

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Minutes – Public Hearing and Regular Council Meeting – July 21, 2009

Council Members Present

Todd Smith, Dan Herchenroether, Judy Konitsney, Lloyd Corder, Mark Colenbrander, Sue Weiss

Council Members Absent

Ken Opiery, Jr.

Others Present

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

Call to Order

Council Vice-President Lloyd Corder called the public hearing and regular council meeting to order at 6:30 p.m.

Public Hearing

The Ben Avon Borough Council held a public hearing for the purpose of receiving public comment on a proposed comprehensive revision to the Borough Zoning Ordinance and Zoning District Map.

Public Participation

No public comment

Adjournment

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adjourn the Public Hearing and convene Regular Session at 6:35 p.m.

Regular Council Meeting

Public Participation

None

Approval of Minutes

Motion: Mr. Smith; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the minutes of the June 16, 2009 council meeting.

Engineers Report – report given by Ed McGee

The storm and sanitary sewer repairs on upper Dickson Avenue should be completed within a week. In addition to the repairs, storm sewers coming down from Merton Road and the top of Dickson Avenue have been disconnected from the sanitary sewer.

The CDBG Year 35 funded project on the east side of the borough for storm sewer repairs, storm inlet replacements and an outfall repair should be completed within ten days. The final cost of

this project will be in the \$28,000 to \$30,000 range, which is well within the total grant of \$35,000, so there will be no cost to the borough for the project.

A preliminary application has been approved by Allegheny County for funding a handicap accessible restroom at the fire department building. The borough is now filing the final application, which requires a resolution authorizing the filing of the application and requesting \$18,370 from the CDBG fund.

Motion: Mr. Smith; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adopt Resolution 2009-08, which authorizes the filing of an application for funds with the Allegheny County Department of Economic Development for a community center building handicap accessible restroom, designates an agent to process the request and signifies the timely intent to proceed if granted requested funds.

Financial Reports

Mrs. Konitsney presented the June 2009 revenue and expense report and the July 2009 accounts payable reports.

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

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

Public Safety Report

Mr. Smith stated that Kilbuck Township is disbanding its fire department. He stated that Ben Avon and Emsworth have been working on a joint agreement to provide fire protection services to Kilbuck. Mr. Means stated that Resolution 2009-09 states that Ben Avon will provide service at no charge through the end of the year to the streets listed on the first page and authorizes an informal proposal to continue the service after the end of the year.

Motion: Mr. Smith; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adopt Resolution 2009-09, which authorizes the Ben Avon Volunteer Fire Company to provide fire service to certain portions of Kilbuck Township free of charge through December 31, 2009 and authorizes borough officials to prepare and submit to Kilbuck Township an informal proposal and a formal written fire service agreement to continue the provision of fire service to Kilbuck Township as of January 1, 2010.

Public Works Report

No Report

Resident and Community Relations Report

No Report

Mayor's Report

No Report

Police Chief's Report

No Report

Solicitor's Report

Mr. Means stated that council would take action on the joint zoning ordinance at the August meeting and council should authorize advertising the ordinance. He stated that there would be another public hearing prior to the regular meeting on August 18.

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to advertise Ordinance 738, which revises the borough zoning ordinance and zoning district map.

Fire Chief's Report

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

New Business

None

Old Business

Park Avenue

John Littell of 126 Ritter Road, Sewickley, PA, addressed council about the condition of the row houses on Park Avenue. Mr. Littell stated that he owns three houses in the borough and that it has become very difficult to rent his properties because of the condition of the row houses. Mr. Smith stated that there have been discussions with the school district about filing for a sheriff sale on this property, a property on McCurdy Place and a property on Route 65 because of delinquent taxes. Megan Ott stated that she had corresponded with Mr. Pipery, Jr. about several of the borough's problem properties. She stated that the Park Avenue property is a good candidate to pursue delinquent tax action because it still has a significant real estate value. Mr. Littell presented pictures of the property and stated that substandard work has been going on without proper permits. He stated that after the large rain event last month, all of the water from this property washed down into the basement of his rental property. Mr. Means stated that if the property is deteriorated and dangerous the borough could condemn it and issue an order to repair or remove the structure within a certain amount of time. He stated that you must always allow the option to repair the building, adding you cannot just order that it be demolished. Mr. Means stated that if the property owner does not repair or remove the structure within the given time, the borough could then order that it be demolished. Mrs. Ott stated that she was working on the delinquent tax issue and was not aware of the property maintenance and building code issues. She stated that she would contact Fred Sapp to discuss the code issues. Dr. Corder suggested forming a committee to work with Mr. Sapp and Mrs. Ott on this issue. Mrs. Weiss, Mr. Herchenroether, Mr. Smith and Mayor Pipery volunteered to work on the committee. Mr. Littell suggested that Dale Regrut also be included in the committee meetings because there are sewer line and street issues that need to be addressed.

Motion: Mrs. Weiss; second: Mr. Smith; Motion carried by unanimous voice vote to form a committee to investigate and review the Park Avenue issue and approve solicitor fees for Megan Ott to attend the committee meetings.

Adjournment

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Carmella Hallstein

Borough Secretary