

**Economy Borough Council
Meeting Minutes
14 May 2019**

MEETING: was called to order at 7:04 p.m. by Council President Brian Westrom.

ROLL CALL: – Audrey Mutschler, Gary Bucuren, Brian Westrom, R.J. Burns, Frank Morrone, Tom Fetkovich, and Mayor Borato

ABSENT: Pat Skonieczny

MOMENT OF SILENCE:

PLEDGE OF ALLEGIANCE:

Prior to the public portion of the meeting Mayor Borato stated that Chief O'Brien would like to make a presentation along with District Attorney Lozier of the proposal for Automatic License Plate Readers. Cameras would be placed on light poles on Route 65, entrance of Northern Lights Shopping Center. These would be stationary cameras mounted on the poles and power operated by the posts. We are hoping we will be able to share Wi-Fi from surrounding businesses or will have to inquire getting a Wi-Fi supplier.

These cameras will help with real time investigation, for instance if there is a retail theft at Walmart the vehicle goes through the intersection the license plate is recorded along with any other detail such as a bumper sticker, or any other distinct markings. These cameras are only used for investigations and not for any other purposes such as traffic violations including speeding and running a traffic light. It is recorded in Clean System that is regulated by the State Police. This network records who and when they go into the system to look for information. Only designated police officers will have access to this system. Cannot be looked at to get even with someone, or an ex-wife to see if any violations occurred.

Chief mentioned a success story back in July 2017 that there was a bank robbery at Huntington Bank on a Saturday afternoon. Police had to knock door to door to see if anyone saw anything suspicious. One house had a camera on their porch, and we were able to obtain a fuzzy picture of a car and license plate. With the help of other business cameras, we were able to follow the path and found the car at the end of Sewickley Bridge. Three people were convicted on three separate bank robberies including the one in July 2017.

We received two estimates one for \$14,300 and the other for \$14,400. District Attorney's office will give \$5,000.00 towards the cost and we are going to ask the other businesses located at Northern Lights Shopping Center to kick in the rest and for the maintenance fee and membership fee for the network. These fees are as follows:

- \$2,000/yr. – for the membership fee for the network
- \$ 500 - Maintenance fee – starting 3rd year annual maintenance fee
- \$50-\$100 – a month for Internet if we cannot piggyback off another business.

There will be a misuse policy set up at the police department which will include a log sheet with name, date, time, and who are they looking for and for what incident.

Mrs. Mutschler stated for the Chief to talk to businesses at Northern Lights to see how much they will pay for the above and then come back to Council to make a motion for the balance needed to move forward.

Mayor Borato asked District Attorney Lozier she has a 4th Amendment concern with the cameras. Mr. Lozier stated he understands and that it has balance responsibilities. Not for speed or running lights, only used for purely law enforcement activities. As stated above Chief will control which officers have access to the system and an audit will be performed on who has access. Data is not permanent – stores data for 30 days not a permanent record and can only be used by law enforcement.

Each Borough will need to decide who they want the Right to Know Officer to be. Again, this information is only used for investigations it is to protect the privacy of individuals. Either someone in their department or it can be Mr. Lozier that is up to the Borough to determine.

Mrs. Mutschler – When looking at these two estimates you are not comparing apples to apples. SCSI only shows 3 cameras the other shows 4 with the price being near the same.

Mr. Lozier – stated the cost would be about \$1,500.00 less and only be around \$13,000 for the SCSI quote.

Mr. Burns – stated he just wanted to make sure they are not used for traffic violations.

Mr. Lozier – Cameras will not be used for traffic violations only investigations.

Mr. Fetkovich – asked why it is only held for 30 days is it because of the function of capacity.

Mr. Lozier -stated yes it depends on the capacity of the recorder it is not a database.

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

Roger Kowal stated he had 3 points.

1. Medfast, at Northern Lights Shopping Center, leaks in their building what are we doing about it? Is it safe? What are the plans with the shopping center?
- 2.

Mrs. Mutschler stated that she talked with Jake Thomas and it was not a leak but the air conditioner condensation causing the small leak dripping in a bowl. Northern Lights needs to reapply for a demolition permit. The other one expired approximately 6 months ago.

3. Ambridge Fire Hydrant Fee – Why are we paying this fee to Ambridge? There was an agreement and we sold this line to Ambridge we should not be paying for anything. Should be Ambridge Water Authority responsibility, it is their lines.
4. A representative from Council needs to attend monthly school board meetings to see what is going on. School board wants to raise school taxes by 2.5-3 mills.

Mayor Borato – suggested everyone to investigate House Bill 76 and State Bill 76, eliminates school taxes and increases taxes by 1%. Will help elderly. Everyone needs to contact their representatives.

Nancy Lebec 1808 Overlook Drive -Read a letter and is in the office

I am here this evening because of the February 12th and March 12th Borough Council minutes regarding the subdivision of the Janicki property. Please note, I am not here to object to the subdivision. My purpose for being here is to gain greater clarification about the possible road vacation as stated on the agenda.

Mrs. Lebec asked, “How will the subdivision of this property and a possible road vacation impact Herr Road which is adjacent to her property?”

Due to the shape and slope of my property which is adjacent to Herr Road, future home building plans indicate the ideal location of an entrance to that property is off Herr Road. Will I continue to have access to this property via Herr Road? This road has been a Borough Road for the 52 years that we have lived here. This “possible road vacation” decision has a direct impact on the value of my property.

There is a storm drain which was installed by the Borough several years ago located at the upper end of Herr Road adjacent to my property. Is the Borough currently responsible for maintenance of this storm drain? With the “possible road vacation” of Herr Road who will now be responsible for the maintenance of this drain?

What is the process for the Borough to notify me of any changes to properties and roads that are adjacent to my property? What is the process of due diligence? Why have I not been notified about this “possible road vacation” that is adjacent to my property?

Borough Engineer – Discussion of Herr Road would require notification to the property owners regarding vacation of the road.

Steve White, 475 Amsler Ridge Road asked if Penn Energy’s zoning permit expired on 4/25/19. If they did not ask for an extension they would have to reapply. Just like a demolition permit, would have to reapply. I believe it expired in April. With conditional use council would have some input and council can investigate it.

Borough Engineer stated waiting on Geotech report that will be filed next week. On 4/16/19 Penn Energy submitted additional information on Amsler Ridge Road. On 4/25/19 Penn Energy asked for an overweight permit and is still waiting to receive this under evaluation and will be available at the next meeting in two weeks. Penn Energy is waiting to hear about receiving the overweight permit.

Mayor Borato – That area is a permitted use area.

Steve also suggested a camera position at Amsler Ridge Road would be great to see all the disruption and accidents that this drilling is causing.

Kasi Devinney, 484 Amsler Ridge Road also stated that a Borough representative needs to be at the school board meetings. Senate Bill 34 can save your district over a million dollars.

Walmart tax break was there something sent to the School District.

Solicitor Askar stated the school legal council will investigate that.

Asked if council approved on a meeting for the input of the residents. Is the meeting scheduled so the residents can have their input about using Amsler Ridge Road?

Mrs. Mutschler – Refresh my memory what was the intentions for having that meeting? Steve gave us a list of questions and all them were answered and are in the blue binder. Steve White never received the answers to these questions from the book.

Planning Commission did address these issues at the Planning Commission meeting pertaining to the list of questions/answers of Steve White.

Kasi asked if these questions/answers have public Access. Steve has done a lot of work, but all of us have other questions. Meeting date was kicked around a lot of different dates.

Tom Fetkovich – 4 dates were kicked around, he was not able to attend any of those dates, along with other council members now we are looking at early July.

Solicitor Askar - is there a tentative date we can give to the school to schedule a meeting.

Mrs. Mutschler We would be spending taxpayer's money to advertise, secretary taking notes, quorum must be there.

Brian Westrom – Answers to the questions would be available at the Borough office after they fill out a right to know request.

Kasi said she is not against fracking just not in a residential area. If the information was presented to us a lot of frustration would have been stopped a long time ago.

Ron Mullins – question about the 8 well sites on the pad. How long does it take to drill? I heard it takes 6 months is that correct?

Mrs. Mutschler – These questions should have been addressed when Penn Energy wanted to have a meeting with the residents around Amsler Ridge.

Casey Bowers – Penn Energy has an approved zoning permit that has not expired. Action on this heavy haul permit on 4/16/19. Penn Energy submitted to the Borough a signed and sealed drawing and lag way. Penn Energy wants to be treated like anyone else that applies for an overweight permit. Glad to hear there will be quick action. As time goes on, we are losing construction season, Penn Energy followed all the rules of the ordinance. Entitled to equal protection under the law. Followed all the rules and have not been notified of any deficiencies on what has been submitted.

Mayor Borato asked Randy if others applied and were given the heavy haul permit. Randy answered 3 applied.

Rosanne Holcolm – On her mailbox she received a flyer regarding Penn Energy purchasing a plot of land on Amsler Ridge Road. On this it states to come to the meeting at the Borough Building on May 14, 2019 at 6:00 p.m.

Solicitor Askar – asked does it have the Borough letter head on it? Rosanne answered no and Solicitor Askar stated she would have to contact whose name is on the deed grantor/grantee.

Mrs. Mutschler – look at the deed been vacant for years and years. Letter did not come from the Borough. Transfer of deed was listed in the Beaver County Times a few weeks ago.

Minutes: April 9, 2019 Motion **by Mrs. Mutschler, seconded by Mr. Westrom, to approve the minutes, all voted aye.** Mr. Burns recused himself from voting on the minutes because he was absent for that meeting.

Committee Reports:

Finance: Mrs. Mutschler take note on the bills Markl Supply Company Bullet proof vests must pay up front. Chief will apply for the grant and we usually receive half the funds.

Mayor Borato said this was credited to the wrong line item in the budget should be credited to 410.190

Motion by Mrs. Mutschler, seconded by Mr. Morrone to approve bills, all voted aye.

Budget report will be filed in Borough Office.

Mrs. Mutschler – requested Executive Session – two personnel issues

Public Works: Nothing to Report

Mrs. Mutschler – part time summer help grass cutters. Drew was supposed to come back this summer but received another job offer with Penn Dot.

Ted made a recommendation of R.J Rice Part time summer help 30 hours average/week at

\$12.00/hr. Motion by Mrs. Mutschler, seconded by Mr. Burns to hire R. J. Rice for part-time summer help, all voted aye.

Parks and Recreation: Mr. Fetkovich mentioned in the newsletter that the first movie night for the summer will be on June 21, 2019 Paddington 2, July 18, 2019 The Sandlot, and August 16, 2019 Home Alone.

Fireworks last year was a big success.

New basketball hoops at Recreation Park. Road crew is doing an excellent job in taking care of the parks.

Ordinance: Mrs. Skonieczny absent.

Mrs. Mutschler - Fine tuning feral cats' ordinance as an addendum one already in place or separate. Did talk with Jake on verbiage of old ordinances to put aside and the Planning Commission will look at gray areas on verbiage of old ordinances.

Public Safety: Mr. Bucuren nothing to report.

Property and Building: Mr. Morrone is waiting on someone to install the doors on the public works building.

Personnel: Mr. Westrom two personnel issues, to hire a full time PW employee and a part time Code Enforcement Officer. Narrowed down candidates. Interviews to be scheduled.

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

Additional school resource officers – is off the table currently. Jason Woods, Resource Officer has been busy over the last few years and it is increasing.

2016/2017	19 arrests
2017/2018	14 arrests
2019	40 arrests

Requested Executive session – Personnel issue.

Asked for the Civil Service List to be repopulated. Change the Civil Rule to graduate by a certain date so these new candidates would be eligible for testing. Police Department would like to have a bigger pool of applicants to choose from. Need to extend the date to include graduation class.

Solicitor Askar stated can set up a conference call with Mr. DiCenzo and the Chief to see if changes can take place.

Solicitor: BIU payment for building trap will be discussed at next meeting in June

Code.Sys Agreement – made requested changes with end date and able to terminate contract at will. Contract is sound. **Motion by Mrs. Mutschler, seconded by Mr. Fetkovich, all voted aye to approve Code Sys as an additional inspector.**

Walmart Assessment – No movement since pretrial statement

Mr. Askar do need to get a date for public meeting/Penn Energy. Casey Bowers does not want to miss any windows for construction, pick a meeting date today.

Have a public forum for people to voice concerns, Geotech to decide Heavy Hauler Permit, and up to Council to make the decisions. Geotech to determine viable use of Amsler Ridge Road to Penn Dot specs for utilization. Borough Engineer and Geotech to clarify what is possible or what is not.

Mr. Askar advised Council to schedule public forum with Mr. Bowers and Mr. White, wants to make sure date is scheduled.

Mr. Askar – Penn Energy agreement has nothing to do with issuing permit waiting on Geotech and Borough Engineer these are two separate issues.

Mayor Borato – If we are waiting for Geotech and there is no deficiency in report why have a meeting. This meeting will cost the Borough for advertising, overtime for Secretary, Mr. Askar's time, and making sure there is a quorum. Mrs. Mutschler agrees with the Mayor.

Mrs. Mutschler made a motion to remove the public meeting, with no second motion. Motion dies.

Mr. Burns Last year tried to make part of Conway Wallrose Road Commercial, was shut down because of more traffic. Amsler Ridge Road will not be able to handle continuous well trucks.

Mrs. Mutschler: Study is done. The road department is aware of it. If it is too bad, shut the road down, can't afford to fix it. Must go either from the trailer park down or go down on the other side.

Mr. Burns – Trucks will be running 24 hours a day; it will be loud. Dust will be everywhere. I have neighbors there.

Mrs. Mutschler – You cannot deny access to the road. Trucking the water out of there.

Casey Bowers – Water will be trucked not going to the pond.

Mr. Burns – Heavy Haul Permit – Blanket permit that is our code

Mrs. Mutschler – You can only update code from now to the future

Mr. Burn – Wishes there was another way to come up

Mr. Bucuren – Meeting date will not stop that – still going to happen. Permit is to get up there and bring the roads up to spec. Penn Dot 189 if they put a bond on that road our code allows it.

Mr. Westrom – Schedule a meeting date of July 1 or 2, 2019

Borough Engineer: Janicki subdivision – establish a public cul-de-sac right away dedicated to the Borough to see how they feel fit. Herr Road – dedicated by the Janicki’s. 100’ diameter right of way. **Motion by Mr. Bucuren, Seconded by Mr. Fetkovich per Shoup recommendation on lot #2 at the Borough’s discretion. Borough to maintain, all voted aye.**

Cooney Hollow Slide- Geotech proposal 4/26/19 on sight meeting. Review Borough doing remediation project. Ted Brickner felt comfortable doing project. Geomechanics, Inc will provide supervision and inspection to public works on project per proposal in the office in the amount of \$11,430.00. Ted to receive quotes for cost of excavator to rent for two-week rental, will need 450 ton of R4 Stone roughly \$12,000. Will need easement right a way for property from owner. **Motion by Mr. Morrone, seconded by Mr. Bucuren to accept proposal of GeoMechanics, all voted aye.**

MS4 Annual Update – Explained to Borough Council and the public several matters concerning the Borough’s Municipal Separate Storm Water System (MS4) Permit. Audit was performed by DEP earlier in the Spring and the items identified in the audit as deficiencies and measures to be taken to improve upon the deficiencies. Explained each of the six Minimum Control Measures (MCMs) required of the Borough under the MS4 Permit and some of the items that are being addressed under each MCM. Questions were raised about washing of Borough’s vehicles, inspection of outfalls and stormwater fees and each were addressed.

Mayor Borato – Can I please have someone look at the storm drain at the corner of Ann and Beaver Road always seems to block up.

Old Business:

AWA hydrant payment email from Michael Dominick. Mr. Westrom concerning the \$9,000 late fee. Wants to know if the figure emailed has any other late fees tied into it. Breakdown of any other late fees. Borough feels Ambridge Water Authority did not honor their part of the contract yet.

Mrs. Mutschler – pay bill minus the late fees.

Mr. Askar – Recommends a resolution. Should not pay late fees, because the water authority did not live up to their end of the contract. Can put on the check “payment in full” **Motion by Mr. Fetkovich, seconded by Mr. Morrone to pay Ambridge Water Authority bill minus the \$9,000 late fees with an explanation, all voted aye.**

New Business: 2019 Road Paving Plan – out to bid. Shoup Engineering provided a **Recommended Streets for Contracted Milling and Paving Budget** will be in the office. **Motion by Mr. Fetkovich, seconded by Mr. Bucuren to go out for bids on this project and have bids for the June meeting, all voted aye.**

Public meeting stopped at 9:13 for Executive Session

Executive Session ended at 10:12 p.m. Personnel Police Matter and Borough Office Discussion on Cottrill Arbutina, all voted aye.

Public Session resumed at 10:12 Motion by Mr. Fetkovich, seconded by Mr. Burns to hire either Cottrill Arbutina or MaherDuessel regarding Quick Books/Journal Entries. Randy to make the decision, all voted aye.

Adjournment: 10:16 p.m. Motion by Mrs. Mutschler, seconded by Mr. Bucuren to adjourn meeting, all voted aye.

Respectfully submitted,

Sandy Dean
Borough Secretary

Motions

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