

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania 15202
Regular Meeting of Council – August 15, 2017
Minutes

Call to Order

Council President Earl Bohn called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Council Members Present

Russell Kuehner, Michael Wrbas, Richard White, Earl Bohn, Phil Brind'Amour, Brad Cole

Council Members Absent

Ken Opiery

Others Present

Robert Jones, Mayor

John Stranahan, Esq., Assistant Solicitor

Lisa Cronin, Secretary

Dale Regrut, Public Works Foreman

Norbert Micklos, Chief, Ohio Township Police Department

Public Participation

Catherine Houska at 125 Forest Avenue re-raised her retaining wall issue and asked council to help share the cost in repairing the retaining wall behind her home that was in dispute in 2014. According to Ms. Houska, it is unclear who owns the wall and the records are missing as to who constructed it, but she felt the problem started when the retaining wall on her property had been destabilized when a sewer line collapsed. Council President Bohn clarified that Ms. Houska was asking the borough taxpayers to build her wall in which she replied that she was asking for cost-sharing. Mr. Bohn asked if Ms. Houska had any written correspondence that she could produce, but she said there was a verbal conversation between the lawyers. Mr. Bohn instructed that all paperwork that the borough had be reviewed by the borough's assistant solicitor and report back in writing to Ms. Houska. Mr. Bohn also offered to recommend a civil engineer who would be willing to look at the project since Ms. Houska said she could not find an engineering firm to talk to her about repairing the wall because they will not work with a private individual on a retaining wall that holds up a public road.

Mr. Michael Kurella from the Tri-Borough Joint Planning Commission asked what the status of the proposed Ordinances for raising chickens and beekeeping, medical marijuana dispensaries and correct typographical errors. Mr. White told him that council had advertised the proposed ordinances and council would be approving them at this meeting.

Approval of Minutes

Motion: Mr. Cole; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to approve the minutes of the July 18, 2017 council meeting.

Financial Report - Report given by Richard White

Motion: Mr. White; Second: Mr. Brind'Amour: Motion carried by unanimous voice vote to approve the financials presented to council.

Motion: Mr. White; Second: Mr. Wrbas: Motion carried by unanimous voice vote to approve the July 2017 accounts payable reports as presented, authorizing payments of \$23,976.28 from the general account.

Administration Report – No Report

Public Works / Building and Property Report – Report given by Brad Cole on behalf of Council member and Chair, Ken Opiery

The Borough must obtain a permit from the PA Department of Environmental Protection to discharge storm water to streams. Our permit allows us to contribute storm water flow to the Ohio River. These permits are issued in five (5) year cycles. The permit requires action in the following categories: Public Education; Public Involvement; Illicit Discharge, Detection, and Elimination (IDD&E); Construction Site Runoff Control; Post Construction Storm Water Management (PCSM); Pollution Prevention & Good Housekeeping. The first two (2) require that we involve residents in the process. We must inform them of the impact that they have on the amount of pollution that is contained in storm water. We must make them aware that chemical spills, pet waste, leaks from cars, insecticides and lawn fertilizers eventually end up in the sewers and then the river. We must also allow for them to comment on our actions to meet the required current permit requirements.

The current permit expires on March 15, 2018. Part of the requirement for obtaining a new permit is to create and submit a storm water pollution control plan in the current year. The borough must propose steps that could be taken to cut our pollution by 10 percent. (It is measured/estimated through formulas.) With the help of our engineer, Gateway Engineering, we have created an initial plan and made it available for public review in the borough office. Note that the current proposal is not set in stone. It describes an idea of a way that we can meet our required reduction. It is flexible in that we can change the proposal at any time up until implementation. Implementation does not occur until the end of the new permit cycle, which will be 2023. We advertised that a copy of that plan was available for public review and comment in the borough hall and put it on the borough's website. Attachment A

Mr. Cole solicited comments from the public on the current permit requirements and Mr. White solicited comments from the public on the Pollution Control report. No comments were received.

Public Safety/Code Enforcement – Report given by Michael Wrbas, Chair

Mr. Wrbas continues to work with the borough's building inspector on various properties within the borough on code violations.

Public Affairs – No Report

Mayor's Report – Report given by Bob Jones

Brake noise pollution continues to be a problem along the Rt. 65 corridor from trucks that use their Jake-break, even though there is already signs posted. Mayor Jones asked council to approve the allocation of \$238.55 for five (5) additional supplemental signs that have the red circle with the line through it, indicating "no Jake breaking" to draw attention.

Police Chief's Report – No Report

Fire Chief's Report – No Report

Tri-Borough Joint Planning Commission Report – No Report

Solicitor's Report – Report given by Assistant Solicitor, John Stranahan

Mr. Stranahan wanted to follow up on the Homestead Exemption participation question that Solicitor Anne Sweeney left for him to review and get guidance from council. Mr. Bohn said that there might have been a question raised in the past but no new action needed to be taken.

Executive Session:

Motion: Mr. White; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to adjourn to Executive Session at 7:38 p.m. to discuss legal matters.

Motion: Mr. White; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene Regular Session at 9:27 p.m.

New Business

Mr. White asked council to defer on the Avonworth Municipal Authority Resolution until council's regular September 19, 2017 meeting as he has questions to ask before recommending council pass the proposed resolution.

The Avon Club Lease is up for its one year renewal and council asked Assistant Solicitor to review the original lease from 2006 before renewing.

Old Business

Motion: Mr. Cole; Second: Mr. Wrbas; Motion carried by unanimous voice vote to adopt Ben Avon Borough's participating with the QVCOG for the remainder of the year of 2017 where the yearly dues are prorated or not to exceed \$1750.00 that was budgeted for this year. Mr. Bohn will contact QVCOG representative to propose agreement.

Motion: Mr. White; Second: Mr. Cole; Motion carried by unanimous voice vote to adopt Ordinance No. 778 amending the Avalon-Bellevue-Ben Avon Joint Zoning Ordinance to regulate the activities of raising chickens and beekeeping in residential zoning districts. Ben Avon Borough elected to be exempt from the raising of chickens.

Motion: Mr. White; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to adopt Ordinance No. 779 to amend the Avalon-Bellevue & Ben Avon joint zoning ordinance to provide that medical marijuana dispensaries and grower/processor facilities, established pursuant to Act 16 of 2016, shall be available used in and only in certain designated zoning districts, and establishing certain other requirement pertaining to such uses.

Motion: Mr. White; Second: Mr. Wrbas; Motion carried by unanimous voice vote to approve Ordinance No. 780 to amend Avalon-Bellevue-Ben Avon Joint Zoning Ordinance to correct typographical errors as specified.

Adjournment

Motion: Mr. Cole; Second: Mr. Kuehner; Motion carried by unanimous voice vote to adjourn the meeting at 9:29 p.m.

Respectfully submitted,

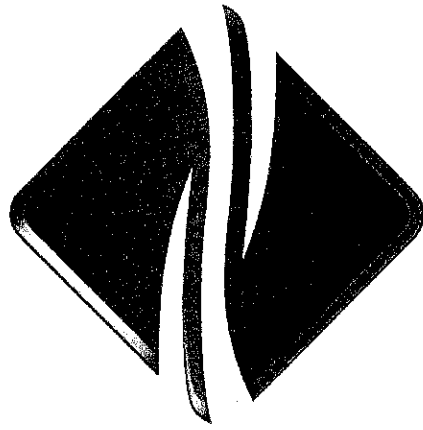
Lisa Cronin,

Borough Secretary

Municipal Separate Storm Sewer System (MS4) Permit

AUGUST 2017

Attachment A



GATEWAY

On Call. On Time. On Target.

PERMIT BACKGROUND

- Federal Regulation → EPA NPDES Phase II Stormwater Program (1999)
- State Regulation → PA DEP MS4 Stormwater Permit (2003)
- Overall Requirements
 - Implement a stormwater management program
 - Track progress toward measurable goals
 - Annual reports on progress



GATEWAY

A FULL-SERVICE ENGINEERING FIRM

412.921.4030 GatewayEngineers.com

WHAT IS MS4?

- An MS4 is a conveyance or system of conveyances that is:
 - Owned by a state, city, town, village, or other public entity that discharges stormwater runoff to waters of the Commonwealth;
 - Designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.);
 - Not a combined sewer; and
 - Not part of a sewage treatment plant.
- MS4 is comprised of numerous stormwater conveyances that drain into receiving waters



GATEWAY

A FULL-SERVICE ENGINEERING FIRM

412.921.4030 GatewayEngineers.com

MINIMUM CONTROL MEASURES (MCM)

1. **Public Education**
2. **Public Involvement**
3. **Illicit Discharge, Detection, and Elimination (IDD&E)**
4. **Construction Site Runoff Control**
5. **Post Construction Stormwater Management (PCSM)**
6. **Pollution Prevention & Good Housekeeping**



GATEWAY

A FULL-SERVICE ENGINEERING FIRM

412.921.4030

GatewayEngineers.com

MS4 AUDITS

- PA DEP Inspection Completed June 7, 2017
 - Mandatory inspection all MS4s before new permit cycle (2018)
- EPA Audit
 - Random audits across the state



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



GATEWAY

A FULL-SERVICE ENGINEERING FIRM

412.921.4030

GatewayEngineers.com

2018 Permit

- Existing Permit Expires on March 15, 2018
- Municipalities must submit a Notice of Intent (NOI) on **September 16, 2017**
- **NOI includes**
 - Application/Final Progress Report
 - Permit Fee
 - Comprehensive Map
 - Pollutant Reduction Plan, if applicable
 - Memorandum of Understanding
 - Stormwater Management Ordinance
- **Additional Permit Requirements for each MCM**
- **Waiver on TMDL for Saw Mill Run**
- **Waiver request for Pollutant Reduction Plan**

REQUIRED



GATEWAY

A FULL-SERVICE ENGINEERING FIRM

412.921.4030 GatewayEngineers.com

2018 Permit (Cont.)

APPENDIX E – POLLUTANT REDUCTION PLAN (PRP)
MS4 permittees with at least one stormwater discharge to surface waters considered impaired for nutrients (nitrogen and phosphorus) and/or sediment

PRP

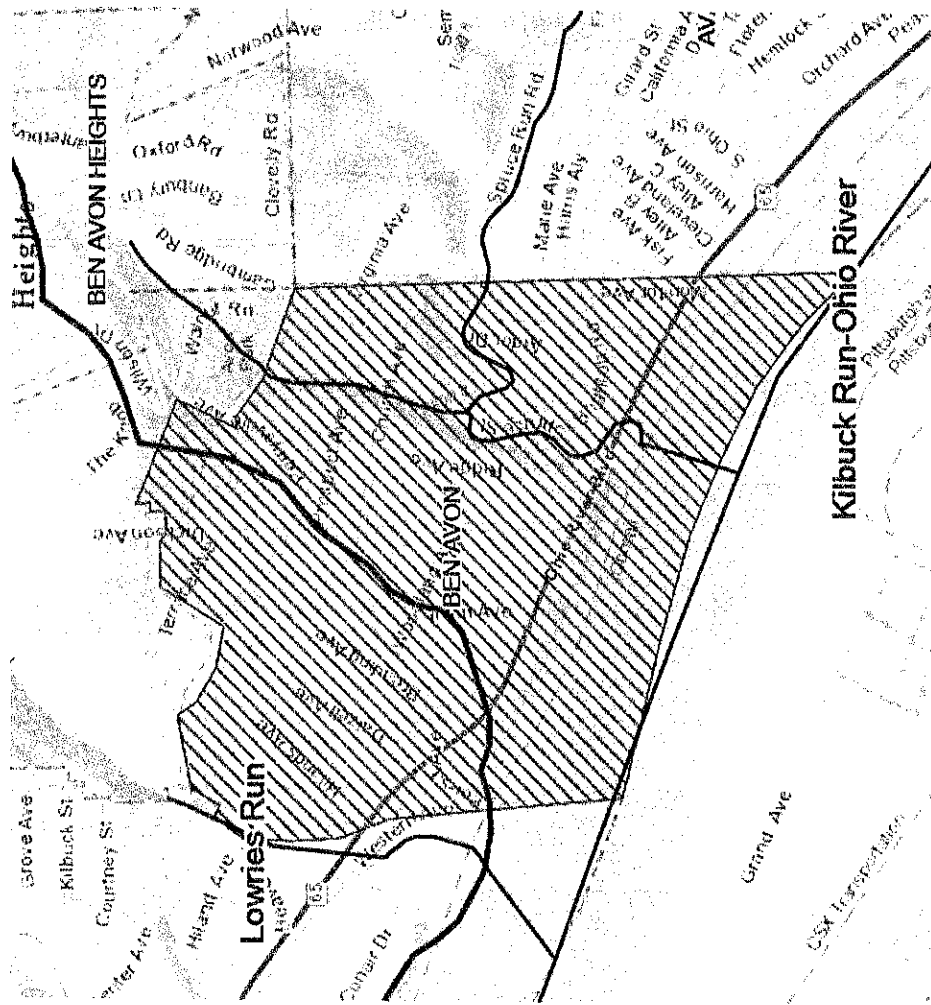
- Must be submitted with the NOI
- Must publish a public notice in a newspaper concerning the plan
- Must be published with public comment period 45 days prior to the deadline for submission of the plan to DEP



Bio Retention Pond (BMP)

2018 Permit (Cont.)

BEN AVON RECEIVING STREAMS



RED = Impaired Stream



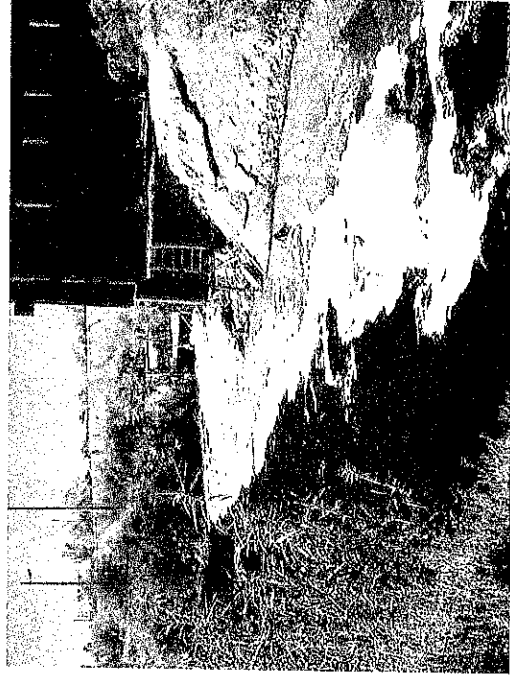
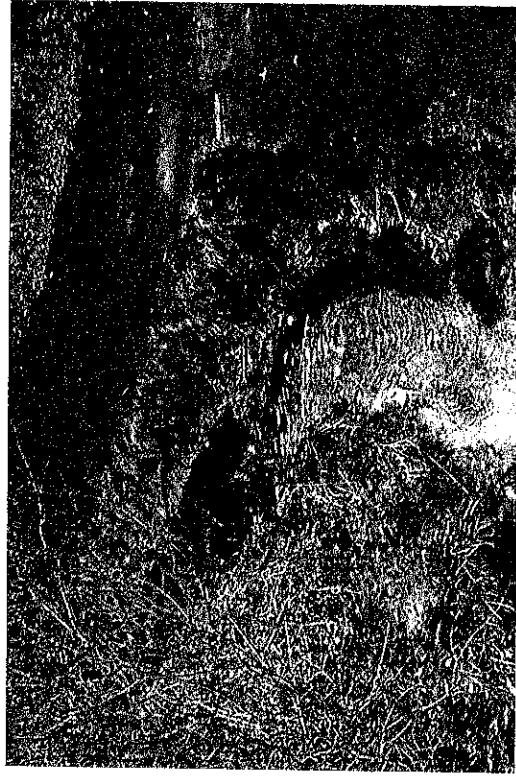
GATEWAY

A FULL-SERVICE ENGINEERING FIRM

412.921.4030 GatewayEngineers.com

2018 Permit (Cont.)

- Permittee shall achieve Pollutant Load Reductions (lbs/year) proposed in its PRP within 5 years
- Minimum percent reduction for pollutant loadings is 10% for sediment and 5% for nutrients
- The permittee shall submit a report demonstrating implementation of the PRP that is due following completion of the 5th year



A FULL-SERVICE ENGINEERING FIRM

412.921.4030 GatewayEngineers.com

2018 Permit (Cont.)

In order to prepare the PRP each Municipality must determine the following:

- Map/Delineate storm sewersheds draining to MS4-regulated outfalls to impaired surface waters
- The existing pervious/impervious ratio
- The total existing pollutant loads
- Review existing BMPs to determine their load reductions
- Total pollutant load = Total existing load – BMP reductions
- Propose BMPs to remove 10% of the Total Pollutant Loads
- Identify Funding Sources for each
- Plan for project implementation during 5 year permit cycle (by 2023)



GATEWAY

A FULL-SERVICE ENGINEERING FIRM

412.921.4030

GatewayEngineers.com