

REGULAR SESSION ** ECONOMY BOROUGH COUNCIL ** MAY 14, 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.

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., Scott Shoup, P.E., P.L.S., 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; directed to Council.

Glen Sylvester, 350 Orchard Lane, came before Council regarding how his concrete driveway and sidewalk were repaired after Economy Borough resurfaced Orchard Lane; feels the liability is not his and will report same to his homeowners insurance.

Karen Winters, 204 Fernwood Drive, asked Council if the 2013 Paving Program includes drainage work and paving on Fernwood. Dr. Trecha reported Fernwood Drive is not on the list for 2013 paving; the committee reviewed and discussed the drainage. Mr. Shoup reported perhaps the committee need to revisit the issue and discuss it again where the water source is coming from as it is not one source. Mr. Googins asked that Mrs. Winters be kept updated on what is happening.

MINUTES:

Dr. Trecha requested page 382, last paragraph under New Business be corrected and remove “and have a resolution for the next meeting as Mr. Shoup is not present tonight.”

MOTION by Mrs. Sovich-Lapinski, seconded by Dr. Trecha – to approve the Minutes of the April 23, 2013, Regular Session of Council, as corrected. CARRIED UNANIMOUSLY

COMMITTEE REPORTS and OTHER BUSINESS:

PUBLIC UTILITIES: No Report

PROPERTY and BUILDING:

Mr. Sivy reported he will have information at the next meeting on the brick work on the municipal building that needs repaired.

PUBLIC SAFETY: No Report

FINANCE COMMITTEE:

Mr. Bucuren questioned a bill from Hunter for the backhoe brake repair. Mr. Kunkle reported it was a major break down and provided the bill for Mr. Bucuren to review.

MOTION by Mrs. Sovich-Lapinski, seconded by Mrs. Barthelemy - to pay the list of bills as stated from April 10, 2013 to May 14, 2013 - CARRIED UNANIMOUSLY.

PUBLIC WORKS DEPARTMENT:

Dr. Trecha updated Council regarding Mr. Sylvester that the committee, Mr. Fitzgerald and Mr. Shoup met at the property where options were discussed that Mr. Sylvester will be presented with. Mr. Shoup reported for the record that prior to the last meeting that Mr. Sylvester had attended he had asked that he meet with Earl and himself to go over one item proposed; did not hear from him; called that he still wanted to meet with him; knows he is busy this time of year; that was before the last meeting; never heard from him; has been waiting for a phone call. Dr. Trecha asked Mr. Kunkle to contact Mr. Sylvester to let him know we are waiting for a call that we have a plan for the driveway that will be presented to him. Mr. Shoup reported that the plan was verbally described to Mr. Sylvester on the phone; did not want any work to be done until Mr. Sylvester was present with him and Earl on the site to see exactly what would and would not be done.

Dr. Trecha updated Council regarding Mr. Moskals property on Hillsdale; inspected and a plan presented to him. Mr. Burns reported the work was started and finished; Mr. Moskal called him to thank the committee.

Dr. Trecha reported Public Works is requesting a Cold Planer for milling; it mills and grinds asphalt; currently we rent one for \$500-\$525 per day; can be up to a month waiting time; prices from the State Contract range from \$14,000 to \$19,200 depending on the size 18" or 24"; Public Works Committee recommending to Council that we do purchase a Cold Planer attachment out of Major Equipment Purchases line item 35.430.740 Highway Aid.

MOTION by Dr. Trecha, seconded by Mr. Burns – to authorize Public Works to purchase a Cold Planer through the State Contract bid not to exceed \$20,000.00.

Question on the Motion: Mayor Poling asked what the monthly rental fee would be, if it would be cheaper by the month. Dr. Trecha reported he has a weekly fee. Mayor Poling asked if it was for the skip loader and if it has a high flow system on it. Mr. Burns reported yes and yes; one of the problems renting in the paving season is availability; Economy Borough should have one; municipalities around Economy Borough has one; \$500/day X 3 days = \$1,500 for a weekly rental X 3 weeks would be \$4,500 per month; plus wear and tear; you pay for amount of carbide you take off the teeth. Dr. Trecha reported using those numbers, it could be paid for in 3-4 years. Mrs. Barthelemy asked how long it would last. Mr. Burns reported if Council purchases better quality i.e. John Deere, and if it is maintained properly we could get years of service out of it. Mr. Bucuren reported where he works the same machine has been there since before he was there; 18 years; they take a lot of abuse and if maintained they get a lot of work out of it; when paving you do need it.

MOTION CARRIED UNANIMOUSLY

Dr. Trecha reported the proposed 2013 Paving Program includes 1.06 miles to be paved; the Chestnut Plan, Howard Road and Watch Hill Road; at approximately \$199,339.00; also tar & chipping 4.11 miles (seal coating) at approximately \$76,600; will be paid out of 01.438.100 and 01.432.100; will adjust amount of seal coating done with budget amounts. Mr. Googins asked if the amount was higher than last year. Mr. Burns reported the reason is they are doing more base work and using 19mm for top coat; the bases of the roads being paved are bad.

MOTION by Dr. Trecha, seconded by Mr. Burns – to approve the 2013 Road Paving Program limited to \$235,000. CARRIED UNANIMOUSLY

MOTION by Dr. Trecha, seconded by Mrs. Sovich-Lapinski – to advertise for bids for milling 1.06 miles per the RFB prepared by Shoup. CARRIED UNANIMOUSLY

Dr. Trecha reported he talked with Mr. Fitzgerald to be assured if an additional Summer Help was hired that all would be working; they are needed for the mowing season; they would be on an as needed basis up to 40 hours per week. Mr. Fouse reported that would be considered seasonal help. Mr. Googins verified this is a second Summer Help to work with Public Works. Dr. Trecha reported he asked these questions and was assured between paving and drainage issues there is plenty of work for them. Mayor Poling reported a list should be made, i.e. mowing, painting the dug outs and tables, etc. Dr. Trecha reported all hands will be working. Mr. Burns reported that was also his concern with as needed; didn't want them here 40 hours and not using the services. Mr. Kunkle reported this was already advertised and he has spoken to one of the applicants.

MOTION by Dr. Trecha, seconded by Mr. Burns – to authorize the hiring of a second seasonal employee as Summer Help up to 40 hours per week at \$9.00/hour. CARRIED UNANIMOUSLY

PARKS & RECREATION:

Mr. Bucuren reported : Community Day is scheduled for Saturday, June 15, 2013
Snack/Breakfast with Santa is tentatively scheduled for December 7, 2013

MAYOR'S REPORT:

Mayor Poling read the Mayor's Report for the Police Department for the month of April, 2013, as prepared by Chief Harrington, which will be on file for review in the borough secretary's office.

Mayor Poling asked that now that there is more help to make sure the grass is cut for Memorial Day.

Mayor Poling asked to have the Memorial Day Service on the sign; Service is at 9:30 AM.

MANAGER'S REPORT:

1. Deer Removal Contract: Mr. Kunkle reported the requested changes have been made.

MOTION by Mr. Sivy, seconded by Mrs. Barthelemy – to accept the Service Contract for Road Killed Deer Removal and Disposal, between Economy Borough and LC Deer Disposal, LLC, as reviewed at the last meeting and with the appropriate updates. CARRIED UNANIMOUSLY

2. Spring Commodities: Mr. Kunkle reported this was bid out by the Beaver County Regional COG which takes care of the bidding requirements.

MOTION by Mr. Bucuren, seconded by Mr. Sivy – to accept the 2013 Spring Commodities Contracts as bid by the Beaver County Regional Council of Governments. CARRIED UNANIMOUSLY

3. DROP Invoice: Mr. Kunkle attached a bill from Dunbar, Bender & Zapf for \$1,000 for actuarial work done on behalf of the police collective bargaining unit; they are asking that it be paid for out of the police pension fund; which is an allowable expense; Economy Borough has been doing the same with the Rhoades law bills.

MOTION by Mr. Burns, seconded by Mrs. Sovich-Lapinski – to authorize the payment of the \$1,000 bill from Dunbar, Bender & Zapf from the Police Pension Plan. - CARRIED UNANIMOUSLY

4. Back Up Generator Maintenance Contract: Mr. Kunkle provided a contract just like the one entered into last year with Cummins Bridgeway to maintain the back up generator; the price (\$1,053) is the same.

MOTION by Mrs. Sovich-Lapinski, seconded by Dr. Trecha – to authorize the execution of the Back Up Generator Maintenance Contract between Economy Borough and Cummins Bridgeway in the amount of \$1,053.00. CARRIED UNANIMOUSLY

5. Proposed Zoning Ordinance Change: Mr. Kunkle reported this ordinance better defines building height, updates and simplifies how fences can be installed and allows for garages to exceed 15 feet in height under certain circumstances; it has been taken to Beaver County for the 30 day review period prior to taking action; the public hearing can be scheduled for the June 11th meeting with a possible vote. Mr. Kunkle advised Roberta Sarraf will be retiring December 31, 2013

MOTION by Dr. Trecha, seconded by Mr. Sivy – to authorize the advertising of the proposed Zoning Amendment and Public Hearing for Tuesday, June 11, 2013, at 6:30 PM with regular meeting following thereafter. CARRIED UNANIMOUSLY

REPORTS:

ENGINEER:

Mr. Shoup reported an informational item; he talked with George Parks, Rochester PennDOT; regarding existing storm sewer pipe along SR65; Shields Asphalt is doing the work for Cleveland Construction along SR65; they have to connect to existing storm sewer pipe; provided a photo of a connection made to the old pipe; contacted Mr. Parks for his opinion on who owns the pipe along SR65; his response was that Economy Borough owns the pipe along SR65 and the cross pipes on SR65 also; about 6 years ago a hole developed on Conway Wallrose Road near Keystone Creamery; a joint effort was made to resolve that problem; PennDOT did the work and Economy Borough supplied the pipe; there probably is a corrugated metal pipe running along the East shoulder of SR65 from Conway Borough line to the Baden Borough line; assuming the pipes were all put in at the same time; Walmart construction is causing the replacement of 400' of old pipe with new pipe; has seen multiple pieces of pipe; wanted to pass on this information to Council; the PennDOT policy is that if it is a curbed road and it is not an interstate the storm drains are owned by a borough; it is different policy for townships. Mr. Burns verified that it is North and South on SR65, within their right of way; feels it is their pipe. Mr. Sivy reported that technically there is no curb on the road, it is bermed. Mr. Shoup will try to find out if municipal responsibility ends where the curb ends.

SECRETARY: No Report

SOLICITOR:

Mr. Fouse requested an Executive Session regarding an Easement on SR65 and Walmart; need authorization to resolve the matter.

Mr. Fouse reported he has the agreement signed by Chief Harrington and will discuss this in Executive Session; no vote needed as the ordinance is already passed.

Mr. Googins reported Council will also discuss potential litigation by Glen Sylvester in Executive Session.

Dr. Trecha reported he would like to talk about the proposed Public Works contract in Executive Session, with no vote.

NEW BUSINESS:

Mrs. Barthelemy reported Ambridge Area High School will be hosting an event on Sunday, May 26th from 2 to 5 called "We All Have 24 Hours"; showcasing upcoming local events and fundraisers.

Mr. Googins reported he would not be at the May 28th meeting. Mrs. Sovich-Lapinski reported that would be the day after Memorial Day and suggested the meeting be cancelled. Council and Mr. Fouse saw nothing pressing for action. Mr. Googins asked Mr. Kunkle to post a notice on the board next Tuesday if nothing comes up that the meeting is cancelled.

Dr. Trecha requested the Economy Borough Sign Ordinance be enforced by the Zoning Officer.

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.

JoAnn Borato, 2001 Conway Wallrose Road, asked if we are buying a cold planer why we are bidding milling out. Mr. Bucuren reported cold planers are smaller and used for keying the asphalt and doing small sections. Mrs. Borato asked approximately how long it would take to pave the 1.06 miles of road. Dr. Trecha reported it would depend on the weather, prepping, milling, etc. Mrs. Borato asked if the Council has ever asked for a study of the break even point for the tax payers regarding pension plans being fundable. Mr. Googins reported that is what the Actuarial Study does; it forecasts how much needs to be put in now to make it viable for the future. Mr. Fouse reported actuaries have assumptions; assumes the worst case scenario; that is how much they tell you to contribute. Mr. Kunkle reported Economy Borough gets a good bid of the money for the pensions from the State; in order to receive that money Economy Borough has to follow their rules; every year a Minimum Municipal Obligation (MMO) is produced; those numbers are based on the plans becoming fully funded; currently at 80% and 83%; at one point the police plan was at 100%; some additional benefits were added and brought it back; the market was down as well; the State allowed some additional amendments; Economy Borough has incentive to follow their rules which means we are working and on the road to become fully funded on a regular basis. Mrs. Sovich-Lapinski reported there are distress levels 0-4; Economy Borough is at level 1; what Randy has said about the actuarial values; they are very good; many municipalities are at 4. Mrs. Borato asked if Council would have to hire 2 more police to pay the pension of 1 police. Mr. Kunkle reported the numbers are adjusted yearly and another number is adjusted every 2 years; the MMO changes from year to year.

Pat Skonieczny, 104 Rock Rose Dr., asked what conversation transpired among Council that initiated a call to her from Mayor Poling over the documents of the DROP Plan that she came to the borough and purchased; assuming that since she was not questioned in the public forum that this was discussed in Executive Session. Mr. Fouse reported when Mrs. Skonieczny made her comments they sounds familiar to an email he had received from a lawyer; took that to mean that she had seen the email; at the time thought it was a lawyer to lawyer communication; perhaps when the documents were transmitted to Randy along with the ordinance, the confidential document was transmitted and she got a copy of it; apologizes to Council and Mrs. Skonieczny. Mrs. Skonieczny reported Council questioned how she got the documents; should question what was in the document. Mr. Fouse reported nothing Council did was unlawful. Mrs. Skonieczny reported maybe the Auditor General will decide that; the information should have been the discussion of conversation. Mr. Fouse reported the issues she brought up were discussed during that Executive Session; it was lawful and that is why Council adopted the ordinance.

Ray McClelland, 196 Shaffer Road discussed Scottish legacies.

Steve Borato, 2001 Conway Wallrose Road, verified the cold planer will be purchased through the State Contract.

MOTION by Mr. Sivy, seconded by Dr. Trecha – to enter into Executive Session to discuss a SR65 Easement, a personnel agreement, the Public Works Contract and a potential Sylvester litigation, with no vote to be taken tonight. Time: 8:31 PM CARRIED UNANIMOUSLY

MOTION by Mrs. Sovich-Lapinski, seconded by Dr. Trecha – to return to the regular order of business. Time: 9:14 PM CARRIED UNANIMOUSLY

Mr. Fouse reported Council discussed in Executive Session a SR65 Easement, a personnel agreement, the Public Works Contract and the potential Sylvester litigation, with no vote taken.

ADJOURNMENT:

MOTION by Mr. Sivy, seconded by Mrs. Barthelemy – to adjourn the meeting. Time: 9:14 PM CARRIED UNANIMOUSLY

Respectfully submitted,

Susan A. Blum
Borough Secretary
June 6, 2013

List of Bills attached to the Minute Book.