

Economy Borough Council
Council Minutes
June 27, 2017

MEETING was called to order at 6:00 p.m. with Mr. Larry Googins presiding and the following members of Council and officials of the Borough present: Mr. Larry Googins, Mr. Gary Bucuren, Mr. Tom Fetkovich, Mr. Frank Morrone, Mrs. Audrey Mutschler, Mrs. Pat Skonieczny, Borough Manager Randy Kunkle, Borough Secretary Margie Nelko and representing the Borough Solicitor Mr. Joshua Kail, Esq.

ABSENT: Mr. R.J. Burns (Excused)

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

E. REID POWELL REFUSE: Mr. E. Reid Powell presented Council with a letter dated June 27, 2017, regarding the agreement with the Borough for hauling and disposal of residential garbage and recycling. The letter is exercising the provision in the contract giving the Borough a six (6) month notice to terminate the agreement. Mr. Powell stated that he is retiring and that it has been a great relationship dealing with the Borough of Economy for forty-four (44) years without missing a day. Mr. Powell was thanked for all his help and excellent service by Council and the Borough Manager.

RECOGNITION OF VISITORS: Mr. Googins welcomed everyone to the meeting and requested the discussion(s) regarding Borough business be kept to 3 – 5 minutes in length.

HEAR THE PUBLIC: None

MINUTES of the Regular Meeting held on June 13, 2017, were presented to Council. Mrs. Skonieczny presented Council with a correction to page 373, section Ordinance Committee, the second sentence of paragraph 5. Mrs. Skonieczny stated that she did not believe she said “federal aid” and that she would like this reviewed before approval. The Borough Secretary was asked to review the recording and receive approval from Mrs. Skonieczny prior to the adjustment. **After some review, the motion of Mr. Bucuren, seconded by Mr. Fetkovich to approve the Regular Meeting Minutes of June 13, 2017 pending the adjustment was unanimously carried.** After reviewing the recording, it was found that the words “federal aid” should be changed to “Title 8” which was approved by Mrs. Skonieczny and corrected.

FINANCE COMMITTEE: No Report.

ORDINANCE COMMITTEE: Mrs. Skonieczny, Chairperson of the Ordinance Committee, presented Council with an overview of the proposed amendment to Ordinance No. 325. The Borough Solicitor stated that he has reviewed the ordinance and if we have an ordinance then we need an enforcement mechanism with that ordinance. The Borough Solicitor stated that he has concerns regarding having one provision within the ordinance with an enforcement provision and that the rest should be a job description for the Borough Manager, not an ordinance. Mrs. Skonieczny suggested separating it since section 21-14 does not have anything to do with the job description. The Borough Solicitor stated that if this is the case then he would recommend eliminating the Borough Manager’s job

description from the Ordinance. Mrs. Skonieczny stated she was ok with eliminating the job description portion. Members of Council discussed concerns regarding the 21-14 section being too vague and the possible need to define it more clearly to eliminate minor items/tasks such as the office making copies for Council Members which as it stands could be considered a citable offense. The Borough Solicitor reviewed surcharges and how they typically work and discussed the possibility of a resolution instead of an ordinance. Members of Council discussed concerns regarding who would enforce the citations, section 21-14 being too strict and hindering Council and the need to re-write the proposed ordinance so that it can be reviewed in order to make a proper decision. Mrs. Skonieczny stated that she is looking for accountability, that a Council Member, by himself/herself, cannot make a decision that costs the tax payers dollars and undermine the authority of Council on something that Council should have decided to approve or disapprove. Mrs. Skonieczny stated that she is not opposed to removing the Borough Manager’s job description out of the ordinance and amending section 21-14 to provide penalties. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mrs. Mutschler to amend Ordinance No. 325 taking out the Borough Manager’s duties all except portion 21-14 of the codified portion of it, Section 8, provided penalties for the expenditure of taxpayer dollars in a minimum amount of \$2,500.00 without the authority of Council and shall require a fine and/or penalty, plus costs of prosecution, for each such violation or to undergo imprisonment for not more than thirty (30) days for the nonpayment of such fine or penalty and costs was made.** A roll call vote was requested. **A roll call vote was taken of the members of Council present. The motion tied and failed after receiving three (3) affirmative votes and three (3) negative votes. (Mayor Borato was not in attendance to break the tie vote.)**

Mr. Bucuren – Yes
Mr. Morrone – No

Mr. Fetkovich – No
Mrs. Mutschler – Yes

Mr. Googins – No
Mrs. Skonieczny – Yes

Mr. Fetkovich, at the time he voted, stated pending further review. Mr. Googins also stated that he was not able to read the ordinance as stated. The Borough Solicitor requested it be noted that he has not had a chance to review the updated ordinance. Mrs. Skonieczny stated that everyone got a copy of the proposal last week.

PARKS and RECREATION COMMITTEE: No Report.

PROPERTY and BUILDING COMMITTEE: No Report.

PUBLIC SAFETY COMMITTEE: No Report.

Mrs. Mutschler inquired what the criteria is for jake braking along Ridge Road Extension which has a speed limit of 35 to 40 miles per hour. Members of Council discussed the possibility of an ordinance.

PUBLIC WORKS (PW) COMMITTEE: Mrs. Mutschler, Chairperson of the Public Works Committee, presented Council with updates regarding the following issue(s) and requested an executive session to review the contract.

1. **Public Works Bi-monthly Report** – After some review and discussion, this report was ordered received and filed.
2. **Summer Help** – Mrs. Mutschler stated that now is the time to consider part-time help for the public works department. Members of Council discussed the pay rate, amount of work hours, advertising and the hiring process. **After some review and discussion, the motion of Mrs.**

Skonieczny, seconded by Mr. Fetkovich to authorize for part-time help at \$12.00 per hour not exceeding 28 hours a week and authorizing the Borough Manager to make the hiring decision with input from the Public Works Foreman was unanimously carried.

MAYOR’S REPORT: No Report.

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

1. Skonieczny Lawsuit – An update will be given in executive session.
2. Sewage Enforcement Officer (SEO) Re-appointment – The Borough Manager is in the process of acquiring a corrected agreement as per the Borough Solicitor’s recommendations.
3. E. Fitzgerald Retirement – This matter will be discussed in executive session with a possible vote.

ENGINEER’S REPORT – On behalf of the Borough Engineer, the Borough Manager presented Council with the Bid Tabulation Form listing the following bid results for the 2017 Road Improvement Project:

Bidder	Base Bid	Alternate 1	Alternate 2	Total Bid
Shields Asphalt Paving	\$401,922.80	\$44,357.00	\$67,350.50	\$513,630.30
Youngblood Paving, Inc.	\$416,626.00	\$46,348.00	\$70,234.00	\$533,208.00
El Grande Industries	\$493,927.00	\$48,910.00	\$76,416.00	\$619,253.00
A. Folino Construction, Inc.	\$495,426.60	\$49,470.50	\$76,388.50	\$621,285.60
Morgan Excavating	\$518,172.00	\$52,272.80	\$81,106.80	\$651,551.60
Michael Facchiano Contracting, Inc.	\$566,477.50	\$56,122.00	\$88,012.00	\$710,611.50

The Borough Engineer has reviewed the six (6) bids received for the 2017 Road Improvement Project with Shields Asphalt Paving being the low bidder and recommends approving the same. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Fetkovich to accept the Borough Engineer’s recommendation to award the Base Bid and all of the Alternate Bids for the 2017 Road Improvement Project to Shields Asphalt Paving in the amount of \$513,630.30 was unanimously carried.**

OLD BUSINESS:

1. Bonding for Borough/Employee Dishonesty Rider – The Borough Manager explained to Council that the type of bonds being considered is different than what has been discussed during other meetings. The bonds being considered do not require any collateral due to they are not performance bonds. The Borough Manager stated that PIRMA is quoting the lowest fees for the bond amounts Council discussed at the prior meeting and can proceed with approval from Council. Members of Council discussed whether this is bonding the position or the individual, who files the application(s) and if there is a background check. The Borough Manager stated he would acquire more information on what is needed to proceed.
2. Assistant Code Enforcement Services – The Borough Manager presented Council with an update regarding the applicants and the interviews that were conducted on June 26, 2017. The Borough Manager and the Committee recommend offering the position of Assistant Code Enforcement

Officer to Mr. Daniel Burns subject to a background check. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mr. Fetkovich to extend employment to Mr. Daniel Burns for Assistance Code Enforcement Officer starting upon a favorable background check at a starting rate of \$12.00 per hour was unanimously carried.**

3. **2006 F350 Diesel Pickup Truck (Trk 6) Disposal** – The Borough Manager presented Council with an over view of this matter and inquired if Council wished to fix the truck for a better price or to sell the truck as is. Members of Council discussed the past and current problems with the truck and whether fixing it would bring the value under/over the blue book value. The Borough Manager recommended using Route 422 Sales should Council decide to sell the truck as is. **After some discussion, the motion of Mr. Bucuren, seconded by Mr. Morrone to authorize the sale of the 2006 F350 Diesel Pickup Truck through Route 422 Sales was unanimously carried.**
4. **Fee Resolution** – This matter is still on hold due to input from the Planning Commission has not yet been received, no update at this time.
5. **Petty Cash Policy** – This was forwarded to the Finance Committee for review, no update at this time
6. **Traffic Calming Study (Harmony Road)** – The Traffic Calming Committee will be making a recommendation after the upcoming Committee Meeting.
7. **Ambridge Water Authority Agreements (AWA)** – This matter is pending.

NEW BUSINESS:

1. **Borough Building Generator Maintenance** – The Borough Manager presented Council with a quote in the amount of \$1,921.68 received from Cummins Inc. for a three (3) year maintenance agreement for the generator for the office and public works department buildings. Members of Council discussed concerns regarding this agreement not covering repairs should the generator fail and requested a price list for repairs. **After some review and discussion, the motion of Mr. Morrone, seconded by Mrs. Mutschler to accept the Cummins Inc. Maintenance Agreement in the amount of \$1,921.68 was unanimously carried.**

OTHER BUSINESS: The Economy Borough Municipal Authority Minutes of May 16, 2017 were distributed to Council.

EXECUTIVE SESSION: Mr. Googins requested Council go into Executive Session regarding a personnel matter, a contractual matter and a litigation update at 8:21 p.m., as per the motion of Mr. Fetkovich, seconded by Mr. Bucuren.

On the motion of Mr. Morrone, seconded by Mr. Bucuren to reconvene at 9:45 p.m. was unanimously carried.

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

1. **E. Fitzgerald Retirement** – **After some discussion, the motion of Mrs. Mutschler, seconded by Mr. Morrone to approve the payment to Earl Fitzgerald for his vacation days (92% prorated) and four (4) personal days was unanimously carried.**

There being no further business, the motion of Mr. Bucuren, seconded by Mr. Fetkovich to adjourn the meeting at 9:47 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 Minutes of June 13, 2017 pending adjustment.
2. Failed motion for a proposed amendment to Ordinance No. 325, included a roll call vote.
3. Approval to advertise for part-time summer help.
4. Award the 2017 Road Improvement Project to Shields Asphalt Paving.
5. Approval to hire an Assistant Code Enforcement Officer.
6. Approve the disposal of the 2006 F350 Diesel Pickup Truck.
7. Accept Cummins Inc. Maintenance Agreement for the generator.
8. Approve payment to E. Fitzgerald for vacation and personal time.