

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania, 15202**  
**Minutes – Regular Council Meeting – September 15, 2009**

**Council Members Present**

Dan Herchenroether, Judy Konitsney, Ken Opiery, Jr., Mark Colenbrander, Sue Weiss

**Council Members Absent**

Todd Smith  
Lloyd Corder

**Others Present**

Ken Opiery, Sr., Mayor  
Megan Ott, Esquire  
Fred Sapp, Building Inspector / Code Enforcement Officer  
Carmella Hallstein, Borough Secretary

**Call to Order**

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

**Public Participation**

Don Lewis of 218B Shafer Road, Moon Township, PA spoke on behalf of his mother-in-law, Catherine Johnston who resides at 6875 Perrysville Avenue, Kilbuck Township, PA. Mr. Lewis stated that Mrs. Johnston is in the process of selling her home on Perrysville Avenue. He stated that the house currently has a septic tank and the bank financing the purchase is requiring that it be connected to a sanitary sewer system. Mr. Lewis requested permission to run a sewer line through a borough owned parcel and connect into the Ben Avon sewage system at the last connection point on Perrysville Avenue. He stated that the work for the sewer connection would take approximately two weeks, adding that the connection had to be completed by the closing, which is tentatively scheduled for October 26. Mr. McGee stated that he had already reviewed the plans and it was feasible. He stated that the property would have to be surveyed and an agreement would have to be drawn up between Ben Avon Borough, the current property owner and any future property owners detailing the terms and conditions, specifically the long-term responsibility and maintenance of the sewer line. Mr. McGee stated that he would also have to speak to Mr. Lewis's engineer to determine how the actual tap-in would be made. Mrs. Ott stated that depending on where the sewer line goes, an easement might be necessary. She stated that the easement would convey the property owners' ability to operate the sanitary sewer line through the borough's property for perpetuity or until abandoned. Mr. Colenbrander stated that although he did not oppose Mr. Lewis' plan, he did not think the borough should spend any taxpayer money on this issue. Mr. Opiery, Jr. stated that the borough would incur costs for engineering, legal and administrative services and these costs should be passed onto the property owner. A special meeting to consider approval of the proposed sewer easement and agreement is tentatively scheduled for Tuesday, September 29 at 7 p.m.

**Approval of Minutes**

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to approve the minutes of the August 18, 2009 council meeting.

**Engineer's Report** – report given by Ed McGee

There is a new grant program available through the Allegheny County Economic Development Community Infrastructure and Tourism Board (CITB). The borough is filing two CITB grant applications with Allegheny County. One application is for \$60,000 for the reconstruction of the Rostrevor Place retaining wall, elimination of the steps coming down to Brighton Road and replacement of the storm sewer at Brighton Road. The other application is for \$160,000 for renovations to the volunteer fire department/community building. The renovations include items such as front windows, lintels above the garage doors, rebuilding of a rear wall, roof repairs, brick pointing, external lighting and basement windows.

Mr. McGee met with ALCOSAN representatives on September 9 to discuss potential storage locations for excess sewage that is getting into the ALCOSAN system. At a storage site, sewage would be stored in a sizable underground tank. ALCOSAN would own the storage tank; they would purchase the right of way, construct the tank and maintain it. ALCOSAN had identified four or five locations that affected Ben Avon. All of these locations were eliminated except for a site near the railroad. ALCOSAN is just considering potential viable locations at this point and there is no guarantee that the Ben Avon site will be selected. A storage tank in this area would hold flow from Ben Avon, Ben Avon Heights, Avalon, Bellevue and part of Kilbuck that would be metered into the ALCOSAN underground system that runs parallel to the river.

**Financial Reports**

Mrs. Konitsney presented the August 2009 revenue and expense report and the September 2009 accounts payable reports.

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

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

Mrs. Konitsney recommended the transfer of \$200,000 from the general fund to the capital reserve fund. She stated that the capital reserve fund needed to be replenished for future capital expenditures. Mrs. Konitsney stated that there was approximately \$30,000 in the capital reserve fund and about \$700,000 in the general fund. Mr. Pipery, Jr. stated that through prudent fiscal management over the past five years the borough has been able to fund all of its capital expenditures without having to take out a loan.

Motion: Mrs. Konitsney; Second: Mrs. Weiss; Motion carried by unanimous voice vote to approve the transfer of \$200,000 from the general fund account to the capital reserve account.

**Public Safety Report**

No Report

**Public Works Report**

No Report

**Resident and Community Relations Report**

No Report

### **Mayor's Report**

Mayor Pipery stated that the volunteer fire department held a memorial service at the fire station on September 11. He thanked them for their continued efforts, noting that they have held a memorial service every year since 2001.

### **Police Chief's Report**

Chief Micklos asked council when Ben Avon planned to celebrate Halloween, adding that most communities served by the Ohio Township police department plan to hold Trick or Treat on Saturday, October 31. A short discussion followed. The borough's Halloween parade will be on Saturday, October 24 at noon. The parade will start at the corner of Church and Dickson Avenues and end at the fire station. Hot dogs and beverages will be served at the conclusion of the parade and each participant will receive a treat bag. Trick or Treat will be on Saturday, October 31 from 6 p.m. until 8 p.m.

### **Solicitor's Report**

No Report

### **Fire Chief's Report**

Chief Buckman presented the Fire Company's activity report for August 2009. Mr. Herchenroether stated that an event was held at John Fader's residence to commemorate the Kilbuck Township VFD for their years of service to the community.

### **New Business**

#### **Resolution 2009-11**

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to adopt Resolution 2009-11, which authorizes the filing of an application for funds in the amount of \$60,000 with the Allegheny County Economic Development Community Infrastructure and Tourism Board for the reconstruction of the Rostrevor Place retaining wall and replacement of a storm sewer at Brighton Road, designates an authorized official to file all applications, documents and forms and assures the timely intent to proceed if granted requested funds.

#### **Resolution 2009-12**

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adopt Resolution 2009-12, which authorizes the filing of an application for funds in the amount of \$160,000 with the Allegheny County Economic Development Community Infrastructure and Tourism Board for renovations to the Ben Avon VFD / Community Building, designates an authorized official to file all applications, documents and forms and assures the timely intent to proceed if granted requested funds.

### **Old Business**

#### **Ordinance 739**

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adopt Ordinance 739, which renews a non-exclusive cable franchise with Comcast on terms and conditions set forth in a cable franchise agreement.

### **Ordinance 740**

Motion: Mr. Herchenroether; Second: Mrs. Weiss ; Motion carried by unanimous voice vote to adopt Ordinance 740, which approves and authorizes the renewal of a police services contract with Ohio Township effective January 1, 2010 until December 31, 2012.

### **Park Avenue Row Houses**

Mrs. Ott stated that the borough is actively pursuing the property owner for both delinquent sewage charges and delinquent real estate taxes, adding that a lawsuit has been filed for both delinquencies. She stated that Jordan Tax Service received a call from Mr. Garbinski and he indicated that he would pay in full by the end of the month. Mrs. Ott stated that she would advise council when the payments are received and the checks have cleared. Mr. Pipery, Jr. stated that Mr. Garbinski installed a safety fence around the construction site as requested by the borough. He stated that the borough is allowing him to run storm water onto the sidewalk and street on a temporary basis. Mr. McGee stated that he had concerns about water building up around the support columns in the front of the buildings and the main objective at this point is to get the water away from the structures. He stated that the runoff water would have to be dealt with as colder weather approaches because of icing problems. Mr. Sapp stated that Mr. Garbinski was cited for five code violations. He stated that Mr. Garbinski was found guilty by the magistrate on three of those violations and fined \$3,000 for each violation. Mr. Sapp stated that these violations were for the grounds, not the buildings. He stated that a second letter was sent to Mr. Garbinski listing approximately twenty-three additional code violations, adding that the abatement date for these violations is September 30. Mr. Sapp stated that he would file citations with the magistrate if Mr. Garbinski does not bring the property into compliance by September 30.

### **2010 Budget**

Mrs. Konitsney stated that she was working on the 2010 budget. She stated that she would send each committee chair their section for review and comments. Mrs. Konitsney stated that council would vote to advertise the budget at the November meeting and take action on adoption at the December meeting.

### **Adjournment**

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

*Carmella Hallstein*

Borough Secretary