

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania, 15202**  
**Minutes – Regular Council Meeting – March 16, 2010**

**Council Members Present**

Rob Galbraith (via speakerphone), Dan Herchenroether, Judy Konitsney, Lloyd Corder, Rich White, Brian Tokar, Sue Weiss

**Council Members Absent**

None

**Others Present**

Bob Jones, Mayor  
Chuck Means, Solicitor  
Carmella Hallstein, Borough Secretary

**Call to Order**

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

**Public Participation**

George Trent of 7190 Brighton Road stated that he wanted to comment on Ordinance 744 and asked when it would be discussed. Mr. Trent was told that the ordinance would be addressed under Old Business. He stated that he would wait to comment until that portion of the meeting.

**Approval of Minutes**

Motion: Mr. White; Second: Mr. Tokar; Motion carried by unanimous voice vote to approve the minutes of the February 16, 2010 council meeting.

**Engineer's Report - report by Ed McGee**

Three bids were received for the CCTV sewer inspection project and opened on March 9, 2010. Mr. McGee recommended award to the low bidder Hydro Technical Services.

Motion: Mr. Galbraith; Second: Mr. White; Motion carried by unanimous voice vote to accept the bid from Hydro Technical Services for \$6,236 for the CCTV sewer inspection project.

Plans and specifications for the Perrysville Avenue reconstruction project are 70% complete. West View Water will replace water lines and fire hydrants in advance of road construction.

The borough can piggyback on a PennDOT contract for crack sealing. The cost estimate is \$7,000 to \$10,000. Mr. McGee will get further details.

The CITF grant for \$60,000 has been approved for the Rostrevor Place wall replacement project. The CD YR 36 grant for \$20,000 has been approved for the ADA restroom at the VFD building.

Mr. McGee will meet with Deputy Executive Winston Simmonds on March 18 to discuss snow, ice removal on the two Port Authority owned bridges on Church Avenue, one of which is totally in Ben Avon, and the other is partially in Ben Avon.

**Financial Report** – report by *Judy Konitsney*

Mrs. Konitsney presented the February 2010 revenue and expense reports and cash flow reports and the March 2010 accounts payable reports.

Mrs. Konitsney stated that one of the gas bills paid last month was coded incorrectly and charged to line item 430321 (telephone expenses) instead of line item 430362 (gas expenses). The coding error will be corrected next month.

Motion: Mrs. Konitsney; Second: Mr. Tokar; Motion carried by unanimous voice vote to approve the February 2010 financial reports as presented.

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

**Intergovernmental Cooperation Report** – report by *Lloyd Corder*

The North Boroughs Joint Cooperation Planning Summit has been rescheduled and will be held Saturday, April 24.

Dr. Corder stated that the Avonworth School District is experiencing space issues at the elementary school and is considering construction of an additional building at that site. Currently, the district has placed modular classrooms on the site to handle the increased student population. Dr. Corder and Mayor Jones met with the school district superintendent, Dr. Valerie McDonald, to discuss the district's plans. The new building would be used for kindergarten through second grade.

**Administration Report** – report by *Brian Tokar*

Cable internet service, as provided for in the Comcast franchise agreement extension, has been installed at the borough office. Telephone service at the borough office and garage will be supplied by a new provider and should be installed within the next two weeks.

**Public Works / Building and Property Report** – report by *Rob Galbraith*

The public works department did not need the additional funds that were authorized by council for snow removal, except for extra manpower and salt. In the last two months, the borough used about 160 tons of salt.

**Public Safety Report** – report by *Dan Herchenroether*

Violation notices were issued the last week of February to residents who had not cleared their sidewalks of snow and ice. No citations were issued.

Motion: Mr. Herchenroether; Second: Mr. White; Motion carried by unanimous voice vote to appoint Mike Dufresne to the position of Emergency Management Coordinator.

**Property Maintenance and Code Enforcement** – report by *Sue Weiss*

As of last week, the owner of the Park Avenue property had not submitted an application for permits for electrical and structural work.

**Public Affairs** – report by *Rich White*

Mr. White stated that there is no clear right of way at Brighton Road and Ridge Avenue, making it a dangerous intersection. He stated that he had been asked by some residents to look into the

matter to see what could be done. Mr. White suggested installing a yield sign on Ridge Avenue. Dr. Corder stated that a traffic study would have to be completed before installing any signage. Mr. McGee stated that a yield sign was inappropriate for that particular intersection. He stated that he would conduct a field view of the intersection and report his findings to council.

Mr. White stated that one of the functions of our congressional representatives is to fly flags over the Capital Building and present them to individuals. He suggested that the council members buy a flag in honor of the men and women who served in the armed forces, adding that the cost per council member would be \$3.50. Mr. Herchenroether stated that he would buy the flag.

Mr. White stated that many residents like to talk to him at the coffee shop and tell him what they think is either right or wrong with the borough. He stated that he thought this was a great opportunity to expand council's input and proposed that one council member or the mayor go to the coffee shop once a week on Saturday mornings for one hour to speak to residents. Mr. White stated that the schedule would work out to one hour every eight weeks for each council member and the mayor. Mrs. Weiss stated that she was willing to go to the coffee shop. Mrs. Konitsney stated that residents could come to the council meetings if they have concerns. Mr. White stated that not everyone can come or wants to come to a council meeting, adding that many people prefer to speak one on one. Mr. Herchenroether stated that he was perfectly willing to speak to residents at the coffee shop, but did not think council needed a formalized process. Mr. White stated that council could not govern in a vacuum and must go out and listen to the residents. Dr. Corder stated that Mr. White's suggestion would be taken under advisement.

#### **Mayor's Report**

No Report

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

No Report

#### **Solicitor's Report** – *report by Chuck Means*

The Commonwealth Court decided in the borough's favor in the Karn appeal. Mr. Karn has thirty days to ask the Supreme Court to hear an appeal.

#### **Fire Chief's Report** – *Report by Gary Buckman*

Chief Buckman presented the Fire Company's activity report for February 2010.

#### **New Business**

None

#### **Old Business**

#### **Ordinance 742**

Mr. Means stated that John Ott raised a number of legal questions in a letter he submitted to the borough about Ordinance 742. Mr. Means stated that if council wanted to discuss the legalities it should be done in executive session.

**Ordinance 744**

Mrs. Weiss stated that the 2009 International Property Maintenance Code is the code that is industry accepted and that the borough would be updating from the 2003 to the 2009 code by adopting Ordinance 744.

Mr. Trent stated that he wanted to urge council not to take action on Ordinance 744 as presented. He stated that the ordinance needed to include some kind of oversight by council on the code official. Mr. Trent stated the ordinance gives the code official all kind of authority, which he thought was too much. Mr. Trent reviewed the entire ordinance and expressed his objections and concerns regarding several sections. Mr. Means answered Mr. Trent's questions, responded to his objections and concerns and clarified the language used in the ordinance. Mrs. Weiss stated that she had read the ordinance and was satisfied that it was within the boundaries of the law.

Motion: Mrs. Weiss; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adopt Ordinance 744, which adopts the 2009 International Property Maintenance Code, establishes standards for property maintenance and provides for penalties for violation.

**Ordinance 745**

Motion: Mr. Herchenroether; Second: Mr. Tokar; Motion carried by unanimous voice vote to adopt Ordinance 745, which approves amendments to the cable franchise agreement with Comcast regarding franchise term and public building internet service.

**Executive Session**

Motion: Mr. White; Second: Mr. Herchenroether; Motion carried by unanimous voice vote to adjourn to Executive Session at 8:16 p.m. to discuss legal issues.

Motion: Mr. Herchenroether; Second: Mr. White; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene to Regular Session at 8:47 p.m.

**Adjournment**

Motion: Mr. Herchenroether; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

*Carmella Hallstein*

Borough Secretary