

**Economy Borough Council  
Meeting Minutes  
9 Apr 2019**

**MEETING** was called to order at 7:00 pm by Council President Brian Westrom, also present were Mrs Pat Skonieczny, Mr Gary Bucuren, Mr Frank Morrone, Mr Tom Fetkovich.

**ABSENT:** Mrs Audrey Mutschler  
Mr RJ Burns

**MOMENT OF SILENCE.**

**PLEDGE OF ALLEGIANCE**

Prior to the public portion of the meeting Ms Allison Fearon from the Allegheny Land Trust made a brief presentation about the upcoming Big Sewickley Creek Watershed project that will be taking place, in part, in Economy Borough. The Trust would like the Borough to appoint the Manager to the Big Sewickley Creek Watershed – Rivers Conservation & Stewardship Plan Study Committee and is requesting a donation of \$3,500. There will be a Watershed Festival May 5<sup>th</sup> at the Bell Acre’s fire hall.

**RECOGNITION OF VISITORS:** Mr Westrom welcomed everyone to the meeting and requested the discussion(s) regarding borough business be kept to 3 – 5 minutes.

Mr Casey Bowers from Penn Energy (PE) made a presentation about the B50 well pad off Amsler Ridge Road. 1<sup>st</sup> he pointed out that PE provided council with a binder of information about the project that included answers to the 46 questions (provided by Steve White). 2<sup>nd</sup> he addressed the route to the well pad being the safest and shortest with the least adverse impact. 3<sup>rd</sup> he talked about the road repairs – full depth reclamation, straightening, widening, fixing the slide, guide rails and ditch clearing. 4<sup>th</sup> he addressed traffic control either through temporary traffic lights or flaggers, and 5<sup>th</sup> he addressed the heavy hauling and excess maintenance agreement that is in place and administered by the Borough.

Steven White, 475 Amsler Ridge Rd, asked the Solicitor why the upcoming meeting is being referred to as a forum when Council motioned for a Public Hearing. The response was the motion will likely be changed. Residential roads should not be used for well drilling traffic. He attended the last Planning Commission meeting and they had no plan or timeline to address the Zoning Ordinance concerning well drilling. The Commission gave no consideration to the people who live in the area; Council needs to direct them to prohibit drilling as a permitted use, keep trucks off residential roads, keep wells out of residential areas and put industrial uses in the proper zone. He also mentioned these sites will be in use for 50 years, that Council should deny the permit (over weight vehicle) and

the recycled liquids are unsafe and radioactive. Mayor Borato clarified that open pit liquids are not radioactive.

Lisa Marucci cautioned there are cases of illegal storage of hazardous materials. Jefferson Hills adopted a similar ordinance to Economy's in 2013 and are currently re-writing their ordinance because of the Supreme Court rulings. A property owner is suing based on the new ordinance taking away his ability to make money. Changes to land use have to be done appropriately, you can't have a special use for a single land owner, and you have to locate activities appropriately.

McClelland, 196 Shaffer Road. Recycled water goes into tanks, not ponds. The Borough is benefitting financially from the Penn Energy lease, which helps prevent tax increases. Many older residents on fixed incomes need the royalties to pay their bills and there is no reason why they can't use that road.

Sara Pinel, 114 Fairview Avenue, is running for Controller and would appreciate everyone's support.

Linda Stanley 139 Winterset Rd, her family owns Valley Realty and it is well known that property values go down near gas wells, in part due to air quality and health issues. Frack wells have many violations, go to Frack Tracker for more information. Fracking may be the reason many people have developed Ewing's Sarcoma, a potentially fatal disease. A few people are making money off the drilling but many more could loose when property values go down.

Chad Zutter, 100 Zutter Ridge, contends property values go up in the vicinity of gas wells due to the overall economic impacts of well drilling and the downside is temporary.

Kasi Devinney 484 Amsler Ridge Rd stated she wants a "Hearing" to have everything on the record. Her concern is the road and it not being the access. PE sent letters out stating the recipients are the only one left to sign a lease. She stated she's been lied to and wants everything to be put on the record.

Solicitor Askar defended Council as doing more than they have to and operates openly.

Karen Ott, 1400 Merriman Rd, stated Mr Askar is running the meeting and doing most of the talking yet he was not elected to do this. Mr Askar stated he is not running the meeting but is making sure council is fairly represented when they are being attacked. In addition, both sides have threatened to file suit, therefor it's better for Council not to say too much. Mrs Ott questioned why Mr Askar was doing most of the speaking and Council says almost nothing, causing frustration. She referred to the paper Council was given earlier, particularly that no industry is to be given special treatment and wants to know if that is what is happening here and wants Mr Askar's opinion on it. Mr Askar stated since the case is ongoing, he is giving no credence to what has occurred to date; there has been

no decision. Mrs Ott questioned why people are being referred to the Planning Commission when it's Council who changes ordinances. Mr Askar stated that once appointed they are independent, and Council can only make recommendations to them. The Planning Commission should be aware of what is going on in this regard. Council is moving forward and checking all of its options and is why Mr Fetkovich originally motioned for a Public Hearing.

Mr Fetkovich stated he used the terms forum, hearing and informational session and Q&A interchangeably. There was talk of PE having an invitation-only event with certain people from a certain proximity who could come in and ask questions; he felt this was advantageous to PE, and he wanted a level playing field for everyone in the Borough. He wanted something neutral where everyone in the Borough could participate, with an open informational Q&A session but didn't understand there were certain legal ramifications to the term "Hearing". The intent was to bring people together for a Q&A session. Moving forward he was not sure what the right terminology is but the intent was to allow everyone to find out more information. The term "Hearing" confuses people and has different meanings to different people, and whatever the meeting is called it should be recorded.

Mrs Ott requests the Borough send information out to residents explaining what is going on. For example, what can go on in the different zones. She stated the people in Economy have no clue as to what is going on.

Mrs Skonieczny asked the Solicitor, since the Planning Commission is a separate entity and they won't know what Council wants unless they are told, what will happen if they don't do it. Mr Askar sent a procedural email to Council that he would like to talk about in executive session. Typically Planning Commissions cooperate with governing bodies and will look at it.

Mayor Borato stated she was at the last Planning Commission meeting and they are looking into it.

Bill White, Bell Acres and lives within the "red" zone, stated Bell Acres is limiting drilling to industrial zones.

Brian Warren, 133 Hickory Drive, stated the Borough is acquiescing to what PE wants, whereas other municipalities are looking into changing their ordinances. He and others will file a challenge to the validity of the current ordinance. Mrs Skonieczny is in favor of changing the ordinance.

Laurel Beitsinger, 488 Amsler Ridge Rd, due to the well site they now live in a higher risk area and they also received a letter from PE stating they are the last resident who hasn't signed a lease. She wanted to know what is PE's ten year plan? Could it be they want to take over Orchard Estates and make it a larger industrial area?

Mrs Skonieczny asked why PE is sending more than one letter to residents stating they are the last one to sign a lease? Mr Bowers apologized for the letter, which wasn't approved by PE but rather a landman. He doesn't want any leases signed under false pretenses.

**Minutes:** March 26, 2019. **Motion by Mrs Mr Morrone, seconded by Mrs Skonieczny, to approve the minutes, all voted aye.**

**Committee Reports:**

**Public Works:** Mr Burns was not present.

**Parks & Recreation:** Mr Fetkovich stated Breakfast with the Easter Bunny took place last Saturday and it went very well.

**Ordinance:** Mrs Skonieczny sent some information to the Solicitor regarding the two-step process and he is reviewing it.

**Public Safety:** Mr Bucuren received a call earlier in the day stating there was a pretty bad fight between two girls at the Jr High and the Resource Officer was not available. He feels we should have a backup for days like that.

**Property and Building:** Mr Morrone had nothing to report.

**Personnel:** Mr Westrom is now on the HDPro account at ADP so his committee will be able to start working on the Employee Handbook.

**Finance:** Mr Kunkle mentioned everyone should have a copy of the list of bills and if there were any questions, he would answer them. The bills cover the period from March 13<sup>th</sup> through April 9<sup>th</sup> in the total amount of \$160,715.50. **Motion by Mr Bucuren, seconded by Mr Morrone to approve the bills, all voted aye.** Mr Bucuren recused himself from the Public Works bills due to his brother works in the department.

**Mayors Report:** Mayor Borato went over some of the highlights for the month of March and the report is available in the Borough Office.

She recalled at the March 12<sup>th</sup> meeting Council gave conditional approval to add a camera for the soft cell and an additional camera at the yard waste site, provided an appropriate line item could be identified. The original estimate was \$1800; the actual price is \$2,327 and would come out of line item 410.740 computer equipment and maintenance. **Motion by Mr Bucuren, seconded by Mr Morrone, to purchase the two cameras for \$2,327, all voted aye.**

Mayor Borato read a letter from a teacher regarding the School Resource Officer, Jason Woods, which will be made part of the record. It reflected the outstanding work he is doing, as do all of the officers on a daily basis.

Mayor Borato handed out a letter from John Campbell, President of the Veteran's Memorial Committee, requesting the Borough donate \$3,200 to have Elite Hard Surface Restoration to clean and seal the pavers and retaining wall. This can be paid for out of line item 453.300, Veteran's Memorial, where there is \$6,000. **Motion by Mr Fetkovich, seconded by Mr Morrone, all voted aye to approve the \$3,200 requested by the Veteran's Memorial Committee, all voted aye.**

**Solicitor:** Mr Askar will be meeting this week with Attorney Kail to go over the BIU building trap issue, as attorney Kail previously worked on this issue.

Solicitor Askar is waiting to receive a revised agreement from Code.Sys to add a time limit to the agreement and provide a way for the borough to terminate early if it is not satisfied. He will have an agreement for Council to consider soon.

Mr Askar has filed a pre-trial statement in which it is noted Walmart's tax appeal is for a 50% reduction of their 2018 taxes. The taxing districts are waiting for a date for the pre-trial conference before Judge Fouse. The three taxing jurisdictions should hire an expert to appraise the building; to do this we need the consent of the owners to walk through the building and to see some other documentation that will help our case. Each jurisdiction should share in the cost of the appraisal, probably 1/3<sup>rd</sup> each. He will keep Council informed.

Mr Askar provided Council with a review of ordinance 440 (gas and oil well drilling) and provided a procedure to follow, which is consistent with the Municipalities Planning Code (MPC). He also provided an attorney client privileged document pertaining to his opinion based on the Robinson case, the Supreme Court cases (but not the Jefferson Hills case as this has not been decided). There is a solid outline in the State of how the Courts will decide cases like this, including the experts involved. He will get with the Ordinance Committee to go over what changes to Ordinance 440 might be made and make a recommendation to Council.

Mr Askar revisited the issue of having a "Hearing" or informational meeting/forum/meet and greet with residents and PE. He clarified that Mr Fetkovich's use of the term "Hearing" meant more than what he realized at the time including it would be a much more formal process with a stenographer and questions would be limited to certain parties. Since then Mr Fetkovich stated to Mr Askar several times that his intent was to get everyone together so everyone can be heard, and Council is well informed about all of the issues beyond things that have been stated. Mr Fetkovich stated that is the case and he is willing to change his motion. **Motion by Mr Fetkovich, seconded by Mr**

**Bucuren, to change the meeting from a Hearing to a Question and Answer session/informational meeting, all voted aye.**

Mr Askar mentioned the recent discussions concerning the two newest hires in the Public Works Department, Brandon Sipes and Raymond Andrews, to waive the 90 working day provision of the contract, which will allow them to become union members sooner. He and Mr Gaston, the Secretary for Local 250, drafted a Memorandum of Understanding (MOU), see attached. **Motion by Mrs Skonieczny , seconded by Mr Fetkovich, to accept the MOU, all voted aye.**

**Borough Engineer:** Mr Shoup reported GeoMechanics finalized their engineering report on the slide on Cooney Hollow Road. It's no surprise the cause is Pittsburgh Redbed clays coupled with the wet weather last year. The good news is the clay is not very thick. Their recommendation is to build a rock buttress or rock embankment beginning at the bottom, which would be eyed into the bedrock and built up with R-4 rip rap, it's a steep slope. In order to move forward Council could have Public Works do the work or put it out to bid. He suggested a meeting with the Public Works Foreman, the Geotech engineer, himself and members of the Public Works Committee to go over the work to be done and determine if this is something that can be done in-house, which can be done in the next 2 to 4 weeks. Council agreed to this approach.

The Green Forest pipe replacement project went out to public bid, Council has the results. The low bidder is Youngblood. The Borough is scheduled to purchase the pipe through the COG and we'll do the paving at the end. Mr Askar asked if the Engineer feels he's a responsible bidder, the answer was affirmative. **Motion by Mr Bucuren, seconded by Mr Morrone, to award the Green Forest drainage project to Youngblood in the amount of \$9,850, all voted aye.**

Mr Askar asked if Council had voted to hire a Geotech to evaluate Penn Energy's Geotech report, Council had not. Garven Bower and Beitko bid \$1798.76 and GeoMechanics bid approximately \$3,900. **Motion by Mr Fetkovich, seconded by Mr Bucuren, to hire Garvin Bower and Beitko not to exceed \$1,798.76, all voted aye.**

The Janicki Subdivision was discussed a month ago and it was discovered there is nowhere to turn around at the end of the public portion of Herr road. The Janicki's have proposed a 100 foot right of way, on which a 40-foot gravel turn around would be installed by them. This too would require a modification in that normal cul de sacs are 80 feet wide and paved. The Borough would own and maintain the turn-around. Mr Askar asked if the Borough has considered vacating its portion of the road? It has not. Janicki's consultant will take this idea back to them.

The 2019 Road Improvement Plan is recommended as follows: The southern end of Mary Reed Road, Gross Drive and Clearview off Mary Reed. Alternate roads include: the southern end of Firethorn, Hamilton Court and three roads in Sunset Hills. There are also

roads to be tar and chipped. A written recommendation will be distributed in a day or two.

#### Old Business

AWA Fire Hydrant Bills. Three reports that AWA provided over the last year were given to Council. Council wants an itemized breakdown of the hydrant bills.

#### New Business

EBMA manhole damage bill. Mr Westrom stated the Borough should not pay this bill. Mayor Borato, as Vice Chair of the EBMA, agreed and was not aware the bill was being sent to the Borough. The Authority had the opportunity to locate its manhole covers and didn't. When the cover was first paved over the Authority should have demanded they be uncovered. They should have looked at the 'as-builts' and gone out with a metal detector. The Manager will send a letter explaining the Borough's position.

The Bogati Plan of Lots is cleaning up three lots by eliminating two property lines and creating a new one resulting in two lots. **Motion by Mrs Skonieczny, seconded by Mr Morrone, to approve the Bogati Plan of Lots, all voted aye.**

Mayor Borato mentioned the Chief's new vehicle arrived and she would like a brief Executive Session for a personnel matter.

**Motion by Mr Fetkovich, seconded by Mr Morrone to go into Executive Session, all voted aye.**

**Motion by Mrs Skonieczny, seconded by Mr Bucuren, to close the Executive Session and adjourn, all voted aye.**

Submitted by

Randy S Kunkle  
Borough Manager