

**Economy Borough Council
Meeting Minutes
26 Mar 2019**

MEETING was called to order at 7:00 pm by Council Vice-President RJ Burns, also present were Mrs Pat Skonieczny, Mrs Audrey Mutschler, Mr Tom Fetkovich.

ABSENT: Mr Gary Bucuren – work
President Brian Westrom – illness
Mr Frank Morrone
Mayor Jo An Borato - illness

MOMENT OF SILENCE.

PLEDGE OF ALLEGIANCE

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

Steven White, 475 Amsler Ridge Rd, surveyors were on Amsler Ridge Road last week, which made most residents there feel things are moving forward for this to be an access road. He wanted council to stop evaluating the road until after a public hearing.

Council previously made a motion to have a public hearing, but Mr Askar backed off on that. He wanted council to make a motion to direct the planning commission to recommend an ordinance that keeps well pads out of neighborhoods and off residential roads. 90 residents signed a petition to that effect.

The planning commission should be able to hire an outside consultant to assist with a new gas and oil well ordinance.

The two-step application process should be adopted so that more than one person looks at gas and oil well applications.

Lisa Marucci stated four Supreme Court cases have addressed zoning concerning oil and gas wells. They occurred after the guidance put out in 2012 that allowed them to go everywhere, now they can be restricted to industrial like districts. The underlying zoning can't be changed. She also provided an ordinance from Oakmont and a pending ordinance from Indiana Township.

Kasi Devinney 484 Amsler Ridge Rd asked when the last time the ordinances were reviewed and updated. She asked if the ordinances are reviewed annually?

Tim Pitts 108 Almond Way, stated today there was digging going on along Amsler Ridge Road; does Penn Energy have permission to do this? The answer was no, this was restoration after a car accident.

Roger Kowal; somebody was supposed to call him about scheduling the Jr High School for the public hearing. Phone calls aren't being answered at the borough office, they should all be directed to the Borough Manager. We have 60 miles of roads and we're only paving one or two miles per, you should be doing ten.

Mary Cochran 250 Dogwood Circle asked why the Borough Manager asked her if she would be setting up the meeting with Penn Energy after mistaking her for a representative of Penn Energy.

Brian Warren thought there was a motion for a Public Hearing, and they were told later that it would be an informational meeting. Elected officials in Bell Acres and Leet are protecting their residents by re-addressing their oil and gas ordinances. Someone pointed out that 70% of the property in Economy has been leased therefore people are in favor of the wells, there are 250 who use Amsler Ridge who are opposed, some of the lease owners are out of state or own large acreage. Is council aware of the amount of truck traffic? There will be times the road has to be shut down for a private entity to the detriment of residents. We should have the hearing.

Karen Ott; 1400 Merriman Rd, thanked council for the refund she received from the tax collector. No one in her neighborhood knows anything about gas wells, council needs to better inform residents, suggested the newsletter could do this.

Heath Dunlap, 724 Amsler Ridge Rd, is for the wells and will be affected the most by the truck traffic. He wanted Penn Energy to fix the road.

Cheryl Pearson 138 Amsler Ridge Rd, asked when is the hearing taking place? Council needs to update the ordinance. As it is now wells can go anywhere, they need to be restricted. A moratorium should be put in place. It could be any street next, they need to be out of the residential areas.

Dave Bajack 280 Ridge Ave is pro oil and gas, where the well is going on Amsler Ridge is not zoned residential, it's agricultural. The road will be safer after they fix it.

Rod Mullens, Orchard Estates, stated this will be in his back yard. Mr Burns suggested he should take this up with the owner of the park.

Brian Warren, there are other ways to fix this, like bigger setbacks.

Tim Pitts 108 Almond Way, Penn Energy isn't going to straighten the road, they're not widening it, no guide rails will be added, and they will just put a skim coat of asphalt on it.

Mr Askar stated this is not a forum for residents to argue among themselves. The purpose of meeting was to address council and they will take what is said into account. The borough is looking into the issue, the borough is aware of the Supreme Court cases, this will all take time. A change to the zoning ordinance starts with the Planning Commission.

Minutes: March 12, 2019. **Motion by Mrs Mutschler seconded by Mrs Skonieczny, to approve the minutes, all voted aye.**

Committee Reports:

Parks & Recreation: Mr Fetkovich stated Breakfast with the Easter Bunny will take place on April 6th between 9 and 11 at the Fire Department Social Hall. The Recreation Board is getting an estimate for a pavilion next to the playground for shade and they plan on having two or three movie nights this summer.

Ordinance: Mrs Skonieczny had nothing to report.

Public Safety: Mr Bucuren was not present.

Property and Building: Mr Morrone was not present.

Personnel: Mrs Mutschler mentioned the deadline for the Assistant CEO is coming up.

Finance: Mrs Mutschler stated the budget report will be on file.

Public Works: Mr Burns stated the monthly report will be on file.

Mayors Report: Mayor Borato was not present.

Solicitor: Mr Askar was asked to review the proposal from Code.Sys for third party inspections. He found it to be fine with the exception of there is no time limit on it nor is there a way for the borough to terminate early if it is not satisfied. He will follow up on these items.

Mr Askar informed Council he is working with the School District to fight Walmart's tax appeal of their 2018 taxes.

Mr Askar requested an executive session for a litigation matter.

Old Business:

Mrs Mutschler inquired about the status of the time clock. It will be running before the new employee arrives.

Mrs Skonieczny would like to see the two-step process set up for the Code Enforcement office. There were some issues other than Penn Energy; for all applications. Mr Askar suggests this can be done by Resolution once a process is determined. The Ordinance Committee can start this process.

The Manager's salary will not be discussed at this time.

Hydrant payment. Council wants to see copies of the hydrant reports.

New Business:

Connie Mabin – Recreation Board Appointment: **Motion by Mrs Mutschler, seconded by Mrs Skonieczny, all voted aye to appoint Connie Mabin to the Recreation Board.**

Span Subdivision – this is a simple subdivision where one lot line is being removed and a new line created. **Motion by Mrs Mutschler, seconded by Mr Fetkovich, to approve the Span subdivision, all voted aye.**

AASD Minutes: Mrs Mutschler mentioned these minutes will be forwarded to the Borough office for distribution to council.

Motion by Mrs Skonieczny, seconded by Mr Fetkovich, to suspend the regular meeting and go into executive session, all voted aye.

Mr Askar clarified that the previously mentioned assessment appeal by Walmart is for 2019.

Motion by Mrs Skonieczny, seconded by Mr Fetkovich, to go back into regular session, all voted aye.

Motion by Mrs Mutschler, seconded by Mr Fetkovich, to adjourn the meeting at 9:34, all voted aye.

Submitted by

Randy S Kunkle
Borough Manager

Economy Borough Council
Meeting Minutes
9 Apr 2019

MEETING was called to order at 7:00 pm by Council President Brian Westrom, also present were Mrs Pat Skonieczny, Mr Gary Bucuren, Mr Frank Morrone, Mr Tom Fetkovich.

ABSENT: Mrs Audrey Mutschler
Mr RJ Burns

MOMENT OF SILENCE.

PLEDGE OF ALLEGIANCE

Prior to the public portion of the meeting Ms Allison Fearon from the Allegheny Land Trust made a brief presentation about the upcoming Big Sewickley Creek Watershed project that will be taking place, in part, in Economy Borough. The Trust would like the Borough to appoint the Manager to the Big Sewickley Creek Watershed – Rivers Conservation & Stewardship Plan Study Committee and is requesting a donation of \$3,500. There will be a Watershed Festival May 5th at the Bell Acre’s fire hall.

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

Mr Casey Bowers from Penn Energy (PE) made a presentation about the B50 well pad off Amsler Ridge Road. 1st he pointed out that PE provided council with a binder of information about the project that included answers to the 46 questions (provided by Steve White). 2nd he addressed the route to the well pad being the safest and shortest with the least adverse impact. 3rd he talked about the road repairs – full depth reclamation, straightening, widening, fixing the slide, guide rails and ditch clearing. 4th he addressed traffic control either through temporary traffic lights or flaggers, and 5th he addressed the heavy hauling and excess maintenance agreement that is in place and administered by the Borough.

Steven White, 475 Amsler Ridge Rd, asked the Solicitor why the upcoming meeting is being referred to as a forum when Council motioned for a Public Hearing. The response was the motion will likely be changed. Residential roads should not be used for well drilling traffic. He attended the last Planning Commission meeting and they had no plan or timeline to address the Zoning Ordinance concerning well drilling. The Commission gave no consideration to the people who live in the area; Council needs to direct them to prohibit drilling as a permitted use, keep trucks off residential roads, keep wells out of residential areas and put industrial uses in the proper zone. He also mentioned these sites will be in use for 50 years, that Council should deny the permit (over weight vehicle) and

the recycled liquids are unsafe and radioactive. Mayor Borato clarified that open pit liquids are not radioactive.

Lisa Marucci cautioned there are cases of illegal storage of hazardous materials. Jefferson Hills adopted a similar ordinance to Economy's in 2013 and are currently re-writing their ordinance because of the Supreme Court rulings. A property owner is suing based on the new ordinance taking away his ability to make money. Changes to land use have to be done appropriately, you can't have a special use for a single land owner, and you have to locate activities appropriately.

McClelland, 196 Shaffer Road. Recycled water goes into tanks, not ponds. The Borough is benefitting financially from the Penn Energy lease, which helps prevent tax increases. Many older residents on fixed incomes need the royalties to pay their bills and there is no reason why they can't use that road.

Sara Pinel, 114 Fairview Avenue, is running for Controller and would appreciate everyone's support.

Linda Stanley 139 Winterset Rd, her family owns Valley Realty and it is well known that property values go down near gas wells, in part due to air quality and health issues. Frack wells have many violations, go to Frack Tracker for more information. Fracking may be the reason many people have developed Ewing's Sarcoma, a potentially fatal disease. A few people are making money off the drilling but many more could loose when property values go down.

Chad Zutter, 100 Zutter Ridge, contends property values go up in the vicinity of gas wells due to the overall economic impacts of well drilling and the downside is temporary.

Kasi Devinney 484 Amsler Ridge Rd stated she wants a "Hearing" to have everything on the record. Her concern is the road and it not being the access. PE sent letters out stating the recipients are the only one left to sign a lease. She stated she's been lied to and wants everything to be put on the record.

Solicitor Askar defended Council as doing more than they have to and operates openly.

Karen Ott, 1400 Merriman Rd, stated Mr Askar is running the meeting and doing most of the talking yet he was not elected to do this. Mr Askar stated he is not running the meeting but is making sure council is fairly represented when they are being attacked. In addition, both sides have threatened to file suit, therefor it's better for Council not to say too much. Mrs Ott questioned why Mr Askar was doing most of the speaking and Council says almost nothing, causing frustration. She referred to the paper Council was given earlier, particularly that no industry is to be given special treatment and wants to know if that is what is happening here and wants Mr Askar's opinion on it. Mr Askar stated since the case is ongoing, he is giving no credence to what has occurred to date; there has been

no decision. Mrs Ott questioned why people are being referred to the Planning Commission when it's Council who changes ordinances. Mr Askar stated that once appointed they are independent, and Council can only make recommendations to them. The Planning Commission should be aware of what is going on in this regard. Council is moving forward and checking all of its options and is why Mr Fetkovich originally motioned for a Public Hearing.

Mr Fetkovich stated he used the terms forum, hearing and informational session and Q&A interchangeably. There was talk of PE having an invitation-only event with certain people from a certain proximity who could come in and ask questions; he felt this was advantageous to PE, and he wanted a level playing field for everyone in the Borough. He wanted something neutral where everyone in the Borough could participate, with an open informational Q&A session but didn't understand there were certain legal ramifications to the term "Hearing". The intent was to bring people together for a Q&A session. Moving forward he was not sure what the right terminology is but the intent was to allow everyone to find out more information. The term "Hearing" confuses people and has different meanings to different people, and whatever the meeting is called it should be recorded.

Mrs Ott requests the Borough send information out to residents explaining what is going on. For example, what can go on in the different zones. She stated the people in Economy have no clue as to what is going on.

Mrs Skonieczny asked the Solicitor, since the Planning Commission is a separate entity and they won't know what Council wants unless they are told, what will happen if they don't do it. Mr Askar sent a procedural email to Council that he would like to talk about in executive session. Typically Planning Commissions cooperate with governing bodies and will look at it.

Mayor Borato stated she was at the last Planning Commission meeting and they are looking into it.

Bill White, Bell Acres and lives within the "red" zone, stated Bell Acres is limiting drilling to industrial zones.

Brian Warren, 133 Hickory Drive, stated the Borough is acquiescing to what PE wants, whereas other municipalities are looking into changing their ordinances. He and others will file a challenge to the validity of the current ordinance. Mrs Skonieczny is in favor of changing the ordinance.

Laurel Beitsinger, 488 Amsler Ridge Rd, due to the well site they now live in a higher risk area and they also received a letter from PE stating they are the last resident who hasn't signed a lease. She wanted to know what is PE's ten year plan? Could it be they want to take over Orchard Estates and make it a larger industrial area?

Mrs Skonieczny asked why PE is sending more than one letter to residents stating they are the last one to sign a lease? Mr Bowers apologized for the letter, which wasn't approved by PE but rather a landman. He doesn't want any leases signed under false pretenses.

Minutes: March 26, 2019. **Motion by Mrs Mr Morrone, seconded by Mrs Skonieczny, to approve the minutes, all voted aye.**

Committee Reports:

Public Works: Mr Burns was not present.

Parks & Recreation: Mr Fetkovich stated Breakfast with the Easter Bunny took place last Saturday and it went very well.

Ordinance: Mrs Skonieczny sent some information to the Solicitor regarding the two-step process and he is reviewing it.

Public Safety: Mr Bucuren received a call earlier in the day stating there was a pretty bad fight between two girls at the Jr High and the Resource Officer was not available. He feels we should have a backup for days like that.

Property and Building: Mr Morrone had nothing to report.

Personnel: Mr Westrom is now on the HDPro account at ADP so his committee will be able to start working on the Employee Handbook.

Finance: Mr Kunkle mentioned everyone should have a copy of the list of bills and if there were any questions, he would answer them. The bills cover the period from March 13th through April 9th in the total amount of \$160,715.50. **Motion by Mr Bucuren, seconded by Mr Morrone to approve the bills, all voted aye.** Mr Bucuren recused himself from the Public Works bills due to his brother works in the department.

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

She recalled at the March 12th meeting Council gave conditional approval to add a camera for the soft cell and an additional camera at the yard waste site, provided an appropriate line item could be identified. The original estimate was \$1800; the actual price is \$2,327 and would come out of line item 410.740 computer equipment and maintenance. **Motion by Mr Bucuren, seconded by Mr Morrone, to purchase the two cameras for \$2,327, all voted aye.**

Mayor Borato read a letter from a teacher regarding the School Resource Officer, Jason Woods, which will be made part of the record. It reflected the outstanding work he is doing, as do all of the officers on a daily basis.

Mayor Borato handed out a letter from John Campbell, President of the Veteran's Memorial Committee, requesting the Borough donate \$3,200 to have Elite Hard Surface Restoration to clean and seal the pavers and retaining wall. This can be paid for out of line item 453.300, Veteran's Memorial, where there is \$6,000. **Motion by Mr Fetkovich, seconded by Mr Morrone, all voted aye to approve the \$3,200 requested by the Veteran's Memorial Committee, all voted aye.**

Solicitor: Mr Askar will be meeting this week with Attorney Kail to go over the BIU building trap issue, as attorney Kail previously worked on this issue.

Solicitor Askar is waiting to receive a revised agreement from Code.Sys to add a time limit to the agreement and provide a way for the borough to terminate early if it is not satisfied. He will have an agreement for Council to consider soon.

Mr Askar has filed a pre-trial statement in which it is noted Walmart's tax appeal is for a 50% reduction of their 2018 taxes. The taxing districts are waiting for a date for the pre-trial conference before Judge Fouse. The three taxing jurisdictions should hire an expert to appraise the building; to do this we need the consent of the owners to walk through the building and to see some other documentation that will help our case. Each jurisdiction should share in the cost of the appraisal, probably 1/3rd each. He will keep Council informed.

Mr Askar provided Council with a review of ordinance 440 (gas and oil well drilling) and provided a procedure to follow, which is consistent with the Municipalities Planning Code (MPC). He also provided an attorney client privileged document pertaining to his opinion based on the Robinson case, the Supreme Court cases (but not the Jefferson Hills case as this has not been decided). There is a solid outline in the State of how the Courts will decide cases like this, including the experts involved. He will get with the Ordinance Committee to go over what changes to Ordinance 440 might be made and make a recommendation to Council.

Mr Askar revisited the issue of having a "Hearing" or informational meeting/forum/meet and greet with residents and PE. He clarified that Mr Fetkovich's use of the term "Hearing" meant more than what he realized at the time including it would be a much more formal process with a stenographer and questions would be limited to certain parties. Since then Mr Fetkovich stated to Mr Askar several times that his intent was to get everyone together so everyone can be heard, and Council is well informed about all of the issues beyond things that have been stated. Mr Fetkovich stated that is the case and he is willing to change his motion. **Motion by Mr Fetkovich, seconded by Mr**

Bucuren, to change the meeting from a Hearing to a Question and Answer session/informational meeting, all voted aye.

Mr Askar mentioned the recent discussions concerning the two newest hires in the Public Works Department, Brandon Sipes and Raymond Andrews, to waive the 90 working day provision of the contract, which will allow them to become union members sooner. He and Mr Gaston, the Secretary for Local 250, drafted a Memorandum of Understanding (MOU), see attached. **Motion by Mrs Skonieczny , seconded by Mr Fetkovich, to accept the MOU, all voted aye.**

Borough Engineer: Mr Shoup reported GeoMechanics finalized their engineering report on the slide on Cooney Hollow Road. It's no surprise the cause is Pittsburgh Redbed clays coupled with the wet weather last year. The good news is the clay is not very thick. Their recommendation is to build a rock buttress or rock embankment beginning at the bottom, which would be eyed into the bedrock and built up with R-4 rip rap, it's a steep slope. In order to move forward Council could have Public Works do the work or put it out to bid. He suggested a meeting with the Public Works Foreman, the Geotech engineer, himself and members of the Public Works Committee to go over the work to be done and determine if this is something that can be done in-house, which can be done in the next 2 to 4 weeks. Council agreed to this approach.

The Green Forest pipe replacement project went out to public bid, Council has the results. The low bidder is Youngblood. The Borough is scheduled to purchase the pipe through the COG and we'll do the paving at the end. Mr Askar asked if the Engineer feels he's a responsible bidder, the answer was affirmative. **Motion by Mr Bucuren, seconded by Mr Morrone, to award the Green Forest drainage project to Youngblood in the amount of \$9,850, all voted aye.**

Mr Askar asked if Council had voted to hire a Geotech to evaluate Penn Energy's Geotech report, Council had not. Garven Bower and Beitko bid \$1798.76 and GeoMechanics bid approximately \$3,900. **Motion by Mr Fetkovich, seconded by Mr Bucuren, to hire Garvin Bower and Beitko not to exceed \$1,798.76, all voted aye.**

The Janicki Subdivision was discussed a month ago and it was discovered there is nowhere to turn around at the end of the public portion of Herr road. The Janicki's have proposed a 100 foot right of way, on which a 40-foot gravel turn around would be installed by them. This too would require a modification in that normal cul de sacs are 80 feet wide and paved. The Borough would own and maintain the turn-around. Mr Askar asked if the Borough has considered vacating its portion of the road? It has not. Janicki's consultant will take this idea back to them.

The 2019 Road Improvement Plan is recommended as follows: The southern end of Mary Reed Road, Gross Drive and Clearview off Mary Reed. Alternate roads include: the southern end of Firethorn, Hamilton Court and three roads in Sunset Hills. There are also

roads to be tar and chipped. A written recommendation will be distributed in a day or two.

Old Business

AWA Fire Hydrant Bills. Three reports that AWA provided over the last year were given to Council. Council wants an itemized breakdown of the hydrant bills.

New Business

EBMA manhole damage bill. Mr Westrom stated the Borough should not pay this bill. Mayor Borato, as Vice Chair of the EBMA, agreed and was not aware the bill was being sent to the Borough. The Authority had the opportunity to locate its manhole covers and didn't. When the cover was first paved over the Authority should have demanded they be uncovered. They should have looked at the 'as-builts' and gone out with a metal detector. The Manager will send a letter explaining the Borough's position.

The Bogati Plan of Lots is cleaning up three lots by eliminating two property lines and creating a new one resulting in two lots. **Motion by Mrs Skonieczny, seconded by Mr Morrone, to approve the Bogati Plan of Lots, all voted aye.**

Mayor Borato mentioned the Chief's new vehicle arrived and she would like a brief Executive Session for a personnel matter.

Motion by Mr Fetkovich, seconded by Mr Morrone to go into Executive Session, all voted aye.

Motion by Mrs Skonieczny, seconded by Mr Bucuren, to close the Executive Session and adjourn, all voted aye.

Submitted by

Randy S Kunkle
Borough Manager

**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.**

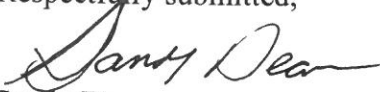
Public meeting stopped at 9:13 for Executive Session

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

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

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

Motion by Mrs. Mutschler, seconded by Mr. Burns to hire R.J. Rice for part time summer help, all voted aye.

Motion by Mrs. Mutschler, Seconded by Mr. Fetkovich, all voted aye to approve Code Sys as an additional inspector.

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.

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**Economy Borough Council
Special Meeting Minutes
June 4, 2019**

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

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

ABSENT: Gary Bucuren

MOMENT OF SILENCE:

PLEDGE OF ALLEGIANCE:

President Westrom asked if there was anyone from media in the audience – no response from the public. President Westrom also stated this meeting is only on the Geotech report from Garvin Boward Beitko. Public would have to stay on this topic and only have 3-5 minutes.

Bob Donnan, from McMurray, PA spoke on behalf of Steve White. Bob read a one-page report. This will be attached to the minutes.

Steve White 475 Amsler Ridge Road. stated that his position all along that these wells should not be in a residential area even if you call it rural agricultural, it is still near a residential area. I left the last meeting upset that the zoning permit passed on with no reviews no questions asked., was angry to see that this permit was extended. To see that it was extended that council is further complying with what Penn Energy wants to do with the road. Don't care what the Geotech report says, it is not an appropriate road.

Borough Engineer – Mr. Shoup – Borough Council engaged geotechnical engineers Garvin Boward Beitko did an evaluation of the report prepared by Stahl Sheaffer Engineering, consulting engineering firm to Penn Energy Resources. Went onsite of the road and area of the road and prepared a report dated May 23, 2019. Joe Boward was the author of the report. Mr. Boward first divided the road into 8 zones. Zone 1 furthest up the hill and Zone 8 down by the intersection with Big Sewickley Creek Road. In his report he does agree that a proposed retaining wall to be built in Zone 1 is appropriate which was proposed by Penn Energy and their consultants. Joe did question Zone 2 from the top of the hill to down the hill. What the bottom limit of the wall was, and should it be extended into Zone 2 by some distance. He raised that as a question. Also proposed because of the condition in Zone 4 as other zones that there would be monitoring performed. Monitoring of the slopes to see of any movement taken place. Methods of monitoring slopes include engaging survey markers to check for slope movement and/or installing inclinometers on/at the slope monitored to see if any movement. Likewise, Zone 5 monitoring.

In Joe's conclusions he reiterated that we concur with the SSE retaining wall recommendation. However, he noted problematic slope stability issues southeast of the proposed wall terminus.

This concern should be addressed. Possible solutions, entail extending the wall or, instead, providing adequate instrumentation to monitor the down-slope area southeast of the proposed retaining wall. Joe made the comment that Amsler Ridge Road is not a PA roadway and does not appear appropriate to require that a Pennsylvania Department of Transportation (PennDOT) engineer should approve any aspect of work on this roadway.

Zones 2,3,4,5, and 6 Penn Energy consultant prepare a slope monitoring plan to be submitted and reviewed. Include type and location of recommended instrumentation frequency of readings, trigger movement reading levels, and so forth.

In the report, based on our engineering review, at this point we do not recommend approval of the proposed roadway use until our above-listed concerns are addressed to our satisfaction. Joe refers to several photographs with the report. In summary, that is what the report is all about.

Mr. Westrom does council have any questions

Mrs. Mutschler, they do not recommend approval until these concerns are addressed to **their** satisfaction. Is this with the scope of what they charged us? It does not take a rocket scientist to say that if they do all these three things, if you or us to look at the report again to say that they did these three things. Aren't you capable of deciding or are we going to pay additional monies for them to look at it again to correct three things? Are you able Mr. Shoup to produce a letter from them to extend the wall, remove the statement that PennDOT is going to do the rock depths, and monitoring is ongoing? Do a plan and say we are going to do this this and this and be reviewed on a date and time that is set.

Mr. Burns said these costs need to go back to the permit holder. They are saying two methods for monitoring the slope are suggested, including engaging a survey crew to check for slope movement and/or installing inclinometers on/at the slope. Their engineers come back with a plan to us after the plan is reviewed and we submit to our engineers for review.

Mrs. Mutschler - If they are agreeing to extend the wall and per this statement it is not a Penn Dot road that they should not have concerns of the rock depth during construction they correct that monitor this and they came back with the plan then their done.

Mr. Burns – Their own engineer stated in the May 22, 2018 report and in the September 5, 2018 report that further monitoring will be necessary. I'm not a soil engineer, we would have to touch base with Garvin Boward Beitko to see how long of a duration that process is.

Mrs. Mutschler - I understand you are looking at the reports from 2018. Did you realize they came back, and we got a revised blue book binder was revised in 2019 from the December 18, 2018 original report. A lot of discussions for safety of the road, we will revisit this road per the minutes, we will revisit this if your willing to do a lot of work and upgrades. Did you read the blue binder provided by Penn Energy?

Mr. Burns - No

Mrs. Mutschler – Turned to Mrs. Skonieczny and asked did you read the blue binder (Penn Energy)?

Mrs. Skonieczny – No

Solicitor Askar – what was provided to the Geotech, was the blue book revision provided to them?

Shoup - stated the latest April 22, 2019 was provided to Geotech, Penn Energy Consultants put the seal on it, was reviewed.

Solicitor Askar – I did not talk to the engineer, on number 2 he doesn't feel that Penn Dot should do the rock depth construction should not be the PennDOT engineer and it would have to be our Geo-Tech engineer unless Scott has the expertise to do that It would be better with a Penn Dot Engineer might not cost the Borough but if we get a road agreement with Penn Energy I agree with Mr. Burns that is a cost Penn Energy would have to pick up.

Mrs. Skonieczny – I would like to comment on the Geotech report. There are issues in the report that I have a problem with. Things in their report, in the blue binder throughout the meetings we were basically promised that they were going to widen the road. I do not see in this plan about widening the road. My concern for the safety of the residents is when not widening the road can a truck and ambulance be on the road at the same time? According to what I read, No – not on portions of the road and this can mean the difference of life and death. Even if they have flaggers on the road for trucks to get off the road and an ambulance to come portions of the road, they need to be on can make a difference. They also made promises in meetings for a sound wall for noise that is not in the plans.

Mrs. Mutschler For the road or well pad? It is for the well pad they have a sound barrier.

Mrs. Skonieczny – In the Geotech report it states fill bankment appears to include substantial organics, which are inherently unstable and there is nothing in the report that addresses how they are going to stabilize it and what the ramifications because it is unstable that is going to occur.

Mayor Borato If you look at the pictures what they are talking about it looks like someone threw garbage in there.

Mrs. Skonieczny – With this all said according with the Geotech report, yes, they would have to have a new plan, comeback, our Geotech would have to approve it again. That is not what we are here for. We are here for based on a permit application. Our function is either to approve or deny the permit application. Nothing else. Our Geotech report says they do not recommend approval. That should be it. If they want to come back, we should vote to the approve or deny the permit based on all the information we have, all recommendations, our vote should be based on that. If Penn Energy wants to make other plans up and bring it back for our Geotech to look at it that is a different story. We are not here to hand coddle them or anybody that puts an application in as to how and what they need to do. This should have been a pristine turnkey that was brought to us. It wasn't, that is our only function to approve or deny it.

Mrs. Mutschler – I'm going to say basically it is not our function to approve or deny it. What other permits in the history of the Borough did we ever approve? Anybody that walked in the door and we asked Randy "have we ever come to council and we ever approve one of these types of permits?"

Mr. Kunkle – Not in the last 26 years.

Mrs. Skonieczny – Mr. Kunkle, did we ever have this type of permit application in the last 26 years?

Mr. Kunkle – No

Mr. Mutschler – No of course not, we did not have this type of application. You fill out an application, what is the difference?

Mrs. Skonieczny – There is a difference. The difference is not an overweight application being asked for 1 to 2 days to bring in some construction materials for a project or house. That is the difference.

Mrs. Mutschler you better correct your application. I go by what the Borough states, because if I have an application and I fill it out and you go around and fill it out and I have to jump through hoops, and you don't know how fair and legal is that?

Mr. Burns in the report it states 3700 and some trucks on the road.

Mrs. Skonieczny – When we get to the vote, I would like to have a roll call vote, we all have a duty to everyone to voice for the record why we are voting the way we are voting.

Mrs. Burns – our own engineers, I took it out of the report saying "in conclusion, further monitoring would be recommended in order to make a more accurate assessment in slope stability."

Mayor Borato – It is a recommendation.

Mrs. Mutschler it is a recommendation and if you approach Penn Energy, they are going to adhere with these three recommendations, what is the issue?

Mrs. Skonieczny I'm sorry I was not finished as I want to ask Mr. Askar, another reason why I am not going to vote for it is because if our Borough get sued and our engineers recommends not for approval and we vote to approve it does that make us liable financially outside the scope of our duties?

Solicitor Askar- potentially

Mrs. Skonieczny – With that said, I'm not willing to lose my house.

Mayor Borato – I have a question on the report to the slide monitors and inclinometers. I would like to know from you, since you are the engineer here, so under their recommendation all those inclinometers, which I think we all agree that road has pass slide issues, put as a part of our response when Penn Energy sees the report would a weekly report come to your and you respond and give it to us? How would that happen.

Borough Engineer Shoup – All that would be spelled out in the monitoring plan.

Mayor Borato – I would also like to say I don't know what council is going to do. If you haven't read the blue binder or even that other report, and in conjunction these work hand in hand to go back to December 2018, I think when Staul Sheaffer Engineering was here, I don't think anyone was happy with his presentation at the time or what he told us. I think the changes from that initial presentation to where we are today and these three recommendations is a far cry from where we started and actually I would contradict you that there are several places in the report where they state they are widening the road and they are going to try to take out some of the blind bend in the report in the blue binder. Maybe that is why they are not put in this report they are already in the blue binder report. Review of this and the blue binder Garvin Boward Beitko found three things that they recommend would like to see fix in my mind none of these are a fatal flaw.

Mr. Burns – One thing we got from our own engineer that Penn Energy report don't address and that is our own engineer said that the roadway pavement subgrade that included subbase may be inadequate. There is no mention that the subbase be fixed in the reports.

Mayor Borato – In the blue book there is.

Casey Bowers (Penn Energy) – We had three separate reports. The Geotech report was strictly to address the wall. We also presented construction drawings and together with a narrative describing how we would widen and straighten the road. Conduct a full depth reclamation with soil cementing 4" of binder course 1 ½" of wear. We presented detail drawings and plans on how we are going to upgrade this road. The Geotech report was limited strictly to the wall.

Borough Engineer Shoup – The conclusion of the Geotech report was the wall, but the Geotech report included data and all the findings of the bores that were done along the length of the road. So, your report was not confined to the wall it did evaluate the stretch of the road.

Casey Bowers (Penn Energy) – As far as things we are addressing, Staul Sheaffer Engineering is here to answer any questions. We are thrilled to see the report. From what I heard these are – it is my experience in doing dozens of these. It is within normal course, where materials are submitted to a borough or township engineer, there are comments, a chance to respond, and from what I heard these issues can be readily addressed by Penn Energy and Staul Sheaffer. Nice to see the report, from what I heard we are confident to address these issues to the Borough and to the Borough engineering satisfaction.

Mrs. Mutschler – So give them the report.

Mayor Borato – Isn't that why were here to see if they should get the report?

Mrs. Mutschler – Why not to see the report? They should of just did a right to know request, the people are involved now, your going to hold the information away from them.

Mr. Westrom – Is there any other questions to Mr. Shoup about the report?

Mr. Burns – How is your feelings about this Mr. Shoup?

Borough Engineer Shoup – In terms of the Geotech evaluation, I think you said it, that it is not my specialty, but it appears that Garvin Boward Beitko prepared a thorough report. They raised some good points and indicated things that need to be addressed at some point.

Mr. Burns – So you agree with the report stating that we do not recommend approval on the proposed roadway use until our above listed concerns are address to our satisfaction.

Mayor Borato – We are not here to approve today, I thought we were just here to give them the report.

Mrs. Skonieczny – Wait, wait you asked him a question.

Mr. Burns – You do agree?

Borough Engineer Shoup – I agree

Solicitor Askar – I just want to make it clear, the report does have a recommendation above that for council and I want to point out to everyone in the audience, as well as the folks from Penn Energy it does say “we recommend that such a plan be developed by the project design professionals, and that plan be submitted to the Borough for our review”. Whether it's the Borough's review, Mr. Shoup's review, or Garvin Boward Beitko that is for you and the engineer to discuss who has the expertise in those certain areas to make that decision.

Mrs. Mutschler – That is fine.

Mr. Westrom – That is standard for road jobs – monitoring. We will tell them how to do that and they will say yes or no.

Mayor Borato – How can they do that if we don't give them this? I thought that was the whole catalyst for this meeting. How can you get that done?

Solicitor Askar – Mayor, I don't think anyone has said not to give it to the general public or to Penn Energy. The email I responded to said specifically it should not be distributed until council had the opportunity to discuss it with the engineer and ask any questions that they have. I further stated that I do not have the authority to release a document that was prepared on the behalf of

councils third party. I don't have the authority to distribute that nor would Mr. Shoup. So that was the purpose of the email in which I explained it. I do not have the authority to do that. If that is what council wants to do, they can do it, nor would I recommend council to hold it back.

Mrs. Mutschler – Do you want my copy?

Solicitor Askar – This is the purpose to have this meeting so everyone can discuss the issues that are out there and the concerns that are out there. So if Penn Energy is able to get with a Geotech engineer and able to work all these differences its going to be up to Mr. Shoup and the Geotech engineers to come to council and say you got a green light that they have agreed to do X, Y, and Z. You have got a green light to approve, they are satisfied but right now you're not getting that green light. It does not sound like we are getting it from Mr. Shoup or council is getting the green light from this firm.

Mayor Borato – and I agree with that until these are addressed. I think they need to be addressed and I am particularly interested in monitoring the slides, that is of high interest to me.

Mrs. Mutschler – So if we give them, they can all have their report, touch base we come back in next Tuesday, you will have some answers for us?

Casey Bowers (Penn Energy) – I think so it seems straight forward.

Mr. Fetkovich – To simplify this we had an original Geotech report, we had a third party do another Geotech report. When they reviewed, they agreed with a lot of the original Geotech report, they also made some recommendations that make it safer. I feel we have an obligation to look at both of those. I really though the main objective today was to have discussions and open the report to the public – everyone. So, they can review it, respond to a question about it and it went down an odd path.

Mrs. Mutschler – Is there any questions you need to ask anyone one of us while we are up here before you get the report?

Casey Bowers (Penn Energy) – I would obviously want to review the report and I think what we would suggest is that the engineers work directly, you know we would respond directly to Mr. Shoup or the Geotech firm and address those and come to a recommendation yah or nae from Garvin Boward Beitko and work with them directly until they give council recommendation one way or another.

Mrs. Skonieczny – That is not what they are asking for. They are asking for plans to be resubmitted so they can review they're not saying for you to work together that's my point earlier.

Casey Bowers (Penn Energy) – We would need to submit those plans to them. We need to know what they are asking for and we will submit the monitoring plan. We would submit that directly to the Geotech firm.

Mrs. Mutschler – and we will get a copy addressing their issues and we could attach it to what you originally

Casey Bowers (Penn Energy)- The first step is seeing the report so we can respond to it and follow the recommendations.

Mrs. Skonieczny – Okay I would like to see how we know the road cannot be widened everywhere. So we know it is not going to be widened, the last meeting I was at we spoke about this and you told me that you were going to go to the other property owners to get right of ways because you don't have the powers. How is that going?

Casey Bowers (Penn Energy) – We are in that process.

Mrs. Skonieczny – You got permission so you can widen that road?

Casey Bowers (Penn Energy) – We haven't gone – we submitted an access maintenance usage agreement application and heavy hauling application more than two months ago.

Mrs. Skonieczny – No, I'm talking about getting the property owner's permission

Casey Bowers (Penn Energy) – We don't want to get ahead of the Borough

Mrs. Skonieczny – Well that's part of it even if you come back with pristine plans that's only in the Geotech report, like I said there are things not in there and one of the main things is widening the road.

Casey Bowers (Penn Energy) – We can only accomplish what we set forth in our plans.

Solicitor Askar – Mr. Bowers do you have any issue with the time is Penn Energy waiving any issues of time or do you want council to vote on your road application today?

Casey Bowers (Penn Energy) – The access maintenance agreement where it says the secretary shall issue when anybody applies.

Solicitor Askar – Do you want them to vote on that today?

Casey Bowers (Penn Energy) No, we were not asking for council action. Don't believe it is necessary.

Mrs. Mutschler – I don't think voting is necessary to be issued. Sorry Randy hate to tell you but that is your job.

Mr. Westrom – Anybody else have any questions to Mr. Shoup about the report? At this time if anybody wants to get a copy of the report, they can fill out a right to know request.

Solicitor Askar – Is the Borough okay releasing the report without a right to know?

ALL COUNCIL - Absolutely

Solicitor Askar – I have an electronic copy, I know I have Mr. White’s information, Penn Energy

Mr. Fetkovich – Put it on the website so everyone has equal access to the report.

Mrs. Mutschler – We can make one hard copy and pass it along

Solicitor Askar – I will email electronically when I get into the truck

MOTION TO ADJOURN THE MEETING at 7:41 p.m.

Motion Mrs. Mutschler, Second Mr. Burns to adjourn meeting, all vote aye

Respectfully submitted,



Sandy Dean

Borough Secretary

BOB DONNAN

MURRAY, PA.

In the ten years I've been following drilling and fracking very closely in our tri-state area, it's always been the heavy truck traffic, and deteriorating roads, that come up as the number one issue. Number one.

It's well known that 1,000 truck trips or more are required to put each well into production. While industry would have you believe this is only a temporary nuisance, we are now seeing producers returning to their original Marcellus well pads, to add more wells.

The fact remains that once you put wells into production, there is an ongoing flow of trucks to service the wells and drain the condensate tanks.

Permits are now coming through for well pads with as many as 44 wells. Imagine if you have 44,000 truck trips on your local road, or more, even if it is spread out over many years.

I just attended a memorial service for a friend from Wetzel County, West Virginia, and it was two large dump trucks, speeding past him on a narrow road, then driving in both lanes around blind corners, that got him involved full-time in holding the drilling industry far more accountable.

He followed those drivers to the well pad they were building, and told them point blank, "You're going to kill my children and grandchildren if you keep driving like that." Indeed, there have since been scores, if not hundreds, of truck accidents in Wetzel County. We've read of several cases where 4,000 gallon tri-axle tankers have rolled over, killing people on at least two occasions.

It seems to be the right tire track area of roads, near the shoulder, that disintegrates first from the heavy trucks. The roads have actually gotten so bad, from all the drilling traffic in the county around Wheeling, Marshall County, that officials have declared a 'State of Emergency' for their roads. They've become hazardous for school buses and all other traffic.

Impact fees may pay for a few projects in local townships, but they won't come close to repairing small roads and highways. Unless you have the appropriate bond amounts in place, you are leaving yourselves and the citizens you represent 'holding the bag' with the inevitable road repairs.