

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Minutes – Regular Council Meeting – April 21, 2009

Council Members Present

Todd Smith, Dan Herchenroether, Ken Opipery, Lloyd Corder, Mark Colenbrander, Sue Weiss

Council Members Absent

Judy Konitsney

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

Jane Angelini of 7008 Church Avenue asked council to pass a resolution urging the Allegheny County Council to encourage the Allegheny County Health Department to pass revised air toxics guidelines that were put together by a subcommittee in 2007. Mrs. Angelini stated that the subcommittee was made up of business people, citizens and health professionals. She stated that the current air toxics guidelines have not been revised for twenty years.

Mr. Opipery, Jr. presented and read Resolution 2009-06.

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adopt Resolution 2009-06, which supports the proposed revisions to the Air Toxics Guidelines and requests that the revisions to the Air Toxics Guidelines be enacted as the official policy of the Air Quality Program of the Allegheny County Health Department.

Mr. Opipery, Jr. presented and read a letter that will be sent along with Resolution 2009-06 to Dr. Bruce Dixon at the Allegheny County Health Department.

Approval of Minutes

Motion: Mrs. Weiss; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the minutes of the March 17, 2009 council meeting.

Engineer's Report – Mr. McGee presented the report

The borough will advertise for bids for a sewer repair project on upper Dickson Avenue. The project will involve both the sanitary and storm sewer on Dickson, particularly where they tie in from Merton Road. The project will include rebuilding a manhole, installing storm inlets and installing a separate storm sewer at an estimated cost of \$50,000 to \$55,000.

Motion: Mr. Colenbrander; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to authorize Mr. McGee to advertise the specifications for the sewer repair project on Dickson Avenue.

The borough received a Community Development Block Grant (CDBG) for storm water catch basin improvements on Brighton Road from Laurel Avenue to the Avalon line. The estimated cost when the project was put together was about \$35,000, all of which will be paid with CDBG funds. An outfall problem, which was identified after the project was put together, will add \$6,000 to \$8,000 to the cost of the project. The grant of \$35,000 may end up covering the entire project because bids have been coming in lower this year due to the economy.

Motion: Dr. Corder; Second: Mr. Smith; Motion carried by unanimous voice vote to approve the agreement between Ben Avon Borough and the Quaker Valley Council of Governments for an Allegheny County Community Development Block Grant project for storm water catch basin improvements.

Under the federal stimulus bill, there are energy conservation grants available to municipalities through the state. Mr. McGee will look into this program and report back to council.

Mr. McGee will file a pre-application for year 36 CDBG funds for the installation of a unisex handicap accessible restroom in the fire department building.

Financial Reports

Mr. Opiery, Jr. presented the March 2009 revenue and expense report and the April 2009 accounts payable reports.

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

Motion: Dr. Corder; Second: Mr. Herchenroether; Motion carried by voice vote to approve the April 2009 accounts payable reports as presented. Mrs. Weiss opposed the motion.

Public Safety Report

Mr. Smith requested that a committee be formed to gather information and review the proposed merger of the Ben Avon and Kilbuck volunteer fire departments.

Motion: Mr. Smith; Second: Mrs. Weiss; Motion carried by unanimous voice vote to form a committee to review the proposed fire department merger.

Mr. Opiery, Jr. asked for volunteers and stated that assignments to the committee would be made at the next meeting.

Public Works Report

No Report

Resident and Community Relations Report

Dr. Corder presented the Emsworth Borough newsletter, which was published by a company that puts together brochures for municipalities. He stated that the company sells advertising to local businesses and in return prints and mails municipal newsletters to the residents. Dr. Corder stated that the borough could eliminate all design work and printing expenses by using this company to prepare and mail the borough newsletter. He stated that he would get additional information and report to council next month.

Mayor's Report

No Report

Police Chief's Report

Chief Micklos stated that representatives from Clean Water Action would be soliciting in the borough. He stated that the police could not stop religious or nonprofit organizations from soliciting but do have some control over business solicitations and will only issue permits for businesses if appropriate. Mr. Means stated that people have a right under the Constitution to ask questions of people or use the street to walk to someone's home, but noted that you can put restrictions on soliciting if it involves businesses that are trying to sell something.

Solicitor's Report

No Report

Fire Chief's Report

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

New Business

Resolutions 2009-04 and 2009-05

Mr. Means stated that the resolutions deal with retaining and disposing of records, adding that there is a state law and a state schedule that involves retention of records by municipalities. He stated that in order to dispose of records the borough must follow the established procedure, which is done by a resolution.

Motion: Mrs. Weiss; second: Mr. Herchenroether; Motion carried by unanimous voice vote to adopt Resolution 2009-04, which declares the borough's intent to follow the schedules and procedures for disposition of records as set forth in the municipal records manual approved on December 16, 2008.

Motion: Mr. Herchenroether; second: Dr. Corder; Motion carried by unanimous voice vote to adopt Resolution 2009-05, which declares the borough's intent to follow the schedules and procedures for disposition of records as set forth in the municipal records manual approved on December 16, 2008 and authorizes the disposition of certain administrative files.

Ordinance 737

Mr. Opiery, Jr. stated that there have been three incidents at the mini-mart where vehicles were not put in park and rolled down the hill into the neighbor's lawn, damaging their fence and creating a dangerous situation. A letter was sent to the owner of the mini-mart asking that he take some kind of action to correct the problem, but the owner deferred to the borough and said no. Ordinance 737 requires the installation of barriers to separate parking areas from the public right of way for all parking lots that have three or more parking spaces, a slope in excess of 0.5% and within any twelve consecutive month period have had two or more vehicles drifting into the public right of way that have been reported to and substantiated by the police. Dr. Corder asked if the ordinance would apply to residential parking pads. Mr. Means stated that everyone has to have a driveway, adding that the ordinance requires a barrier between a parking lot and the public right of way anywhere where there is not a driveway. He stated that the ordinance does not require a barrier between a parking lot and private property. Mr. Herchenroether asked if the borough could enforce the ordinance on existing parking lots. Mr. Means stated that no properties would be grandfathered because this is a safety ordinance not a zoning ordinance.

Motion: Mrs. Weiss; second: Dr. Corder; Motion carried by unanimous voice vote to advertise Ordinance 737, which requires barriers to be erected to separate certain parking areas from the public right of way.

Old Business

Avon Park

Mr. Herchenroether stated that he wanted to withdraw his motion to dissolve the lease agreement for the park based on the progress Dr. Corder and Kilbuck supervisor John Fader have made.

Mr. Pipery, Jr. presented and reviewed a financial analysis of the park. He stated that there is \$5,255 left from a \$10,000 DCED grant that must be spent by June 30, 2009. Mr. Pipery, Jr. stated that there is a \$52,000 budget, with \$41,600 coming from a DCNR grant, \$10,000 coming from a DCED grant and \$400 coming from the borough. He stated that the borough received a proposal from Jeffrey Associates for \$42,675 for playground equipment. Mr. Pipery, Jr. stated that the borough would receive a 4% discount on the amount paid to Jeffrey at the time of order. He stated that the borough has received \$20,800 from the DCNR, adding that the remainder of the grant funds will be sent to the borough once the project has been completed and inspected. Mr. Pipery, Jr. stated that it would be fiscally responsible to take advantage of the 4% discount and recommended paying 80% of the cost at the time of order, which would yield a savings of \$1,368.48. He stated that the borough's general fund account would be reimbursed when the remaining DCNR grant funds are received.

Motion: Dr. Corder; Second: Mrs. Weiss; Motion carried by voice vote to authorize payment of \$34,212.00 to Jeffrey Associates for the purchase of playground equipment, of which \$20,800.00 will come from the DCNR grant fund, \$5,254.93 will come from the DCED grant fund and \$8,157.07 will come from the general fund. Mr. Colenbrander opposed the motion.

Matt Drozd

Allegheny County council member Matt Drozd addressed the issue of air toxics. He stated that he would find out why the revised air toxics guidelines that were submitted to the Allegheny County Health Department in 2007 have not been implemented.

Coffee Shop Proposal

Mr. Herchenroether presented three proposals for repair work that is needed to bring the fire department building up to code so that a portion of the building can be leased for use as a coffee shop. He asked the other council members to review the estimates and channel any questions through him. Mr. Herchenroether requested scheduling a special meeting so that council could take action and allow the project to move forward. A special meeting will be held on Tuesday, May 5, 2007 at 7 p.m. to consider the adoption of Ordinance 737 and to award contracts for repair of the borough's fire department building.

Adjournment

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

Respectfully submitted,

Carmella Hallstein

Borough Secretary