

Economy Borough Council
Meeting Minutes
June 11, 2019

MEETING: was called to order at 7:01 p.m. by Council President Brian Westrom.

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

ABSENT: Tom Fetkovich

MOMENT OF SILENCE:

PLEDGE OF ALLEGIANCE:

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

William Howard -255 Marr Road – I think we all know why I am here, concerning project on Marr Road. I thought we had it resolved but it is not resolved. I stopped in and talked with Randy because I saw they put cold patch in the holes and cold patch is not acceptable. When I left I stopped down to talk with Ted. Ted Brickner stated it is not on the agenda/budget to complete that road this year. I feel betrayed and lied to.

Mrs. Mutschler – I personally thought that when we took it over and approve to fix it, that it was done. I don't know if we could do this in house, get some binder to help it along until next year going in the budget?

Borough Engineer Shoup- Yeah, money in the seal coat budget to possibly tar and chip it. Once it is patched and everything. When Borough council accepted the road last year, I don't know if there was a directive to pave the road.

Mrs. Mutschler – correct

Mrs. Skonieczny – I thought we did talk about it.

Mrs. Skonieczny - We were going to accept it and fix it.

Mrs. Mutchler – I guess we didn't specify on how we are going to fix it maybe we just all assumed it was going to be paved.

Mrs. Skonieczny – They wouldn't have to be responsible for it, it would have to be cleared in some way.

Borough Engineer Shoup- Correct winter maintenance would be up to the Borough, it would have to be in good shape. I can't say if I seen it lately. Is it in terrible shape?

Mr. Howard – It is in bad shape. I thought we all agreed to this, something needs to be done, we agreed to this and I found out we didn't.

Borough Engineer Shoup – There could be some maintenance done on it, I don't think it can be paved this year. That is up to council

Mrs. Skonieczny – If I recall this it was our intention when we accepted this road they would no longer be responsible for snow and all that. Maybe if we can't pave until next year, we can take care of that.

Mr. Howard -That is what they tried to take care of with the cold patch, to be honest with you.

Mayor Borato- I have in my notes on September 25, 2018 that we possibly have millings that we can spread on Marr Road that is within our budget. Put the millings down and roll it, is that possible?

Borough Engineer Shoup – That is an option there are plenty of millings.

Gary Bucuren – put some millings down and roll it.

Mrs. Mutschler – Then we can put it on the budget next year.

Mr. Howard – that would probably get us by until then, millings down and roll it.

Mrs. Skonieczny – We all agree with you.

Mr. John Talaz - never seen a plow on Marr road in the 41 years I have been a resident of Marr Road.

Mrs. Skonieczny – On the whole Marr Road?

Mr. Talaz – on part of Marr Road from 3rd Avenue to Paul Street. Never a snow plow truck.

Mrs. Mutschler – I can't speak for the road department.

Mr. Talaz – I understand that. I have talked to the road department and they told me they have the equipment to take down there without taking the big plow trucks down. They have equipment it is whether they want to do it.

Borough Engineer Shoup – Did they not maintain it this winter?

Mr. Talaz - No never.

Mrs. Mutschler – Ok we will make sure we address that further again.

Borough Engineer – When was it taken over again? Do you have a note on that?

Mayor Borato – No, I don't but I think it was September or October.

Mrs. Skonieczny – I think it was towards the end of the year. So, Mr. Askar do we need a motion to direct the public works department?

Mr. Askar - No

Mrs. Skonieczny – Notify the public works department to fix it temporarily, so we can put in the budget next year but it will be maintained.

Borough Engineer Shoup – I also recommend Randy to notify public works department

Mr. Howard – and it will be maintained this coming winter?

we will put the millings down and roll it in so it will be half decent, temporarily right?

Borough Engineer Shoup – I want to review it with the road crew foreman, at this point in time I don't see why not.

Steve White -475 Amsler Ridge Road – We have two Geotech reports, Mr. Shoup, I don't know how many residents spoke about using Amsler Ridge Road to the access road to the well site. I have reached out have at least 40 residents say this is not a good idea. It would be very nice if council can put it to rest and vote no do not allow Amsler Ridge Road as the access road. It is just ridiculous I just hope council, the mayor, Audrey everyone else have been up that road and sees the blind bend.

Mrs. Mutschler - I have driven up there several times read every piece of information and reviewed every law and ordinance we have. I am prepared.

Steve White – Someone one is going to die on that road if it is not widened it.

Mrs. Mutschler – Someone is not going to die on it now, if nothing is done on it. Do you have a crystal ball and I don't want to get into it.

Mr. White – If it was just one truck or two to build a house, but your talking about thousands of trucks trips. This is completely different. Again with the ordinances it needs to change, get it out of residential areas.

Mrs. Mutschler – Again with the ordinance change we can only change for the future, cannot change for the present.

Mr. White – You already have the Geotech report saying this unsafe. You have a lot of people saying it is unsafe.

Mrs. Mutschler – You have the Geotech report? When did you get it?

Mr. White – Yes, I got it at the last meeting when it was sent to me.

Mrs. Mutschler – The blue binder?

Mr. White – I don't understand why there are so many binders are going around. There should be one binder so no one gets confused with all the binders going around.

Mrs. Mutschler – How they ended last meeting that anyone can go into the office and our current binder that we are talking on that our Geotech talking on Penn Energy report that we are talking about and get a copy.

Mrs. Skonieczny - This is the current approved. This is not what are Geotech report was on. This was like the third or fourth revision. This was done December 2018.

Mrs. Mutschler - Pat, there was a new one.

Mrs. Skonieczny – Right, revised in February then in April and now the latest is dated June 5, 2019.

Mrs. Mutschler – Their Geotech report went on the one we spoke about this at the last meeting.

Mrs. Skonieczny – Right, wasn't the one in the binder.

Mayor Borato - Revision in April

Mrs. Mutschler – That is the only change there was they requested the engineer's stamp to go on it.

Mr. White – What is with all the monitoring? The whole monitoring situation seems ridiculous. Just wait for the accident to happen?

Mrs. Mutschler – No, wouldn't you want to monitor anything better to be safe than sorry. That is for any job. Don't you monitor your construction work to have someone come out and see what your building?

Mr. White – Yes, they are picking out the areas where they have problems with. I usually try to fix these problems that I address, not just monitor them and wait for the accident to happen. Fix all the areas that need to be addressed that need to be fixed not just monitoring.

Mrs. Borato – They are fixing the problems.

Mr. White – They are not widening it.

Mrs. Borato – Sir, please even in the newest one in the appendix G & H there is a widening plan. It is clearly stated they are widening in the areas that can be widened.

Mr. White – In the areas that can be widened, yes.

Mrs. Borato – Right, I mean there is only so much they can do.

Mr. White – Exactly, find another way to get up there. This is not an appropriate road to go up.

Mrs. Borato – I understand your not living up there anymore, but I hear your concerns, I understand what your concerns are.

Mr. White - I'm moving primarily because I cannot trust what the council is going to do the right thing here and not allow the well site and ruin my property value . I have family and friends in the area. So don't act like because I am moving I don't care about the people there. This is not fun and hobby for me to start this process.

Mrs. Borato – With all do respect, Mr. White you have been here since 2011, I think.

Mr. White – You remember me talking about this many many years ago,

Mrs. Borato – Yes, maybe not this particular well site, but fracking in general. So we understand what your talking about, understand about fracking in general. Trust me we hear your concerns, and to say you don't understand about the monitoring, we have many roads in the Borough that should be monitored. Cooney Hollow is one of them, that road should be monitored, monitored on a monthly basis it has a historical slide issue. We know from this report, the Geotech report, the revisions that I also have read every page, they are addressing the issues that are the concerns to the neighbors, to the people that use that road. Your not going to get a perfect highway. 79 has two of the most dangerous S bends on any interstate in the world, trucks flip there almost every other week.

Public - You can't get an ambulance up there.

Mayor Borato - I have a lot of roads in the Borough where you can't get an ambulance up. I have Springer Plan Lane, I can hardly get a bus up there it is a private road. We just did a plan - Janeki Plan subdivision on a road that could not meet our standard for what are normal standards for a driveway. That road doesn't have standards. We know that road is too narrow, were not going to fix it. We are not going to do anything for it. If we start going through every road in the Borough that needs to be widened to meet our standards, we will soon be bankrupt or raise taxes to achieve this process. There is no benefit for Penn Energy or any other company in the world that wanted to put something on that property. There is no benefit of doing something half ass, they are not going to jeopardize their insurance bond, their reputations, their employees

lives, life's of the truck drivers, or anybody else who has to go up on that road. Tell me how it is going to benefit them to do something not proper, not safe, they are putting in guide rails, widen the carriage lanes, doing full depth reclamation.

Mr. White - And they will receive a \$300.00 fine if they don't keep up with the road. That is how the ordinance is right?

Mrs. Borato - Actually, when they got the access maintenance agreement they selected option B of the access maintenance agreement which is more serious of an access maintenance agreement. Did you read option B?

Mr. White - I'm not sure

Mrs. Borato - So, trust me, I feel you.

Mr. White - I feel a lot of trust is going into this, trusting Penn Energy will make the right decision, trusting that these companies are going to make the road we want.

Mrs. Borato - Under option B it actually gives our engineers and the Borough accountability to go up there and say "hey this might not be what we want." We hired a second set of eyes, we have Mr. Shoup.

Mr. White - Speaking on insurance is there only one bond for all the well sites in Economy right now?

Mrs. Borato - I don't know that for a fact.

Mr. White - Because if they are the same exact account of the bond each one of the permits. So to me this seems like there is one bond for all three well sites. There are a lot of other townships, that have bonds \$25 million per well site. For the amount of activity that they are doing there, from what I see our bond is \$1 million or something smaller than that.

Mrs. Borato - I thought it was \$10 million, but I could be wrong.

Mr. White - That is spread among three wells. Need to be further scope on how Economy being turned.

Mrs. Borato - I will review that. I haven't looked at the applications, some renewed. Need to look into further, I promise you that I will review.

Mr. Ron Mullins - Orchard Estate - On the same note my wife has had two brain surgeries, multiple seizures and the fact is if an ambulance has to come up from Sewickley they come up Amsler Ridge. If a truck is coming down Amsler Ridge how is an ambulance getting up there? I know there are other ways to go but your talking another 5 to 10 minutes and that could mean life or death. Where is another ambulance service in this part?

Mrs. Mutschler - Economy ambulance service on Ridge Road.

Brad Forser - I own a piece of property at Sunset Hills on the left hand side as we drive in. I have been having problems since 2000. Take a step back in the early 1990's PennDot came in and put drainage sewers on Conway Wallrose Road. What they did on my property they put in a storm sewer with an outlet, no piping to go anywhere else. When PennDot came in they cut off the storm pipes. Somebody was supposed to connect that pipe to the pipe underneath Sunset Hills Drive. Noone done that. I have been trying since 2000 to find out who is responsible for putting this pipe in. I have gone to Representative Matzie and he has gone to PenDot and PenDot says it is not their problem. I talked to many Economy Borough personnel about it and they say it is PenDot's problem. Now, one of the two are wrong.

Mrs. Skonieczny - Did PenDot say why it is not their problem? Did they give you a reason why it is not their problem?

Mr. Forser - Yes, because once it stops at a property they are done with it. I asked PenDot, there is another drain sewer about 150ft down from there, why didn't you tap in there?

Mrs. Borato - Where does the water go? Just sits in the gully?

Mr. Forser - It sits on my property, comes around where the pipes should be connected from Conway Wallrose Road. I have pictures on my phone. The problem is someone is responsible for putting the pipe in. This has been going on since 1990, I can't get an answer.

Mrs. Borato - Do you have any recollection of that work Mr. Shoup?

Mr. Shoup - I'm familiar with the property, I'm familiar with the drain. I wasn't aware it was put in 1990, I assumed it was there longer. If it was put in 1990 it was definitely PennDot that put it in and directed it onto his property. In my estimation is PenDot's issue. There is a culvert that goes under Sunset Hills Drive about halfway back your lot roughly. Some backyard water comes down into his lot and goes in Sunset Hills Drive. What he is talking about is tying in somehow in that culvert system.

Mrs. Borato - So does that culvert then go out the other side down 65 side of Sunset Hills and is there a stream it releases to?

Mr. Shoup - I haven't been down there, but I am assuming there is a stream somewhere in there.

Mr. Forser - I have been trying to sell my property and 3 out of the 6 people that looked at the property have asked what about that drain. Can you help me with this situation?

Mr. Thomas (Code Enforcement) - Mr. Shoup can you look into this again to see if it is the States problem?

Mr. Shoup - In my mind, I thought this pipe was here for 50-100 years, but if this is the case the State needs to address it.

Mrs. Borato - Let Mr. Shoup look into this, make a phone call to the State.

Mr. Shoup - Sure

Mr. Forser - How will I get an answer?

Mr. Thomas - I checked into this, Mr. Shoup, get in touch with Ted Brickner. I was told the Borough put it in years ago runs underneath the main road goes into Sunset Hills.

Mr. Shoup - That is correct. The Borough or Developer put it in. The one he is talking about is that there is a catch basin on Conway Wallrose Road short piece of pipe that dumps into Mr. Stillwagon's property, then it goes in his property. I will talk to PennDot.

Ms. Jennifer Bajac - Well pad Amsler Ridge, we are Pro for getting the well pads and get these roads fixed. We are definitely disagreeing with everything that has been said. #1, not sure what the vote NO is all about, there is no vote in the ordinances and for any other well pad it has gone through and we signed within 24 hours. I don't know council keeps discussing it and the permit being delayed. That road is absolutely horrendous and it has been for years. You said repeatedly Economy Borough is not going to pay for it. So if we are worrying about accidents happening that road should be fixed. I know why they are up here, but it comes down they are trying to delay the well pad project which is their right. This has gone on quite enough. You have dozens of individuals in this room that are PRO Amsler Ridge Road getting fixed. We want the maintenance agreement signed and ready to move forward.

Mr. McClellan - 196 Schaeffer Road. Can't seem to stop the traffic trailer trucks from using Schaeffer Road. It's not the police problem, they set traps, patrol. Road is brand new and is cracking bad.

Mrs. Mutschler - Do you think it is the same truck or the GPS has them follow

Mr. McClelland - I don't read the trucks anymore. The police can't camp out there anymore. The road is cracking needs sealed immediately, need to have the road department seal the cracks up before you lose a brand new road.

Mr. Westrom - Mr. Shoup you want to take a look at it?

Mr. Shoup - I will at least bring it up to Ted.

Mr. Reed Powell - Cooney Hollow - Either dumping commercial or local dumping on Cooney Hollow. I know for a fact 4,5,6 commercial haulers go up there every night they might live on Amsler Ridge, I don't know with their lawnmower clippings. There are four good spots to put

clippings where the Borough makes the turn around, nice flat spots. I had to buy a backhoe to keep the pipe cleaned out so that it doesn't flood my house - pretty expensive.

Second part, we have a breakdown for the mower for the road, Randy?

Mr. Kunkle - The brush hog?

Mr. Reed - Yes

Mr. Kunkle - It's been out.

Mr. Reed - Came halfway in Cooney Hollow and left. It made one pass on each side halfway down the road that was on a Thursday or Friday. Never returned. When Ted was doing the job he always made 3 to 4 passes on the road. We have a lane and a half on Cooney Hollow you cannot pass another vehicle because of the weeds are growing. Didn't know if it broke down.

Mr. Kunkle - It's likely that type of equipment does have frequent breakdowns a lot of moving parts.

Mr. Powell - I know that and it seems when it does breakdown, time constraints.

Mr. Kunkle - We have a lot of roads to cover.

Mr. Powell - I know that I'm not saying I want to be first, what I am saying is that if the road starts closing from weeds, I think it is time to address it.

Mr. Rob Bajac - 724 Amsler Ridge Road - Really important, I have read the second Geotech report it was published by a gentleman, posted in on line for you to read. The roads in bad shape it needs fixed. I have been coming to these meetings and have been mildly frustrated because I see a lot of people not in the Borough speaking and telling us what we shouldn't be doing. The road needs fixed the well pads need to happen. It's going to bring jobs and money to the area. Besides that the road is in disrepair there is no plan to fix it. If you asked Penn Energy last week if they were going to talk to the land owners. I'm a landowner, my uncle is a land owner, we talked we got your back we will help with the property. I'm just asking you guys to pass it. Give them the permit, stop the circus, get it over with.

Cecilia Janisk - What is going to happen at the meeting on July 1st? Is there any do's and don'ts?

Mr. Westrom - The meeting is going to be on the well pad only.

Ms. Janisk - When are we going to find out when your going to ruin the rest of the Borough? It's just not for there will be a lot of people moving out and I wish I could. I would like to thank Steve for all his work and I'm sorry you have to move. Who can speak to me?

Mr. Westrom - Anyone up here, as long as it is on the well pad.

Ms. Janisk - Noone is allowed to speak unless within the Borough.

Mrs. Mutschler - Borough residents, if done when Penn Energy wanted to invite everyone it would be in a certain radius.

Ms. Janisk - very small radius, not very big.

Mr. Westrom - Executive session for new hire in Public Works with potential vote to hire

Minutes: May 14, 2019 Motion **by Mrs. Mutschler, seconded by Mr. Burns to approve the minutes, all voted aye.** Mr. Burns recused himself from voting on the minutes because he was absent for that meeting.

Minutes: June 4, 2019 Special Meeting Motion **by Mrs. Mutschler, seconded by Mr. Burns to approve the minutes, all voted aye.**

Committee Reports:

Finance: Mrs. Mutschler any questions on the list of bills, motion to approve bills. Mr. Bucuren recused himself from Public Works bills due to his brother works in the department.

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 – personnel issue

Mayor Borato I have a question on budget report. Chief ordered new computers he received a \$10,000 grant from Walmart and with council approval we knew we would be over budget. What happens with the grant money from Walmart? The line item in the budget report makes it look like we are going to go over it.

Solicitor Askar - Is that an earmark for the police department every year \$10,000?

Chief- That was a special grant they gave us that was specifically for that, we received the grant in October turned it over to the Borough in October, took this long to purchase.

Solicitor Askar - When you say specific grant what's that? You say Walmart gave your a grant.

Chief - Computers

Solicitor Askar - So the \$10K grant they gave the police department that went into the Borough General Fund.

Mr. Kunkle - Yes, would of went in last year.

Chief - We discussed this last year and asked if approved to go over November or December.

Solicitor Askar - So it would have been accounted for so out of the \$14,600 does that include the \$10K.

Mrs. Mutschler - They were saying they were only budgeted for \$14,6000 for computers they now have.

Mr. Kunkle - No, that is what they are telling us now, it looks like they are going over.

Solicitor Askar - If we already have the money and it is in the general fund you shouldn't have to amend the budget to move money out of the general fund to another account, do you?

Mr. Kunkle - No, if it was a separate check being held then you would. If it's already in the general fund.

Mrs. Mutschler - No worries, I have your wish list and if I'm still here I have it documented \$10K grant received.

Mayor Borato - \$10k should come out of the general fund and the overage out of our computer line item budget.

Solicitor Askar - Correct, because I'm being told the \$10K was earmarked for computers and we can't do anything else with that money but to buy computers for the police department. We we take that \$10K out of the general fund and whatever the difference of the police balance go under police line item fund will come out of there. I do not understand why we would need to amend the budget, proceed in that manner.

Mr. Kunkle - If the goal is to not appear to be going over the budget then you would amend it, if it doesn't matter that it appears you are not going over budget then there is no need for it.

Solicitor Askar - I understand that they are not going over budget. What are we talking about going over budget for the grant given to them?

Mr. Kunkle - \$14K

Solicitor Askar - They received a \$10K grant.

Mr. Kunkle - That goes in revenue account it did not show up in an expenditure item.

Solicitor Askar - Specifically earmarked for police computers

Mr. Kunkle - Ideally it would of been spent last year and we wouldn't be having this conversation.

Solicitor Askar - I understand that, it wasn't. So that money is still sitting there. So the police department I would advise council.

Mr. Kunkle - They bought the computers

Mayor Borato - Agreed they bought the computers

Solicitor Askar - So that money goes towards the computers, so the difference would be made up with computer line item.

Mayor/Chief - He needs a line item to expense line item somewhere.

Solicitor Askar - When you talk with an auditor you would have to put an asterisk there if council doesn't want to do it that way then they would have to amend the budget. Have to go through advertisement process.

Mr. Kunkle - You can adjust line items.

Solicitor Askar - What does council want to do, put an asterisk or amend it.

Mrs. Mutschler - Leave as is, asterisk.

Mayor Borato - As long as it is marked asterisk I'm happy with it.

Motion to put asterisk/footnote for computers \$10K Walmart Grant motion by Mr. Bucuren, seconded by Mrs. Mutschler, all voted aye

Mrs. Mutschler - Executive session personnel issue

Public Works: Mr. Burns read Ted Brickner's report (Copy in Office)

Parks and Recreation: Mr. Fetkovich was absent. Mrs. Mutschler stated she talked with Ted Brickner about getting a lot of complaints on dog feces in Borough Parks. Received pricing on disposal stations and bags. Disposal Stations are \$179/piece and need 2 in each park. \$179.00 for 6,000 bags/bundle. It is a road department problem with cutting the grass, putting the bags in and cleaning up. Mayor Borato stated the Civil Club is looking into this and will report at the next meeting on what they can provide. Mrs. Mutschler agreed will hold off until next meeting, people at Sunset Hills park said not a problem at their park and do not need the station/bags.

Mr. Westrom - Movie at the park will begin next Friday, June 21, 2019 and there will be a movie in July and August.

Ordinance: Mrs. Skonieczny - attached to the agenda Amending Chapter 124 of the Code of the Borough of Economy entitled "Nuisances" to Establish Regulations Regarding Stray Animals. This came up from the Planning Commission, did not come up to the Ordinance Committee. I did go over it and have some issues with it. New definitions were added, that is where I have an issue. They are describing an Animal - any dog, cat, domesticated animal or non-domesticated animal. By doing that a domestic cat that roams to your neighbors you could be fined \$100-\$500 and imprisonment not more than 90 days for the first offense. Second offense a year and fined \$500- \$1,000 if found in neighbors' yard. I think that is unreasonable.

Mrs. Mutschler - What is unreasonable the imprisonment or letting your cat roam into another yard, same as a dog.

Mrs. Skonieczny - Requiring it to have some leash on it, I don't know if that is reasonable.

Mrs. Mutschler - We don't want animals to roam. We are having issues with feral cats.

Mrs. Skonieczny - I'm talking about feral cats.

Mrs. Mutschler - I can't let my dogs roam, run in the neighborhood.

Mrs. Skonieczny - We have a dog leash ordinance.

Mrs. Mutschler - We have no ordinance that addresses cats-feral cats. You need to have something.

Mrs. Skonieczny - That's my point as a council member I am not in favor of passing an ordinance to regulate a domestic cat, that's my opinion we can vote on it.

Mayor Borato - My question would be would it not fall under nuisance? A cat get out here and there, but if your cat is constantly over the "chiefs" house.

Mrs. Skonieczny - That's just it. It is subjective. Your saying here or there, the ordinance is saying Here or There every time.

Mayor Borato - Habitually, trespass. Your would have say this cat comes over every day and poops in my yard.

Mrs. Mutschler - What is the difference between a cat and a dog?

Mrs. Skonieczny - I'm not arguing what the difference is between a cat and a dog, I'm just saying, in my opinion, it is unreasonable to try to regulate a domestic cat with this kind of

ordinance that is going to imprison me for 90 days to a year. Sounds unreasonable, its up to Council, I'm only 1 out of 7 members can agree or disagree with this ordinance.

Solicitor Askar - The ordinance pertains to any animals not just cats.

Mrs. Skonieczny - Right, but specifically the other ordinance to dogs, this is adding any animal. Revisit it, revamp it, or vote, it's on council.

Mrs. Mutschler - Planning Commission worked on it for several months, they had complaints, Randy had complaints.

Mr. Westrom - Only one way to find out see if Council wants to motion to advertise.

Mrs. Mutschler - I'm on the Planning Commission, we worked on this for several months. I make the motion to advertise

Mrs. Mutschler - What is your next plan, do you want to revisit it or do you want to come to the Planning Commission and air your opinion on what we are going to do with the cats to rectify it?

Mrs. Skonieczny - That is not my position. I have my position, it fell off the floor so done with it. If Planning Commission wants to come back and present another ordinance for this they are welcome to do that. May be some of the residents who want to put their input into it to council in letters.

Solicitor Askar - **Please let the record reflect Motion to pass the Ordinance to pet nuisances fell, did not secure second vote.**

Mrs. Skonieczny - A couple of months ago, I asked to address four ordinances relative to well pads being in industrial areas or zoning areas and to amend our ordinances to reflect that and the Planning Commission was supposed to be working on that and I was wondering how that was going.

Mrs. Mutschler - At the time they reviewed it, they felt at the present time they are content with what we have on the books and they will revisit.

Mrs. Skonieczny - I did reach out to our Solicitor if the Planning Commission does not want to move on it. Does Council have the right to move on it? As Ordinance Chair I would like to move on it if the majority of Council is in agreement with that.

Solicitor Askar - Council has the right, we outlines that in Steps and Processes a couple of weeks ago.

Mrs. Mutschler - Then why do we keep a Planning Commision? If your going to over step.

Solicitor Askar - It's not overstepping.

Mrs. Mutschler - Throw it out on the floor to see if anyone wants to act on it and do it.

Mrs. Skonieczny - I would like to make that Motion that Council direct the Ordinance Committee to address ordinances in the future where any well pads be placed in what zoning areas.

Solicitor Askar - I think a simple motion to amend zoning ordinances pertaining to gas well within the Borough limits. Would be up to the Ordinance Committee to come up with plan to Council.

Motion by Mrs. Skonieczny Seconded by Mr. Morrone to amend future Zoning Ordinance pertaining to gas well within the Borough limits.

Mr. Westrom - Any discussion on the motion?

Mr. Bucuren - Your talking about changing it from industrial?

Mrs. Skonieczny - Every zone but residential.

Mr. Bucuren - So it's not allowed in residential.

Mrs. Skonieczny - Allowed in every other zone - industrial

Mr. Bucuren - Taking out agricultural.

Mayor Borato - There is conditional use. It all ready exists, you don't have to rewrite everything.

Mrs. Skonieczny - Down the road

Mrs. Mutschler - Amend ordinances you already have on the books, you wouldn't invent a new ordinance?

Solicitor Askar - You could do either way.

Mrs. Mutschler - If you got a new ordinance then your going to remove this one from the books then you would have to. Your couldn't have two.

Solicitor Askar - If that is what council chooses to do. Write certain points of the ordinance that could be replaced, revised, or amended, or that ordinance could be done away with through a repeal in your new ordinance or any prior ordinance, null and void as a result of the new ordinance. I don't know what Pat and the Ordinance Committee is looking for, I don't know what Council is looking for.

Mrs. Mutschler - I'm on the Ordinance Committee and your on the Ordinance Committee, what is your forte on an ordinance like that? You want to hire a professional? We do have one.

Mayor Borato - So this is not going to the Planning Commission, we are removing the Planning Commission?

Mrs. Mutschler - Right

Solicitor Askar - I have already outlined the process that needs to occur. I believe I shared that with all of Council. If Council chooses to amend the current ordinance rewrite or revise, there are enough ordinances out there nowadays. If Council wants to bring on a professional they can do that, but at this point I don't think it is necessary quite yet being that I don't believe Council knows what they want to do yet.

Mrs. Mutschler - I think we need a professional, don't want to get into this mess again.

Solicitor Askar - Professional for what?

Mrs. Mutschler - To help with the ordinances, if we are going to do any changes.

Mrs. Borato - Especially, in light of the letter you shared with outlining the ordinance as they now stand.

Mr. Bucuren - Is this going to be handed to Planning Commission?

Mrs. Skonieczny - No. I'm not opposed to a professional. I reached out to a professional who wrote several ordinances for other boroughs and municipalities, they are up on the current ordinance rules, court cases. I'm not opposed to that.

Mrs. Mutschler - Who is that?

Mrs. Skonieczny - I can't think of his name right now. I did talk to him.

Mr. Bucuren - Your going to by step the Planning Commission on this?

Mrs. Skonieczny - I wouldn't say by step, we requested they didn't want to do it.

Mrs. Mutschler - They sat and discussed it. If you would come to a Planning Commission meeting they discussed it several times.

Mrs. Skonieczny - Ok, there is a motion on the floor.

Mrs. Mutschler - And it was seconded

Mr. Westrom - If we are going down this road, I think the motion needs amended to get an engagement letter from the professional. How much it's going to cost before we say we are going to use a professional, does that seem reasonable?

Mrs. Mutschler - Do we get that before..

Mr. Westrom - Get a cost estimate on how much they are going to charge, before we commit to do it.

Mrs. Skonieczny - Not before we are doing it. I think we should vote on doing separate things to get a few. Are you saying if we don't like the cost, we can't get a professional, we are not going to do it?

Mayor Borato - Why don't the committee get together to see what your ideas are to see if there is a happy medium ground and then say your ideas and how you incorporate that. Then you call a professional get the request for quotes.

Mrs. Skonieczny - Mr. Askar are your familiar with ordinances?

Solicitor Askar - yes

Mrs. Skonieczny - So we have an in-house professional.

Solicitor Askar - Council can do what they want, if they want to bring in a professional council, Council has every opportunity to do that. I'm not here to tell you to do it or not. I am familiar with the ordinance, familiar with case law, familiar with what council is allowed or not allowed to do. It's just a matter of what does the majority of council want to do because that is what matters.

Mrs. Skonieczny - For now I think we should go with the motion if we run into a problem, if not we can advertise.

Solicitor Askar - As far as the Planning Commission, no disrespect to them but it is a body that recommends to Council. Council always has the right to override. To initiate their own ordinances as to amend, new. So Mrs. Skonieczny has a motion on the floor, second by Mr. Morrone. So we will get the oil and gas ordinance and propose to amend or change the current ordinance. Do we need a roll call vote or all in favor?

Mr. Bucuren - I'm still on the confused side, we are by passing the Planning Commission because Planning Commission doesn't want to look into this?

Solicitor Askar - My understanding, the Planning Commission looked into this and didn't want to make any changes, continue to monitor it.

Mrs. Mutschler - Monitor it.

Solicitor Askar - Pat isn't happy with that, Pat wants to exercise her right as a council member.

Mr. Bucuren - To say Council will make the decisions now instead of Planning?

Solicitor Askar - Council always makes the decisions

Mr. Bucuren - To make the decisions without Planning?

Solicitor Askar - Pat wants to look at the ordinance and recommend reviews and determine if there is going to be any changes and if so whatever those changes are bringing to Council.

Mr. Bucuren - Has anybody asked Planning Commission to make changes?

Solicitor Askar - The ordinance would be sent to the Planning Commission for their review and recommendation but again Planning Commission reviews, thoughts, and comments are only looked at as recommendations.

Mrs. Skonieczny - Yes, in one of the meetings that is what I requested the Planning Commission to take a look at it.

Solicitor Askar - Motion on the floor.

VOTE: All in favor, aye

Mrs. Mutschler - The next time you don't like an ordinance, the Planning Commission meets the first of the month. Noone appears at the meetings at all. You go down there and tell them their idea, no one addressed the Planning Commission and said we are not happy with this and this, and this, so now all of a sudden you want it changed because you don't like how its going. Anybody can come to these meetings.

Mrs. Skonieczny - You were here at the meetings.

Mrs. Mutschler - I told them, if you want to review this ordinance we wanted someone to review all 400 ordinances in the Borough, but did you say "hey we don't like it in this"?

Mrs. Skonieczny - That's why we discussed it in the meeting, your here, your a part of the Planning Commission. Did you tell them that?

Mrs. Mutschler - What did we discuss that you didn't like at this meeting?

Mrs. Skonieczny - That it is in every zone but one.

Mrs. Mutschler - It's not in every zone, you can't pick and choose there is conditional use.

Mrs. Skonieczny - I know I understand that.

Mrs. Mutschler - There are setbacks some say it has to be in rural agriculture, you can't take away from the farmers and not have it in there.

Public Safety: Mr. Bucuren nothing to report.

Property and Building: Nothing to report

Personnel: Executive session

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

Officer that is off on short term disability questions the short term disability covered by Teamsters. Health Insurance 9A not part of the Teamsters Union. Not Teamsters but the Borough has plan 9A for police department. Short term disability carrier Teamsters pay 100% of pay and supplemental benefit of \$250.00. The police were asked to turn that \$250.00 when they received the check give it back to the Borough instead of keeping it themselves. That \$250 is called supplemental pay for loss of time. Officer disagrees with the Borough to turn it in. They feel it is a supplement over and above their short term disability because it is a supplemental loss of time. Tried to mirror the road departments contract, however the wording is different in each contract. See police contract 11.7.

Mrs. Skonieczny - What is the verbiage on that?

Mayor Borato - There is no verbiage on that and when the Chief called the plan administrator it was described to him like Aflac, it is over and above. It is a supplement over and above \$250.00 We are asking Council to make a determination on what this Officer should do. Maybe these are things we want to highlight and discuss at contract time. As it is now, I believe the Officer should keep the \$250.00 supplemental check.

Mrs. Skonieczny - I agree with that and if it is coming from insurance what right does the Borough have to take it. That would have to be addressed in the contract.

Chief - It is not a contract issue, it is a health care benefit. Just like when you have your healthcare and it tells you it is a benefit, same as Aflac. Language is 100% short term disability. Borough is not through 9A just the police department. This is probably the fifth time someone has been on this and they probably turned in \$2,000 to the Borough.

Mrs. Skonieczny - How is that?

Mayor Borato - I don't think this can be rectified in the past, can't go back and say I want my \$2,000. Moving forward.

Mrs. Mutschler - If your looking at the manual it says your have to turn your plans in within 20 days can't come back.

Mayor Borato - I would say buyer beware, this particular officer new what his benefits are. Can I go back and rectify it can I ask Council to direct the office not to ask for the payment from the officer?

Mrs. Mutschler - Contract is so different from road department, add to bring it up to 100%.

Mrs. Skonieczny - Now moving forward, but I disagree if the Borough represented to the police officer they can't take it and they relied on that representation it should be rectified.

Mayor Borato - How do you rectify it how many years do you go back?

Mrs. Skonieczny - We don't have to say, but if the officer asks.

Mrs Mutschler - They would have to have claims, doctors receipts, follow the notes, supply a report three years of doctors receipts.

Chief - Claim would of been filed already they would have collected a check, had a claim and turned over to the Borough.

Mrs. Mutschler - How far back do we go?

Chief- This has been since 2014 benefit paid to the member not the Borough.

Mayor Borato - As the contract states it is a supplemental benefit.

Mayor Borato continuing the discussion on the civil service list. Talked with Lou Desanzo in regards to the police department needs to hire one more officer. Part time officers are hard to find and they have one deployed and another off work. Asking Mr. Desanzo if the cadets graduating at the end of June be on the eligibility list right out of school. The question is about the Act 120 certification. Now, the State will come to the academy and test everyone at once. Scores are available with a 24 hour turn-around.

Mrs. Mutschler - We do not have a completed budget - overtime hours.

Motion by Mrs. Skonieczny, seconded by Gary Bucuren to hire 1 officer from the updated list to hire, Council is going to authorize hire.

Mayor Borato - Meeting on June 5, 2019 in regards to the license plate readers. Everyone was enthusiastic about it. Deadline by July 1, 2019. We can come back at the meeting on the 9th and give Council an update.

Solicitor: BIU Traps - Talked with Mr. Kale on that his research, basically a matter of common sense the Authority was not authorized by Council to install that outdoor trap. The Authority went and installed it. If Council wants to pay it go ahead, but there is no authority, no rationals that Council has to pay that trap.

Mrs. Skonieczny - Mayor Borato, put your other hat on. What are their rationales why the Borough has to pay?

Mayor Borato - Their rationales why the Borough should pay is BIU went out to inspect an addition that was being put on this house. There was an existing clean out (trap) in the yard when he put the addition on he had to move the trap back (broke) and new trap back in. When BIU came out to inspect they said you cannot double trap a house the J trap should be enough. Our stance, Labor and Industry anything 31 feet the curb line is not BIU to say it should or should not be that is EBMA line pipe. Because he would not give that builder the go ahead until that trap was removed the contractor went and removed the trap and the lady started getting sewer gases in the house. EBMA went to her house and the sewer gas was incredible. So the only way to fix this is put that trap back in so the sewer gases won't go into the house. So EBMA went and did it that night. Because it was the Borough's inspector who said to remove the trap the Authority said it was your inspector that told us to remove it. The Borough should pay.

Mrs. Skonieczny - With that said, I did attend the meeting between EBMA and BIU. In my opinion, and since I was at the meeting the Authority asked BIU to show them in the manual to support his opinion. He couldn't he refused, I agree with EBMA, it would be BIU, they could not support to have the trap removed.

Solicitor Askar - If that is the case BIU needs to step up to the plate and if they are not willing to do it then turn it is to their insurance company. Claim is against BIU not the Borough. The Borough did not advise him to do that.

Mrs. Skonieczny - My next question, Mr. Thomas we get them reports that have BIU, it is my understanding we are not using BIU.

Mr. Thomas - Because they have to finish the job they started.

Mrs. Skonieczny - That is what I figured.

Mayor Borato - I will try to have the Authority force the payment through BIU.

Solicitor Askar Walmart Assessment – Still haven't received a court date. I don't believe if the school district filed any of their pleadings. I know for a fact no court date has been set.

Borough Engineer: I did advise the geotechnical engineer for the Borough's acceptance and their proposal depends on the beginning of the project. I also reached out to the property owners, vacant private lots adjacent to Cooney Hollow Road. Had more success than last go around in

the Fall having zero success of reaching anyone. This go around I was able to reach one of five on the deed. Ray Zassick, Jr indicated early he had no problem would sign release he is estranged from his wife. She lives on Giant Oak in the Borough sent her a letter, no response. Ray said he will try to contact the other owners. I will reach out again, at some point will have to get Solicitor Askar involved to get consent to put machinery on that property.

Solicitor Askar - Is this deemed an Emergency to fix this?

Borough Engineer - Not getting any better.

Solicitor Askar - Is it creating a hazard?

Borough Engineer - I think you can make that argument

Solicitor Askar - If you don't feel comfortable deeming this an emergency, then in this third letter your sending out state if we don't hear from you we are going to deem your nonresponse approval/acceptance.

Borough Engineer - If you don't mind I will draft a letter and run it by you.

Solicitor Askar - yes.

Borough Solicitor - Penn Energy Access Road - There was a response from Penn Energy consultants. Report received last week did forward that out to Council. Gavin Bowers Beitko Borough's consultant issued a response today, 6/11/19 of the revised studies. 2 out of the 3 original responses they felt were fully addressed. The third one they did ask for some additional information relative to the monitoring plan. Basically looking for more monuments and a description of who will be taking the readings, registered surveyor, process for submittal to the Borough, and information on monuments not real significant information they are requesting, but they do request the additional information be submitted with their monitoring plan for their review. That is the latest.

Mrs. Mutschler - Did we forward that on to Penn Energy?

Borough Engineer - We just received it today, wait to see what Council wants me to do.

Mrs. Mutschler - We are all involved, I would assume hand it to them.

Mrs. Skonieczny - My understanding Penn Energy engineers they didn't agree with our export report, but none the less I have to ask Mrs. Askar, I did go through this book, I did read the geotech reports, the plans. I don't see where in the plans they did have in the book their construction drawings showing the widening of the roads in certain spots. My question is to Mr. Shoup and Mr. Askar if the widening of the road was not included in the plans that the geotech report reviewed, I would make a motion to deny the permit because the plans are incomplete and insufficient and does not include that and we all know it has to include the widening of the road.

This is the 4th or 5th revision they have given us and I think that is reasonable and with that said I would like to make a motion to deny the permit based on the advice of the expert opinion and our borough engineer, and our solicitor that they don't recommend approval.

Casey Penn Energy - That is not true we submitted drawings sealed by the engineer included the road widening that the geotechnical firm did consist all dated 4/22/19 which included signed sealed by engineer. Totally complete.

Mrs. Skonieczny - The problem is your can include whatever you want to include you don't have any legal authority to include widen the road when you don't have any condemnation powers and no right of ways to support your proposed widening of the road. So until that occurs these plans are insufficient and incomplete. So with that said I make a motion what is before us. I would like to clarify Mayor with what you said earlier, we know that there are residents on each side of the issue. It's not about the residents, whether you signed the lease or didn't sign the lease it has to do with the safety on the road. It is about the road. That is what it is about. Their documents clearly state for example from the response of the geotechnical report they state Amsler Ridge Road is also proposed to be widened in numerous areas to increase safety along the roadway to allow two trucks to pass each other on most sections of the roadway. So what happens when the ambulance and truck meet on the road, can't be together.

Mr. Westrom - First, we need to figure out if this is something we can vote on.

COUNCIL Discussions among council to see if council can vote on this.

Solicitor Askar - It is very clear you can vote on it Chairman, you have the right to vote on it you have a professional opinion from a geotech engineer, you have Mr. Shoup's agreement from our special meeting last week basically saying these issues need to be addressed before moving forward. These issues are not addressed you can't move forward. It is up to Council to listen to your professionals on who you hired and don't allow Penn Energy to move forward or discount whatever your engineers are saying and allow them to move forward.

COUNCIL - all Discussed among themselves in regards to Penn Energy response to Geotech report with three issues to correct.

Solicitor Askar - With all do respect Casey (Penn Energy) you had a chance to respond to them, you got the report the same night of the special meeting, your folks did not respond to them. Stop addressing it's not fair to anyone here that I allow you to speak and not anyone else with all do respect.

Solicitor Askar reading from 6/11/19 letter based on our engineering review, as summarized above, we do not recommend approval of the proposed roadway until our above listed item 3 concerns are addressed to our satisfaction.

Council and Mayor - Discuss parts of the letter dated 6/11/19 among each other - matter of opinion on the letters, answered in blue.

Solicitor Askar - for the record Council has the right to approve or deny Penn Energy's application for the heavy hauling because their road maintenance agreement is not up to speed with our Borough engineer or geotech engineer is recommending. If the Borough decides to deny it and Penn Energy comes back with another submission then it is going to be up to Scott and up to Joe Boward to redo their scope of work to come up with recommendations. I'm not taking sides. It is up to Council to decide what to do, that your elected to do. I'm giving you advice on what Mr. Shoup is saying and what Garvin, Boward, and Beitko recommends.

Mrs. Skonieczny - Again, I want to ask if we vote against what are experts recommend would it make us liable down the road, lawsuit.

Solicitor Askar - I stated yes at the last meeting always that potential.

COUNCIL - Discussions among themselves.

Mayor Borato - If you vote against your ordinances and Penn Energy brings a lawsuit, something you can be held liable.

Solicitor Askar - Anyone in this room can file a lawsuit on this issue at any time. We heard it from Mr. White and the other gentleman threat of a lawsuit has been out there for the last six months.

Mayor Borato - Doesn't matter if your vote for this or against this, threat is there.

Solicitor Askar - It is going to come to a head sooner or later.

Mrs. Skonieczny - Your vote should not be based on if your going to be sued or not. It should be based on the facts.

Mrs. Mutschler - Why would you not give them another opportunity.

Mrs. Skonieczny - This is the 4th or 5th revision ample amount of time.

Mrs. Mutschler - Really, over a big scope of work. They filled out the application like everyone else did, should have been approved.

Mrs. Skonieczny - It is what it is. Motion to deny the permit based on our engineer, Borough Solicitor, and geotech report. **Motion by Mrs. Skonieczny, Seconded by Mr. Burns**

COUNCIL - Discussions with Council on denying or accepting permit.

Mr. Westrom - Mr. Shoup with all the information we have is the road safe for regular traffic as it is right now?

Borough Engineer - In terms of the geotechnical part of it, the Penn Energy consultant did do an evaluation coreboards, cross section analysis and did find in one area the successability for a landslide did exist today the Borough consultant did and study reviewed and concurred that exist and agreed with a fix with a wall. So if your asking from the geotechnical report that is the answer, the other part of it its is safe? That is speculative, what is safe?

Mrs. Mutschler - Is it safe to any other road?

Mr. Westrom - If the wall doesn't go in and something slides there us knowing it is a problem the Borough can have issues with that as well?

Solicitor Askar - yes

Mr. Bucuren - They stated the wall can be added.

COUNCIL - Council had discussions on the wall in regards to the June 11, 2019 letter referring to Appendix H, third issue needs addressed, Penn Energy wants to address. Mayor stated shut down the road south of the mobile home park.

Mrs. Mutschler - With such a contentious thing going on you are not going to let him speak before we vote to address anything your saying, road being closed down, widened? When your sitting here saying you didn't get the email and they get shut back, we all got Borough emails.

Mrs. Skonieczny - I didn't say I didn't get it.

Mrs. Mutschler - I was under the impression last meeting Mr. Shoup got this report, can we work together with them to provide the answers then come back to have a plan?

Mrs. Skonieczny - They are recommending not to approve it.

COUNCIL - Discussed June 11, 2019 letter

Mr. Westrom - Roll call vote yes or no

Mr. Westrom - Mr. Casey Bowers you have two minutes

Mr. Bowers - Penn Energy - We would be happy to go over letter dated 6/1/19 to dissolve any issues.

Solicitor Askar - You have a copy of it already?

Mr. Bowers - Just was handed it by the Mayor. On top of page 2 explains the layout of the land of the letter, 3 concerns, we responded to that, Stahl Shaeffer on 6/6/19 two days after the public meeting, submitted response explained what is going on. The italicize response is on 6/6/19 by Stahl Shaeffer, the blue is the June 11, 2019 letter response everything else is part of the original

letter. If you look at what they are recommending on the first two issues Stahl Shaeffer addressed these concerns to our satisfaction. Third issue regarding slide/monitoring plan, Penn Energy request did present a slide monitor plan with survey markers, regular time to monitor them. That is why professional surveyors to monitor trigger points if they move more than 1" a report if they did move - In blue it states they would like more monitors and more clearer on who would do the monitoring, the frequency, and how it would be addressed and if you look at the final blue recommendation the only thing that is missing is we recommend SSE to respond to our above remaining concerns. That is all were asking to do is to have our engineers respond to this. Basically, it is asking for more detail not that we didn't respond to their concerns, they would like more monuments placed. I have been through dozens of applications it is common to go to 2-3-4 rounds of this, very minor issue that would be easily addressed by Stahl Shaeffer, I'm confident of it. We will set aside the issue and not ask for a vote on it.

Mr. Burns - Casey, it also addressed that Stahl Schaeffer did not address our elements, including a description of the entities that will be taking the readings, (professional licensed land surveyor, etc) the process for submitting data to the Borough (the next day after readings are taken, or similar time interval by email, the type of monuments.

Mayor Borato - That is the detail he is talking about.

Mr. Burns - saying monuments

Mr. Bowers - I felt that was adequately address, we could make it clearer. It was in detailed plan that was included in our geotech report.

Mayor Borato - I asked Mr. Shoup at our special meeting whose going to get the reports, how are the reports come down by email? I have to know I'm the one who can declare an emergency.

Solicitor Askar - Emergency for what, Mayor?

Mayor Borato - If a road caved in, I have the power to declare an emergency. It is important to me.

Mr. Bowers - My review of that plan weekly monitoring, more often during heavy hauling trigger points were reacted, immediately the Borough would be notified by email, by phone, by pigeon, Chief of Police, Mayor. To address that we were going to propose to close the road, that is not true.

Mrs. Skonieczny - I take that back, I apologize said in blue book all oversized truck loads require special permit from PennDot, temporary one way traffic on Amsler Ridge Road which would be coordinated by flaggers, one way traffic your closing one side.

Mr. Bowers - That is not closing the road. Have flaggers there or CV channel radio coordination with the trucks in case of an emergency. The last thing we would want to prevent is an ambulance or anything else. When there is heavy hauling on this road there is going to be 24-7

personnel that will monitor and manage this traffic and certainly if an emergency we would not prevent an ambulance or anything else to get up there.

Mrs. Skonieczny - How do you propose to do that if your admitting two trucks can't be side by side. If you have ten trucks coming down one way how is the ambulance going up?

Mr. Bowers - I would never have ten trucks at one time.

Mrs. Skonieczny - How is another vehicle going to pass if you have one-way traffic?

Mr. Bowers - There will only be one-way traffic for a short period of time, people will manage that. Your talking 600 ft only a matter of seconds until emergency vehicles passes.

Mr. Burns - 600 ft of road is the big stickler point, it is a big deal, people are worried. What is the possibility of widening that section. Tear drop it, without taking houses.

Mrs. Skonieczny - Mr. Shoup. didn't you tell me that intersection on Amsler Ridge is the most dangerous intersection in the Borough?

Mr. Shoup - I don't remember saying the most dangerous, but it is not a great intersection, no doubt about it.

Mayor Borato - Amsler Ridge and Sewickley, they have been already granted a light.

Mr. Shoup - They are working on it.

Mayor Borato - When I talked with the guy from PennDot there were familiar with the application, he made me believe it was granted.

Mr. Bowers - We have not formerly asked for it yet, a lot less uncertainty if the Borough joined us in the request for that temporary traffic signal to be there.

Mrs. Skonieczny - I have a question on the report June 11, 2019, they are saying they want to include monitoring instrumentation on zones 2, 3, & 6 as well. Penn Energy responded yes were doing that were monitoring that as shown on Appendix H. Appendix H doesn't show monitoring on zones 2, 3 & 6, shows monitoring on 2, 4, & 5.

Mayor Borato - No, Appendix H attached to it.

COUNCIL - All discussed Appendix H

Mr. Bowers - Are you talking about June 6 or 11th? In any event that talks about the third recommendation, Garvin, Boward, Beitko recommend, if you want to follow the expert recommendations - recommend Stahl Shaeffer to respond to remaining concerns.

COUNCIL- Continue to discuss Appendix H

Mr. Westrom - Motion and second on the floor, no further discussion. Ready for discussion for council. Motion is to discuss deny the permit but it does not necessarily mean if the vote goes the other way the permit is approved, correct? It is just a vote to deny the permit.

Solicitor Askar - I believe the vote was to deny the permit based on the reports council received.

Mr. Westrom - Does not necessarily means its approved if we vote NO.

Solicitor Askar - If Casey's personnel is going to come back and submit the plans that make the geotech engineer happy, Scott Shoup happy, then they could submit that report and council can look at it again. Is that what you're looking for Pat, I don't want to put words in your mouth.

Mrs. Skonieczny - Mr. Shoup if they came back satisfying these three things is it still incomplete and insufficient if they don't show how they have legal authority to widen the road they are representing to us, would that be a complete plan then?

Mr. Shoup - I can't speak for the denial if there was an approval. If there was an approval I would assume there would be a condition that the easements be obtained for the requirement of widening.

Mrs. Skonieczny - Prior to the approval

Mr. Shoup - Prior to usage

Mrs. Skonieczny - They would have to show they have the legal authority to do so?

Solicitor Askar - That is just one condition that they are going to meet, Casey is pretty comfortable they will meet that condition, but until all three conditions including the ability to widen the road through property easements, private land property. So that would be one of the conditions if they don't meet it they can't move forward. It's that simple.

Mrs. Mutschler - Approve it based on meeting the additional information.

Solicitor Askar - We haven't seen that yet with all due respect for Penn Energy.

COUNCIL - Discussions on deny or approve

Mr. Burns - 600 ft of road is the big stickler point on where I live up on the hill. They are worried when they come out of the subdivision, make a right and come down the road morning traffic there will be numerous trucks and they will just sit there. They are taxpayers.

Mr. Bowers - What we have done in the past with school bus traffic is minimize truck traffic early in the morning. We can certainly do minimization of trucks during morning commute.

Solicitor Askar - Motion on the floor is it going to be an all in favor or roll call vote?

COUNCIL Roll Call

Mr. Westrom - We are voting to deny the permit. Vote YES if your voting to deny the permit
Vote NO your voting on to not deny the permit.

Solicitor Askar - Your voting not to approve the application based on the reports provided by Mr. Shoup and the geotech engineer.

Mr. Burns - I have one more question for Mr. Shoup, he is our professional engineer, as of right now what is your recommendation because I have not heard that yet

Mr. Shoup - Obviously the geotechnical consultant concerns needs to be addressed. I have concerns on that lower 600 feet which I talked to Casey about, we expressed flaggers are going to be the linchpin in controlling that area. We also talked to Casey in restricting traffic in the am/pm hour which fall back to what you said.

Mrs. Skonieczny - Do you concur with the experts?

Mr. Shoup - On both sides, I do and it looks like they are getting closer, they are not there yet.

Mrs. Skonieczny - As it stands now, do you concur with their recommendations on not to approve?

Mr. Shoup - In my personal opinion, I feel those recommendations will be addressed at one point, they are not now. I do agree so I am really ambivalent about it, I think they are going to be addressed. It's kind of hard with a motion to deny if it was a motion to approve, the motion to approve could be with condition of requirements being addressed.

Mr. Burns - Professional opinion as of today what we have here in front of us submitted by Penn Energy and the Borough engineer what is your professional opinion Yay or Nay as of right now today.

Mr. Shoup - Yay as long as those conditions were addressed.

COUNCIL - Discussions

Mr. Westrom - The motion is not to approve but deny. If vote goes to not deny it we are in the same spot as we are in now.

COUNCIL - Discussions on vote.

Mrs. Skonieczny - As of today, Mr. Askar in your professional opinion as it stands today, what is your professional advice to us? To go with the recommendation of the export report?

Solicitor Askar - I mean, legally speaking you need to follow the professional report of your export report.

Mrs. Skonieczny - Legally speaking we need to follow the recommendations of our export report

Mr. Westrom - We are not voting on ...

Mr. Bowers - Which recommendations, Stahl Shaeffer responded to your professional report. It recommends Stahl Shaeffer to respond on their remaining concerns. Penn Energy is not asking for Borough action tonight all we are asking for is the opportunity to comply with your professionals recommendation that we respond to their stated concerns.

Mayor Borato - It is only one concern.

Mrs. Mutschler - Why aren't your giving them the courtesy?

Mrs. Skonieczny - We did.

Mr. Bowers and Council - Discussion on Report

Mr. Bowers - Your engineer came back today with the exception to this certain detail they were satisfied with Stahl Schaeffers response.

Mrs. Skonieczny - Only with the documents they revised.

Mr. Bowers - They requested this additional detail and their last recommendation in this letter today is that Stahl Shaeffer respond to the above remaining concerns. That is what your experts recommend.

COUNCIL - Discussions on letters old and new Only thing new is the blue response

Solicitor Askar - Let's just clarify if all three issues were met I don't think anybody in this room would disagree with me, but the fact that sentence they do not recommend approval would have been removed if all three of those issues been met. With that being said we have a vote, we heard Mr. Bowers opinion what he thought about the letter, what everyone else thought about the letter including Mr. Shoup and we are

Mayor and Solicitor - Discussions on letter and requirements met, Mayor if you continue that sentence, until the above concerns Solicitor - I am just trying to move the meeting along

Mrs. Mutschler - Let's get them in a conference call and ask them.

Mr. Westrom - The vote is yes to deny the permit no to not deny the permit.

Mrs. Skonieczny - This motion is to deny the permit?

Mr Westrom - Vote has to be yes to deny it or no to deny it.

Mayor Borato - I would say it's weird you are voting on it, that's just me.

COUNCIL - Discussions on permit

Mr. Westrom - The vote is not to approve, it is not legally going against anything if we vote not to deny permit we are right where we were 4 hours ago.

Mrs. Skonieczny and Mr. Westrom - Discussions on vote (heated discussions)

Mrs. Skonieczny - I object to the way your speaking to me.

Mr. Westrom - Motion on the floor is yes to deny it or no not to deny it, that's not to approve it, you want to deny it or not deny it that is the motion you made. Mr. Kunkle please do a roll call.

ROLL CALL VOTE:

Mrs. Skonieczny - yes

Mr. Bucuren - no

Mrs. Mutschler - no

Mr. Westrom -no

Mr. Burns -yes

Mr. Morrone - no

VOTE 4-2 not to deny

Old Business:

Mr. Shoup - The Janicki subdivision is on the agenda.

Mr. Kunkle - it is done.

Mr. Shoup - Three bids received and we opened the sealed bids yesterday and council should have the tabulations with these results. Shields Asphalt Paving and Youngblood for the base bids were roughly \$100.00 from each other.. Alternate bids received. Overall Shields Asphalt Paving is our recommendation for base and alternate 1 \$514,366.75. That is our recommendation.

Motion by Mr. Bucuren, Seconded by Mrs. Mutschler to accept the bid of Shields Asphalt Paving for Base and Alternate 1 in the amount of \$514,366.75. all voted aye.

Mr. Westrom - I apologize for my heated discussion

Mrs. Skonieczny - I accept it.

Mrs. Westrom - Do we need a motion to approve summer commodity?

Mr. Kunkle - yes

Motion by Mrs. Mutschler, seconded by Mr. Burns to approve Summer Commodity list as directed in council's packets, all voted aye.

Mr. Westrom - Has everybody had a chance to see and review Resolution in our packets to add Mr. Kunkle and Mrs Dean as Berkheimer Liaisons?

Solicitor Askar - Typical resolution to support someone as liaison.

Motion Mrs. Skonieczny, seconded by Mr. Burns to accept Mr. Kunkle and Mrs. Dean as Berkheimer liaisons, all voted aye.

New Business

Mr. Westrom - I have been hearing a lot of complaints on Valley Waste garbage pick up. Randy has been getting some in regards to the trash collection. I understand they are halfway through their labor contract. Is that correct?

Mr. Kunkle - yes

Mr. Westrom - Halfway through a three year contract Borough has the option to extend it for two more years. I think we should monitor the complaints if we keep getting them and put it out for bid at the remaining.

Mrs. Skonieczny - What are some of the complaints?

Mr. Westrom - Not coming to pick up. They come a day late on a holiday week. I can speak for Whispering Pines half of the plan forgot they came a day late. There were other weeks, I believe Mr. Kunkle called Valley Waste and they told him the driver was out sick, told the residents the driver didn't show up. I have been hearing not just from my neighborhood but other plans. Don't need to address today but keep an eye on it, if they are not offering the service they promised to us we can look at others.

Mrs. Mutschler - Reed Powell spoiled us.

Mayor Borato - Do you remember the two gentlemen from Stange Road and Paul Street with the culvert and our road department went down there and put in a pipe that was done and it was really nice and they went back and reseeded it and it was doing really good until a thunderstorm

washed all the seed out. I'm going to call Ted tomorrow. They were real happy with the job the road crew done.

Mr. Westrom - The Borough received a resignation letter from our tax collector, Dorothy Gnarra her last day is June 28, 2019.

Solicitor Askar - You have to fill that vacancy within 30 days of receiving written notice. So you received that notice today, even though there will be a vacancy. I believe she is resigning within a 30 day period. Council has 30 days to fill that vacancy.

Mrs. Mutschler - Do we need to put it in the paper?

Solicitor Askar - However Council decides to do it.

Mrs. Mutschler - Can't sit on that or it will go down to the courts.

Solicitor Askar - Vacancy has to be filled within 30 days it will be done by a resolution once you come up with an individual that is going to sit in that particular seat. If Council can't find someone within that 30 day period then we would have to file a petition with the courts and the courts would approve someone in that position. Council also has the ability to enter into a cooperation agreement with the local municipalities to use their tax collector. If we can't get someone within that 30 day period or the courts can't find someone.

Mr. Westrom - We would need to have someone in mind for our July 9th meeting two days later July 11, 2019 would be the 30 days.

Mr. Bucuren - If the courts approve someone is that considerable time?

Solicitor Askar - Whether you appoint someone or the court appoints someone they are only to be on until the first Monday in January prior to election. Your very next municipal election, where we just had one. We might have to have a special election to fill the seat, I would have to look at the Borough's code more in depth there. Typically, the appointed could only hold that seat.

Motion Mrs. Mutschler, seconded by Mr. Bucuren to accept the resignation of Dorothy Gnarra, Tax Collector, all voted aye

Motion Mrs. Mutschler, seconded by Mrs. Skonieczny to put an ad in the paper as soon as possible to advertise, all voted aye

Motion Mr. Bucuren, seconded by Mrs. Mutschler to go in Executive session to discuss to hire public works employee with a possible vote

Public meeting stopped at 9:13 for Executive Session

Motion Mr. Morrone, seconded by Mrs. Skonieczny to come out of Executive Session 9:50 , all voted aye

Motion Mrs. Mutschler, seconded by Mr. Morrone to offer employment to William Glenn Stillwagon for public works employee, all voted aye.

Mrs. Mutschler - I'm not sure if he took a drug test.

Solicitor Askar - I'm sure he has to go through urine analysis, right Randy?

Mr. Kunkle - Yes, we have a couple of pages one is a contract form the other has to do with ID.

Solicitor Askar - Do we have an offer letter already prepared for that, we have given to other employees.

Mr. Kunkle - I think we do.

Solicitor Askar - I would like to look at it.

Mr. Kunkle - Ok, Josh originally put that together for us.

Adjournment: 10:20 p.m. Motion by Mrs. Skonieczny, seconded by Mr. Morrone to adjourn meeting, all voted aye.

Respectfully submitted,



Sandy Dean
Borough Secretary

Motions

Minutes: May 14, 2019 Motion by Mrs. Mutschler, seconded by Mr. Burns, to approve the minutes, all voted aye.

June 4, 2019 Special Meeting Motion by Mrs. Mutschler, seconded by Mr. Burns, to approve the minutes, all voted aye.

Motion to amend agenda approval of Special Meeting Notes Motion by Mrs. Mutschler, Second by Mr. Morrone.

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

Motion by Mr. Bucuren, seconded by Mrs. Mutschler to put an asterisk/footnote for computers \$10K Walmart Grant, all voted aye.

Motion by Mrs. Mutschler, to Advertise amending Chapter 124 of the Code of the Borough of Economy entitled "Nuisances" fell off the floor, did not secure second vote.

Motion by Mrs. Skonieczny, seconded by Mr. Morrone to amend future zoning ordinance pertaining to gas well within the Borough limits, all voted aye.

Motion by Mrs. Skonieczny, seconded by Mr. Bucuren to hire 1 officer from the updated list to hire, Council is going to authorize hire, all voted aye.

Motion by Mrs. Skonieczny , seconded by Mr. Burns to deny the hauling permit by Penn Energy Roll call vote - Vote yes to deny the permit or No not to Deny Permit.

Mrs. Mutschler - No
Mrs. Skonieczny - Yes
Mr. Bucuren - No
Mr. Westrom - No
Mr. Burns - Yes
Mr. Morrone - No

Vote 4-2 Not Deny permit

Motion by Mr. Bucuren, seconded by Mrs. Mutschler to accept the bid of Shields Asphalt Pave for Base and Alternate 1 in the amount of \$514,366.75, all voted aye.

Motion by Mrs. Mutschler, seconded by Mr. Burns to approve summer commodities, all voted aye.

Motion by Mrs. Skonieczny, seconded by Mr. Bucuren to approve Berkheimer Resolution for Mr. Kunkle and Mrs. Dean

Motion Mrs. Mutschler, seconded by Mr. Bucuren to accept the resignation of Dorothy Gnarra, Tax Collector, all voted aye.

Motion Mrs. Mutschler, seconded by Mrs. Skonieczny to put an ad in the paper as soon as possible to advertise, all voted aye.

Motion Mr. Bucuren, seconded by Mrs. Mutschler to go in Executive session to discuss to hire public works employee with a possible vote, all vote aye

Public meeting stopped at 9:13 for Executive Session

Motion by Mr. Morrone, seconded by Mrs. Skonieczny to come out of Executive Session 9:50, all voted aye,

Motion Mrs. Mutschler, seconded by Mr. Marrone to offer employment to William Glenn Stillwagon for public works employee, all voted aye.

Adjournment: 10:16 p.m. Motion by Mrs. Mutschler, seconded by Mr. Bucuren to adjourn meeting, all voted aye.