

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Minutes – Public Hearing and Regular Council Meeting – August 18, 2009

Council Members Present

Todd Smith, Dan Herchenroether, Judy Konitsney, Ken Opipery, Lloyd Corder, Sue Weiss

Council Members Absent

Mark Colenbrander

Others Present

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

Call to Order

Council President Ken Opipery called the public hearing and regular council meeting to order at 7:00 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. Mr. Opipery, Jr. stated that the ordinance was a combined zoning ordinance for Avalon, Bellevue and Ben Avon. He stated that the Joint Zoning Ordinance was preceded by the Multi-Municipal Comprehensive Plan, which was adopted in 2004.

Public Comment

No public comment

Adjournment

Motion: Dr. Corder; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to adjourn the Public Hearing and convene Regular Session at 7:05 p.m.

Regular Council Meeting

Public Participation

Ron Lantzy of 236 Sylvan Walk asked about the status of the committee that was formed to review the Park Avenue row houses. Mr. Lantzy stated that the contractor had installed plastic downspouts that direct runoff water onto the sidewalk and a neighboring yard. He stated that the area is a construction site, not just a remodeling project and asked if the property owner could be required to put a fence around the site. Mr. Opipery, Jr. stated that the engineer would review this issue in his report.

Approval of Minutes

Motion: Dr. Corder; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the minutes of the July 21, 2009 council meeting.

Engineers Report – *report given by Ed McGee and Roy Rudolph*

Mr. McGee stated that the 83 ALCOSAN member communities signed the Administrative Consent Order (ACO) in 2004. He stated that Ben Avon has made investments over the last ten years to bring the borough into compliance with the requirements of the ACO, adding that he thought Ben Avon was well ahead of most municipalities. Mr. McGee stated that we are getting to the end of the work being done by 3 Rivers Wet Weather and ALCOSAN and starting to focus on the individual communities. He stated that the next step will involve work being done by Ben Avon and its adjacent communities like Avalon, Bellevue and Kilbuck. Mr. Rudolph stated that Ben Avon did a lot of work prior to 2004 that was already meeting the terms of the ACO. He stated that there are two regulatory initiatives affecting Ben Avon right now, Phase II Stormwater Regulations and the ACO. Mr. Rudolph presented and reviewed a slide show presentation (see exhibit A). Mr. Pipery, Jr. stated that sewage gets into the rivers every time there is a rain event because there is not enough capacity in the ALCOSAN system so the overflows are released into the rivers. He stated that when storm water gets into the ALCOSAN system it exceeds capacity so they are trying to get the storm water out of the system. Mr. McGee suggested that a small committee of two or three council members be formed to discuss the borough's options for the next phase of mandates.

Mr. McGee stated that he, along with Fred Sapp and Keith Coll of Building Inspection Underwriters, inspected the Park Avenue row houses on Friday, August 14, 2009. He stated that they met with the construction foreman and inspected the internal and external conditions of the units. Mr. McGee stated that there are some concerns about the structural integrity of the buildings. He stated that the below grade sections of the support columns in the front of the buildings that support the second floor overhang have been exposed. Mr. McGee stated that the foreman was directed to take appropriate corrective actions to stabilize the exposed column bases and footers. He stated that the foreman was told that this is a significant issue that needs to be corrected within the next two weeks. Mr. McGee stated that control of storm water runoff from the building site is inadequate and needs to be addressed. He stated that the interiors of the buildings need inspected periodically by the borough's building inspector to ensure that all mechanical and electrical systems are up to code. Mrs. Weiss stated that the borough should hire a structural engineer to inspect the buildings. Mr. Means stated that the building inspector is certified by the State to make these determinations and does not need to wait for an opinion from a structural engineer or any engineer. He stated that the building inspector/code enforcement officer is authorized by law to issue an order of compliance. Mr. Pipery, Jr. stated that he would ask Keith Coll to issue a written order that requires the property owner to document the corrective actions taken to stabilize the support columns and request the installation of a fence around the perimeter of the property.

Mr. McGee stated that the storm and sanitary sewer repairs on upper Dickson Avenue have been completed. He stated that the final invoice for the project was \$35,493.33, noting that the bid price was \$40,905.40. Mr. McGee stated that there is some minor clean-up work that still needs to be done and recommended approving payment of 90% of the invoiced amount.

Mr. McGee stated that the CDBG Year 35 funded project on the east side of the borough for storm sewer repairs, storm inlet replacements and an outfall repair has been completed. He stated that the final cost should be between \$31,000 and \$33,000, adding that there should be no cost to the borough for this project because the grant was for \$35,000.

Mr. McGee stated that the final application for a Community Development Block Grant of \$18,370 for an ADA compliant restroom at the fire department building has been filed. The borough should receive approval for this project in October or November.

Financial Reports

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

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

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

Public Safety Report

Mr. Smith stated that a Laurel Village resident cut back the hedges on their property that were obstructing sight distance at the intersection of Brighton Road and Laurel Village.

Public Works Report

Mr. Regrut presented proposals from Allegheny Ford, Sabre Equipment, and Point Spring and Driveshaft for a snowplow and hydraulic system for the pick-up truck. Sabre submitted the lowest proposal with a SHACOG price of \$4,646 for the snowplow and a Co-Stars price of \$3,750 for the hydraulic system, totaling \$8,396.

Motion: Mrs. Konitsney; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to approve the expenditure of \$8,396 for the purchase of a snowplow and hydraulic system for the pick-up truck.

Resident and Community Relations Report

Dr. Corder stated that about ½ of the playground equipment has been installed at Avon Park, adding that the remainder of the equipment is ordered and would be installed as soon as it comes in. He stated that a split rail fence still needed to be installed between the playground and parking area. Dr. Corder stated that he received some preliminary information about ideas for the new park signs and that he would get some additional proposals.

Mayor's Report

Mayor Opiery stated that he plans to send a letter to the business owners and residents along the Church Avenue business district reminding them of the two-hour parking restriction during business hours. He stated that a few business owners park their cars on the main street all day, which forces people who are going to the doctors' offices to park further away and walk longer distances.

Police Chief's Report

No Report

Solicitor's Report

No Report

Fire Chief's Report

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

Chief Buckman stated that Allegheny County Computer Dispatch updated the run cards for the new Kilbuck Township addresses that will be serviced by the Ben Avon VFD.

New Business

EIT Collection Committee Representative

Mr. Pipery, Jr. stated that the state has mandated a new way to collect earned income tax, adding that the tax will be collected by county. He stated that Allegheny County has been divided into four districts and that Ben Avon is in the northern district along with 47 other municipalities and 12 school districts. Mr. Pipery, Jr. stated that each district would form a tax collection committee to gather information and determine the best way to collect the tax. He stated that the committee for the northern district would include one representative from each of the 60 taxing authorities. Mrs. Konitsney volunteered to serve as Ben Avon's representative.

Motion: Mrs. Weiss; Second: Dr. Corder; Motion carried by unanimous voice vote to appoint Judy Konitsney to serve as Ben Avon's representative on the Northern Allegheny County Earned Income Tax Collection Committee.

Avon Club Lease Agreement

Motion: Dr. Corder; Second: Mrs. Weiss; Motion carried by unanimous voice vote to approve an Addendum to the Commercial Lease by and between the Borough of Ben Avon and the Avon Club Foundation, which extends the terms of the lease for a period of one year commencing September 1, 2009 and ending on August 31, 2010.

Rock Salt Contract

Mr. Pipery, Jr. stated that Ben Avon purchases its rock salt through a SHACOG joint purchasing agreement. He stated that Cargill, Inc. submitted the low bid of \$52.75 per ton.

Motion: Mr. Herchenroether; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to accept the bid of \$52.75 per ton for rock salt from Cargill, Inc. as submitted to the SHACOG Purchasing Alliance.

Ordinance 739

Mr. Pipery, Jr. stated that the solicitor negotiated a cable franchise agreement with Comcast, which allows them to continue to operate in the borough for the next 10 years. He stated that the proposed agreement would be entered into by adoption of an ordinance, which is required to be advertised.

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

Ordinance 740

Mr. Pipery, Jr. stated that Ohio Township submitted a proposal to renew the police services agreement. He stated that the proposed agreement would be entered into by adoption of an ordinance, which is required to be advertised.

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

Resolution 2009-10

Motion: Mr. Smith; Second: Dr. Corder; Motion carried by unanimous voice vote to adopt Resolution 2009-10, which authorizes the Borough of Ben Avon to enter into an agreement with the Township of Kilbuck to provide for fire protection services in certain parts of the Township.

Old Business**Coffee Shop**

Mr. Herchenroether stated that the building permit has been issued and that the contractor is scheduled to start the renovations. He stated that the lease agreement takes effect September 1.

Ordinance 738

Motion: Mrs. Weiss; Second: Mrs. Konitsney; Motion carried by roll call vote: six-aye; to adopt Ordinance 738, which revises the Borough Zoning Ordinance and Zoning District Map and adopts the Avalon-Bellevue-Ben Avon Joint Zoning Ordinance.

Todd Smith-aye; Dan Herchenroether-aye; Judy Konitsney-aye; Ken Pipery, Jr.-aye; Lloyd Corder-aye; Sue Weiss-aye

Adjournment

Motion: Mr. Herchenroether; Second: Mr. Smith; Motion carried by unanimous voice vote to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Carmella Hallstein

Borough Secretary