

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania, 15202**  
**Minutes – Regular Council Meeting – November 17, 2009**

**Council Members Present**

Todd Smith, Judy Konitsney, Ken Opipery, Jr., Mark Colenbrander, Sue Weiss

**Council Members Absent**

Dan Herchenroether  
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**

Mrs. Weiss introduced Laurie Berie. She stated that Mrs. Berie is currently one of Ben Avon's representatives on the Avonworth Municipal Authority Advisory Council. She stated that Ben Avon has gone unrepresented on the Voting Board of the Authority since Ephraim Zimmerman resigned in July. Mrs. Weiss stated that Mrs. Berie had volunteered to fill that position.

Motion: Mrs. Weiss; Second: Mr. Colenbrander; Motion carried by roll call vote: five-aye; zero-nay to appoint Laurie Berie to the Voting Board of the Avonworth Municipal Authority for a term that commences immediately and ends December 31, 2012.

Todd Smith-aye; Judy Konitsney- aye; Ken Opipery, Jr.-aye; Mark Colenbrander-aye; Sue Weiss-aye

George Trent of 7190 Brighton Road stated that the budget system leaves a lot to be desired, adding that the public cannot see the proposed budget until after it is approved for advertising. Mr. Trent stated that the public has no participation in the budget process. He stated that he was concerned about one item in the budget, which is the Bookmobile and asked if a provision for this expenditure was included in the 2010 budget. Mr. Opipery, Jr. stated that the expenditure was included in the proposed budget. Mrs. Konitsney stated that she was going to recommend transferring the \$9,115 budgeted for the Bookmobile to the ordinance codification project. She stated that statistics show that approximately 16 residents per week use the Bookmobile and she did not feel the taxpayers should pay for this service, especially when there is a library in Avalon that they can use. Mr. Trent stated that statistics do not mean anything. He stated that every year this council runs a budget surplus of \$165,000 to \$200,000 and that the borough is financially able to support the Bookmobile, which is only 1% of the proposed budget. Mr. Trent stated that the borough is obviously in good condition this year because council saw fit at the end of the third quarter to transfer \$200,000 from the general fund to a slush fund called the capital reserve fund, which is not specified for anything. Mr. Opipery, Jr. stated that Mrs. Konitsney's recommendation was not unreasonable, adding that the borough has about 2,000 residents of

which only about 16 of them are using the bookmobile on a weekly basis. He stated that another issue that compounds the situation is that a significant amount of people from other communities are using the Bookmobile, which Ben Avon subsidizes. Mr. Smith stated that in the eight years he has been a member of council; Mr. Trent has come to council every year to complain that council is not prudent and spends too much money. He stated that when Mr. Trent left council in 1987, he left the borough taxpayers \$155,000 in the hole, which the borough is still paying for today. Mr. Smith stated that the current council has been able to build a new borough public works garage, pave streets and purchase two new dump trucks, a pickup truck and a backhoe without raising taxes. Mr. Opiery, Jr. stated that he appreciated Mr. Trent's perspective, adding that it is important to discuss the budget. Mr. Opiery, Jr. stated that it is also important to understand where the borough has come from and where it is now, adding that the borough came from a difficult position. Mr. Opiery, Jr. stated that when he came on council twenty years ago he struggled for three or four years, adding that the borough had poor finances, a deficit and a crumbling infrastructure. He stated that every road in the borough was falling apart because there was no maintenance program. Mr. Opiery, Jr. stated that council had to hold bill payments from September on just to meet payroll. He stated that he and the other members of council struggled and worked hard to get the borough over 1 million dollars to repair the roads, which was very difficult to do with a deficit. Mr. Opiery, Jr. stated that the borough now has rock solid finances. He stated that the borough has a healthy cash flow and does not have to take out a loan at the beginning of the year to pay its bills, which saves \$5,000 to \$10,000 in interest expense. Mr. Opiery, Jr. stated that starting in 1993 the borough had to take on debt of over 1 million dollars to catch up on road and sewer maintenance, adding that the debt will be paid off this year. He stated that the borough had not incurred any debt in the past five years, yet completed over a million dollars in capital improvements. Mr. Opiery, Jr. stated that the current council did not put money into a slush fund and just sit on it, adding that the borough had spent the million dollars in capital projects over the last few years. He stated that the money in the capital reserve fund was used for projects such as street and sewer repairs and is gone except for the \$200,000 that was just transferred into the account. Mr. Opiery, Jr. stated that the \$200,000 would be used to reconstruct Perrysville Avenue, which is scheduled for repair next year. He stated that it is important to maintain the borough's infrastructure and council has been doing that without incurring any new debt. Mr. Opiery, Jr. stated that debt is bad. He stated that the more debt you take on, the higher leveraged you are, making you a higher risk, which results in paying a higher interest rate. He stated that by not floating a bond for 1 million dollars to pay for the capital expenses incurred over the past five years, depending on the term and the interest rate, council had saved taxpayers \$200,000 to \$500,000 in interest expenses. Mr. Opiery, Jr. stated that council is not sitting on and has never sat on money. He stated that the current council has done a good job with the budget and has saved a lot of money by sharing overlapping services with other communities, adding that the borough is fiscally solid now. Mr. Opiery, Jr. stated that when he, Mr. Smith, Mr. Colenbrander and Mayor Opiery leave office at the end of the year, they are leaving the borough in rock solid form. He reiterated that it is important to know where we came from and where we are now, adding that this is a tale of two different legacies. Mr. Opiery, Jr. stated that the former legacy left by councils from Mr. Trent's time of service was a deficit bound borough with a crumbling infrastructure and overlapping services and that the current legacy left by he and the other departing members of council and the mayor, is one of rock solid finances, a maintained infrastructure and shared services. Mr. Opiery, Jr. stated that the current council and all of the previous councils he has been a member of over the past twenty years, worked hard and did a good job to bring the borough where it is today.

Gretchen Bartlett of 7126 Perrysville Avenue stated that she supports the Bookmobile. Mrs. Bartlett stated that her family uses the service regularly. She stated that you can order books online and have the bookmobile bring them to you, which is like having your own library. Mrs. Bartlett stated that she thought more people would support the service if they knew there was a danger of it going away.

### **Approval of Minutes**

Motion: Mrs. Weiss; Second: Mr. Smith; Motion carried by unanimous voice vote to approve the minutes of the October 20, 2009 council meeting.

### **Engineer's Report**

No Report

### **Financial Reports**

Mrs. Konitsney presented the September and October 2009 revenue and expense reports and the November 2009 accounts payable reports. She stated that in addition to the monthly accounts payable and revenue and expense reports, council would also receive a monthly cash flow report for each bank account.

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

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

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

Mrs. Konitsney stated that the general fund account was supposed to be reimbursed \$15,000 for payments made to Jeffrey Associates for playground equipment for Avon Park and asked if anyone knew the status of the reimbursement. Mr. Pipery, Jr. stated that a fence and a sign need installed at the park and paperwork needs to be completed before the borough could be reimbursed through a DCNR grant. He stated that Dr. Corder is in charge of the project and suggested that Mrs. Konitsney contact him for an update on the grant reimbursement.

### **Public Safety Report**

No Report

### **Public Works Report**

Mr. Colenbrander requested an executive session to discuss personnel issues.

Mr. Colenbrander stated that Mr. McGee provided council with a list of potential capital budget expenditures for 2010, which includes the reconstruction of Perrysville Avenue from Dickson to Church. He stated that Perrysville is in terrible shape and recommended authorizing Mr. McGee to start on the specifications and plans for the project. Mr. Colenbrander stated that material and labor costs have come down and it would be a good idea to advertise for bids early in the spring.

Motion: Mr. Colenbrander; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to authorize the borough engineer to begin the bid process for the Perrysville Avenue reconstruction project.

Mr. Pipery, Jr. stated that because of the dry weather, the public works department was able to pick up the leaves quickly this year, adding that they have picked up 98 loads so far. Mr. Regrut stated that since they were ahead of schedule, they would be picking up leaves on Ohio River Boulevard on Wednesday and again during the first week of December. Mr. Pipery, Jr. stated that leaves on the boulevard could not be picked up weekly because of the danger involved, adding that the borough crew has to drive against traffic when picking up leaves, which is very dangerous even with a police escort because of the risk of a head on accident.

### **Resident and Community Relations Report**

No Report

### **Mayor's Report**

Mayor Pipery stated that more people attended that Halloween parade this year than in the past. He thanked the volunteer fire department for their help with the parade and lunch, adding that he and Mr. Pipery, Jr. could not have handled it without their assistance. Mr. Pipery, Jr. stated that 240 lunches were served after the parade and he thanked the fire department for their help.

### **Police Chief's Report**

No Report

### **Solicitor's Report**

Mr. Means stated that Mayor Pipery brought forward at the last meeting a couple ways to promote gun control of illegal guns. He stated that Resolution 2009-16 encourages the Pennsylvania Legislature to act to reduce access to illegal guns. Mr. Means stated that if council adopts the resolution, it would be passed onto the borough's State Representative and State Senator. Mr. Means stated that Ordinance 742 would need to be advertised before council could take any action, adding that if adopted, the ordinance would require notification to authorities of lost or stolen firearms.

### **Fire Chief's Report**

Chief Buckman presented the Fire Company's activity report for October 2009. He stated that the volunteer fire department would escort Santa Claus through the borough on Saturday evening, December 19.

### **New Business**

#### **2010 Budget**

Mrs. Konitsney stated that real estate tax revenue, which is what the Borough's millage rate is based on, had not been increased in the proposed budget and is still at \$521,000. Mr. Pipery, Jr. stated that revenue from real estate taxes has been stable and has not increased in at least eight years. Mrs. Konitsney recommended eliminating funding in the budget for the Bookmobile and applying that funding to the ordinance codification expenditure.

Mrs. Weiss stated that she supported funding the Bookmobile. She stated that she questioned the statistics that had been presented and hoped that this time next year we had better statistics for

our community done by people in our community. Mrs. Weiss stated that she would try to figure out a way to get statistics that were more accurate. Mrs. Hallstein stated that the Allegheny County Library Association provided the statistics that Mrs. Konitsney presented. Mrs. Weiss asked how old the statistics were and asked if they were for this past year. Mrs. Hallstein stated that the statistics are current and are provided quarterly. Mr. Pipery, Jr. stated that from March 21, through September 26, 2009 there were 630 patrons. He stated that over twenty-seven weeks the Bookmobile averaged 24 patrons per week, of which 66% were Ben Avon residents. He stated that on average, according to the Bookmobile statistics, there are 16 Ben Avon patrons on a weekly basis. Chuck Arrigo stated that he is the operations manager for Allegheny County Mobile Library Services and that he wanted to clarify what the statistics mean. Mr. Arrigo stated that the door count is a 1 hour count and ranges anywhere from 20 to 25 patrons per week on a good week, with probably 12 of these patrons being the same people every single week. He stated that there is no way to provide an accurate number of Ben Avon residents who use the service because the numbers are based on circulation. Mr. Arrigo stated that the numbers he provides in the statistics that indicate that 66% of the patrons are Ben Avon residents, actually means that 66% of the materials that were checked out went to Ben Avon residents, so that doesn't equate necessarily to the number of patrons from each community. Mr. Arrigo stated that prior to 2003; the Bookmobile was funded 100% through the County of Allegheny and that Carnegie Library of Pittsburgh was contracted by the county to run the Bookmobile service. He stated that in 2003 Allegheny County decided to eliminate funding for the Bookmobile. Mr. Arrigo stated that the Carnegie Library of Pittsburgh could not take on Bookmobile service; therefore, it became part of the Allegheny County Library Association, which was a part of County government years ago, but is now its own nonprofit agency. Mr. Colenbrander stated that he also supported the Bookmobile and thought that it should be funded for another year. Mr. Pipery, Jr. stated that if the Bookmobile continues to be funded, the residents should know that the borough is paying \$9,000 per year for the service, somebody should be keeping track of the statistics and somebody should be promoting the service so that it is used as much as possible. He stated that even if 50 or 60 of the borough's 2000 residents use the Bookmobile, someone could legitimately question if the usage justifies spending \$9,000 per year.

Mrs. Konitsney made a motion to move the bookmobile expenditure to the codification expenditure in the 2010 budget. Nobody seconded the motion. Mrs. Konitsney then made a motion to advertise the 2010 budget as presented.

Motion: Mrs. Konitsney; Second: Mr. Colenbrander; Motion carried by unanimous voice vote to advertise the 2010 Budget as presented.

#### **Ordinance 741**

Motion: Mrs. Konitsney; Second: Mrs. Weiss; Motion carried by unanimous voice vote to advertise Ordinance 741, which levies an ad valorem real estate tax and fixes the tax rate for the fiscal year 2010.

#### **Ordinance 742**

Motion: Mr. Smith; Second: Mrs. Weiss; Motion carried by unanimous voice vote to advertise Ordinance 742, which requires prompt notification to authorities of lost or stolen firearms and imposes penalties.

**Resolution 2009-16**

Motion: Mr. Smith; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adopt Resolution 2009-16, which encourages the Pennsylvania General Assembly to act to reduce access to illegal guns.

**Old Business****EIT Collections**

Mrs. Konitsney stated that she attended the Allegheny County North Tax Collection Committee meeting on November 4. She stated that the purpose of the meeting was for Allegheny County designees to turn over the chairing of the committee to a temporary chair, vice-chair and secretary, to establish the Robert's Rules of Order and to choose a newspaper for meeting advertisements.

**Executive Session**

Motion: Mrs. Konitsney; Second: Mr. Colenbrander; Motion carried by unanimous voice vote to adjourn to Executive Session at 8:35 p.m. to discuss personnel and legal issues.

Motion: Mr. Smith; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene to Regular Session at 9:05 p.m.

Motion: Mr. Colenbrander; Second: Mrs. Konitsney; Motion carried by roll call vote: five-aye; zero-nay to approve a six year street department contract between the Borough of Ben Avon and the street department employees of Ben Avon Borough effective January 1, 2010 for the years 2010, 2011, 2012, 2013, 2014 and 2015.

Todd Smith-aye; Judy Konitsney- aye; Ken Opipery, Jr.-aye; Mark Colenbrander-aye; Sue Weiss-aye

**Adjournment**

Motion: Mrs. Weiss; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

*Carmella Hallstein*  
Borough Secretary