

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Minutes – Regular Council Meeting – February 19, 2008

Council Members Present

Dan Herchenroether, Judy Konitsney, Ken Opipery, Lloyd Corder, Mark Colenbrander, Sue Weiss

Council Members Absent

Todd Smith

Others Present

Ken Opipery, Sr., Mayor
Chuck Perego, Borough Solicitor
Carmella Hallstein, Borough Secretary

Call to Order

Council President Ken Opipery called the meeting to order at 7:00 p.m.

Public Participation

Dr. Corder stated that Ann Elder had resigned her position as a Ben Avon representative on the Avonworth Municipal Authority Advisory Council. He introduced Beth Tomer of 332 Dalzell Avenue and Kim Wynnyckyj of 6901 Church Avenue, stating that both had expressed an interest in filling the vacancy. Dr. Corder recommended that Beth Tomer be appointed to the Advisory Council and that Kim Wynnyckyj act as a community volunteer until another opening became available. Ms. Tomer and Ms. Wynnyckyj were agreeable to Dr. Corder's recommendation.

Motion: Dr. Corder; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to appoint Beth Tomer to the Advisory Council of the Avonworth Municipal Authority for a term that commences immediately and ends January 30, 2009.

Approval of Minutes

Motion: Dr. Corder; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the minutes of the January 15, 2008 regular council meeting and the February 7, 2008 special council meeting.

Engineer's Report

No Report

Financial Reports

Mrs. Konitsney presented the December 2007 and January 2008 revenue and expense reports, the February 2008 accounts payable reports and the December 29, 2007 accrued accounts payable report.

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the January 2008 revenue and expense report as presented.

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the December 2007 revenue and expense report as presented.

Motion: Mrs. Konitsney; Second: Dr. Corder; Motion carried by unanimous voice vote to approve the February 2008 accounts payable reports as presented.

Motion: Mrs. Konitsney; Second: Mrs. Weiss; Motion carried by unanimous voice vote to approve the December 29, 2007 accrued accounts payable report as presented.

Administration Report

No Report

Public Safety Report

No Report

Public Works Report

Mr. Colenbrander stated that at the previous meeting Mr. Smith suggested that video surveillance equipment be installed at the new borough garage. He stated that bids would be presented to council at the March meeting, noting that the cost would be around \$4,000. Mr. Herchenroether asked if video equipment would be enough of a deterrent and suggested that council also consider installing something that would be more preventative in nature. Mr. Regrut stated that dusk to dawn lights would be installed around the building.

Mr. Herchenroether stated that Dale Regrut had been responsible for calling attention to a sex offender's van, which enabled the police to catch the perpetrator. Mr. Opiery, Jr. stated that Mr. Regrut was very diligent and assisted the police in identifying the location of the van.

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to commend Dale Regrut for his alertness and efforts.

Resident and Community Relations Report

Dr. Corder presented an email update from the borough's website. He stated that the update is a laundry list of upcoming events in the borough and surrounding communities, which is prepared and sent out by Jeff Cieslak every Monday. Dr. Corder stated that you could signup for the email updates at the borough's website.

Joint Zoning Ordinance

Mrs. Weiss stated that she, along with Scott Keener and Chuck Perego attended the first Joint Planning Commission meeting on February 11, at which they elected officers. She stated that Scott Keener would serve as chair, Tom Michalow of Avalon as co-chair and Rich Furis of Bellevue as secretary. Mrs. Weiss presented an updated zoning map for Ben Avon that she received from Environmental Planning and Design (EPD). She stated that EPD requested that council review the map and provide them with any corrections or changes by March 1. Mrs. Weiss stated that all comments about the map should be directed to her or Scott Keener and they would forward the information to EPD. Mr. Opiery, Jr. stated that the map should be given to Dale Regrut for review because of his knowledge of the borough streets.

Mrs. Weiss stated that the issue was raised as to whether the three boroughs should share enforcement of the zoning ordinance and the associated costs. She stated that Ben Avon has

fewer code enforcement issues than Bellevue or Avalon and her initial thought was to question whether Ben Avon should be paying for enforcement in the other two communities, but noted that Ben Avon benefits if the ordinance is successful in Avalon and Bellevue and that council may want to consider joint enforcement. Mr. Perego stated that there are a number of ways to approach this issue. He stated that one would be for each community to go their separate way, second would be to hire one agency for all three communities and pay them per call and third would be to have a joint zoning enforcement office for the three communities, calculate all of the costs and figure out a rational basis to distribute these costs.

Mayor's Report

Mayor Opiery stated that the Mayor of Emsworth was coordinating a meeting to discuss sharing police services. Mayor Opiery stated that our current police service is very outstanding and he would not want to delete the service.

Police Chief's Report

Chief Micklos stated that the beauty of contractual services is that you can pick the level of service that you want. He stated that currently there is a car in Emsworth, a car in Ben Avon, a car in Neville Island and 2 or 3 cars in Ohio Township around the clock. Chief Micklos stated that the cars in Ben Avon, Emsworth and Neville Island stay in there assigned area 24/7 unless there is an emergency call for backup. He stated that Emsworth is considering allowing their car to patrol and answer calls in Glenfield, which would lower Emsworth's costs. Chief Micklos stated that if Emsworth decides not to do this, then one of the cars assigned to Ohio Township would handle Glenfield, which is currently how the Ohio Township police department handles Aleppo, Sewickley Hills and Ben Avon Heights. He stated that Glenfield has about one call per week and Ben Avon Heights had eleven calls last month. Mr. Perego stated that the policy difference that became critical in negotiating the difference between Kilbuck and Ohio Township was not just response time; it was preventive patrols and a presence in the community around the clock.

Chief Micklos reported that the Ohio Township police dog is probably going to be retired in the next year or so. He stated that he applied for and received a grant for around \$45,000 from the DCED for another dog, a car, training and equipment. Chief Micklos stated that the DCED is very reluctant to approve grants of this nature. He stated that the grant was approved because Ohio Township is involved with joint services by providing police service to surrounding communities, which is something that the state is promoting. Mr. Opiery, Jr. stated that this is a very good example of the benefits of shared services.

Solicitor's Report

Mr. Perego stated that there was a minor motor vehicle accident that caused damage to the traffic signal system at Rt. 65 and Fisk Avenue. The insurance carrier for the driver of the vehicle was sent the bill and they denied the claim alleging that a ghost vehicle caused the accident. He stated that the cost of the repairs was only \$750, which is under the borough's deductible and not worth pursuing. Mr. Perego stated that Ben Avon would bill Avalon for the cost of the repairs.

Fire Chief's Report

Chief Buckman presented the Fire Company's activity report for January 2008.

Mr. Opiery, Jr. stated that the position of Emergency Management Coordinator (EMC) has been vacant since Sam Diana resigned last year. He stated that the EMC implements the borough's

emergency plan in the event of a catastrophe, such as a hurricane or a flood. Mr. Pipery, Jr. stated that the borough is actively looking for someone to fill this position, adding that the position has typically been held by someone from the fire company. Chief Buckman stated that he has been unsuccessful in finding someone to fill the position, but noted that the borough still has two Assistant Emergency Management Coordinators, Tom Kurtz and Bob Nuttall.

New Business

Resolution 2008-01

Mr. Pipery, Jr. stated that Resolution 2008-01 establishes the 2008 real estate tax rate of 5.72 mills. He stated that the tax rate was set in December by a mathematical formula instead of an actual millage rate because the borough had not yet received its certified assessed value of taxable property from Allegheny County. Mr. Pipery, Jr. stated that when the certified value was received the actual millage rate was calculated. He stated that given the mathematical formula, the borough's certified assessed value of taxable property and the need to generate \$521,000 in real estate tax revenue; the rate of 5.72 mills was established.

Motion: Dr. Corder; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to adopt Resolution 2008-01, which confirms the millage rate for collection of ad valorem real estate taxes for year 2008 as set by Ordinance 734.

Old Business

Solicitorship

Mrs. Weiss stated that the borough could run an ad requesting proposals for the position of borough solicitor in the Pittsburgh Legal Journal for five days for \$210. She stated that the ad could also be placed on the Allegheny County Bar Association website free of charge. Mrs. Weiss stated that she made a few minor changes to the proposed ad. She stated that she changed the annual budget amount to \$1,011,764 per Mrs. Konitsney, the council meeting dates to the third Tuesday of each month per Dr. Corder and the clerical staffing to 2 part time employees per Mr. Pipery, Jr. Mr. Herchenroether stated that council should not consider proposals from anyone working for an adjoining municipality because he thought there would be a clear conflict of interest.

Motion: Mrs. Weiss; Second: Mr. Herchenroether; Motion carried by voice vote to approve expenditures of up to \$300 for placing a Request for Proposals for Borough Solicitor, as amended to include suggested changes by Mrs. Konitsney, Mr. Pipery, Jr. and Dr. Corder, in the Pittsburgh Legal Journal and on the Allegheny County Bar Association website.

Mr. Pipery, Jr. opposed the motion.

Quite Zone Request for the Emsworth Locks and Dam Crossing

Mr. Herchenroether reminded council about the meeting scheduled on Monday February 25, between the Army Corps of Engineers, Norfolk Southern Railroad and the Federal Railroad Administration to discuss the issue of the train horns that are blown at the Emsworth Locks and Dam crossing. Mr. Herchenroether stated that he and Mr. Smith would attend the meeting along with Mike Clark, the resident who organized the meeting, Police Chief Micklos and Fire Chief Buckman. Mr. Herchenroether stated that he invited Emsworth to send a representative to meeting, but to date had not received a response. Mayor Pipery stated that this is a safety issue

and expressed his concerns about eliminating the train warning horns. Mr. Herchenroether stated that the purpose of the meeting is to put the issue on the table to determine if there is a safe way to eliminate the train horns. Mrs. Konitsney stated that because of safety issues she did not think the train horns could be eliminated, but suggested that Mr. Herchenroether ask the railroad if they could shorten the length of time they blow the horns.

Adjournment

Motion: Dr. Corder; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Carmella Hallstein

Borough Secretary