

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania, 15202**  
**Regular Meeting of Council**  
**March 15, 2011**  
**Minutes**

**Pledge of Allegiance**

Members of Avonworth Cub Scout Pack 321 along with Den Leader Jeff Cieslak led Council in the Pledge of Allegiance. Certificates of Attendance signed by Mayor Bob Jones and Council President Lloyd Corder were presented to each Cub Scout.

**Call to Order**

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

**Council Members Present**

Rob Galbraith, Michael Bett, Judy Konitsney, Lloyd Corder, Richard White, Brian Tokar, Sue Weiss

**Council Members Absent**

None

**Others Present**

Bob Jones, Mayor

Chuck Means, Solicitor

Ed McGee, Engineer

Dale Regrut, Public Works Foreman

Carmella Hallstein, Borough Secretary

Mike Dufresne, Emergency Management Coordinator

Gary Buckman, Chief; Ben Avon Volunteer Fire Department

Norbert Micklos, Chief; Ohio Township Police Department

**Public Participation**

George Trent of 7190 Brighton Road stated that there is a catch basin on the property next to his that was clogged with dirt, which caused water to run across his property. He stated that the building inspector checked the catch basin and he wanted to know the status of this issue. Mr. Regrut stated that he also looked at the catch basin and it looks like it is coming from somewhere on Belle Riviere Ct., adding that it is not identified on any of the borough maps. Mr. Trent stated that the catch basin is on an easement and wanted to know who is responsible for it. He stated that the catch basin was built in 1968 when Belle Riviere Ct. was developed. Mr. McGee stated that the borough does not have any record of the catch basin, does not know who built it, how it got there and what it is connected to, which concerns him because if it is connected to a sanitary sewer it is illegal and must be disconnected. He stated that a TV camera inspection and dye test would have to be completed to find the connection. Mr. McGee stated that he is not sure the borough would want to take responsibility for maintaining the catch basin if it is draining private property. Mr. Trent stated that in addition to the catch basin, there is problem with water coming off the property behind his, adding that there is a drain line from the neighboring property that goes right into this catch basin. Mr. Means stated that the first thing to do is determine if it is a borough inlet, adding that if it is not then it is not Ben Avon's responsibility. He stated that if

there is a discharge into a sanitary sewer then the borough will direct whoever owns it to remove it. Mr. Means stated that water coming off the hillside from a neighboring property would be a matter for Mr. Trent to address with the neighboring property owner, adding that it is not a borough responsibility unless it is borough water from borough owned property. Mr. McGee, Mr. Regrut and Mrs. Weiss will look at the catch basin and its location to determine what action should be taken.

Hal Deily of 155 Spruce Street addressed council about the continuing flooding problem on Spruce Street caused by Spruce Run Creek. He stated that he met with Dr. Corder, Mr. McGee, Mayor Jones, Mr. Regrut, Representative Dan Deasy, and representatives from Senator Pippy's office, Penn DOT and the Army Corp of Engineers to discuss the flooding problem and the recent Spruce Run Wall collapse. Mr. Deily stated that they discussed what could be done to correct the problem both short-term and long-term. He stated that long-term this is a multi-regional municipal problem, adding that the waterway starts up by Interstate 279. Mr. Deily stated that the waterway comes through Bellevue and Avalon gaining water and debris and ends up in Ben Avon going over its banks and through the front yards of the properties on Spruce. He stated that the wall along the creek was put up many years ago and has deteriorated over the years and was never intended to handle anywhere near the current volume of water. Mr. Deily stated this is a critical problem. He stated that the wall is falling into the creek and once it is blocked, the creek will come over its banks and further erode the properties on Spruce. Mr. Deily stated that this issue must be moved to the top of the borough's priority list.

#### **Approval of Minutes**

Motion: Mr. White; Second: Mr. Tokar; Motion carried by unanimous voice vote to approve the minutes of the February 15, 2011 council meeting.

#### **Engineer's Report - Report given Ed McGee, Engineer**

Motion: Mrs. Weiss; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to authorize an expenditure of up to \$10,000.00 for a survey of the area around the Spruce Run wall collapse.

#### **Financial Report - Report given by Judy Konitsney, Chair**

Motion: Mrs. Konitsney; Second: Mrs. Weiss; Motion carried by unanimous voice vote to approve the February 2011 financial reports as presented.

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by unanimous voice vote to approve the March 2011 accounts payable reports as presented.

#### **Intergovernmental Cooperation Report - Report given by Lloyd Corder, Chair and Ephraim Zimmerman**

Motion: Mr. Galbraith; Second: Mr. Tokar; Motion carried by voice vote to authorize Mr. Zimmerman to prepare a DCNR Grant application for Avon Park.

Mrs. Konitsney opposed the motion.

#### **Administration Report – Report given by Brian Tokar, Chair**

#### **Public Works / Building and Property Report – Report given by Rob Galbraith, Chair**

**Public Safety Report** – *Report given by Michael Bett, Chair*

Michael Palcsey of 6613 Ohio River Boulevard stated that only two options for fire protection services, maintaining the Ben Avon VFD as an independent fire company or merging it with the Emsworth VFD, had been presented and asked Mr. Bett if options such as a fire service tax had been explored. Mr. Bett stated that other options had been explored.

**Property Maintenance and Code Enforcement Report** - *Report given by Sue Weiss, Chair*

**Public Affairs Report** – *Report given by Richard White, Chair*

**Mayor’s Report** – *Report given by Bob Jones, Mayor*

**Emergency Management Report** – *Report given by Mike Dufresne, EMC*

**Police Chief’s Report** – *Report given by Norbert Micklos, Chief; Ohio Township Police Dept.*

**Fire Chief’s Report** – *Report submitted by Gary Buckman, Chief; BAVFD*

**Solicitor’s Report** – *No Report*

**New Business**

**Avonworth Municipal Park – Miller Hall Restoration**

Council agreed to send a letter to Avonworth Community Park supporting the planned improvements to Miller Hall.

**Old Business**

**Ordinance Codification**

Action on the Shade Tree Ordinance and the Motor Vehicles and Traffic Ordinance was deferred until the April council meeting.

**Executive Session**

Motion: Mr. White; Second: Mr. Tokar; Motion carried by unanimous voice vote to adjourn to Executive Session at 9:50 p.m. to discuss litigation.

Motion: Mrs. Konitsney; Second: Mr. Bett; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene to Regular Session at 10:13 p.m.

**Adjournment**

Motion: Mr. White; Second: Mr. Bett; Motion carried by unanimous voice vote to adjourn the meeting at 10:13 p.m.

Respectfully submitted,

*Carmella Hallstein*

Borough Secretary