

Economy Borough Council
Regular Meeting Minutes
August 23, 2016

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 David Poling, Borough Secretary Margie Nelko, and representing the Borough Solicitor Mr. Joshua Kail, Esq.

ABSENT: Borough Manager Randy Kunkle (Excused)

OPENING PRAYER

PLEDGE OF ALLEGIANCE

NON-UNIFORMED PENSION and POLICE PENSION REVIEWS: Mr. William Vescio, of Vescio Asset Management LLC., presented Council with an update and a market commentary of Non-Uniformed Pension Fund and the Police Pension Fund for the First Six Months of 2016. It was noted that the Trustee Names have been updated and are correct on the reports. There was some review and discussion regarding the wire transfers into the Police Pension Fund, which was determined to be the employee contributions.

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
Ray McClellan of 196 Shaffer Road, Sewickley
Adam Benford, representing PennEnergy Resources Inc.
Casey Bowers, representing PennEnergy Resources Inc.
Kevin Szakelyhidi of Bankson Engineers, representing West View Water Authority

HEAR THE PUBLIC:

Ray McClellan was present to express concerns regarding large trucks on Shaffer Road and to ask if the Borough would contact Waste Management to keep the semi and triaxles trucks off of Shaffer Road. This matter would need to be reviewed with Chief O'Brien.

JoAnn Borato was present to revisit the Lord's Prayer and the issues with Tevebaugh Road. Mrs. Borato stated that when the prayer began it was a non-sectarian prayer for good judgement/guidance then it became a very sectarian with the Lord's Prayer, perhaps this could be conducted before the meeting in another room. Mrs. Borato inquired if there was a resolution to the issue(s) brought up regarding Tevebaugh Road. Mr. Burns stated that this is on tonight's agenda for discussion.

Adam Benford, representing PennEnergy Resources Inc., was present to give Council an update of the concerns discussed at the last meeting regarding how a permit could have been given by DEP prior to the fifteen (15) days for the Borough to respond. Mr. Benford and Mr. Casey Bowers both reviewed the background of the permits that have been issued to date.

MINUTES of the Regular Meeting held on July 26, 2016, were presented to Council. **After some review, the motion of Mr. Googins, seconded by Mr. Burns to approve the Regular Meeting Minutes of July 26, 2016, was unanimously carried.**

FINANCE COMMITTEE: Mr. Bucuren, Chairperson of the Finance Committee, presented Council with an update regarding the following items:

1. Treasurer's Report for the month of July 2016, was presented to Council. After some review, this report was ordered received and filed.
2. Budget Report for the month of July 2016, was presented to Council. After some review and the discussion below, this report was ordered received and filed.

Mr. Fetkovich requested a breakdown of line item 332.100 (Forfeiture Monies). The Borough Secretary stated that this is police related and agreed to review it and forward a report to him.

Mr. Bucuren stated that the Borough Secretary has created two (2) new accounts for the 1.9 million dollar PZ Northern Condemnation-Walmart issue to establish a better description. The income line item is 384.100 and the expense line item is 404.315, which was completed after the Borough Secretary reviewed Council's concerns with DCED. There was some discussion regarding adding an attachment to the budget and concerns with the increase/decrease of the budget.

ORDINANCE COMMITTEE: No Report.

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 is scheduled to do a final measurement on August 30, 2016, and the installation is scheduled for September 27, 2016.

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

1. Tactical Vests – Mr. Googins reviewed the background of the letter received in January 2016, by Richard Creese, President of Economy Borough Police Officers Association. After some research, Chief O'Brien determined that the best vest for the department is a level 4, which is a one size fits all lightweight vest with plates in front and back at \$770.00 each. There was some discussion regarding how many are being asked for in regard to one per vehicle or one per officer and how long it will take to get them. Mayor Poling stated that the original plan was to purchase one (1) per vehicle. There was some discussion regarding how the vests are one size fits all and concerns regarding necessary vest adjustments being made during a call due to size differences in the officer(s) on duty at that time. Mrs. Mutschler stated that it would be nice for the next time to have all the complete information first. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mr. Bucuren to approve the purchase of up to ten (10) vests at \$770.00 each was unanimously carried.** Mr. Googins stated that he would gather the information in question and forward it on to everyone.
2. Beaver County Tactical Team – Mr. Googins reviewed the Intergovernmental Agreement for the Beaver County Emergency Services Unit that was received from the District Attorney. Beaver County will only reimburse up to \$100.00 for each call out and the Borough would be responsible for the remaining expense. The Mayor stated that in the past when our department participated it was voluntary and that this may not go over well with the residents if we are paying our officer at time and half to work for another entity. There was some discussion regarding insurance coverage and that Beaver County does not want the liability of insurance coverage for the participants and the possibility that the Borough insurance may not cover because the officer(s) would be working for another department. There was some discussion regarding an officer already being called out for participation on July 13th and August 11th. The Borough Solicitor was asked to look into the proposed Intergovernmental Agreement and the concerns discussed.

Mayor Poling stated that a review of how the twelve hour (12 hr.) work shift is working with saving on expenses. This was set up for a six (6) month trial basis which the Mayor believes is going to work out.

PUBLIC WORKS (PW) COMMITTEE: No Report.

MAYOR'S REPORT: The Mayor reviewed complaints he has received regarding the old school house near the polling place on Route 989 and Shaffer Road and the dilapidated houses throughout the Borough.

The Mayor presented Council with a recommendation to allocate any gas lease monies received to the community by updating the parks and recreation areas.

The Mayor proposed purchasing the Borough Manager a laptop which would permit him to help with the budget preparations and keep up with his emails while he is off. There was some discussion regarding the prices of laptops and whether internet service will be an issue or not to use the laptop. **After some review and discussion, the motion of Mr. Morrone, seconded by Mrs. Mutschler to authorize the Borough Secretary to purchase a laptop, not to exceed (up to) \$800.00, for the Borough Manager and authorize MGSoftnet to conduct the set up service was unanimously carried.**

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

1. **Police Contract Negotiations** – The Bargaining Unit is going to file the administrative paperwork in order to meet the deadline requirements to be eligible for arbitration, should the need arise.
2. **West View Water Authority (WVWA)/Tevebaugh Road** – The Borough Solicitor stated that he has spoken with the Solicitor for WVWA and has reviewed the Ordinance extensively due to some confusion related to it. The Borough Solicitor stated that it is legally permissible for WVWA to get a street opening permit as long as they keep within the purviews of the Ordinance. The Borough Solicitor reviewed the following questions/statements with Mr. Kevin Szakelyhidi, of Bankson Engineers, who was present to represent WVWA.
 - a. Mr. Kail asked WVWA if they needed to close the road in order to create a situation that is believed to be necessary and reasonable to maintain the safety of the area. Mr. Szakelyhidi stated correct.
 - b. Mr. Kail asked WVWA if the term “closing down the road,” means that during the day local traffic will be able to get to their residence and will be able to use portions of the road. Mr. Szakelyhidi stated correct.
 - c. Mr. Kail asked WVWA if emergency vehicles will also be able to use portions of the road. Mr. Szakelyhidi stated correct.
 - d. Mr. Kail asked WVWA if the road will be passable for emergency vehicles and local traffic. Mr. Szakelyhidi stated that is correct.
 - e. Mr. Kail asked WVWA if the road will be open to the general public at night. Mr. Szakelyhidi stated correct.
 - f. Mr. Kail asked WVWA whether the project is actually up the street on the right side and down the center. Mr. Szakelyhidi stated that depends which way you are looking at the road. The Borough Solicitor stated yes, as per the perspective it will be on one of the sides.
 - g. Mr. Kail asked WVWA if the opening will be crossing the lines in a couple of places. Mr. Szakelyhidi stated that there is one definite crossing just beyond the entrance to the plant at a ninety degree (90°) angle and the others are at an angle on/off the road.

- h. Mr. Kail asked WVWA if at the time the crossing is made, will it be able to be filled on the other side of the road. Mr. Szakelyhidi stated yes.
- i. Mr. Kail asked WVWA if when going down the road at a longitude direction, it will not be open more than two hundred-fifty feet (250 ft.) at a time. Mr. Szakelyhidi stated correct.
- j. Mr. Kail asked WVWA if a bond has been issued and at what dollar amount. Mr. Szakelyhidi stated yes and at \$42,800.00.

The Borough Solicitor stated that he has reviewed the bond and it has no legal issue(s). With this being said, the Borough Solicitor has covered all the points of the Ordinance and has found that WVWA and Rudzik Excavating, Inc. would be in compliance with the Ordinance when shutting down the road as long as they stay within the parameters of the Ordinance. The Borough Solicitor stated that from a legal standpoint, there is no reason to deny WVWA a road opening permit, therefore, he recommended approving the bond in order to be able to issue a permit. **After some review, the motion of Mr. Morrone, seconded by Mr. Burns to approve the Rudzik Excavating, Inc. Street Opening Bond in the amount of \$42,800.00 as submitted was unanimously carried.**

- 3. **PennEnergy Lease Agreement** – The Borough Solicitor presented Council with the background of his review of the agreement and discussion(s) with PennEnergy. It was noted that there will be nothing above ground (no pipes or wells) and that the agreement clearly states this with an attachment that supersedes any other portion of the agreement. It is recommended that further discussion regarding the lease agreement be discussed in executive session. Mrs. Skonieczny stated that there are quite a bit more items that she would like to discuss other than the surface rights because it is a very extensive complicated lease. There was some discussion whether this is a subject can be discussed in executive session. The lease will be discussed in executive and if more time is needed for review then it can be decided at that time.

ENGINEER’S REPORT – A Resolution regarding Roberts Lane Sewage Planning Module was postponed until the next regular scheduled meeting of Council because the Borough Engineer was unable to attend the meeting.

OLD BUSINESS:

- 1. **Part-time Seasonal Grounds Maintenance Hire** – The Borough Secretary reviewed the applications received with only one being submitted by the deadline. Mr. Fetkovich expressed concerns regarding it being late in the season to hire and that there needs to be due diligence in obtaining background information on the applicant(s). Mrs. Mutschler expressed concerns regarding the expense of having the public works department maintaining the grounds compared to the expense of a part-time position. There was some discussion in regard to reprimands needing to be made if the employees are unable to do the work. There was discussion regarding the new hire possibly handling snow removal, building maintenance and such, should the applicant prove to be a good worker. **After some review and discussion, the motion of Mrs. Mutschler, seconded by Mrs. Skonieczny to move forward with the hiring process for the applicant (who met the deadline) for the part-time seasonal grounds maintenance position at \$12.00 per hour not to exceed 25 hours a week subject to a successful background check being made. A roll call vote was requested. A roll call vote was taken of the members of Council present. The motion passed after receiving four (4) affirmative votes of the seven (7) participating members of Council. Mr. Burns, Mr. Fetkovich and Mr. Morrone all voted against the motion.**

NEW BUSINESS: None

OTHER BUSINESS:

Mrs. Mutschler inquired who was responsible for the line painting in the Borough parking lot. The Borough Secretary stated that she believed it is Shields Asphalt Paving, which should have been included in the 2016 Roadway Improvement Project along with a few other roads within the Borough and that she would look into it.

Mr. Morrone requested an update regarding the pole lights along Economy Way. The Borough Secretary stated that R.E. Yates was called to repair the row of light poles on Economy Way and that she would call again in the morning.

EXECUTIVE SESSION: Mr. Burns requested Council go into Executive Session regarding contractual matters, at 8:15 p.m., as per the motion of Mr. Morrone, seconded by Mr. Burns.

On the motion of Mr. Morrone, seconded by Mr. Burns to reconvene at 8:45 p.m. was unanimously carried and the following topics were discussed:

1. PennEnergy Lease Agreement – **After some review and discussion, the motion of Mr. Morrone, seconded by Mr. Googins to accept the PennEnergy Lease Agreement in the amount of \$2,000.00 per acre subject to legal review was unanimously carried with the exception of Mrs. Skonieczny who opposed.**
2. Gemini Software – Mr. Googins presented Council with an update regarding the issues that have arisen with the old accounting software (Gemini). It was explained that the program itself has been temporarily repaired and that in order to open/read any of this data the program must be operable. The purpose of having the data accessible is to be able to access the historical records (prior to 2014) when researching different items/issues. There was some discussion regarding the need for an old component to completely repair the program in order to be able to transfer it and all of the data to a hard drive on the newer server. The Borough Secretary stated that Mr. Scott Fadzen feels that if a copy of the old component can be found then it may fix the program errors. He is willing to attempt to locate an old component to see if it will work. In doing this step, the data will be able to be kept longer without the fear of the computer crashing and access to the data lost. There was some discussion regarding if MGSoftnet was able to transfer/save the data. Mr. Fadzen created/owns the Gemini Software. Therefore, it is not compatible with other software nor can it be tampered with/repaired/adjusted by any other company/person. The Borough Secretary was asked to contact MGSoftnet to look into capturing the data.

There being no further business, the motion of Mr. Fetkovich, seconded by Mr. Morrone to adjourn the meeting at 9:10 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

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

1. Approve the Minutes of July 26, 2016.
2. Approve the purchase of up to ten (10) tactical vests.
3. Approve the purchase of a laptop for the Borough Manager.
4. Approval of the Rudzik Excavating, Inc. Street Opening Bond (West View Water Authority).
5. Approval to hire for the part-time seasonal grounds maintenance position, included a roll call vote.
6. Motion to accept the PennEnergy Lease Agreement.