

**Economy Borough Council**  
**Meeting Minutes**  
**26 May 2020**

**MEETING** was initiated by Solicitor Askar as this was the first meeting being held via Zoom. with 22 participants; one of which was Council member Mrs Skonieczny. Mr Morrone, Vice-President and sitting in as President called the meeting to order at 7:00, also present were Mr Gary Bucuren, Mr Roger Kowal, Mr Jeffrey Ruckert, Mr Don Sivy and Mrs Pat Skonieczny. Others present included Mayor Jo Ann Borato, Borough Manager Randy Kunkle, Solicitor Joseph Askar and Engineer Scott Shoup.

**ABSENT:** President Brian Westrom

**MOMENT OF SILENCE.**

**PLEDGE OF ALLEGIANCE**

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

Mr Sivy read a letter submitted by residents concerned with the B50 well pad and information they have been requesting since January 2019. If they are not provided with all B50 related documents and the work to be done on Amsler Ridge Road within two weeks a formal complaint will be filed with the Office of Open Records in Harrisburg. Mr Sivy also requested this letter be attached to the minutes. Mr Askar asked for a refilling of the right to know request and send it to him.

**Mike Andrews:** Questioned why Mayor Borato gave used computers to children in the school district

Mayor Borato stated the old computers were to be scrapped, but the company that used to recycle computers went out of business. The old computers sat in an office for two years. The School Resource Officer, Jason Woods, found out there were students who did not have computers during the Covid 19 crisis to take online classes. The 10 computers were scrubbed and given to Good Samaritan for the students.

Discussion concerning the disposition of used property took place.

**Karen Ott:** When will Council update the website?

Mrs Ott wants to know what the timeline is on re-writing the oil and gas ordinance. Discussion followed.

Kasi DeViny stated this has been gone over many times.

Minutes November 26, 2019: **motion by Mr Morrone, seconded by Mr Bucuren, to approve the minutes, all voted aye.**

Minutes May 10, 2022: **motion by Mr Bucuren, seconded by Mr Ruckert, to approve the minutes, all voted aye.**

**Committee Reports:**

**Finance** – Mr Kowal asked for details of the Shoup bill.

List of Bills – **motion by Mr Kowal, seconded by Mr Ruckert, to pay the bills, all voted aye.**

Mr Sivy asked where the monthly budget reports are.

**Public Works** – Mr Sivy gave an update of work done. He also requested an Executive Session for personnel.

**Parks and Recreation** – no report.

**Ordinance** – **motion by Mrs Skonieczny to hire attorney Gavin Robb to provide a sample updated oil and gas ordinance**, questions regarding costs, whether his cover letter could be provided to new council members, and finding out first what Council wants in the ordinance were suggested as needing to be done prior to hiring him.

Mr Morrone and Mrs Skonieczny will get together before the next meeting and bring an outline of what they think should be in the ordinance to the next meeting.

**Motion died for lack of a second.**

Froman Development: Mrs Skonieczny mentioned she provided copies to Council, Mr Shoup and the Froman's of what the Ordinance Committee determined were deficiencies in the development that led to their recommendation of denial. Mr Kunkle was instructed to invite the developers to the next meeting.

**Public Safety** – Mayor Borato mentioned in March the Borough's Emergency Management Team declared a disaster due to the pandemic. She asked Council to ratify the Declaration of Disaster. **Motion by Mr Ruckert, seconded by Mr Morrone, to ratify the Disaster Declaration, all voted aye.**

Mr Ruckert asked for an Executive Session to discuss a potential hiring and promotions. These will be addressed during the Mayor's Report.

**Property and Buildings:** Mr Morrone would like to paint buildings and replace the carpets. Mr Askar noted these would have to be deemed essential during the pandemic, which is hard to

establish. Mr Askar suggested we have phone lines installed in Council Chambers to improve outside communications during Council meetings.

**Mayor's Report:** the monthly report is on file.

The Senior Citizens have requested their \$1000 annual stipend. **Motion by Mr Morrone, seconded by Mr Sivy, all voted aye.**

The Veteran's Association and Ladies Club had a small Memorial Day Observation, thank you.

Promotions and a new hire will be discussed in Executive Session after which a vote is expected.

Mr Kowal questioned how many dogs were picked up by Animal Control for the \$350 they were paid. Kim Secreet will be invited to the next public meeting.

Gary and Joyce Kottner want to donate \$500 to the Police Department. The Chief will determine what he wants to purchase, and the office will see that it is paid for out of these proceeds.

Mr Ruckert, Mr Bucuren and Mr Sivy will sit down with the Police Association to begin discussing renewing their contract. They will report back to Council.

**Solicitor's Report:** Walmart's Assessment Appeal is in the courts. They want the assessment cut by 2/3rds. The current assessment is a little over \$3,000,000. The taxing bodies appraisal came back at \$1,281,840. The School District and County have agreed to that amount. Walmart currently pays the Borough \$40,936 per year, they wanted it cut to \$17,000; our new appraisal would bring in \$25,920 per year. **Motion by Mr Bucuren, seconded by Mr Sivy, to agree with the new appraisal as determined by the taxing district's appraiser, all voted aye.**

Mr Shoup sent a letter to DEP explaining that before any work is done on B-15 that the borough be given the opportunity to review the plans.

Mayor Borato has a letter from Chief O'Brien requesting three Senior Patrolmen be promoted: one to Sergeant and two to Corporal. The letter contains the codes and regulations that allows the Chief to make these promotions based on seniority and meritorious service. **Motion by Mr Ruckert, seconded by Mr Morrone, to allow the Chief to compile a promotion list, all voted aye.**

**Engineers Report:** Five bids for the Paving project were received on April 9<sup>th</sup>. Youngblood is the lowest responsible bidder. They included the base bid of a portion of Amsler Ridge and Park Hill Road; Alternate 1 is part of Ridge Avenue, Alternate 2 is line stripping Economy Way, Alternate 3 is Woodside Dr, Alternate 4 is Celestial in Sunset Hills, alternate 5 is Sunridge and Alternate 6 is Sproat Avenue.

\$600,000 is budgeted for contracted and in-house paving and an additional \$10,000 for line stripping. Originally the Public Works Foreman recommended the Base bid plus Alternates 1, 4 and 5, which goes over the budgeted amount. Mr Shoup recommends The Base bid and either Alternate 1, 4 or 5. And Alternate 2, which has its own line item. He also recommends that the Borough bid out the culvert to be replaced on Park Hill. This could be paid for in part by not replacing the speed humps on Park Hill. **Motion by Mr Ruckert, seconded by Mr Sivy, to award the base bid and alternates 5 to Youngblood Paving, authorize the stripping of Economy Way, eliminating the speed humps and bidding out the culvert on Park Hill. And find out if Youngblood will honor a request later in the summer to add another alternate. All voted aye.**

**Old Business:** none.

**New Business:** First Amendment Rights were discussed.

Span Lot Line Revision: Lot lines will be moved to clean up property boundaries. **Motion by Mr Ruckert, seconded by Mr Kowal, to approve the Span Lot Line Revisions, all voted aye.**

Brian Westrom's Resignation from Council: **Motion by Mr Sivy, seconded by Mr Morrone, to accept Mr Westrom's resignation, all voted aye.**

**Motion by Mr Sivy, seconded by Mr Bucuren, to suspend the regular meeting to go into Executive Session for matters involving personnel, after which a vote is likely, all voted aye.**

The meeting is back in regular session.

Mr Morrone stated the Borough is prepared to hire Zachery Potts as a full-time police officer. **Motion by Mr Ruckert, seconded by Mr Kowal, to rescind the offer to the first applicant and to hire Zachery Potts based on the Chief's recommendation, all voted aye.**

Summer Help. **Motion by Mr Sivy, seconded by Mr Ruckert, authorizing Ted Brickner to bring on two summer employees at \$12.00 per hour, all voted aye.**

Borough Secretary/Assistant Manager. **Motion by Mr Bucuren, seconded by Mr Kowal, to offer this position to Travis Cavanaugh, all voted aye.**

Vacant Council seat. **Motion by Mr Ruckert, seconded by Mr Sivy, to appoint Glen Sylvester to the seat vacated by Mr Westrom. A roll call vote was taken.**

<b>Mr Bucuren</b>	<b>no</b>
<b>Mr Kowal</b>	<b>yes</b>
<b>Mr Ruckert</b>	<b>yes</b>
<b>Mr Sivy</b>	<b>yes</b>
<b>Mrs Skonieczny</b>	<b>no</b>

**Mr Morrone**        **yes**

**Motion carries.**

Mr Kowal requests a current list of email addresses and weekly updates on all business and projects.

**Motion by Mr Sivy, seconded by Mr Kowal, to adjourn, all voted aye at 10:37.**

Submitted by

Randy S Kunkle  
Borough Manager



May 26, 2020

Economy Borough Council  
2856 Conway Wallrose Road  
Baden, PA 15005

**RE: On-going problems obtaining public documents regarding PennEnergy B-50 Well Pad and related work on Amsler Ridge Road**

Dear Council Members,

This is a letter we had hoped to avoid writing. But after repeated attempts that began in January of 2019, citizens' requests for access to the full and complete file documents for the PennEnergy B-50 Well Pad and related work on Amsler Ridge Road have been ignored. Individual residents have submitted Right-to-Know (RTK) requests only to receive incomplete information without a valid reason. Additional attempts by other residents to connect with staff via phone calls and emails have gone unanswered. As part of the January 28, February 11 and February 25, 2020 Borough Council meetings, subsequent requests were also made, publicly. Full details of those requests are enclosed herein as Attachment A.

During the February 11, 2020 meeting, Council President Westrom asked Lisa Graves Marcucci to provide a follow-up email detailing the plan the citizens offered to assist the Borough Manager in securing those documents. The citizens volunteered to help photocopy all the related documents and create binders for the public file, members of Council, the Borough Engineer and the Solicitor. The email provided to Council by Ms. Graves Marcucci is enclosed herein as Attachment B.

This citizen team has been more than patient knowing there have been on-going staffing problems. However, those problems do not excuse the Borough from fully complying with the rules of the Pennsylvania RTK law. A group of concerned citizens offered repeatedly to work with staff and, possibly, the applicant, to assemble a full complement of the project documents. Unfortunately, the residents' offers to help were dismissed without any acknowledgement by Council and without a solution as to how or when these public files will be made available.

**As of this date, the citizen team and I await any word on when and if our requests to access the public files will be granted.** It is completely unacceptable that repeated requests for access to public files continue to be ignored not only by this body but also its Solicitor.

**Due to the level of unresponsiveness, we are informing you that if we are not granted access to the full and complete file documents on all aspects of the PennEnergy B-50 Well Pad and all related Amsler**

# Attachment A

**Part Two – Amsler Ridge Road/PennEnergy concerns (Public comment shared with Council at the February 11, 2020 meeting):**

**We respectfully ask Council to please review all correspondence, application materials, permit reviews/approvals and create a repository file or binder with all the applicable documentation so that new Council members and the public can access a complete file that would include details on the Amsler Ridge Road/PennEnergy projects, including the following:**

- What type of permits are required for the entirety of all aspects of the Amsler Ridge Road/PennEnergy project(s)?
- What application materials have been submitted as part of these projects?
- What reviews of the materials have been conducted and by whom?
- What review documentation exists – specific to the Borough engineer’s review of the proposed projects?
- What reports have been required by the Borough – and submitted by PennEnergy – as part of any and all proposed project reviews?
- **What were the terms/requirements agreed to by Council for any projects by PennEnergy and their contractors on Amsler Ridge Road? In particular, what specific approvals and/or terms were agreed upon in the June 25, 2019 Council meeting?**
- Have all those terms been met?
- Have construction activities commenced before those terms have been met?
- Are there any Borough or Police reports on any calls made concerning increased construction activities on Amsler Ridge Road?
- If any construction activities have commenced before all the required terms were met, what actions will Council take?
- If Council does not plan to take any actions, what would that decision to take on action be based on?
- What other information might the new members of Council need to see in order to better understand the background on this particular project?
- And, what other information might the new members of Council need to see to better understand what additional aspects of this project might be planned for or happen in the future?
- The residents continue to believe that confusion and a certain lack of clarification concerning the full aspects of this project remains. Now is a logical time to step back and review all the details so that full transparency of background materials and anticipated future portions of the project are clearly understood by all.

We ask that all documentation related to the list of questions we’ve presented be made available to the new members of Council as well as the public.

Thank you.



**From:** Lisa Graves-Marcucci

**Sent:** Thursday, February 20, 2020 12:43 PM

**To:** [pat.skoniczny@economyborough.org](mailto:pat.skoniczny@economyborough.org); Pat Skoniczny <[p.skoniczny@economyborough.org](mailto:p.skoniczny@economyborough.org)>; [f.Morrone@economyborough.org](mailto:f.Morrone@economyborough.org); [g.bucuren@economyborough.org](mailto:g.bucuren@economyborough.org); [jett@economyborough.org](mailto:jett@economyborough.org); [roger@economyborough.org](mailto:roger@economyborough.org); [don@economyborough.org](mailto:don@economyborough.org); [sivvtamiv@economyborough.org](mailto:sivvtamiv@economyborough.org); Roger Kowal <[rmk10@yahoo.com](mailto:rmk10@yahoo.com)>; pat Skoniczny <[skowhite@hotmail.com](mailto:skowhite@hotmail.com)>

**Subject:** Follow up information, as requested, creating master file and binders for all PennEnergy Amsler Ridge Road documents

**Importance:** High

Dear members of the Economy Borough Council:

As requested by Council President on the February 11, 2020 meeting, I am outlining the details of our request to assist staff in creating a repository and individual binders that will include all documents pertaining to the PennEnergy Amsler Ridge Road project(s). As indicated by Mr. Westrom, this email will provide a starting point for further discussion at the February 25, 2020 Council meeting – at which time, I believe Council will have added this as an agenda item to be discussed with the public and considered by Council.

**Here is the list of what we are asking for and hoping to achieve by volunteering to assist with this important project:**

As there does not seem to be a complete file that includes ALL of the documents related to these projects – from application documents to signed agreements – it is essential that time is dedicated so that a Municipal Repository can be created so that all the documented facts are included in one location. This is necessary to ensure all members of Council, staff, consultants, solicitor and the public have all the facts related to these projects and that a full complement of documents is always available to the public via Right to Know rules. **Currently, it appears that no such compliment of all applicable documents exists in one location.** This could be problematic on several fronts and could result in causing staff difficulty in compiling a full set of documents as part of any Right to Know request, and could cause problems for Council in maintaining proper oversight of these projects. We'd like to assist in addressing these problems so that factual documents are kept in one location and the Borough is in full compliance with the Right to Know protocols.

**How to accomplish the issues outlined above? The citizen team respectfully requests the following steps be taken:**

- Council direct staff and all consultants to provide any/all documentation they have in their possession to the Borough Manager within two weeks.
- The Borough Manager collects all the documents – including those he may have in his files – and he will photocopy them as one complete set.
- Set aside the one, complete set of documents photocopied by the Manager, in advance of the agreed upon day on which volunteers would assist with the photocopying of additional sets of documents, collation and binder preparation.
- Coordinate a day/time for the project to occur.
- Allow a team of citizen volunteers to meet at the Municipal Building on agreed upon day/time and assist the Borough Manager in making additional sets of copies of the documents provided by the Borough Manager. Those documents would become part of the following:

- All Notices of Violations and/or corrective actions ordered by the Borough
- Any other supporting materials related to the Amsler Ridge Road projects

We thank you for your time and consideration. It is our goal to assist the Borough in creating a much needed and complete file of these important documents. And, we further believe creating an established protocol will help the Borough Manager, staff and Council keep good records of this and future projects. Oil and gas development is multi-faceted and keeping track of all submittals, reports and decisions is essential so that you can make informed decisions on behalf of your community.

We look forward to next Tuesday's Council meeting and the discussion of these suggestions.

Regards,

LGM

Lisa Graves Marcucci  
Environmental Integrity Project  
PA Coordinator, Community Outreach  
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