

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Minutes – Regular Council Meeting – February 17, 2009

Council Members Present

Todd Smith, Dan Herchenroether, Ken Opiery, Mark Colenbrander, Sue Weiss

Council Members Absent

Judy Konitsney
Lloyd Corder

Others Present

Ken Opiery, Sr., Mayor
Chuck Means, Borough Solicitor
Carmella Hallstein, Borough Secretary

Call to Order

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

Public Participation

Victoria Haynes of 239 Park Avenue addressed council about parking issues on Park Avenue. She stated that vehicles are being parked in front of the hydrant and on the sidewalks. Ms. Haynes also stated that emergency vehicles would not be able to make the turn onto Shaffer Place because vehicles are parked too close to the corner. Chief Micklos stated that he would address the issue.

Theresa Hartnett of 408 Dickson Avenue asked council members to sign a petition from the United Steel Workers Union. She stated that the steel workers are asking local and state officials to sign the petition supporting the Buy America provision in the Stimulus Package.

Melanie Holcomb of 7318 Church Avenue addressed council about the lease agreement for the coffee shop she would like to open in the vacant portion of the fire station building. Mr. Opiery, Jr. stated that a revised lease had been drafted based on the solicitor's feedback. He stated that there was still an outstanding issue with regard to utilities. Mr. Opiery, Jr. stated that the air conditioning unit is tied to the electric meter for NorthWest EMS. He stated that if Ms. Holcomb tied into the system and used the air conditioning, her consumption would show up on the NorthWest bill. Mr. Opiery, Jr. stated that the borough has three years of historical monthly consumption in terms of electric use for NorthWest and that a monthly consumption average could be determined from this information. He stated that the average monthly amount would be subtracted from the total amount of consumption on the electric bill and Ms. Holcomb would be responsible for the cost associated with the incremental consumption. Mr. Opiery, Jr. stated that NorthWest is agreeable to this arrangement. He stated that language regarding this issue would be added to the lease. Mr. Opiery, Jr. stated that the boiler, which is the source of heat, has its own gas meter and the electrical outlets have their own meter and will be billed separately. He stated that if Ms. Holcomb decides to use the forced air heat instead of the boiler, the consumption would show up on the NorthWest gas bill and the costs for this usage would be determined in the same manner as the electric costs for the air conditioning. Ms. Holcomb suggested changing the permitted hours of operation on Monday through Friday to 7AM – 7PM

and on Saturday to 7AM – 10PM. The hours on Sunday would remain 10 AM – 4PM. Mr. Means stated that a financing contingency was added to the lease agreement so that either party could get out of the lease if Ms. Holcomb is not able to get financing. He stated that other items added to the lease were a security deposit and a provision for taxes if the property is held to be taxable because of the coffee shop. Mrs. Weiss asked if the borough would be responsible for the costs of repairs/improvements on Exhibit A, which total \$20,400. Mrs. Holcomb stated that the \$5,000 cost for concrete could be removed because the work would not be done at this time. Mr. Means stated that Exhibit A describes what the borough is going to do, adding that it is understood the borough will do these things, it is not understood that the borough will have to pay these amounts because there may be ways to do these things at a lesser cost.

Motion: Mr. Herchenroether; Second: Mr. Smith; Motion carried by unanimous voice vote to approve final changes as discussed, revise Exhibit A to reflect removal of concrete work, direct that the lease agreement between Hadley Enterprises, LLC and the Borough of Ben Avon be completed and accept the lease as revised.

Approval of Minutes

Motion: Mrs. Weiss; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the minutes of the December 16, 2008 council meeting.

Engineer's Report – Mr. McGee presented the report

Four ongoing projects will continue in 2009.

- Traffic signal upgrades on Route 65 will include new signal installations at Fisk and Monitor Avenues and Brighton Road. The work will be done by PennDOT. Mr. McGee will meet with PennDOT to discuss some minor geometric improvements to improve the traffic flow at the intersection of Brighton Road and Belle Riviere Ct
- Work to meet the storm sewer overflow requirements of the ALCOSAN Consent Order will continue.
- The street weight limit ordinance is expected to be completed by March.
- Final approval for the CDBG Year 35 project for storm drainage improvements along Brighton Road is expected within the next six weeks. The project should be paid almost in total by CDBG funding.

Potential new projects for the year involve retaining walls at lower end of Merton Road and at the intersection of the steps from Rostrevor Place down to Brighton Road. The Brighton Road project is a combination of issues; the drainage system has failed and needs to be replaced along with the retaining wall. The steps coming down from Rostrevor Place will have to be removed for the Brighton Road project and there is a question as to whether or not to replace them when the work is finished because there does not seem to be much usage. Limited CCTV inspections of some sanitary and storm sewers will also be considered in 2009.

Financial Reports

Mr. Opiery, Jr. presented the December 2008 and January 2009 revenue and expense reports and the January and February 2009 accounts payable reports.

Motion: Mr. Colenbrander; Second: Mr. Smith; Motion carried by unanimous voice vote to approve the December 2008 revenue and expense report as presented.

Motion: Mrs. Weiss; Second: Mr. Smith; Motion carried by unanimous voice vote to approve the January 2009 revenue and expense report as presented.

Motion: Mr. Herchenroether; Second: Mr. Colenbrander; Motion carried by unanimous voice vote to approve the January 2009 accounts payable reports as presented.

Motion: Mrs. Weiss; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the February 2009 accounts payable reports as presented.

Public Safety Report

Mr. Smith stated that the borough received a complaint about people living at 7418 Brighton Road. He stated that the property owner is leasing the property to an organization that is using it as a group home. The property is located in an RB zoning district, which does not permit this type of use. Mr. Smith stated that information has been given to the borough's zoning / code enforcement officer.

Public Works Report

No Report

Resident and Community Relations Report

No Report

Mayor's Report

No Report

Police Chief's Report

No Report

Solicitor's Report

Mr. Means stated that he completed a Certificate of Titles and Procedures that had to be submitted in connection with the playground grant.

Mr. Means stated that the borough is required to advertise and hold a public hearing on the proposed Tri-Borough Joint Zoning Ordinance. A discussion followed. The hearing will be held on Tuesday, March 17, 2009 at 6:30 p.m. at the Borough Hall. The regular council meeting scheduled for Tuesday, March 17, 2009 will begin immediately following the public hearing.

Fire Chief's Report

Chief Buckman presented the Fire Company's activity report for January 2009.

New Business

EIT Collections

Mr. Herchenroether stated that earned income tax collection reforms require that EIT be collected on a regional basis by the county by 2012. He stated that there would be four collection zones in Allegheny County. Mr. Opiery, Jr. stated that the new law takes the collection of earned income tax out of the borough's hands. He stated that a tax collection committee comprised of representatives from the taxing authorities would be formed and the borough would have a representative on the committee

Resolution 2009-01

Mr. Pipery, Jr. stated that Resolution 2009-01 establishes the 2009 real estate tax rate of 5.69 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. He stated that given the mathematical formula set in Ordinance 735, the borough's certified assessed value of taxable property and the need to generate \$521,000 in real estate tax revenue; the rate of 5.69 mills was established.

Motion: Mrs. Weiss; second: Mr. Herchenroether; Motion carried by unanimous voice vote to adopt Resolution 2009-01, which confirms the millage rate for collection of ad valorem real estate taxes for year 2009 as set by Ordinance 735.

Electronic Access License Agreement and Resolution 2009-02

Mr. Pipery, Jr. stated that the borough gets liquid fuels money from the state every year. He stated that the funds can only be used on limited items and must be related to road expenditures. Mr. Pipery, Jr. stated that a report must be completed and submitted to the state on a yearly basis to substantiate how the funds were spent. He stated that starting this year; the state is requiring the borough to enter into an Electronic Access License Agreement and submit the annual report electronically.

Motion: Mr. Herchenroether; second: Mr. Smith; Motion carried by unanimous voice vote to adopt Resolution 2009-02, which authorizes Kenneth L. Pipery, Jr. and Carmella Hallstein to execute all documents necessary to effect the Electronic Access License Agreement between PennDOT and the Borough of Ben Avon.

Old Business

Military Service Memorial

Mr. Smith stated that the borough received another DCED grant for the military service memorial for \$5,000. He presented a proposal from Rome Monument for \$5,000 for the installation of two benches and two vases.

Motion: Mr. Smith; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to authorize the expenditure of \$5,000 from the grant fund for benches and vases for the military service memorial.

Avonworth Municipal Authority Appointment

Motion: Mrs. Weiss; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to appoint Maureen Passage to the Advisory Council of the Avonworth Municipal Authority for a term that commences immediately and ends January 30, 2010.

Adjournment

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

Respectfully submitted,

Carmella Hallstein

Borough Secretary