

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania 15202**  
**Regular Meeting of Council – July 15, 2014**  
**Minutes**

**Call to Order**

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

**Pledge of Allegiance**

**Council Members Present**

Michael Wrbas, Richard White, Earl Bohn, Philip Brind'Amour, Michael Bett

**Council Members Absent**

Julian Wynnyckyj, Ken Opiery

**Others Present**

Bob Jones, Mayor

Anne Sweeney, Solicitor

Dale Regrut, Public Works Foreman

Carmella Hallstein, Secretary

Jim Rupert, Chief; Ben Avon Volunteer Fire Department

Norbert Micklos, Chief; Ohio Township Police Department

Mr. Bohn stated that council had a matter to discuss regarding legal representation of Ben Avon Borough in the Joint Planning Commission process and because Avalon council was also meeting tonight and could take action on what Ben Avon council decides, he requested a motion to go into a brief Executive Session to resolve the matter.

**Executive Session**

Motion: Mr. White; Second: Mr. Wrbas; Motion carried by unanimous voice vote to adjourn to Executive Session at 7:02 p.m. to discuss a legal issue.

Motion: Mr. Wrbas; Second: Mr. White; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene Regular Session at 7:07 p.m.

**Regular Session**

**Public Participation**

Catherine Houska of 125 Forest Avenue stated that council should have received a letter and photographs from her attorney regarding the dangerous condition of the retaining wall that is at the rear of her property. Ms. Houska stated that she talked to Ed McGee several times last fall who agreed that the wall was at the point of failure. She stated that she did not want to involve her attorney but without a response from the borough, she felt she had no choice. Ms. Houska stated that the condition of wall got much worse in the years immediately leading up to the repair of the sewer line on Breeding Avenue. She stated that when the line was broken water actually cascaded from the crack in the wall during heavy rainstorms. Ms. Houska stated that she would like council to start a discussion with her attorney about the retaining wall because it is a hazard.

Mr. Bohn stated that council was in receipt of the letter and photographs. He stated that he was not sure if it was appropriate for members of council to debate this with Ms. Houska in open session when there is the prospect of litigation. Mr. Bohn stated that council was here to listen to anything Ms. Houska had to say, take it under advisement, seek its own legal counsel and act accordingly.

**Approval of Minutes**

Motion: Mr. White; Second: Mr. Wrbas; Motion carried by unanimous voice vote to approve the minutes of the June 17, 2014 council meeting.

**Resolution 2014-01**

Motion: Mr. Brind'Amour; Second: Mr. Wrbas; Motion carried by unanimous voice vote to adopt Resolution 2014-01, which authorizes the rotation schedule for Ben Avon Borough, Avalon Borough and Bellevue Borough for legal and engineering service for the Avalon, Bellevue, Ben Avon Joint Planning Commission.

**Financial Report - Report given by Richard White, Co-Chair**

Motion: Mr. White; Second: Mr. Bett; Motion carried by unanimous voice vote to approve the June 2014 financial reports as presented.

Motion: Mr. White; Second: Mr. Bett; Motion carried by unanimous voice vote to approve the July 2014 accounts payable reports as presented, authorizing payments of \$96,916.32 from the general account.

**Administration Report – Report given by Richard White, Chair**

**Public Works / Building and Property Report – No Report**

**Public Safety / Code Enforcement Report – No Report**

**Public Affairs Report – No Report**

**Mayor's Report – No Report**

**Police Chief's Report – No Report**

**Fire Chief's Report – No Report**

**Tri-Borough Joint Planning Commission Report – No Report**

**Solicitor's Report – No Report**

**New Business**

**Donation of Property**

Mr. Bohn stated that Scott Rumpf and Susan Lenahan of 7151 Ohio River Boulevard offered to donate a piece of property to the borough that was bisected and cut off from their property by the construction of Ohio River Boulevard many years ago. Mr Bohn stated that they would also give the borough \$2,500.00 for taking the property off their hands. He stated that the wedge shaped property is heavily forested and that it sits at the intersection of Brighton Road and Ohio River Boulevard at the red light. Mr. Bohn stated that Mr. Rumpf wants to reduce his tax liability and

the costs associated with leaf removal, snow removal and sidewalk maintenance. Mr. Bohn stated that if council did not want to take this on as a borough responsibility and chose to decline the offer, Mr. Rumpf asked that the decision be put in writing so that he could take it to the real estate assessment appeals board to see if he could get any relief on his property assessment. Mr. White stated that part of the offer, as he understood it, stipulated that if the borough accepts the property, the borough would not be allowed to sell it and would have to maintain and keep the trees on the property as it stands. Mr. White stated that he thought council should decline the offer.

Motion: Mr. White; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to respectfully decline Mr. Rumpf's and Ms. Lenahan's offer as presented to council.

Mr. Bohn stated that he would prepare a letter and send it to Mr. Rumpf and Ms. Lenahan.

### **Old Business**

#### **Ordinance No. 767**

Motion: Mr. Brind'Amour Second: Mr. Wrbas; Motion carried by voice vote to adopt Ordinance No. 767, which repeals Ordinance No. 764 that amended the Borough's Code of Ordinances at Chapter 25 to add Part 3, Shade Tree Commission. Mr. Bett opposed the motion.

### **Executive Session**

Motion: Mr. Wrbas; Second: Mr. White; Motion carried by unanimous voice vote to adjourn to Executive Session at 7:35 p.m. to discuss a legal issue.

Motion: Mr. Brind'Amour; Second: Mr. Wrbas; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene Regular Session at 8:00 p.m.

### **Regular Session**

Motion: Mr. White; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to advertise Ordinance No. 768, which repeals Ordinance No. 766 and authorizes an Intergovernmental Cooperation Agreement for selecting and retaining a professional services company to prepare an update to the Borough's Comprehensive Plan.

### **Adjournment**

Motion: Mr. White; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

*Carmella Hallstein*

Borough Secretary