

**REGULAR SESSION \*\* ECONOMY BOROUGH COUNCIL \*\* FEBRUARY 14, 2012**

Council President Larry J. Googins called the meeting to order at 7:00 PM in Council Chambers of the Economy Municipal Building to conduct business of general purposes.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Courtney B. Barthelemy, Esq., Gary Bucuren, RJ Burns, Donald Sivy, Dr. Gregory T. Trecha, Larry Googins

**ABSENT:** Michelle Sovich-Lapinski-Family Medical Emergency

**ALSO PRESENT:** Nick Urick, Esq., Scott Shoup, P.E., P.L.S., Randy S. Kunkle, Borough Manager

Mr. Googins introduced Jim Blumling, Economy Borough Planning Commission Chairman and Roberta J. Sarraf, AICP, Planning Consultant. Mrs. Sarraf gave an update on the Marcellus Shale issues and an overview of H.B. 1950, P.N. 3048, Chapter 33: Local Ordinances Relating to Oil and Gas Operations.

**HEAR THE PUBLIC:**

Mr. Googins opened the meeting to the public; give name and address for the record; restricted to borough business; try to be 3-5 minutes; addressing Council.

Mike Lucia, 416 Golden Grove Road, reported on the proposed budget discussed at the last Ambridge Area School District (AASD) meeting; 70% of the budget goes to salaries and benefits for the teachers; debt service for the new school is \$5,000,000 every year; 20 mills of tax for the debt service every year until paid off; another AASD meeting tomorrow and urges people to attend. Mr. Googins reported he talked with Mr. Urick about the AASD issue; it does affect Economy Borough residents; as per the Borough Code, there is very little as a Council that can be done; the AASD Board is elected by the residents; as far as what Council can do as a Council except to keep informed and abreast of what is going on, believes that issue is a residents issue with the AASD Board; asked Mr. Urick to comment. Mr. Urick reported as it stands there is nothing that directly authorizes Borough Council to act on behalf of the taxpayers in that manner that Mr. Googins has indicated; it is an issue for the taxpayers. Mr. Googins reported Council will talk more with Mr. Urick, Mr. Fouse and Mayor Poling on this issue and see if there is anything Council can do other than keep aware of what is going on and attend the meetings.

Sal Boboth, 105 Timber Ridge Drive, asked what would happen if residents requested reassessments due to the taxes. Mr. Googins reported residents may want to get together and have a meeting to discuss what they might want to do as residents to put pressure on the AASD Board.

Jason Phillips, 308 Brookside Drive, feels this subject needs to be pursued more aggressively; spoke with Mike Walsh, PA Dept. of Education about options; looking for a leader with a voice to create change; someone on Council or Mayor Poling. Mr. Urick reported in terms of what the law says in order to make some type of change you have to have a group or a person; somebody who has standing to bring the claim or bring the suit or take that legal action; his understanding is that the Borough does not have the legal ability or standing to go

into court and say we want something changed; it would be the taxpayers of the borough to bring about that change by filing a claim, etc.; directed attention to the school code that would provide some guidance as to how the taxpayers and inhabitants of Economy Borough would need to proceed effecting some type of change.

JoAnn Borato, 2001 Conway Wallrose Road, reported Mayor Poling is spearheading something to try to move Economy Borough into the Freedom Area School District (FASD); looking for support on his Facebook page; asked the people to rally behind Mayor Poling; a concern for taxpayers of Economy Borough; it is affecting the future value of property; rally behind Mayor Poling to move to the FASD; will be beneficial to everybody. Mr. Googins reported Mayor Poling did send him a package; briefly read through it; 50% of the residents would petition the school, etc.; it is a resident issue to petition the school board; personally he views that the residents elected the school board; the people have to task the elected school board to what they were put on for; does not feel Council would like it if the school board would tell us how to run Economy Borough; it will be hard to get organized. Mrs. Borato reported this is concerning to everybody; need to do what we can; will start to see petitions circulated by people like herself; feels Mayor Poling will have other people; agrees it does have to go through the school board.

Butch Thompson, 116 First Street, asked the status of putting the Council meetings live on a website. Mr. Googins reported Council is still looking into this.

Mr. Kunkle reported he read the school code mentioned; to switch from school district to another would take a lot of work; a lot of data to be collected about both districts; people need to be aware of this if it is accurate; whatever the amount of debt that is attributable to our population, his interpretation is that we would continue to pay; people need to know if this is accurate or not going into this. Mrs. Borato reported she thinks that could be wrong that it is the amount of debt per student transfers with the borough to the new school district. Mr. Kunkle reported there is language that talks about it; we need to understand what that means. Mr. Googins reported as residents of the borough we need to keep involved with what is happening there.

Celia Janosik, 305 Hoenig Road, read a statement on H.B. 1950 being signed into law and preempting zoning everywhere; reported forums on fracking issues at the Sewickley Public Library, 7:30-9:00 PM on March 12, 2012 and at the Shaler Library, 6:30-8:00 PM on March 15, 2012. Mrs. Janosik reported she would not want to separate out from the AASD; the state wants the school districts to combine; thinks it would be horrible for the AASD students. Mr. Googins reported that is why it needs to be studied.

#### **MINUTES:**

***MOTION by Mrs. Barthelemy, seconded by Mr. Sivy – to approve the Minutes of the January 24, 2012, Regular Session of Council, as written. CARRIED UNANIMOUSLY***

#### **COMMITTEE REPORTS and OTHER BUSINESS:**

#### **PUBLIC WORKS:**

Dr. Trecha reported the break down for the 2011 in house paving; 1.65 miles of roadway was paved; total cost including materials, trucking and labor was \$25,406.09; Shoup calculated if contracted out it would have cost \$33,160.00, saving 23% doing the work in house. Mr. Googins reported Beth Burns asked for this information.

***MOTION by Dr. Trecha, seconded by Mr. Bucuren – authorizing Earl Fitzgerald to continue gathering information on the purchase/lease to own of the dump truck that was budgeted in the 2012 budget to replace the 1995 Ford F350, authorizing the sale of the 1995 Ford F350 and depositing the money into the General Fund. CARRIED UNANIMOUSLY***

Questions on the Motion: Mr. Bucuren verified this would be lease to own. Mr. Burns verified the truck to be replaced is the 1995 Ford F350; reported it is in bad shape; reported Walsh Equipment in the industry is known as the most expensive place to buy equipment because they deal with municipalities a lot; suggested Super City or Allegheny Ford. Dr. Trecha reported there is no commitment to buy from Walsh; looking for the best deal; Walsh participates with COG. Mr. Bucuren suggested J & J for the body. Dr. Trecha reported Council could go with J & J, Super City, etc.; can go with who they want with that respect. Mr. Googins reported it is already passed in the budget the purchase of a vehicle; looking to pursue that vehicle without actually purchasing it. Mr. Burns reported he would like to get prices from Super City, J & J, Walsh, and Allegheny Ford; knows the truck needs replaced Mr. Googins reported the Public Works Committee will come up with the information to recommend to Council.

### **PARKS and RECREATION:**

Mr. Bucuren reported the Recreation Board discussed a 5K Race, Basketball and Volleyball Camps, Golf Outing and a CPR Class/Blood Drive; no dates to report yet; meeting next week.

### **PUBLIC UTILITIES:**

Mr. Burns reported a meeting will be scheduled with the Public Utilities Committee and Mary W. Hrotic, General Manager, Ambridge Water Authority.

### **PROPERTY and BUILDING:**

Mr. Sivy reported he has had a request and asked Mr. Kunkle to have the custodian install basketball nets on the municipal property basketball courts; and re set the clocks in Council Chambers.

**PUBLIC SAFETY:** No Report

### **FINANCE COMMITTEE:**

Mr. Bucuren asked for questions on the list of bills. Mr. Burns verified that the 3 expenditures under Executive Body (\$1,068.81), Randy; General Government (\$1,068.81), Sue and Public Works (\$8,550.48), Road Department to the Western PA Teamsters & Employers Welfare is the health insurance bill for non uniformed employees.

***MOTION by Mr. Bucuren, seconded by Dr. Trecha - to pay the list of bills as listed from January 11, 2012 to February 14, 2012 - CARRIED UNANIMOUSLY.***

**MAYOR'S REPORT:** No Report

### **MANAGER'S REPORT:**

**1. Planning Commission Ordinance and Member Selection:** Mr. Kunkle reported discussed over the years the possibility of reducing the Commission from 9 members to 7; under the MPC it can be from 3 to 9 members; one way to lower the number is through attrition; at the present time have 3 seats that came to an end

at the end of 2011; the opportunity to carry through with reducing it is available to Council; it is up to Council to decide if they in fact want to go from 9 to 7. Mr. Googins reported he talked to Mr. Urick and Mr. Fouse about it; to reduce the number on the Planning Commission from 9 to 7 Council would need a motion to amend the current ordinance (Ord. #8 from 1958 and Ord. #331) to reflect the current membership in Planning; Ord. #8 needs to be updated; to reduce the members from 9 to 7 would require a motion from Council to amend or re write the current Ordinances # 8 & #331 to reflect the reduction from 9 to 7.

***MOTION by Dr. Trecha, seconded by Mrs. Barthelemy – to amend or rewrite Ordinance #8 and Ordinance #331 to reduce the Planning Commission from 9 to 7 members.***

Question on the Motion: Mr. Bucuren asked Roberta Sarraf if the input that the current 8 members are putting out is good. Mrs. Sarraf reported it is very good. Mr. Bucuren reported if the members drops to 7 Council taking away 1 less person that is giving input; asked if it is a money reason this is being discussed to reduce to 7. Mr. Googins reported the discussion has come up with Council over the past year about whether 9 is needed; personally does not think it is solely the money; there is compensation involved which would reduce the cost; might have been part of the discussion. Mr. Bucuren believes when the members are cut down, input is taken away from the Planning Commission; believes the more input the better the Commission would work for Council. Mr. Burns agreed with Mr. Bucuren. Mr. Googins reported he knows Ord. #331 was stated to increase the Planning Commission from 5 to 9 was to set up committees; 3 committees of 3; that was never carried out; believes that was the reason to increase. Mr. Bucuren reported he would like to see it stay the same as what Council has now; maybe next year someone would say they don't want to be reappointed; this would drop it down and Council could slowly go that route; thinks the 8 people in there now are doing a good job and we need to continue to have their input. Mr. Burns agrees with Mr. Bucuren that it needs to stay the same; they feel they need 8 people; Economy Borough will have a lot of commercial development coming soon; needs to stay at 8 people. Mrs. Sarraf suggested this would broaden the perspective if 9 were appointed. Mr. Googins called for any other questions. Mr. Burns asked why Council feels it should generally be reduced. Dr. Trecha reported Council runs Economy Borough with a 7 member Council; does not think the efficiently is significantly increased going from 7 to 9; at some point it becomes to many members and it becomes redundant with voices/opinions; on the other hand you don't want to have a small committee either; don't want to have a dictatorship type situation; thinks the efficiency can be maintained with 7 over 9; a \$1,200 savings; Council is always looking at the budget; does not think it will be a significant impact on the Planning Commission; Council runs the entire borough with 7; does not believe you need a committee that has more members than the Council. Mr. Burns reported it has run fine; they have people that are on the Planning Commission now that say they feel it needs to be 9; basically Council is not listening to them. Mr. Googins reported there is a motion on the floor and called for any other questions on the motion and a Roll Call:

**ROLL CALL VOTE:**

Mrs. Barthelemy – Yes

Mr. Bucuren – No

Mr. Burns – No

Mr. Sivy – Yes

Mrs. Sovich-Lapinski – Absent

Dr. Trecha – Yes

Mr. Googins – Yes

Motion carried by a 4 Yes, 2 No, 1 Absent Vote.

Mr. Googins reported there are 2 positions on the Planning Commission that need to be filled; information was sent out to Council regarding people who wished to be on the Planning Commission; 4 individuals asked to be on Planning Commission: David Carlson (term expired 12/31/2011), Audrey Mutschler (term expired

12/31/2011), Helen Pane (term expired 12/31/2011), and Chad M. Pcsolyar asked to be on the Planning Commission; we have 2 positions that are unfilled or expired; asked Council to name 2 of the 4 they would select to fill the 4 year term vacancies by Roll Call:

Mrs. Barthelemy – David Carlson, Chad M. Pcsolyar  
Mr. Bucuren – David Carlson, Audrey Mutschler  
Mr. Burns – David Carlson, Audrey Mutschler  
Mr. Sivy – David Carlson, Chad M. Pcsolyar  
Mrs. Sovich-Lapinski – Absent  
Dr. Trecha – David Carlson, Chad M. Pcsolyar  
Mr. Googins – David Carlson, Chad M. Pcsolyar

David Carlson – 6 Votes  
Chad M. Pcsolyar – 4 Votes  
Audrey Mutschler – 2 Votes  
Helen Pane – 0 Votes

Mr. Googins reported David Carlson and Chad M. Pcsolyar would fill the vacancies.

Mr. Googins reported Mr. Kunkle received an email from Bob Hideck, Recreation Board Chairman, verifying that Tom Smith has not been attending meetings for over a year; would suggest that this position held by Tom Smith on the Recreation Board be declared vacated by motion.

***MOTION by Dr. Trecha, seconded by Mrs. Barthelemy – to declare the position of Tom Smith on the Recreation Board vacated. CARRIED UNANIMOUSLY***

Mr. Googins reported Council needs to select members to fill the expired and vacated positions on the Recreation Board; 2 positions, 1 expired December 31, 2011, and 1 vacated that was just declared. Mr. Googins reported persons interested in these positions are Earl Fitzgerald, Beth Markovitz, Renee Raymer, James Sas, Mary Jo Sivy, Meagan Trimbur; asked Council to name 2 of the 6 they would select to fill the 1 expired and 1 vacated potions on the Recreation Board by Roll Call:

Mrs. Barthelemy – Beth Markovitz and James Sas  
Mr. Bucuren – Beth Markovitz and Meagan Trimbur  
Mr. Burns – Beth Markovitz and Meagan Trimbur  
Mr. Sivy – Beth Markovitz and James Sas  
Mrs. Sovich-Lapinski – Absent  
Dr. Trecha – Beth Markovitz and James Sas  
Mr. Googins – Beth Markovitz and James Sas

Beth Markovitz – 6 Votes  
James Sas – 4 Votes  
Meagan Trimbur – 2 Votes  
Earl Fitzgerald – 0 Votes  
Renee Raymer – 0 Votes  
Mary Jo Sivy – 0 Votes

***MOTION by Dr. Trecha, seconded by Mrs. Barthelemy – to appoint James Sas to the 1 Year Term and Beth Markovitz to the 5 Year Term on the Recreation Board. CARRIED UNANIMOUSLY***

Mr. Googins asked Mr. Kunkle to notify the various persons of the above positions.

Mr. Bucuren reported it was talked about a few meetings ago that when somebody was recommended to go back on to a board or commission, to be reappointed; thinks it is personal issues that took over; thinks it is sad.

**REPORTS:**

**SOLICITOR:**

Mr. Urick reported he has two items for Executive Session; litigation matters with no votes.

**ENGINEER:** No Report

**SECRETARY:** No Report

**NEW BUSINESS:**

Mr. Googins reported there will be an informational meeting on February 22, 2012 at 6:30 PM at CCBC to discuss issues that are imperative to disaster preparedness in local municipalities.

Mr. Googins reported the PSAB Annual Conference & Exhibition will be April 29 – May 2, 2012 at Seven Springs Mountain Resort; contact Mr. Kunkle if Council wishes to attend to conference to represent Economy Borough Council.

Mr. Googins asked Council for any New Business.

Mr. Sivy reported attending the COG Care meeting regarding health care. Mr. Googins reported COG Care is a plan put together by 3 COGs with a provider that could possibly reduce health care costs; the presentation was how it was developed and started; there are 12 COG involved in it now and 25 municipalities; some are saving significant money.

**HEAR THE PUBLIC II:**

Mr. Googins reported he would open up the Hear the Public Part II at this time for questions about business of Council discussed during this meeting addressed to Council.

Butch Thompson, 116 First Street, discussed the appointments to the Recreation Board.

Steve White, 475 Amsler Ridge Road, discussed the reduction of the Planning Commission; feels we have nothing but Planning to do; people in the room are talking about putting a new school somewhere, gas drilling, etc. Mr. Sivy reported he is not sure of any other municipality that has that many.

JoAnn Borato, 2001 Conway Wallrose Road, discussed how 2 non union members in administration could be covered under the Teamsters health care. Mr. Kunkle reported this is provided for in the Teamsters By-Laws; as long as it is offered to all employees of the same class; if there was another full time non union employee, it would have to be offered. Mrs. Borato asked to address the audience and asked the audience to keep coming. Mr. Googins reported he asked any resident to come to Council meetings, however the idea of having the Hear the Public II is for questions about what occurred, not to stand up and state opinions; not against what she said, but if she is going to continue to do that, Council will not be able to have the second session; Economy Borough is one of the only Council's that does this; 1 public session is required by the Borough Code either at the

beginning or the end of the meeting so that the residents can voice their opinion or statement of what is going on in their borough; asks that we keep it to that so that we don't lose that opportunity.

Mike Lucia, 416 Golden Grove Road, discussed the Marcellus Shale issues with regards to inspections. Mrs. Sarraf reported that the only thing we would be able to inspect would be the zoning compliance; need to contact DEP if you have a concern about a violation of DEP's regulations and the drillers are very protective of their sites and you can't have access to them; the law states for the communities that have existing ordinances they have 120 days to amend them; Economy Borough can adopt our ordinance whenever we choose and the process usually takes 60-90 days because there is a review by Beaver County, recommendation by the Planning Commission and a public hearing by Council pursuant to public notice; then a filing of a notice of intent to adopt, another advertisement and a copy sent to the law library. Mr. Googins verified the HB is in effect as Governor Corbett signs it.

Elizabeth Burns, 100 Stange Road, discussed the reduction of the Planning Commission. Mr. Googins reported Ord #331 (1993) increased it from 5 to 9 with the purpose to work in committees which never occurred; would not want it reduced back to 5. Dr. Trecha reported he thinks the efficiency of the 7 can do the job of 9; large municipalities in this area have 7 and far more businesses; does not think you need any committee that has more members than Council; Council is running the borough. Mrs. Burns discussed the appointments to the Recreation Board being grandfathered and the member selection to the Planning Commission and if it will be done in the same way in the future. Mr. Googins reported at the end of the year Council voted on reinstating members who work within the borough; i.e. solicitor, engineer, manager, secretary, etc.; the new Council votes at the beginning to put those individually in place; the Zoning Hearing Board and the Economy Borough Municipal Authority was done the same way; those positions expire; Planning Commission and Recreation Board expire in the same way unless they are reinstated; there are reasons this is put in the MPC and the Recreation Board Ordinance that the terms expire; they can be reappointed or additional members be put on.

William Raymer, 2844 Ridge Road Ext. commended Council for cutting government; wished the Federal Government would do the same.

Matt Morrone, 208 Foxglove, discussed puppets being tight on a leash.

Mrs. Barthelemy discussed the appointments on the Recreation Board.

***MOTION by Dr. Trecha, seconded by Mr. Sivy – to enter into Executive Session to discuss litigation issues, with no vote to be taken tonight. Time: 8:36 PM CARRIED UNANIMOUSLY***

***MOTION by Mr. Sivy, seconded by Dr. Trecha – to return to the regular order of business. Time: 9:00 PM CARRIED UNANIMOUSLY***

**ADJOURNMENT:**

***MOTION by Mrs. Barthelemy, seconded by Mr. Sivy – to adjourn the meeting. Time: 9:00 PM CARRIED UNANIMOUSLY***

Respectfully submitted,

Susan A. Blum  
Borough Secretary  
February 23, 2012  
List of Bills attached to the Minute Book.