

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Minutes – Regular Council Meeting – November 18, 2008

Council Members Present

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

Council Members Absent

Todd Smith, Lloyd Corder

Others Present

Chuck Means, 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

Carolyn Yagel from Environmental Planning and Design addressed council about the joint zoning ordinance for Ben Avon, Bellevue and Avalon. She stated that the Tri-Borough Comprehensive Plan Implementation Steering Committee presented the draft of the proposed ordinance and map to the Joint Planning Commission and recommended that it be forwarded to each borough council for their consideration in terms of advertising it for a public review period. Ms. Yagel stated that the Joint Planning Commission voted to ask each municipality for permission to forward the ordinance and map to Allegheny County's planning agency so that the planning agency could begin the mandatory 45-day review. Mr. Means stated that each borough is required to hold a public hearing after the county's 45-day review period.

Motion: Mrs. Weiss; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to authorize the Joint Planning Commission to submit the draft joint zoning ordinance and map to Allegheny County for a 45 day review period.

Melanie Holcomb of 7318 Church Avenue addressed council about leasing the vacant portion of the fire station building. She stated that she would use the space for a coffee shop that would also sell cold beverages, baked goods, organic foods and light lunches. Mrs. Holcomb presented her ideas to council. She stated that terms of the lease, parking issues, opening date, renovations and cost sharing of renovations are things that will need to be determined. Mrs. Holcomb stated that renovations are needed to bring the building up to code and meet business requirements. A brief discussion followed. Mr. Colenbrander stated that Mrs. Holcomb should provide council with a proposal that includes cost estimates for the renovations. Mr. Opipery, Jr. stated that he could submit an application to the State for economic development grant funds to help cover the costs of the building improvements.

Approval of Minutes

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to approve the minutes of the October 21, 2008 council meeting.

Engineer's Report

No Report

Financial Reports

Mrs. Konitsney presented the October 2008 revenue and expense report and the November 2008 accounts payable report.

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

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the November 2008 accounts payable report as presented.

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to amend Mrs. Konitsney's motion approving the November 2008 accounts payable report to include the supplemental November 2008 accounts payable report.

Public Safety Report

No Report

Public Works Report

No Report

Resident and Community Relations Report

No Report

Mayor's Report

No Report

Police Chief's Report

Chief Micklos briefly reviewed the October call service report. He stated that there were a total of 108 calls for the month, which included 22 traffic citations.

Solicitor's Report

No Report

Fire Chief's Report

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

Chief Buckman asked if there were any questions about the study to assess the feasibility of merging fire services in the North Boroughs. The merger study, conducted by the Pennsylvania DCED, included the boroughs of Avalon, Bellevue, Ben Avon, Ben Avon Heights, Emsworth and Glenfield and the Township of Kilbuck. Chief Buckman stated that Emsworth and Avalon initiated the study. Council asked Chief Buckman several questions and a discussion followed. Mr. Colenbrander stated that he did not see anything wrong with the current fire service provided by the Ben Avon VFD. He stated that the only reason that would make any sense to look at a merger would be if we could actually save money, adding that the proposed merger would increase the borough's real estate tax rate by 1 mill. Mr. Herchenroether stated that he is in favor of consolidating services but Ben Avon residents should not have to take on the burden of other

fire departments that are having problems, adding that Ben Avon is being penalized because it has a good fire department. Mr. Pipery, Jr. stated that the report does not say why Ben Avon should get rid of its current fire service, which is very good at a minimal price, to merge with other fire departments and go into debt.

New Business

2009 Budget

Mrs. Konitsney presented a spreadsheet detailing 2005, 2006 and 2007 actual revenues and expenses, the 2008 budget and the proposed 2009 budget. She also presented a spreadsheet listing the total amount of each budget and corresponding millage rate for 1998 through 2008. Mrs. Konitsney stated that the overall budget did not change much from last year. She stated that the amount of revenue needed from real estate tax had remained the same since 2003.

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to advertise the 2009 Budget.

Ordinance 735

Mr. Pipery, Jr. stated that the tax rate is based on the budget and the borough's certified value of taxable property. He stated that the borough would not receive its certified value from Allegheny County until sometime in January. Mr. Pipery, Jr. stated that a formula is adopted by ordinance that will produce the budgeted amount of real estate tax revenue and that the tax rate is derived by the formula. He stated that the millage rate would be adopted by resolution when the 2009 certified value of taxable property is received.

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to advertise Ordinance 735, which levies an ad valorem real estate tax and fixes the tax rate for the fiscal year 2009.

Ordinance 736

Mr. Means stated that the street opening issue was addressed initially because the borough wanted to put in writing a provision that requires repair of all damaged areas, not just the area of the opening, when any utility line damages a borough street, cartway, curb, sidewalk or unimproved right-of way. He stated that Ordinance 736 also updates street opening fees. Mr. Means stated that the fees would be established and amended from time to time by resolution of council, adding that Resolution 2008-04 establishes the new updated fees.

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to advertise Ordinance 736, which amends Ordinance 596 and 650, requires permits for and regulates opening of borough streets, curbs and sidewalks, imposes fees in connection therewith and imposes a duty to repair damage to borough streets caused by subsurface pipes, lines, etc.

Resolution 2008-04

Action deferred until the December council meeting.

Old Business

None

Adjournment

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Carmella Hallstein

Borough Secretary