

Economy Borough Council  
Regular Meeting Minutes  
August 09, 2016

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**MEETING** was called to order at 7:00 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, Mrs. Audrey Mutschler, Mrs. Pat Skonieczny, Mayor David Poling, Borough Secretary Margie Nelko, representing the Borough Solicitor Mr. Joshua Kail, Esq., and Borough Engineer Mr. Scott Shoup.

**ABSENT:** Borough Manager Randy Kunkle (Excused)  
Mr. R.J. Burns (Excused)  
Mr. Frank Morrone (Excused)

**OPENING PRAYER**

**PLEDGE OF ALLEGIANCE**

Mr. Tom Fetkovich entered the meeting at this time (7:05 p.m.)

**FIRE REPORT:** Assistant Fire Chief Ted Brickner, on behalf of Fire Chief Thomas, presented Council with updates regarding the Economy Volunteer Fire Department. Mr. Brickner reported that after the department completed extensive training, the Pierce Ladder Truck was put in service since June 1, 2016.

**POLICE REPORT:** No Report.

**PUBLIC WORKS (PW) REPORT:** No Report.

**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:

Scott Musgrave of 101 Alva Lane, Baden  
JoAnn Borato of 2001 Conway Wallrose Road, Freedom  
Ray McClellan of 196 Shaffer Road, Sewickley  
Adam Benford, representing PennEnergy Resources Inc.

**HEAR THE PUBLIC:**

JoAnn Borato was present to express concerns regarding recitation of the Lord's Prayer at meetings, towing and the police contract negotiations. Mrs. Borato reviewed a letter (dated 2015) from the ACLU to the Municipality of Monroeville regarding discontinuing prayers at a public meeting and that maybe a moment of quiet contemplation to enable everyone to pray to whatever higher power they chose would be better. Mr. Googins stated that this was decided as a group of Council and we are not asking the audience to participate. The Borough Solicitor stated that there are two (2) different things involved, one is a preference/comfort and the other is a legal standard. The legal standard was addressed in a recent case and the Borough is not in any violation. Mrs. Skonieczny stated that she carried the newspaper article of the Supreme Court ruling for approximately a year in case it was questioned. Mrs. Skonieczny explained that she believes the distinction is that the ACLU is referring to a prescribed "Our Father" and that we choose to say "Our Father" not prescribe it. There was some discussion regarding anyone that feels uncomfortable during the prayer may feel free to

leave and return afterwards, as is the same with any member of Council, which is the freedom of it all. Mrs. Borato expressed concerns regarding towing, which at a prior meeting it was explained that during a non-emergency, the person involved in the accident has the right to choose and request a particular towing company. Mr. Googins stated that he has discussed this issue with Chief O'Brien and there are two (2) towing companies that have shown interest in working within the Borough. The officers have been instructed to advise the parties or party involved in a non-emergency situation that they can choose one of these two (2) companies or any other company they wish. Mrs. Borato expressed concerns regarding the discussion of Mrs. Skonieczny being able to participate in the police contract negotiations at a prior meeting and that there was abstaining from minor issues during meetings but now during contract negotiations it is ok. The Borough Solicitor stated that this has been addressed and explained that there was unwanted perception. Mrs. Skonieczny stated that she was advised by Counsel to abstain during those various times because her son was part of the police department. Now, after reviewing this issue again with the Ethics Commission, the answer is the same. Mrs. Skonieczny is entitled to participate in the contract negotiations and vote, which she intends on doing as is her right to do so.

Ray McClellan was present to express concerns regarding large trucks on Shaffer Road and feels there is a need for two (2) "No Truck" signs. There was some discussion regarding "No Truck" signs for Shaffer Road. The Mayor suggested that this be addressed by the police department. Mr. McClellan said the blacktop was done nicely but it won't hold up with these large trucks traveling on it. There was discussion regarding this road having a weight limit of 10 ton and that the signs should have the proper wording.

Mike Lucia (not signed in) was present and stated that the signs will not help on Shaffer Road. There are signs all over Lovi Road and Golden Grove Road that are not being enforced. Mr. Lucia also thanked Mrs. Borato for bringing up the Lord's Prayer. Mr. Lucia stated that he feels obligated to stand during the prayer and that he does not feel that he should have to leave the meeting just for Council to recite the Lord's Prayer, which could be done before the public meeting.

Adam Benford, representing PennEnergy Resources Inc., was present to give Council an update regarding where PennEnergy is with scheduling and submitting a Zoning Permit application with the Borough. Mr. Benford also requested authorization from Council to have an open discussion with the Borough Solicitor regarding a proposed Strict No Service Lease for the thirty-three (33) acres of Borough owned property. There was some discussion regarding how a permit could have been given by DEP prior to the fifteen (15) days for the Borough to respond.

Scott Musgrave was present to express concerns regarding the approval of the Northview Estates Plan of Lots No. 5-Revision at the June 12, 2016 Council Meeting. Mr. Musgrave stated that it was his understanding that Council did not review the plans but approved the subdivision upon the recommendation of the Planning Commission and that Planning Commission recommended approval based on their consultant's review of the subdivision. The consultant informed Mr. Musgrave that he was unaware that you are not permitted to land lock a lot in Economy Borough. Mr. Musgrave reviewed history behind the creation of this parcel and how it became part of 230 Dogwood Circle. Mr. Musgrave explained that when he built his house he was required to have frontage on a municipal road. The parcel in question was purchased by 230 Dogwood Circle which was fine because it was an addition to the property which has municipal road frontage. Mr. Musgrave presented two (2) sets of drawings that show different property lines. Mr. Musgrave believes that Council may not have been given the correct information prior to a decision being made. Mr. Musgrave reviewed the before plans that state Parcel Y is to be an integral part of Lot 116 and the after plans show the property line was re-established to what it had been when Whispering Pines was established, which is creating a land locked lot of the remaining property that was not sold to 236 Dogwood Circle. Mr. Musgrave stated that there is a private drive that goes to his home and it ends before it gets to the end of his property. The owner of 230 Dogwood Circle (David Poling) stated that this is a separate lot and that he receives a separate tax bill for such. Mr. Poling stated that he has improved the property and is wanting to subdivide it to the abutting neighbors. Mr. Poling explained that he had maintained, plowed, salted and added millings to Alva Lane and he felt he should be reimbursed. Mr. Musgrave acknowledged that Mr. Poling had ingress and egress of Alva Lane as per the previous owner, who gave him use of the lane. The Borough Solicitor stated that the concerns regarding

whether or not Council was presented with all of the information needs to be looked into. The Borough Engineer stated that his company was the firm that did both subdivisions and after being contacted by the Planning Commission consultant, it will be reviewed further. Mr. Googins requested the Planning Commission and both engineers to try and clarify the issues to resolve them. The Borough Solicitor advised Mr. Musgrave that if he felt there is a liability then he should consider hiring his own attorney.

**MINUTES** of the Regular Meeting held on July 26, 2016, was postponed to the next regular scheduled meeting due to the office being short staffed the minutes were not ready for review.

**FINANCE COMMITTEE:** Mr. Bucuren, Chairperson of the Finance Committee, reviewed the Bills Payable entered July 13, 2016 through August 9, 2016, in the amount of \$76,542.34 from the General Fund and in the amount of \$1,149.13 from the Highway Aid (Liquid Fuels) Fund were presented to Council for review.

General Fund

08/09/2016	24978	Voided	Voided	0.00
08/09/2016	24979	Voided	Voided	0.00
08/09/2016	24980	Voided	Voided	0.00
08/09/2016	24981	Voided	Voided	0.00
08/09/2016	24982	Voided	Voided	0.00
08/09/2016	24983	Voided	Voided	0.00
08/09/2016	24984	Voided	Voided	0.00
08/09/2016	24985	Voided	Voided	0.00
08/09/2016	24986	Voided	Voided	0.00
08/09/2016	24987	Voided	Voided	0.00
08/09/2016	24988	Voided	Voided	0.00
08/09/2016	24989	Voided	Voided	0.00
08/09/2016	24990	Voided	Voided	0.00
08/09/2016	24991	Voided	Voided	0.00
08/09/2016	24992	Voided	Voided	0.00
08/09/2016	24993	ADT Security Services	Monthly Security Service-Boro, PW	84.36
08/09/2016	24994	Aflac	Employee ACC Insurance	175.11
08/09/2016	24995	Amcom Office Systems, Inc.	Monthly Copier Maintenance-Pol	103.98
08/09/2016	24996	Animal Control Services	Animal Control Service Fee	550.00
08/09/2016	24997	Approved Toilet Rentals, Inc.	(3) Standard Units w/Hand Sanitizer-Parks	247.50
08/09/2016	24998	Avenue Stores, LLC	Reimb-2015 2nd Qtr. HAB-BPT Taxes	232.20
08/09/2016	24999	Beaver Cty Dept. of Waste Management	2016 Recycling-Brush (30 cy.)-Grass (90 cy.)	337.50
08/09/2016	25000	Bob Sumerel Tire Co., Inc.	Tire Service-PW	2,455.86
08/09/2016	25001	Brickner, Theodore J.	2016 Boot Allowance	99.99
08/09/2016	25002	Building Insp. Underwriters of PA	Building Permit Inspections	60.00
08/09/2016	25003	Clean Care, Inc.	Floor Mat Service-Pol	88.43
08/09/2016	25004	Closing USA LLC	2016 Real Estate Tax Refund	328.05
08/09/2016	25005	Columbia Gas	Monthly Gas Service	2,070.00
08/09/2016	25006	Comcast 0029740	Monthly Internet/Phone Service-Pol	772.50
08/09/2016	25007	Comcast 0029955	Monthly Internet Service-Admin, CEO, PW	105.75
08/09/2016	25008	Costco	Misc. Cleaning Supplies-Pol	360.28

08/09/2016	25009	Coverall North America, Inc.	Monthly Cleaning Services-Admin, Pol, PW	739.00
08/09/2016	25010	DCED Loan Acct.-Commonwealth of PA	2016 3rdd Qtr. DCED Loan-Salt Shed	2,764.55
08/09/2016	25011	Duquesne Light Company	Monthly Electric Service	2,317.47
08/09/2016	25012	Economy Plumbing & Heating Co.	Misc. Operating Supplies-Boro, PW	82.77
08/09/2016	25013	Flint Trading, Inc.	(2) Slow Children Pavement Markings-PW	1,440.34
08/09/2016	25014	FNB Commercial Credit Card	Misc. Purchases-Admin/Pol	1,373.52
08/09/2016	25015	Home Depot Credit Services	Misc. Supplies-PW	69.42
08/09/2016	25016	Incom Supply of Pittsburgh	Misc. Operating Supplies-PW	79.22
08/09/2016	25017	Iron City Workplace Services	Uniform/Rug Services-PW	481.12
08/09/2016	25018	ITC Communications	Telephone Maintenance-Pol	99.00
08/09/2016	25019	JC Ehrlich Co., Inc.	Pest Control Services-Admin, Pol	420.98
08/09/2016	25020	Joseph A. Askar Law Offices	2016 Solicitor Services & Retainer	8,190.00
08/09/2016	25021	Larson Design Group, Inc.	SEO Engineering Services	503.86
08/09/2016	25022	LCA-Lease Corporation of America	Telephone Leasing-Pol	209.81
08/09/2016	25023	M & M Uniforms, Inc.	Uniform Expenses-Pol	109.85
08/09/2016	25024	MDIA	Building Permit Inspections	1,333.60
08/09/2016	25025	MGSoft-Net, Inc.	Troubleshoot Gemini/Old Server-Admin	75.00
08/09/2016	25026	Michael Baker International, Inc.	Planning Commission Consultant Fees	300.00
08/09/2016	25027	Mitel Cloud Services	Telephone Services-Admin, CEO, PW	331.82
08/09/2016	25028	Napa-Station Auto Parts	Equipment Repair Parts-PW	71.99
08/09/2016	25029	Nationwide Employee Benefits	Group Life Insurance Coverage-Admin, PW	373.66
08/09/2016	25030	Occidental Life Insurance Co of NC	Employee Paid Life Insurance	79.14
08/09/2016	25031	PA One Call System, Inc.	PA One Call Services	60.02
08/09/2016	25032	PA Unemployment Compensation Fund	Reimbursable Benefit Charges	767.34
08/09/2016	25033	Power Up Equipment Inc.	Equipment Repair Parts-PW	32.47
08/09/2016	25034	Professional Code Services, Inc.	Building Inspection Services-WVMA	8,320.00
08/09/2016	25035	Prof. Graphic Communications Inc.	Permit Signs (100)-CEO	70.65
08/09/2016	25036	R & S Auto Body	Vehicle Repair Services-Pol	150.00
08/09/2016	25037	Reed Oil Company	Diesel Fuel-PW	961.69
08/09/2016	25038	Reliance Standard Life Insurance	Group Life Insurance Coverage-Pol	343.20
08/09/2016	25039	Russell Standard Corp.	Cold Patch-PW	840.00
08/09/2016	25040	Sewickley Construction Products Inc.	Hancor Pipe Reducer/Couplers-PW	779.63
08/09/2016	25041	Shoup Engineering Inc.	Engineering Services	416.50
08/09/2016	25042	Staley Communication, Inc.	2016 Radio Service Contract-Pol	227.00
08/09/2016	25043	Stanley's Economy Auto Supply	Vehicle Repair Parts/Services-Pol	41.00
08/09/2016	25044	Teamsters Local Union 250	Union Dues-PW	488.00
08/09/2016	25045	Tomaszewski, Raymond	Mileage Reimbursement-CEO	42.77
08/09/2016	25046	Trans Associates Engineering Cons., Inc.	2016 Traffic Signal Srvcs-ConwayWallroseRd/Dunlap Hill	2,697.92
08/09/2016	25047	Verizon S0007576-Business	Monthly Telephone Service-Admin	68.86
08/09/2016	25048	Verizon Wireless-220027085-Laptop	Monthly Telephone Service (Laptop)-Pol	960.38
08/09/2016	25049	Verizon Wireless-902786759-MainCell	Mthly Cellphone Service-Admin, PW, CEO, Fire	385.29
08/09/2016	25050	Vi-HAUS	2016 Monthly Hosting Agreement Fees-Pol	850.00
08/09/2016	25051	W. PA Teamsters Emp Welfare Fund	Monthly Health Insurance-Admin, PW, Pol	26,084.10

08/09/2016	25052	Wex Bank-Sunoco	Monthly Gasoline Usage-Pol	2,170.89
08/09/2016	25053	Wine Concrete Products, Inc.	Catch Basin Risers-PW	267.00
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				76,542.34

Highway Aid Fund

08/09/2016	120	Duquesne Light Company	Mthly Electric Service-Celestial Dr., Satellite Dr.	1,149.13
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				1,149.13

Mr. Googins stated that the office is currently short staffed and that the Borough Secretary is working by herself along with the help of a part-time Office Assistant. Mr. Googins requested everyone’s patience and understanding until the office is back to normal.

**ORDINANCE COMMITTEE:** Mrs. Mutschler, Chairperson of the Ordinance Committee, presented Council with an update regarding a proposed grading ordinance.

**PARKS and RECREATION COMMITTEE:** No Report.

**PROPERTY and BUILDING COMMITTEE:** No Report.

The Borough Secretary presented Council with an update regarding the installation of the windows for the Borough Building. Thermo-Twin had not received the signed contract and down payment after the Borough Manager contacted them to change the trim color. The Thermo-Twin representative is to get back to the Borough Secretary when he returns from vacation to proceed with the necessary paperwork.

Mr. Bucuren stated that the Borough Building sidewalks are in need of repair after the repaving of the parking lot. There was discussion regarding one slab having a piece of metal protruding from the broken area of the concrete.

**PUBLIC SAFETY COMMITTEE:** Mr. Googins, Chairperson of the Public Safety Committee, presented Council with updates regarding the following:

1. **Tactical Vests** – A letter from the Economy Borough Police Officer’s Association was presented to Council several months ago regarding the approval to purchase outer vests. Chief O’Brien will be meeting with the officers to find out what type of vests they are requesting.
2. **Beaver County Tactical Team** – The police department has received a letter from the District Attorney’s office with a proposal agreement for our officers to participate in the Beaver County Tactical Team. We have one member of the police department who is interested in and willing to participate if it is approved by Council. A drawback is that Beaver County will only reimburse up to \$100.00 for each call out and the Borough would be responsible for the remaining expense. There was some discussion regarding whether this is the same for all municipalities and how this would affect the scheduling and overtime. Mr. Bucuren asked whose insurance would cover an officer in the event that he is hurt. Mr. Googins stated that Beaver County’s insurance should but he would look into it further. There was some discussion indicating that having an officer with this training would be beneficial.

**PUBLIC WORKS (PW) COMMITTEE:** No Report.

**MAYOR’S REPORT:** The Mayor discussed the paving complaints that he had received and stated that something needed to be done with future paving projects to avoid the delays that occurred this year. The Mayor informed Council that he has instructed Chief O’Brien that he is able to work six (6) hours and then work two (2) more

hours when he is going to participate at a Council Meeting, which he is not being forced to do, to avoid overtime. Mrs. Skonieczny inquired if this is being done with the Public Works Foreman as well. The Mayor stated that he is not in charge of Public Works. This would need to be addressed with the Borough Manager.

The Mayor addressed the issue of hiring seasonal part-time help for the purpose of maintaining the grounds. There was some discussion that the hiring should have been done earlier in the year. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mrs. Skonieczny to approve placing an ad in the Beaver County Times for part-time seasonal grounds maintenance help at a rate of \$12.00 per hour was unanimously carried.**

**SOLICITOR'S REPORT:** The Borough Solicitor stated that the only item to discuss is the police contract negotiation updates in executive session.

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

1. **Roberts Lane Sewage Planning Module** – The Borough Engineer presented Council with an overview of a proposed sewage planning module for two (2) lots on Roberts Lane past Dean Street that have been, in the past, slated for on-lot sewage. Since that time, sewer lines have been installed throughout this area and the owners of these lots now wish to build homes with grinder systems to pump up along Roberts Lane. The grinder pumps would be owned by the property owners and the low pressure lines would be owned by the Economy Borough Municipal Authority. DEP requires approval from the Municipality for all grinder systems which is why it will need approval at the next meeting.
2. **Dunlap Hill Traffic Signal Pole Easement (Ferguson)** – A proposed necessary easement from Mr. & Mrs. Lloyd Ferguson of 395 Dunlap Hill Road. Mr. & Mrs. Ferguson have agreed to execute the easement for the sum of \$500.00 which the Borough Engineer believes is a fair and equitable amount of compensation. **After some review and discussion, the motion of Mrs. Skonieczny, seconded by Mr. Bucuren to approve payment in the amount of \$500.00 to Mr. & Mrs. Lloyd Ferguson for an easement on their property for the purpose of a traffic signal pole was unanimously carried.**
3. **2016 Roadway Improvement Project** – An overview of the remaining roadway improvement work to be completed was presented to Council, which included the completion of Ridge Avenue and the Borough Building parking lots. The line painting for various roads and the parking lot should be completed within a month.

**OLD BUSINESS:**

1. **Former Employee Life Insurance** – This issue will be discussed in executive session with a possible vote.
2. **Ordinance No. 458** – An Ordinance amending the codified Ordinances of the Borough by amending Chapter 160 Streets and Sidewalks was presented to Council. The Borough Secretary verified that Ordinance No. 458 was adequately advertised as required. **After some review and discussion, the motion of Mr. Googins, seconded by Mr. Fetkovich to adopt Ordinance No. 458 was tabled until further discussion in Executive Session where action will then be taken upon reconvening the regular meeting.** Mrs. Skonieczny stated she was opposed to this Ordinance and presented to Council her reasons by reading the following:

**Ordinance 458**

I am opposed to enacting Ordinance 458 to circumvent Codified Ordinances of the Borough by amending Chapter 160 Streets and Sidewalks. This ordinance permits a majority of council to allow violation(s) of Ordinance 217 by West View Water. Essentially an ordinance permitting council to selectively choose who an ordinance applies to and who is exempt.

Ordinance 458 states West View Water is a local utility, however it does not service Economy Borough nor does it plan to service Economy Borough. The Borough approved construction of the Water Plant and the plans for construction in Tevebaugh was not part of the plans submitted to the Borough at that time. West View Water made application for a Road Occupancy Permit dated December 22, 2015. This permit was for construction of one water transmission line along the northwest berm of Tevebaugh Hollow Road for a length of approximately 360 feet. At some point this changed to installing two different lines of approximately 1800 feet down the center of the road, forcing a road closure. West View Water attempted to explain that it thought a portion of the 1800 feet belonged to Baden, and admitted that it neglected to include the Raw Water Transmission Main and drain line section that is proposed to be located in and along Tevebaugh Hollow Road. This lapse in advising the Borough as to the purpose for these significant modifications to approved construction plans is of concern.

I have nothing against West View Water or their project servicing a neighboring township. However, like everyone else it is subject to ordinances of the Borough. It is the responsibility and duty of the Borough to enforce laws that protect citizens and explicitly differentiate between lawful and unlawful activities within the Borough. I take issue with the majority of this Council deciding to circumvent one Borough Ordinance by enacting another Ordinance that permits violation of the existing Ordinance on a “case by case” basis. Ordinance 458 specifies violations of an existing Ordinance are permitted when deemed “necessary”. Yet no formal policies, or criteria of any kind are established to clearly define what can be construed as “necessary”. Furthermore, required qualifications and firm guidelines for council members, Borough Engineers or Solicitors to determine what constitutes a “necessity” for violating the Borough Ordinance are not defined. It is simply the basis of someone’s opinion as to what is deemed “necessary” and what is “not necessary”.

Ordinance 458 opens a door for corruption and misuse by any majority of current or future councils. Essentially without clear definition it permits subjective opinion to determine who can and who cannot violate the Borough’s Ordinance. This degrades the process of defining Borough Ordinances by setting dangerous precedent that ordinance exemptions may be selectively “For Sale” to high bidders or individuals with certain Connections.

Borough Ordinances define what is permitted, not permitted and how activities must be conducted within the Borough. If Council enacts this ordinance the precedent is set to selectively circumvent any Borough Ordinance in the same manner. Simply stated current and future councils may subjectively apply this rule of law to decide who is bound by established ordinances and who is not. This renders Borough’s Ordinances not worth the paper they are written on. To modify any Borough Ordinances on a “case by case” basis to permit selective violation of existing Ordinances is arbitrary, capricious and unconstitutional.

This exposes the Borough to potential lawsuits and liability. The first entity denied their right to circumvent provisions of an Ordinance under the guise of a “necessity” can take legal action against the Borough claiming subjective enforcement of ordinances and Constitutional Equal Protection violations.

I oppose Ordinance 458 for the above mentioned reasons and ask all members of this Council fully recognize the negative repercussions of such an Ordinance on residents and the Bough’s abilities to legitimately enforce a rule of law. For these reasons, I respectfully request that member of this Council reconsider its decision to enact Ordinance 458 and reject the temptation to permit violation of any Borough Ordinance on a “case by case” basis. Respectfully, I am also requesting a roll call vote to be taken for the record.

Respectfully submitted,  
Patricia Skonieczny  
Councilwoman, Economy Borough

The Borough Solicitor stated that this Ordinance is not allowing a violation but amending the Ordinance to put criteria around this Ordinance for a particular need for a structured approach. Mrs. Mutschler inquired what

the repercussions would be if Ordinance No. 458 is not adopted. The Borough Engineer replied that West View Water Authority is anticipating Council's adoption of this Ordinance to ensure that their contractor would be able to begin work tomorrow and that he was unsure what will happen if it is not adopted. The Borough Solicitor stated that there could be potential liability. Mr. Googins reviewed prior minutes to give an overview of how Council has gotten to this point, which included the motion made at the May 24, 2016 meeting of Council "to amend Ordinance No. 217 giving Council the latitude of a case by case scenario to determine if it is appropriate to close a road(s) with an effective date encompassing this project date was unanimously carried with the exception of Mrs. Skonieczny who opposed." **After some discussion, it was the consensus of Council to postpone action on the motion taken until after further discussion in Executive Session.**

#### **NEW BUSINESS:**

The Borough Secretary explained to Council that after several attempts to log into Gemini (the prior accounting software system) she is unable to gain access and that the error code is in Spanish. The Borough Secretary explained that prior to using Quickbooks, all of the Borough's accounting history, including payroll, is with the Gemini software and if we are unable to access it then we lose the ability to review prior transactions before her hiring period. MGSoftnet is not able to help, because Mr. Scott Fadzen is the creator of Gemini and his company is the only one able to fix problems. Mr. Fadzen has provided a proposal for labor and repairs ranging from \$200.00 to \$800.00 depending upon the extent of the problem(s), with no guarantee that it can be fixed. The Borough Solicitor stated that from a legal stand point, the Borough should maintain access to the history. There was discussion regarding the data being backed up and being able to access it. It was determined that the software is needed to access all of the data (history) and the software is corrupt, therefore, preventing access to the data. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mr. Bucuren to approve the proposal submitted by Mr. Scott Fadzen and authorize the Borough Secretary to prepare a check for these services not to exceed \$800.00 was unanimously carried.**

#### **OTHER BUSINESS:**

Mrs. Mutschler stated that it was brought to our attention that there are non-employees being transported in Borough-owned vehicles. The Borough's insurance company has informed her that only employees, which includes Council, are permitted to be in the Borough-owned vehicles. The Borough Secretary was asked to send a letter to all department heads stating this fact. The Borough Solicitor stated that if it is not in the handbook then it will be harder to discipline the employee responsible.

**EXECUTIVE SESSION:** Mr. Burns requested Council go into Executive Session regarding police contractual matters, personnel matters and to discuss potential litigation at 8:53 p.m., as per the motion of Mr. Fetkovich, seconded by Mrs. Mutschler.

On the motion of Mr. Fetkovich, seconded by Mrs. Skonieczny to reconvene at 9:36 p.m. was unanimously carried and the following topics were discussed:

1. **Police Contract Negotiations** – The Borough Solicitor stated that Council was given updates regarding the contract negotiations, no action required.
2. **Former-Employee Life Insurance** – The Borough Solicitor reviewed the background regarding the request for a life insurance policy payout of \$5,000.00. Noted for the record, it is the opinion of the Borough Solicitor that the individual requesting this payout is not entitled to the \$5,000.00 check at this point. **After some review and discussion, the motion of Mrs. Skonieczny, based on past practice, to approve the request of a \$5,000.00 payout in lieu of a life insurance policy failed due to a lack of second.**
3. **Ordinance No. 458** – The Borough Solicitor stated that this Ordinance is amending the codified Ordinances of the Borough by amending Chapter 160 Streets and Sidewalks. There was a motion made and tabled until after further discussion in Executive Session. It was noted that there was a concern

regarding the second (2<sup>nd</sup>) “Where As” in the Ordinance. **After some review and discussion, Mrs. Skonieczny requested a roll call vote be taken. A roll call vote was then taken of the members of Council present. The motion failed having only received two (2) affirmative votes of the five (5) participating members of Council. Mr. Googins and Mr. Fetkovich voted for the motion.**

There being no further business, the motion of Mrs. Skonieczny, seconded by Mr. Bucuren to adjourn the meeting at 9:35 p.m. was unanimously carried.

Margie L. Nelko  
Borough Secretary

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

1. Approve to advertise for a part-time seasonal grounds maintenance position.
2. Approval of Ferguson Easement for the Dunlap Traffic Signal Pole.
3. Motion to adopt Ordinance No. 458-tabled for further discussion in executive session.
4. Approve the Gemini (Scott Fadzen) repair proposal and authorize payment.
5. Failed motion to approve the request of a life insurance policy payout.
6. Failed motion to adopt Ordinance No. 458.