

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** FEBRUARY 28, 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: RJ Burns, Courtney B. Barthelemy, Esq., Gary Bucuren, Donald Sivy, Michelle Sovich-Lapinski, Dr. Gregory T. Trecha, Larry Googins

ALSO PRESENT: Mayor David N. Poling, Dale M. Fouse, Esq., Randy S. Kunkle, Borough Manager

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.

Butch Thompson, 116 First Street, asked the status of putting the Council meetings live on a website. Mr. Sivy reported the Property and Buildings Committee will discuss this.

MINUTES:

MOTION by Dr. Trecha, seconded by Mr. Sivy – to approve the Minutes of the February 14, 2012, Regular Session of Council, as written. CARRIED UNANIMOUSLY

MAYOR’S REPORT:

Mayor Poling discussed the transfer of territories between Ambridge Area School District and Freedom Area School District as an exploratory measure as per the Memorandum of Tucker/Arensberg dated January 27, 2012. Mr. Fouse reported what the position of Economy Borough Council and the Mayor should be; has reviewed the memos; need to be careful as this is approached; individual Council members and taxable inhabitants of Economy Borough have standing to an issue of this procedure; this is set forth in the school code; cautions Council that as sitting Council we have authority that is provided to us through the Borough Code; nowhere in the Borough Code does it say that we have any authority over education; we deal with roads, fire, police, etc.; cautioned Council about spending Economy Borough taxpayers dollars on this process; an individual has standing and can initiate this; borough government can not do that; can not pay his fees to pursue this matter; has to be done an individuals, not as the governing body of Economy Borough; you do not have the authority to do it in the Borough Code.

Pat Schultz, 544 Pioneer Lane, verified Economy Borough Council is elected at large.

Mike Lucia, Golden Grove Road, discussed the need for a cost analysis before anything else is done.

Daphne Syrek, 214 Foxglove Drive, discussed having the petition posted on a website.

Mary Ann Fisher, Ridgeway Drive, stated that not every resident has the internet or computer; suggested going door to door in person with the petitions.

Jo Ann Borato, 2001 Conway Wallrose Road, reported a legal petition has notarized signatures presented to the judge.

Sal Boboth, 105 Timber Ridge Drive, reported the petition must contain the correct legal language.

Pat Kosarych, 1240 Tevebaugh Road, advised the Community Resource Guide reported Economy Borough population at 8,970 with 3,528 households and is available in the literature rack.

Bill Spoonhoward, 508 Pioneer Lane, reported he lives in Liberty Hills and feels it is up to the elected officials to get the petition to the people.

Bob Meegan, 109 Compton Road, asked to verify that Council can set up a committee to go about this if it does not cost a dime of taxpayers' money. Mr. Fouse reported he does not want Economy Borough Council to formally endorse a committee; understands that the majority of Economy Borough taxpayers may want this, however all it takes is one (1) Economy Borough taxpayer to object that Council has gone beyond the scope of their authority and sue; a danger to corporately endorse this; individually no danger. Mr. Meegan reported he would pay to rent the fire hall to have a meeting.

Mike Lucia, asked the people present to provide their name, address and phone numbers to start a contact list for a committee.

Rick Lapinski, 225 Roberts Lane, commented that if a committee is formed and as the petitions are signed, should collect money up front from the signers to pay for the cost to fight this; asked if the debt goes with Economy Borough if they were to secede and how much it is. Dr. Trecha reported proportional to the number of students leaving and is incurred by the Economy Borough residents and the Freedom Borough residents. Mayor Poling reported it would not be as much as we are responsible for now; after the petitions would be a financial study. Mr. Fouse reported the act states that at the end of the process the petitioners or the receiving school district will bear the costs associated with the litigation which would include the study to determine the proportional debt that would be flowing from one school district to another; generating funds in this process makes sense; it is going to cost money whether you prevail or not, may have to pay the costs associated with the study. Mrs. Sovich-Lapinski reported the litigation money is paid up front and if it moves forward Freedom pays for it; need to keep records of who gave how much; everybody needs to know up front that there are costs for litigation up to 5 or 6 figures.

Mrs. Barthelemy asked if anybody has talked to the neighbors in Liberty Hills that live in the New Sewickley Township portion. Unidentified resident reported she heard FASD is looking at closing 1-2 elementary schools; the idea that the Conway students could attend the Economy Elementary school is very well accepted. Mrs. Barthelemy reported for the record that she feels what the AASD Board is doing year after year is unconscionable; when a meeting does occur would appreciate being advised so that she could attend. Mayor Poling reported to do nothing or try; this is exploring options; don't have to make a collection for money; have to do something or this will destroy Economy Borough. Dr. Trecha asked how many residents are going the AASD meetings expressing their feelings about the taxes; not limited to FASD; limited to the contiguous school districts.

Jesse Miller, 2586 Ridge Road Ext., asked if the report referenced by FASD is available to the public for review. Mayor Poling provided a copy to Mr. Miller to have copies made to distribute.

Mike Andrews, 200 Patriot Lane suggested inviting the administration from FASD to the proposed committee meeting to give Economy Borough an overview of their report. Mayor Poling reported Dr. Sofo could be contacted.

Butch Thompson, First Street, asked what State Representative Rob Matzie has to say on this. Council suggested Mr. Thompson call him.

Mr. Burns reported South Heights is trying to break away also.

Mayor Poling reported he plans on vetoing the ordinance reducing the Planning Commission to 7 members. Mr. Googins reported this is not on the agenda tonight.

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC WORKS DEPARTMENT:

MOTION by Dr. Trecha, seconded by Mrs. Sovich-Lapinski – that Council direct Mr. Fitzgerald and Mr. Kunkle to proceed with the to purchase the dump truck budgeted for in the 2012 Budget.

Question on the motion: Mr. Burns questioned which truck would be purchased from which vendor at what price. Dr. Trecha reported from Tri Star Motors, Super City Mfg Co. Inc and Walsh Equipment Co. a 2012 Ford F550 Super Duty Diesel Regular Cab and Chassis, Super City Aluminum Dump Board, Muncie Hydraulic System, 9' Western Pro Plus Ultra mount Snowplow w/deflector and lift and angle cylinders for the hydraulic system, Hi-Way Stainless Steel Tailgate Spreader Model SA6C SS for a total of \$71,082.00 using PA COSTARS Contract #025-021.

Roll Call Vote:

Mrs. Barthelemy – Yes
Mr. Bucuren – No
Mr. Burns – No
Mr. Sivy – Yes
Mrs. Sovich-Lapinski – Yes
Dr. Trecha – Yes
Mr. Googins – Yes

Motion carried by a 5 Yes, 2 No Vote

PARKS and RECREATION:

Mr. Bucuren reported Recreation met and discussed an Easter Bunny event; 3 resignation letters were submitted by Audrey Mutschler, Bob Hideck and Carl Protzman (Mr. Googins read the letters aloud).

MOITON by Mrs. Sovich-Lapinski, seconded by Dr. Trecha – to accept the resignations of Audrey Mutschler, Bob Hideck and Carl Protzman. CARRIED UNANIMOUSLY

Mr. Googins asked Council to voice 3 of the previously submitted 4 names as replacement on the Recreation Board:

Mrs. Barthelemy – Earl Fitzgerald, Renee Raymer, Mary Jo Sivy
Mr. Bucuren – Mrs. Trimbur

Mr. Burns – Declined to vote
Mr. Sivy - Earl Fitzgerald, Renee Raymer, Mary Jo Sivy
Mrs. Sovich-Lapinski - Earl Fitzgerald, Renee Raymer, Mary Jo Sivy
Dr. Trecha - Earl Fitzgerald, Renee Raymer, Mary Jo Sivy
Mr. Googins - Earl Fitzgerald, Renee Raymer, Mary Jo Sivy

Earl Fitzgerald – 5 Votes
Renee Raymer – 5 Votes
Mary Jo Sivy – 5 Votes
Meagan Trimbur – 1 Vote

MOITON by Mrs. Sovich-Lapinski, seconded by Mrs. Barthelemy – to appoint Earl Fitzgerald to the term ending 2015.

Yes – Mrs. Barthelemy, Mr. Sivy, Mrs. Sovich-Lapinski, Dr. Trecha, Mr. Googins
No – Mr. Bucuren
Abstain – Mr. Burns

PUBLIC UTILITIES:

Mr. Burns reported contacting Mary W. Hrotic, General Manager, Ambridge Water Authority (AWA) regarding setting up a meeting; she has not responded; suggest selecting 3 dates for AWA to pick from. Mr. Fouse reported he was in pre-trial today with AWA and has information regarding this for Executive Session.

PROPERTY and BUILDING:

Mr. Sivy reported wind damage Friday, February 24, 2012, on several borough buildings; has been turned in to the insurance company; \$1,000 deductible; the Property and Buildings Committee will have status report at the next meeting.

PUBLIC SAFETY:

Mrs. Barthelemy reported the Economy Borough Police Department is sponsoring a Child Seat Safety Check, Thursday, March 8, 2012, from 3:00 PM to 6:30 PM, at EVFD Station #3, corner of Tevebaugh Hollow and Conway-Wallrose Roads; free of charge.

FINANCE COMMITTEE: No Report

MANAGER’S REPORT:

1. CD Prices: Mr. Kunkle reported he was asked to look into the cost of the CD’s being given away; recent prices for CD-R’s and sleeves at Staples came to \$.85 each.

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Sivy – to establish a charge of \$1.00 for the selling of CD’s of Council Meetings. CARRIED UNANIMOUSLY

REPORTS:

SECRETARY: No Report

ENGINEER: No Report

SOLICITOR:

Mr. Fouse requested Executive Session to discuss 1) Walmart proposed Developers Agreement; 2) Klimkowski pending litigation; 3) potential condemnation/eminent domain regarding the Stormwater Plan; 4) Chiodo litigation; and 5) AWA Pre Trial Conference; with perhaps a vote on #1.

NEW BUSINESS:

Mrs. Barthelemy reported participating in a webinar regarding HB1950; can email the power point slides to anyone interested in learning more.

HEAR THE PUBLIC II:

Mr. Googins reported he would open up the Hear the Public Part II at this time for any items discussed during the meeting.

Bob Meegan, 109 Compton Road, verified the truck is being purchased through a State Contract; reported the salt trucks were out on Saturday; felt it was a waste of resources. Mr. Fitzgerald reported he was out of town, the police called and requested Public Works out.

Butch Thompson, First Street, discussed how the minutes are being presented to the public. Mr. Googins reported the requirement for keeping minutes are actions taken by Council; dialogue is not required.

Carl Bohn, 2582 Ridge Road Ext., discussed borough, county and PennDOT roads and the possibility of an in house mechanic.

Meagan Trimbur, 3225 Ridge Road Ext., verified the \$1.00 received for the CD's will be deposited into the General Fund Budget.

Mike Lucia, Golden Grove Road, discussed the closing of Dunlap Hill for the bridge replacement, the PennDOT detour and possible speeding on Golden Grove Road; requested more traffic details.

MOTION by Mrs. Sovich-Lapinski, seconded by Dr. Trecha – to enter into Executive Session to discuss 1) Walmart proposed Developers Agreement; 2) Klimkowski pending litigation; 3) potential condemnation/eminent domain regarding the Stormwater Plan; 4) Chiodo litigation; and 5) AWA Pre Trial Conference; with perhaps a vote on #1. Time: 8:50 PM CARRIED UNANIMOUSLY

MOTION by Mr. Sivy, seconded by Mrs. Sovich-Lapinski – to return to the regular order of business. Time: 9:35 PM CARRIED UNANIMOUSLY

ADJOURNMENT:

MOTION by Dr. Trecha,, seconded by Mr. Sivy – to adjourn the meeting. Time: 9:35 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
March 7, 2012