

**Borough of Ben Avon
Regular Meeting of Council
July Twentieth, 2010
Minutes**

COUNCIL MEMBERS PRESENT

Daniel Herchenroether, Judith Konitsney, Lloyd Corder, Richard White, Brian Tokar, Suzanne Weiss

Council Members Absent

Rob Galbraith

Others Present

Bob Jones; Mayor
Charles Means; Borough Solicitor
Edward McGee; Borough Engineer
Dale Regrut; Borough Public Works Foreman
Adam Beck, Sergeant; Ohio Township Police Department
Gary Buckman, Chief; Ben Avon Fire Department

CALL TO ORDER

President of Council Lloyd Corder called the meeting to order at 7:00 p.m.

PUBLIC PARTICIPATION

Jane Angellini of 7008 Church Avenue addressed Council regarding the placement of municipal trash cans on certain sidewalk within the Borough. Mrs. Angellini stated that she sees certain parts of Ben Avon as prone to litter, in particular, the Port Authority bus stop at the intersection of Church and Forest Avenues. She stated that she believed the placement of trash cans would curtail the litter problem, and requested the Borough purchase the trash cans. Mrs. Angellini also stated that she had presented the idea to Council during previous legislative cycles.

APPROVAL OF MINUTES

Motion: Mrs. Weiss; Second: Mr. White; Motion carried by unanimous voice vote to approve the minutes of the July Fifteenth, 2010 special meeting of Council.

Motion: Mrs. Weiss; Second: Mr. White; Motion carried by unanimous voice vote to approve the minutes of the June Fifteenth, 2010 regular meeting of Council.

ENGINEER'S REPORT – *report by Edward McGee, Borough Engineer*

Motion: Mr. White; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to award McElroy Paving Co. the contract repave Perrysville Avenue from Dickson Avenue to

Church Avenue; the cost of repaving will be \$241,067.

Motion: Mr. White; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to approve Resolution 2010-05 which applies for Year Thirty-Seven grants for Avon Park under the Community Development Block Grant as offered by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by unanimous voice vote to apply for grants which shall be applied towards the Rostrevor Place retaining wall and storm sewer improvements through the Community Infrastructure and Tourism Grant as administered by the Allegheny County Department of Economic Development.

COMMITTEE REPORTS

Financial Report – *report given by Judith Konitsney, Chair of the Committee*

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by unanimous voice vote to approve the financial report for June 2010 as presented.

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by unanimous voice vote to approve the accounts payable reports for June 2010 as presented.

Mrs. Konitsney stated the Park Fund owes the General Fund \$8713.69.

Intergovernmental Cooperation – *given by Lloyd Corder, President*

Administration

No Report

Public Works – *submitted by Robert Galbraith, Chair, see attached report*
Committee chair absent; committee report submitted via electronic mail and is attached.

Public Safety – *given by Daniel Herchenroether, Chair*

Property Maintenance and Code Enforcement – *given by Suzanne Weiss, Chair*

Public Affairs – *given by Richard White, Chair*

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to begin the registration process for the instant alert service provided by Nixle, Incorporated pending review of any contracts or software license agreements by the Solicitor.

John Goodheart of 6616 Virginia Avenue asked that the Allegheny County ordinance on recreation fires be made available to him and the general public.

MAYOR'S REPORT – given by Bob Jones, see attached report

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by voice vote to ask the Department of Transportation of the Commonwealth of Pennsylvania to conduct a study regarding the use of Engine Brake Retarders on the section of Pennsylvania Route Sixty-Five (Ohio River Boulevard) that runs through Ben Avon.

SOLICITOR'S REPORT – report given by Charles Means, Borough Solicitor

POLICE REPORT – report given by Sergeant Adam Beck, Ohio Township Police

FIRE REPORT – report given by Chief Gary Buckman, Ben Avon Fire Department

NEW BUSINESS

Ordinance 749

Motion: Mr. Herchenroether; Second: Mr. White; Motion carried by unanimous voice vote to advertize Ordinance 749, amending Ordinance 692, Article II, Section 7.

OLD BUSINESS

Ordinance 748

Motion: Mr. White; Second: Mr. Herchenroether; Motion carried by roll call vote: four-aye, two-nay to adopt Ordinance 748, repealing Ordinance 742.

Daniel Herchenroether-aye; Judith Konitsney-aye; Lloyd Corder-aye; Richard White-aye; Brian Tokar-no; Suzanne Weiss-no

EXECUTIVE SESSION

Motion: Mr. White; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to adjourn into Executive Session at 9:03 p.m. to discuss legal matters.

Motion: Mr. Herchenroether; Second: Mr. White; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene to Regular Session at 9:46 p.m.

ADJOURNMENT

Motion: Mr. Herchenroether; Second: Mr. White; Motion carried by unanimous voice vote to adjourn the meeting at 9:47 p.m.

Respectfully submitted,

Richard J. White

Member of Council

Ben Avon Borough Monthly Meeting Report
Public Works
July 17, 2010

Holy Family

Dale and I met with Ivan Thorpe on July 16th. Brian joined later as he was held up in traffic. The purpose of the meeting was to further our discussions with Holy Family on providing temporary jobs for some of their students. We still have some work to do in order to make this a reality, but this has potential. Highlights:

- Grant funding ran out last month
- Students are still available as Ivan indicated that they have Community Service commitments, which is uncompensated. He said this dealt with punishment for offenses such as pulling fire alarms at the school, misbehaving, etc.
- We need to confirm that the kids have health care coverage. I suggest that this be done by having HF send us a letter attesting to coverage on all students that are eligible for work. Ivan has this item for action.
- Ages of students will be between 14-19, male and female. Under 16 will need work permits. Ivan will ensure that this is completed.
- HF will need to indemnify the Borough for liability purposes. This will need to be confirmed in writing. Ivan will take for action.
- Dale to check the state and federal work rules for students under the age of 16. There are specific work items they can and cannot do. Once all the requirements are fulfilled, Dale will assemble an appropriate work list. Dale will brief/instruct students and counselor on work, time, scope and may leave to conduct other work activities. HF Counselor will then be responsible for oversight of workers.
- We told Ivan that we would like to interview the prospective student workers to ensure that they understand what is required of them, the job responsibilities, and the need for a positive attitude.
- We also told him that the students need to be dressed appropriately for work. No gang banger outfits, jewelry, shorts, etc. Their conduct should be professional, with no skylarking, profanity or acting up.
- Ivan will identify candidate student workers so we can interview them. He thought that this was a very good idea as he said that most of the students have no concept of work. Ivan to contact Brian week of July 19th to set up interviews.
- HF will need to provide a Counselor to be with the students during the conduct of Ben Avon work. We suggested that they have a counselor who can provide strong oversight during the work period.
- HF will be responsible for transportation, water, and food for lunch breaks. A 30 minute lunch break seemed reasonable to Ivan
- Dale to provide work list based on age of the students.
- Lastly, we told Ivan that we did not want eligible student workers to have criminal records.

Paving of Perrysville Ave.

- McElroy Paving came in as low bidder. They did work for the Borough several years ago and the work they did has started to show signs of deterioration, which

was blamed on quality of asphalt. Bid Bond is provided. I do not know whether the contract requires a warranty period retention, but if possible this would be recommended (5-10%).

- Need to award this soon as they need to start no later than mid August to take advantage of warm weather.

Painting curbs and lines

- Mark and Dale already in process of preparing to paint. Prep work first needs asphalt fixes, then scraping, then painting. Painting to start in August.

Temporary Summer Help

- Dale is still looking for Temporary summer help. This would most likely have to be someone who can work through September. Any suggestions on possible candidate is welcome.

Coffee Shop

- Dale has an electrician looking at the possibility and cost of putting a meter for each activity at the Fire Hall, Fire Dept, Coffee Shop, and EMS. This would eliminate any concerns about the fair sharing of electric costs by each entity.

Rob Galbraith

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Robert B. Jones
Mayor
Borough of Ben Avon
Mayoral Report
Ben Avon Council Meeting
07-20-2010

- A.) I met with Sgt. Adam Beck and Chief Micklos of the Ohio Township Police Department; to discuss the process of developing a system of awards and decorations for our Police Department; Fire Department and civilians distinguishing themselves to the point that they should be recognized publicly. I mentioned coordinating this effort across borough lines with Cathy Coder of Bellevue; she was very receptive and wants to know what we plan on doing so she can do the same in Bellevue. I will eventually approach the COG to see if we want to make these awards standard across all the North Boroughs. So far things are looking very nice and I have made great progress. When I have completed my efforts and coordinated them with Chief Micklos and Chief Buckman I will make a formal recommendation to Council for final approval.
- B.) On Saturday June 19th Dr. Corder and I attended the second North Boroughs Summit meeting at the Bellevue Borough Hall. I will differ to Lloyd for any comments regarding the meeting as he had more to say there than I did.
- C.) 9:00 Tuesday morning June 22nd I attended the Emergency Management Coordinators meeting at the Borough Hall with Mike Dufresne. I will differ to Dan's comments on the meeting as he is chairman of the Safety Committee. However after the meeting Mike approached me with a proposal that I believe will benefit this community greatly. When Mike lived in Baltimore he was the neighborhood public relations coordinator. I understand my place as Mayor; and I cannot propose ordinances; but I can offer them to you as a council and you can propose them. The following three items are simply the "Starter" drafts for three committee challenges that I believe council should consider. These may get the ball rolling so to speak. I have put together "Start-up draft" recommendations for council to consider; please see attachment "A." Mike has graciously volunteered to assume the role as the Chairman of the Neighborhood Beautification Committee as soon as he wraps up the Emergency Management programs format. He has assured me that tact and diplomacy would be foremost in any actions that they take. If council agrees then maybe the President could appoint Mike as the Chairman of this committee.
- D.) It was brought to my attention last month that we do not have in place any restrictions regarding dumpsters or POD's units in our streets. I have taken the liberty to propose a "Starter draft" of such a suggested ordinance if the council is in favor of such a restriction; maybe the President of Council will assign this starter sheet to a committee; please see attachment "B."

- E.) I also do not believe we have a Ben Avon "Residents Only" parking Ordinance; I have drafted a "starter" for such an ordinance; see attachment "C" if council wants to address this issue; perhaps Mr. President you could assign this to a committee also.
- F.) I have spoken in detail with Paul Getz from Emsworth and he has generously offered to share the following information with us: In order to stop truck drivers from using their engine assisted brake systems or "Jake Brakes" {I'm sure if you sleep with your windows open in the summertime you have heard them come to a stop at the light near Belle Reviere Court!} We need to request Penn Dot to do a "Traffic study" on the feasibility of requiring trucks to desist from using their engine assisted brakes. A copy is being passed around of who we need to contact and how we need to do it. A motion will be required from council to write this request. If the study goes in our favor we will then need to purchase the signs based on Penn Dot requirements. Attached is a company who knows the proper specifications and wording.

Unless anyone has any questions that's all I have.

Respectively submitted,

Robert B. Jones
Mayor
Borough of Ben Avon



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Robert B. Jones
Mayor
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ATTACHMENT "A"

Neighborhood Beautification Committee

{Draft} Purpose:

To create a committee to observe the Ben Avon area; suggest enhancements to the general condition of Ben Avon's streets; lawns; and properties; in an effort to make our neighborhood more appealing to potential property buyers; and in a larger sense to generally enhance the property values of the residents of Ben Avon.

{Draft} Scope of Committee Duties:

- 1.) To generally observe the Ben Avon residences; driveways; properties; and streets.
- 2.) To review established Borough Ordinances regarding our streets; homes and property maintenance requirements; including Pa. State Borough code.
- 3.) To report to Borough Council; suggesting helpful ordinances that do not exist; or do not now cover the enhancement potential of this committee.
- 4.) To organize the committee with a set number of members.
- 5.) To promote neighborhood safety anywhere within the Borough's borders.
- 6.) To monitor property sanitation issues.
- 7.) To promote neighborhood awareness.
- 8.) To issue certificates of "Good Neighbor Awards" as well as "Reminders" of potential violations.
- 9.) To solicit suggestions from residents on committee related efforts.
- 10.) To develop a work plan with strategic committee goals for the week; month; and year.



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Robert B. Jones
Mayor
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ATTACHMENT "B"

{Draft} Ordinance on POD's and Dumpsters

Purpose:
To regulate the placement and duration of temporary storage units or trash receptacles on Ben Avon's Streets.

Be it resolved by Ben Avon Council that:

- 1.) Temporary permits are required and issued by the Borough Secretary to any resident requesting temporary storage of household goods; or refuse; in Ben Avon's parking spaces; or in residential driveways visible from any Ben Avon thoroughfare.
- 2.) The duration of the permit is to be no longer than two weeks or (14) fourteen days.
- 3.) If an extension is requested by the resident it must be in writing and reviewed by the chairman of the safety committee, and the chairman of Public Works Committee.
- 4.) The extension shall be no longer than one week or (7) seven days.
- 5.) The permits are to be issued in triplicate; one copy for Borough files; one copy for the resident and a third copy to be placed in a Ziploc bag and posted on the container throughout its use.

Exceptions to this ordinance:

- 1.) If a resident has need of such a container for an extended period of time and places the container in an area wherein it cannot be seen by any neighbor or passerby; then such container can be located there with a "Long term permit" for no more than two months, or (60) sixty days. However if a resident of the borough complains in writing to the Borough Secretaries office regarding the container; the "Long term permit" will be reduced to a (10) ten day expiration from the date of the written complaint.
- 2.) If a business has need of a refuse bin for their normal course of business; the bin or container must be located wholly within the confines of the businesses property; not visible from any thoroughfare of Ben Avon; and reasonably secreted from view of adjacent neighboring properties. {Reasonably secreted means behind a solid opaque; or obscured with vegetation; fence that would be 1.5 feet higher than the receptacle.} An "Extended term permit" would be issued after the physical inspection; and agreement

by two Ben Avon Council members; one from the Safety Committee and one from the Public Works Committee. This Business "Extended term permit" will have no expiration date; but is revocable. If the location of this "Extended term permit" generates complaints from the surrounding residents; the permit must be reviewed; and subsequently re-approved by the full council at a regularly stated meeting.



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Robert B. Jones
Mayor
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ATTACHMENT "C"
{Draft} Parking Ordinance

Purpose:
To regulate Parking on Ben Avon's Streets.

Be it resolved by Ben Avon Council that:

Parking on Ben Avon Streets is hereby restricted to the automobiles; the passenger vans; and the pickup trucks of the Residents of Ben Avon and their guests only.

- 1.) It is hereby prohibited to park boats; aircraft; commercial trucks; or trailers of any kind overnight on the public streets of Ben Avon.
- 2.) The long term parking of disabled vehicles is hereby prohibited.
- 3.) Any vehicle that remains in the same location on a Ben Avon public street may be questioned by the police authority patrolling Ben Avon. If said vehicle is deemed inoperable the resident will be required to relocate said vehicle off of Ben Avon's public thoroughfares.
- 4.) Any vehicle left parked on any Ben Avon public street for more than three (3) days that is deemed un-registered to a Ben Avon resident will be ticketed; with a fine not to exceed fifty five (55) dollars. If this summons is ignored for more than four (4) additional days; the vehicle will be presumed abandoned and will be towed to our police facility at the owner's expense. The owner will be traced and notified at the owner's expense; and upon restitution of all fines and towing costs the vehicle will be released to its owner. If the vehicle is not claimed by the registered owner within (30) thirty days of documented notification and or the incurred fines are not paid; the vehicle will become the property of the Borough of Ben Avon.

Exceptions to this ordinance:

- 1.) If a ticketed vehicle is proven to be owned by a legitimate guest of a Ben Avon resident the violation will become invalid and voided.

- 2.) Yard service trailers are permitted to park their trailers in legal parking locations so long as actual active yard service is being performed.
- 3.) Vehicles or trucks and trailers operating in their normal course of; or within the scope of their usual daytime work; may park in designated parking locations; but not overnight.
- 4.) If parking of a legitimate work vehicle for extended periods is necessitated a temporary parking permit may be issued by the Mayor or Chief of Police. This permit must be displayed on the driver's side dashboard of the vehicle visible through the windshield.