

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania 15202**  
**Regular Meeting of Council – September 20, 2016**  
**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, Mayor Robert Jones, Earl Bohn, Phillip Brind'Amour, Brad Cole, Ken Opiery

**Council Members Absent**

**Others Present**

Anne Sweeney, Solicitor  
Dale Regrut, Public Works Foreman  
Lisa Cronin, Secretary  
Jim Rupert; Chief; Ben Avon Volunteer Fire Department  
Norbert Micklos; Chief; Ohio Township Police Department

**Public Participation**

**Approval of Minutes**

Motion: Mr. Brind'Amour; Second: Mr. Wrbas; Motion carried by unanimous voice vote to approve the minutes of the August 16, 2016, Regular Meeting of Council. Mr. Bohn abstained.

**Financial Report - Report given by Richard White, Co-Chair and Ken Opiery, Co-Chair**

Motion: Mr. White; Second: Mr. Wrbas; Motion carried by unanimous voice vote to approve the August 2016 reports as presented

Motion: Mr. Opiery; Second: Mr. Cole: Motion carried by unanimous voice vote to approve the August 2016 accounts payable reports as presented, authorizing payments of \$274,528.09 from the general account.

Motion: Mr. Opiery; Second: Mr. Wrbas: Motion carried by unanimous voice vote to transfer \$180,000.00 from the General Account to the Capital Account.

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

Motion: Mr. White; Second: Mr. Brind'Amour: Motion carried by unanimous voice vote to have the borough's Halloween Trick or Treat on Monday, October 31 from 6 p.m. to 8 p.m.

Annual Halloween parade is usually the Saturday before Halloween.

Mr. White stated the planning for the borough's 2017 operating budget will start next month. If anyone has project(s), let him know.

**Public Works / Building and Property Report** – *Report given by Ken Opipery, Chair*

Mr. Opipery informed council that the 2016 Road Repair Project is completed. The borough is waiting for the guide rail for Merton Road, which has been ordered through the QVCOG, to come in to be put in place.

Motion: Mr. Opipery; Second: Mr. Wrbas; Motion carried by unanimous voice vote to formally reject both bids received for the Fire Station Façade Repair as the bids were far in excess of the estimated costs of \$25,000.00 to \$30,000.00. The bids came in 58,985.00 and \$162,047.00 making it over \$100,000.00 apart. Mr. Opipery recommended that council review the specs with Gateway Engineering for the repair of the Fire Station facade, and put out a request for new bids in the spring of 2017 with the work to be done then.

Mr. Opipery indicated in the last quarter there will be a review of the borough's priorities for next year in terms of capital expenses and projects that need to be done.

Mr. Opipery wanted to make council aware that the borough has obligations under the Sanitary Consent Order as part of the Wet Weather Program by Alcosan. The borough will need to have documentation for the Demonstration Project for the year of 2017 because we are obligated to achieve certain things next year. For example, we have to have a document demonstrating that we have done something that resulted in the elimination or partial elimination of storm water in the sanitary system. All communities in the Alcosan service territory will have to do this. This will include analyzing, setting up monitors in our sewers, measuring the flow of water to see if there are peak times during rain events so that we can narrow down and try and find problem areas in our community and remediate. We need to have a plan in place with some level of analysis and remediation by 2018 with full remediation by 2036. We need to show the steps we are taking and this will occur next year. We are involving Alcosan who will already be taking over some of the borough's sewers and we can get some help from them. In addition to this, the GIS Data program will require us to move from hard copy to an electronic format and we will ask Gateway Engineers to help with that transition.

**Public Safety/Code Enforcement** – *Report given by Michael Wrbas*

Mr. Wrbas indicated the borough continues to receive complaints from residents about the abandoned property located at 6934 Church Avenue, stating that it is overgrown, it has wildlife and potential structural issues and that it is dangerous. The owner, Indiana First Bank had at one time had the grass cut and the yard cleaned up but they have not sent a maintenance crew to address the property in a long time and the is tied up in litigation. Several violation notices have been sent from our Building Inspector. The Solicitor, Anne Sweeney, the borough could send a contractor to clean it, but Mr. Opipery cautioned council to be careful not to set a precedent for other properties and that we have to show how this is a different problem from residents calling just because a neighbor has not mowed the lawn for a few weeks. Mr. Opipery pointed out that the difference with this property is that this case is in litigation and it is uninhabited. The Solicitor suggested that before council takes any action, she would continue to make calls to the bank and lawyers and see if the problem can be resolved by next month's meeting.

Mr. Wrbas reported that the borough secretary has received a number of phone calls on the sidewalk hazards in the borough and asked if maybe council could put something out to our residents that they need to address it. Mr. Brind'Amour reminded council that there was a notice posted this past spring on the borough's and NextDoor Ben Avon websites stating that sidewalk maintenance and repairs are the resident's responsibility. Mr. Kuehner pointed out that this is a safety problem. Mr. White said that council should check to make sure the borough property is up to the same standards council is requiring its residents to be. Mr. White indicated that according to the building inspector, the ordinance is not clear as to exactly what the standard is and that we need to be on solid legal ground. Council might need to have a clear and better sidewalk ordinance by the spring of 2017. In the meantime, Mr. Bohn will draft a letter to the residents to remind them that the sidewalks are their responsibility and duty and give them a deadline that will be put in place for them to have their sidewalks repaired if necessary. If no action is taken on the ones that need repair, the borough will send out a code enforcement officer.

**Public Affairs – Report given by Phillip Brind'Amour, Chair**

Motion: Mr. Brind'Amour; Second: Mr. White; Motion carried by unanimous voice vote to accept General Code contract for the borough Codification code on the borough's web site. The lowest cost to set up is \$1,961.00 to bring us current with an annual \$695.00 per year maintenance rate for a 2 year minimal agreement. After the second year, the borough can renew yearly.

**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 – Report given by Anne Sweeney, Esq., Solicitor**

**Executive Session**

Motion: Mr. Wrbas; Second: Mr. Brind'Amour; Motion carried by unanimous voice vote to begin an Executive Session at 7:55 pm for discussing potential litigation.

Motion: Mr. Wrbas; Second: Mr. White; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene Regular Session at 8:08 pm

**New Business**

Motion: Mr. Brind'Amour; Second: Mr. White; Motion carried by unanimous voice vote to accept the lowest bid by Waste Management, Option B (E-Waist) for the borough's refuse removal for 2016-2021.

Motion: Mr. White; Second: Mr. Wrbas; Motion carried by unanimous voice vote to accept the 2017 Minimal Municipal Obligation (MMO) Non – Employee Pension Fund as presented. The amount the borough must contribute for 2017 is \$30,432.00 with part of that to be offset by state

aid which is unknown at this time. The borough needs to budget the entire amount and we do this every year.

**Old Business - None**

**Adjournment**

Motion: Mr. Pipery; Second: Mr. Cole; Motion carried by unanimous voice vote to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

*Lisa Cronin*

*Borough Secretary*