

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania 15202**  
**Regular Meeting of Council – September 16, 2014**  
**Minutes**

**Call to Order**

Council Vice President Richard White called the meeting to order at 7:00 p.m.

**Pledge of Allegiance**

**Council Members Present**

Julian Wynnyckyj, Michael Wrbas, Richard White, Philip Brind'Amour, Michael Bett, Ken Opiery

**Council Members Absent**

Earl Bohn

**Others Present**

Robert 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

**Public Participation - None**

**Approval of Minutes**

Motion: Mr. Wrbas; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to approve the minutes of the August 19, 2014 council meeting.

**Financial Report - Report given by Ken Opiery, Co-Chair**

Motion: Mr. Opiery; Second: Mr. Wynnyckyj; Motion carried by unanimous voice vote to approve the August 2014 financial reports as presented.

Motion: Mr. Opiery; Second: Mr. Wynnyckyj; Motion carried by unanimous voice vote to approve the September 2014 accounts payable reports as presented, authorizing payments of \$95,448.29 from the general account.

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

The borough's Halloween parade will be on Saturday, October 25 at noon. The parade will begin at the corner of Church and Dickson Avenues and end at the fire station. Lunch will be served at the fire station. Trick or Treat will be on Friday, October 31 from 6 p.m. until 8 p.m.

**Public Works / Building and Property Report – Report given by Ken Opiery**

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

**Public Affairs Report – No Report**

**Mayor’s Report – Report given by Robert Jones, Mayor**

**Police Chief’s Report – No Report**

**Fire Chief’s Report – No Report**

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

**Solicitor’s Report**

Ms. Sweeney requested an Executive Session to discuss potential litigation.

**New Business**

**Proposal for use of Avon Park for Dog Training Classes**

Mr. White stated that the borough received a request from Gretchen McMichael to hold dog training classes in Avon Park. He stated that the classes would be one hour per week on either a Saturday or Sunday for five weeks with a maximum of six dogs. He stated that Ms. McMichael would be charging a fee of \$50.00 per dog and for the first year would donate 50% of any profit to the borough. Mr. White stated that Ms. McMichael provided documentation that she is able to name Ben Avon Borough as an additional insured on her insurance policy. Mr. Opiery stated that Zellenople Community Park gave Ms. McMichael a good reference, but added he had concerns about using public property for a private endeavor. He stated that if the request was approved there would have to be some qualifiers. Mr. Brind’Amour expressed concern about setting a precedent. He stated that if someone else comes along with an idea that council is not as comfortable with then you might have an issue.

Motion: Mr. Bett Second: Mr. Wynnyckyj; Motion carried by voice vote to approve the request from Gretchen McMichael to hold dog training classes in Avon Park contingent upon council adding conditions if approved. Mr. Opiery and Mr. Brind’Amour opposed the motion.

Motion: Mr. Wrbas; Second: Mr. Wynnyckyj; Motion carried by unanimous voice vote to approve the following conditions for the use of Avon Park for dog training classes:

The classes or any related activity may not use the tennis court, basketball court, pavilion or playground area.

Pet waste and any other trash generated by the class must be cleaned up immediately and may not be disposed of on borough property.

Ms. McMichael shall provide the borough with a Certificate of Insurance naming Ben Avon Borough as an additional insured.

Ms. McMichael and all participants in the dog training class shall sign appropriate forms that indemnifies and holds harmless the Borough of Ben Avon from all liability directly or indirectly related to the dog training classes.

Ms. Michael shall provide the Borough of Ben Avon with a \$200.00 refundable deposit for damages.

Ms. McMichael shall pay the Borough of Ben Avon 50% of any profits received from the dog training classes as proposed in her request.

Permission to use Avon Park for dog training classes shall end on November 1, 2014.

**Old Business**

**Ordinance No. 769**

Motion: Mr. Opiery; Second: Mr. Wrbas; Motion carried by unanimous voice vote to adopt Ordinance No. 769, which requires all persons, partnerships, businesses and corporations to obtain a permit for any construction or development; provides for the issuance of such permits; sets forth certain minimum requirements for new construction and development within areas of the Borough of Ben Avon which are subject to flooding; and establishes penalties for any persons who fail or refuse to comply with the requirements or provisions of this ordinance.

**Executive Session**

Motion: Mr. Wrbas; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to adjourn to Executive Session at 7:40 p.m. to discuss potential litigation.

Motion: Mr. Brind'Amour; Second: Mr. Wrbas; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene Regular Session at 8:05 p.m.

**Adjournment**

Motion: Mr. Bett; Second: Mr. Wrbas; Motion carried by unanimous voice vote to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

*Carmella Hallstein*

Borough Secretary