaint with the PUC regarding these delays.

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 November 2014 was presented to Council. After some review and discussion, this report was ordered received and filed.
2. Treasurer’s Report for the month of November 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 December 2014, in the amount of \$128,769.70 from the General Fund was presented to Council for review. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Fetkovich 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: No Report.

PARKS and RECREATION COMMITTEE: No Report.

PUBLIC UTILITIES and ORDINANCE COMMITTEE: No Report.

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

The Mayor apologized to Council and everyone who attended the last meeting for his actions at regarding the lighting issues on Economy Way leading up to Walmart.

The Mayor presented Council with concerns he has received regarding the card board dumpsters near the PW department being emptied at approximately 4 a.m. to 5 a.m. There was some discussion regarding having these dumpsters moved to behind the Borough building, which the Borough Manager stated would be done the next day.

The Mayor presented Council with a proposal from ADT Security for updating and securing the existing security system for the Borough Building and the Public Works Building. There was some discussion regarding which copy of the proposal was being reviewed, which was determined to be estimate number three (3) giving an approximately a \$200.00 discount. The proposal outlines the installation/equipment at no charge for securing everything (windows/doors) and monitoring for a monthly cost of \$39.99 for each building. There was some discussion regarding the prices going up over time. **After some review and discussion, the motion of Mrs. Skonieczny, seconded Mr. Bucuren to approve the ADT Security proposal (No. 3) for both buildings, subject to legal review was unanimously carried.** Mr. Googins requested that proposals be placed on the agenda for discussion in the future.

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

1. **2015 Final Borough Budget** – The Borough Manager presented Council with an overview of the 2015 Budget. There was an increase in the road paving account to reflect the 2014 Beaver Road Project that was not completed, which will be now completed in 2015. There was an increase in the Borough building maintenance account for the purpose of replacing new Council Member Chairs. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Morrone to approve the 2015 Final Borough Budget as presented was unanimously carried.**
2. **2015 Tax Ordinance No. 448** – An Ordinance fixing the tax rate of 13.5 Mills for the fiscal year 2015 was presented to Council for review. The Mayor stated that he was not comfortable signing the Ordinance due to he feels the budget could be adjusted in order to have reduced the millage by one (1) mill. There was some discussion regarding what would happen if the Mayor refused to sign the Ordinance. The Borough Solicitor stated that the Mayor can veto the Ordinance after a ten (10) day period following the adoption by Council. The Borough Solicitor explained that after the veto procedures have been met, then Council may override the veto with a majority vote plus one (5 votes). There was some discussion regarding the budgeted amounts for road paving and winter maintenance and the lack of funding for the Liberty Hills traffic light. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Bucuren to adopt Ordinance No. 448 fixing the tax rate of 13.5 Mills for the fiscal year 2015 was unanimously carried.**

SOLICITOR’S REPORT: The Borough Solicitor presented Council with the background of the pending Emergency Response Plan Agreement between the Economy Borough Police Department and Walmart, which has been reviewed and minor non-material changes have been made. The Borough Solicitor recommends Council’s approval of the Emergency Response Plan Agreement. **After some review and discussion, the motion of Mr. Burns, seconded by Mr. Fetkovich to approve the Emergency Response Plan Agreement between the Economy Borough Police Department and Walmart was unanimously carried, with the exception of Mrs. Skonieczny who abstained.**

ENGINEER’S REPORT: The Borough Engineer presented Council with an update regarding Beaver Road Culvert change order, which has been signed by the paving company. There was some discussion regarding the paving company being notified that if the project is not completed by the deadline date of May 15, 2015, then Council would proceed to pull their bond.

OLD BUSINESS:

Mrs. Skonieczny inquired about the status of the dedication of Economy Way. The Borough Engineer stated that after the last meeting the Borough Manager forwarded the developer's agreement to the Borough Solicitor for review. It is in the process of preparing the necessary paperwork to provide to Council with an Ordinance for review. The Borough Solicitor stated that the developer needs to have the proper bond(s) in place and supply a Bill of Sale or documentation of donating it to the Borough for \$1.00, as per the developer's agreement.

Mrs. Skonieczny inquired if a thank you letter has been sent to Walmart for the donated tablets and computers to the police department. The Borough Manager stated that it has been sent.

Mr. Fetkovich requested an explanation of budget account numbers 350.010 and 350.100. The Borough Manager stated that account number 350.010 is state aid money for the pension plans, which has been received. The Borough Manager stated that the 350.100 is monies received from the Ambridge Area School District, which a bill for police services has been sent for payment.

NEW BUSINESS:

1. Resident Refund Request - Mrs. Skonieczny inquired about an email that she had received from a resident requesting a refund of \$300.00, which is from a check that was written in July of 2014 for the application review fees for Planning Commission. The Borough Manager explained that the Planning Commission Consultant was requested to make a recommendation of a graduated fee schedule for services to differentiate between various projects. The Borough Manager stated that he erroneously informed the resident that this policy was adopted, however, it was not but was intended to be adopted. There was some discussion regarding whether these fees were billable, which was determined that they were as per our Ordinance. The Borough Manager stated that the resident is not eligible for a refund at this time due to the policy was not adopted. There was discussion regarding the policy being addressed after the beginning of 2015.
2. Compton Heights Plan (Compton Court Drive) Public Water Petition – A petition was circulated by the residents of Compton Heights Plan formally request that the Borough approve their request for public water service. The Borough Manager stated that the Ambridge Water Authority informed the residents that the Borough Council would need to be in favor of the water line project. There was some discussion regarding how a vacant lot would be charged for the fees. There was some discussion regarding that if the Borough does not own the lines then the Borough has nothing to do with a water line project. The Borough Solicitor stated that if it is a Borough road then an easement would have to be granted by the Borough. There was some discussion regarding past practice regarding the tap in fees and if the tap in fees would cover the fees at this time. An assessment charge may be required if the tap in fees do not cover the costs. Mr. Burns requested a set of plans for Council's review prior to work commencing in order to relieve any burden from the Borough.
3. December 23, 2014 Council Meeting Date – There was discussion regarding cancelling the next regular scheduled meeting of Council due the holiday. **After some review, it was the consensus of Council to cancel the December 23, 2014, meeting of Council.** The next regularly scheduled meeting of Council will be on January 13, 2015.

OTHER BUSINESS:

Mr. Burns addressed the concerns that were mentioned regarding the missing previous years Council Minutes on the Borough website. **After some review, the motion of Mr. Fetkovich, seconded by Mr. Bucuren to post seven (7) years of Council Minutes to the Borough website was unanimously carried.**

Mr. Burns requested a list of upcoming board appointments from the Borough Manager. Mrs. Skonieczny stated that she has received an email from Mr. Tom Schroeder expressing his interest in serving on any vacant board positions.

EXECUTIVE SESSION: Mr. Burns requested Council go into Executive Session in regard to personnel matters consisting of ongoing collective bargaining matters at 09:10 p.m.

There being no further business, the motion of Mrs. Skonieczny, seconded by Mr. Burns, adjourn the meeting at 10:30 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Randy Kunkle
Borough Manager