

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** January 22, 2013

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. President Googins advised the advertised Public Hearing for the Zoning Ordinance Amendment will be delayed until Roberta Sarraf, AICP, Economy Borough Planning Consultant arrives; due to a “white out” on I79, she is delayed in traffic.

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: No one wished to be heard.

MINUTES:

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Bucuren – to approve the Minutes of the January 8, 2013, Regular Session of Council, as written. CARRIED UNANIMOUSLY

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC WORKS DEPARTMENT:

Dr. Trecha requested an Executive Session to discuss the Public Works contract negotiations; with no vote.

Dr. Trecha reported in 2012 2.12 miles of roadway were paved for \$298,000 (our cost); no formal study was done, approximate \$60,000 to \$70,000 savings in house.

Mr. Googins reported prior to the meeting an Executive Session was held. Mr. Fouse reported at the 6:00 PM Executive Session meeting Council met with Chief Harrington regarding his employment without the need for a public vote.

7:15 PM – Mrs. Barthelemy exits the meeting for a family emergency.

PARKS & RECREATION:

Mr. Bucuren reported June 15, 2013, is the scheduled date for Economy Borough Community Day.

PUBLIC UTILITIES: No Report

PROPERTY and BUILDING: No Report

PUBLIC SAFETY: No Report

FINANCE COMMITTEE: No Report

MAYOR'S REPORT:

Mayor Poling read the following letter to Council with his reasoning for vetoing Ordinance No. 439:

January 22, 2013

Mr. Larry Googins, President
Economy Borough Council
2856 Conway Wallrose Road
Baden, PA 15005

Dear Mr. Googins:

After careful review of ordinance number 439 to reduce Tax Collector commission compensation from current rate of 2.5% to 1.0%, I cannot ethically or morally sign such an ordinance. My reasoning for this veto is as follows:

1. The tax collections are a vital part of operating revenues for our Borough of Economy. With that being said, it is most important that the tax collector be experienced to avoid any and all discrepancies that would hinder tax payers of Economy Borough as well as hinder progress of revenues for our borough. Our current tax collector, Dorothy Gnarra, has had a stellar record of duties performed as long as I have been mayor.
2. After my personal extensive research of other boroughs and townships in Beaver County, tax collectors are currently paid as high as 5.0% such as the tax collector of New Sewickley Township. Also I have learned that there are many variations that determine a tax collector's earnings, such as mileage rate and parcels collected. It is also of my opinion that the four comparisons used in councils determining factor to reduce the tax collector's commission rate were: "cherry picked" comparables. My reasoning of this opinion is there are over fifty municipalities to consider comparables. It has become questionable to me if the lowest percentage of commission paid to tax collectors was the major component in the four tax collector percentages comparables used.
3. I also have questions of the motives of some members of council on this matter and find it quite ironic that just a few months ago our current tax collector challenged two council members publicly for holding refunds that were due back to residents. I also must add that a letter sent to residents on behalf of the president of council was issued implementing that it was council's opinion that Mrs. Dorothy Gnarra was responsible for the late refunds and this was an error on Mrs. Gnarra's behalf. President of Council also reminded residents in his letter that Mrs. Dorothy Gnarra was a "elected tax collector". Mrs. Gnarra publicly addressed this letter at a regular session council meeting. She addressed the fact that refunds were not issued due to council continuing to table the vote to pay residents. It was shortly after these circumstances that a council vote for a ordinance to reduce the tax collectors commission from 2.5% to 1.0% came into effect. I must classify this as abuse of power for personal vendetta.

In closing, may I remind this council of the multitude of money saving suggestions by the mayor as well as some members of current and past council that has been recorded in regular meeting minutes that were never taken into consideration? Therefore, in conclusion, as the Mayor of Economy Borough, I strongly am of the opinion this ordinance is unwarranted on the reasons this council has produced and furthermore I feel the real reasoning to reduce the tax collector's commission structure is for personal vendettas, political motives, and finally has nothing to do with monies saved for our Borough of Economy.

Very truly yours,
Mayor David N. Poling

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Sivy – to advertise and meet for a Special Session on Tuesday, January 29, 2013, at 8:00 PM to discuss the January 22, 2013, veto letter from Mayor Poling or vote to reconsider Ordinance No. 439. CARRIED UNANIMOUSLY

MANAGER’S REPORT:

1. Animal Control Service Contract: Mr. Kunkle provided a copy of the last Triangle Pet Contract as well as the Animal Control’s proposal; the costs are the same with the exception of picking up cats, which rarely if ever occurs

MOTION by Mr. Burns, second by Mr. Sivy – to approve the contract with Animal Control Services LLC subject to the contract being with a company and not an individual and providing proof of insurance. CARRIED UNANIMOUSLY

Question on the motion: Dr. Trecha questions if Council is contracting with an individual or a company. Mrs. Sovich-Lapinski questions if Council has received their proof of insurance. Mr. Googins reported he would not sign the contract as written.

MOTION RESCINDED by Mr. Burns and Mr. Sivy.

Mr. Kunkle will contact Animal Control to clear up the questions for the next meeting.

7:30 PM – Roberta Sarraf, AICP arrives.

PUBLIC HEARING – JANUARY 22, 2013 (7:30 PM)

AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES ENTITLED “ZONING”

Mr. Googins turned the meeting over to Mr. Fouse for the purpose of conducting a Public Hearing for the request that Economy Borough Council consider amending Chapter 180, Zoning, as recommended by the Economy Borough Planning Commission at their meeting December 3, 2012. Roberta Sarraf, AICP, Economy Borough Planning Consultant read the condensed description of the proposed ordinance and fielded questions from Council and the audience.

AN ORDINANCE OF THE BOROUGH OF ECONOMY, BEAVER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES ENTITLED “ZONING” TO (1) DELETE THE DEFINITION FOR OIL AND GAS WELLS; (2) ADD DEFINITIONS FOR COMPRESSOR, COMPRESSOR STATION, DRILLING, DRILLING EQUIPMENT, HYDRAULIC FRACTURING, NATURAL GAS, NATURAL GAS PROCESSING PLANT, OIL, OIL AND GAS OPERATIONS, OPERATOR, PROTECTED STRUCTURE, WELL, WELL HEAD (WELL BORE), WELL PAD AND WELL SITE; (3) ADD IMPOUNDMENT USED EXCLUSIVELY FOR OIL AND GAS OPERATIONS AS A PERMITTED USE IN THE R-A, C-1 AND I-1 DISTRICTS; (4) ADD IMPOUNDMENT USED EXCLUSIVELY FOR OIL AND GAS OPERATIONS AS A CONDITIONAL USE IN THE R-2 AND R-3 DISTRICTS; (5) ADD OIL AND GAS OPERATIONS AS A PERMITTED USE IN THE R-A, C-1 AND I-1 DISTRICTS; (6) ADD OIL AND GAS OPERATIONS AS A CONDITIONAL USE IN THE R-2 AND R-3 DISTRICTS; (7) ADD COMPRESSOR STATION AS A CONDITIONAL USE IN THE R-A AND I-1 DISTRICTS; (8) ADD NATURAL GAS PROCESSING

PLANT AS A CONDITIONAL USE IN THE I-1 DISTRICT; (9) ADD SUPPLEMENTAL REGULATIONS FOR IMPOUNDMENTS AND OIL AND GAS OPERATIONS WHERE AUTHORIZED AS PERMITTED USES; AND (10) ADD CONDITIONAL USE CRITERIA OIL AND GAS OPERATIONS, IMPOUNDMENTS, COMPRESSOR STATION AND NATURAL GAS PROCESSING PLANT.

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Sivy – to close the proceedings and to close the record. CARRIED UNANIMOUSLY Time: 8:00 PM

MOTION by Dr. Trecha, seconded by Mrs. Sovich-Lapinski – to adopt Ordinance 440 amending Chapter 180 of the Code of Ordinances entitled “Zoning”.

Question on the Motion: Mr. Burns reported this ordinance would make it impossible for an owner of large property to drill; it stifles large property owners; is against it and requests a roll call vote. Mrs. Sarraf reported operators will do requirements in the ordinance; the ordinance parallels that which state law provides for.

ROLL CALL VOTE:

Absent – Mrs. Barthelemy

No – Mr. Bucuren

No – Mr. Burns

Yes – Mr. Sivy

Yes – Mrs. Sovich-Lapinski

Yes – Dr. Trecha

Yes – Mr. Googins

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

MANAGER’S REPORT (cont.):

2. PennDOT Agility Agreement: Mr. Kunkle reported this will enable Economy Borough to swap services with PennDOT if/when Economy Borough agrees upon terms; it does not obligate Economy Borough in any way, just creates an opportunity. Dr. Trecha questions Page 6 (8) d. referring back to (7) a, and there is no (7) a. This is postponed until Mr. Kunkle contacts PennDOT for a clarification.

3. Retired Vehicles: Mr. Kunkle reported a total of six (6) retired/decommissioned vehicles.

MOTION by Mr. Sivy, seconded by Dr. Trecha – to sell all six (6) retired/decommissioned vehicles; coordinating the van with Chief Harrington. CARRIED UNANIMOUSLY

8:15 PM – Mayor Poling exits the meeting.

4. Civil Service Commission: Mr. Kunkle reported the last eligibility list has expired; motion is needed for the Civil Service Commission to commence the process of creating a new eligibility list; a written request to do so will be needed.

MOTION by Mrs. Sovich-Lapinski, seconded by Mr. Burns – to notify the Civil Service Commission to commence the process of creating a current Eligibility List. CARRIED UNANIMOUSLY

REPORTS:

ENGINEER: No Report

SECRETARY: No Report

SOLICITOR:

Mr. Fouse requested and Executive Session employee related; with no vote.

OLD BUSINESS: None

NEW BUSINESS: None

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.

Bill Raymer, 2844 Ridge Road Ext., asked what the qualifications are for elected tax collector. Mr. Fouse advised the candidate must be over 18 years of age, a borough resident and file a petition with the bureau of elections.

MOTION by Dr. Trecha, seconded by Mr. Burns – to enter into Executive Session to discuss personnel issues and an update on the Public Works contract, with no vote to be taken tonight. Time: 8:34 PM CARRIED UNANIMOUSLY

MOTION by Dr. Trecha, seconded by Mr. Burns – to return to the regular order of business. Time: 9:18 PM CARRIED UNANIMOUSLY

ADJOURNMENT:

MOTION by Mr. Sivy, seconded by Mr. Bucuren – to adjourn the meeting. Time: 9:18 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
January 30, 2013