

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Minutes – Regular Council Meeting – October 20, 2009

Council Members Present

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

Council Members Absent

Todd Smith
Lloyd Corder

Others Present

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

Call to Order

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

Public Participation

John Angelini of 7008 Church Avenue addressed council about air quality concerns. He stated that Ben Avon was one of seven municipalities that joined in on the request made to the Allegheny County Board of Health to consider revising the air toxic guidelines. Mr. Angelini stated that the County Health Department considered the request at their July 1 board meeting and voted not to revise the guidelines. Mr. Angelini stated that because of this decision, he prepared a letter to County Chief Executive Dan Onorato asking him to make himself available to speak at a public forum to explain what his plans and goals are for improving air quality in the county. Mr. Angelini asked council to consider sending a similar letter to Mr. Onorato.

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to authorize Council President Ken Opipery to send a letter to County Chief Executive Dan Onorato.

Bob Whalen of 164 Dickson Avenue volunteered to fill the vacancy on the Avonworth Municipal Authority Advisory Council. He stated that he has two sons who are starting to play T-ball at ACORD and this would provide him with an opportunity to become more involved in the community park.

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

Approval of Minutes

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the minutes of the September 15, 2009 council meeting.

Engineer's Report

Mr. McGee stated that he reviewed the final plan from Tait Engineering that defines the sewer easement for 6875 Perrysville Avenue. He stated that the plan meets all borough requirements. Mr. Means stated that the sewer easement agreement also meets borough requirements, adding that the addendums he recommended are included in the agreement. He stated that proof of insurance has been supplied with the borough named as an additional insured.

Motion: Mrs. Weiss; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the Sewer Easement Agreement between The Borough of Ben Avon and Catherine E. Johnston of 6875 Perrysville Avenue, Kilbuck Township, PA.

Mr. McGee stated that the borough applied through Allegheny County to have an independent contractor complete an energy audit for the borough hall building and the VFD building. He stated that there would be no cost to the borough for the audit and that there may be grants available latter to implement energy saving measures in municipal owned buildings. Mr. McGee stated that the borough is required to adopt a resolution certifying the borough's willingness to participate in the energy audit.

Financial Reports

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

Mrs. Konitsney made a motion to approve the September revenue and expense report. Mrs. Weiss ask why the transfer of \$200,000 from the general fund account to the capital reserve account, which was approved at the September meeting, was not reflected on the revenue and expense report. Mrs. Konitsney stated that the transfer had been made and was listed on the general fund and capital reserve fund bank statements. Mr. Pipery, Jr. stated that the transfer also appeared on the trial balance. Mr. Pipery, Jr. stated that the books are in balance and that he and Mrs. Konitsney balanced everything back to the bank statements. Mrs. Weiss stated that she voted to spend \$200,000, which was not reflected on the revenue and expense report so she was not comfortable approving it. Mrs. Hallstein stated that she did not think a transfer would be reflected on the revenue and expense report. Mrs. Weiss stated that as a council member, she should have this information reflected in the documents she receives. Mrs. Konitsney withdrew her motion and stated that she would provide additional information at the next meeting. Mr. Pipery, Jr. stated that the trial balance and the bank statements clearly reflect a \$200,000 transaction out of the general fund account and into the capital reserve account. Mrs. Konitsney stated that the bank statements were available for review to prove that the transfer had been made. Action was deferred until the November council meeting.

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

Mrs. Konitsney stated that she made one correction to the proposed 2010 budget. She stated that the proposed amount of \$6,075 for line item 485000 (unemployment compensation) was too high, adding that the correct amount should be \$3,400. She stated that the difference of \$2,675 was put in line item 408320 (ordinance codification). Mrs. Konitsney stated that \$9,115 had been allocated for Bookmobile service in the proposed 2010 budget. She recommended not renewing the service and using the allotted funds for ordinance codification, which would cost approximately \$6,000 to \$7,000. Mrs. Konitsney stated that approximately twenty-four people

per week use the Bookmobile, of which sixteen are Ben Avon residents. She stated that the borough is paying \$11 per hour per person to use the service. Mrs. Konitsney stated that with the right-to-know law it is important to get the codification in place. Mr. Opiery, Jr. stated that he talked to an aide in Representative Deasy's office about funding assistance to help offset some of the cost of the Bookmobile because residents from other communities are using the service. He stated that it is not fair for Ben Avon's residents to subsidize the entire cost. Mr. Herchenroether stated that the Bookmobile is a luxury because you can order books online from any library in the county and have them delivered to any participating library. He stated that he was not taking elimination of the Bookmobile lightly, but added that you have to trade things off and codification has a high value. Mr. Opiery, Jr. stated that the borough had been putting off codification for a while, adding that it is a need that should be addressed. Mr. Colenbrander stated that although the Bookmobile is a luxury and is expensive, he thought the Bookmobile was nice for the community and would prefer to continue the service. Mr. Herchenroether stated he had a serious problem asking Ben Avon taxpayers to pay the entire cost of the Bookmobile since residents from other communities are using the service.

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion failed by roll call vote: two-aye; three-nay to eliminate funding for the Bookmobile and apply the funding to ordinance codification.

Dan Herchenroether-aye; Judy Konitsney- aye; Ken Opiery, Jr.-nay; Mark Colenbrander-nay; Sue Weiss-nay

Public Safety Report

No Report

Public Works Report

Mr. Regrut stated that instead of purchasing a Christmas tree this year, he had inquired about prices for a live tree that could be planted in front of the Borough Hall. Mr. Opiery, Jr. stated that the Borough's Christmas tree lighting would be held on Saturday, November 28 from 6 p.m. until 8 p.m.

Resident and Community Relations Report

No Report

Mayor's Report

Mayor Opiery stated that he had joined the Mayors Against Illegal Guns Association. He stated that many large cities have adopted ordinances and resolutions that require gun owners to report lost or stolen handguns. Mayor Opiery stated that statistics have shown that the majority of gun related crimes are committed with illegal guns. Mayor Opiery stated that he would provide copies of a draft ordinance and resolution for council's review and consideration.

Police Chief's Report

No Report

Solicitor's Report

Mr. Means stated that council appointed Judy Konitsney as the borough's delegate for the Allegheny North Tax Collection District at the August meeting. He stated that the appointment was made by a motion but the county wanted the appointment in a written form by a resolution.

He stated that he prepared Resolution 2009-13 to satisfy the county's requirement, adding that there was no need to reappoint Mrs. Konitsney.

Fire Chief's Report

Chief Buckman presented the Fire Company's activity report for September 2009. He stated that the volunteer fire department would host its annual haunted house at the fire station on October 31 from 6 p.m. until 8 p.m., adding that Church Avenue would be closed between Dalzell and Breeding during that time.

New Business

Resolution 2009-14

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to adopt Resolution 2009-14, which certifies that Ben Avon Borough is willing to participate in an energy audit as part of Allegheny County's Energy Program for Municipalities financed by a Block Grant through the U.S. Department of Energy.

Resolution 2009-15

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adopt Resolution 2009-15, which sets the fees charged for building permits pursuant to the Joint Zoning Ordinance, Ordinance 738 and repeals prior inconsistent resolutions.

Old Business

None

Adjournment

Motion: Mr. Colenbrander; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Carmella Hallstein

Borough Secretary