

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania, 15202**  
**Minutes – Regular Council Meeting – April 20, 2010**

**Council Members Present**

Rob Galbraith, Judy Konitsney, Lloyd Corder, Rich White, Brian Tokar, Sue Weiss

**Council Members Absent**

Dan Herchenroether

**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**

Deanna Soost of 122 N. Balph Avenue Pittsburgh, PA 15202 stated that the farmers market she is organizing could not be held at the Ben Avon Community Presbyterian Church because of zoning regulations. She stated that she is considering the old dollar store property in Emsworth as a possible location.

Victoria Haynes of 239 Park Avenue and Ron Lantzy of 236 Sylvan Walk addressed council about the Park Avenue row house renovation project. Ms. Haynes stated that the project has been going on for about three years, adding that it did not take this long to demolish and rebuild the Convention Center. She stated that the sidewalks are torn up and there is no fencing around the construction site. Ms. Haynes stated that her main concern is safety. Mrs. Weiss stated that she did not think you would be able to get cars down the street if you fenced in the site. She stated that a building permit was issued on March 30, 2010 for structural repairs to the front of the buildings, adding that Mr. Garbinski has six months from that date to start the project, which he has done, and five years from that date to complete the work. Mrs. Weiss stated that Mr. Garbinski had to tear up the sidewalks in order to work on the structural support beams. Mr. Lantzy stated that the area is a mess and expressed his concerns for the safety of the children who ride their bikes around the houses. Dr. Corder stated that council has been as aggressive as possible and has done everything they are legally allowed to do. Mr. Means stated that the borough has cited Mr. Garbinski multiple times and taken him to court. He stated that the district justice found Mr. Garbinski guilty, adding that Mr. Garbinski appealed the finding to the court downtown and is scheduled for a hearing in July. Mr. Lantzy stated that he has four children under the age of 13 who play outside with the other neighborhood children, which is a concern because there is no fence around the construction site, there is construction equipment sitting at the site and there is trash piled everywhere. Mr. Means stated that council should have the code officer inspect the site again to determine if a fence could be installed and if any additional requirements could be imposed. Mrs. Weiss stated that council would continue to address this problem as aggressively as legally possible. Mr. Regrut stated that he met with Keith Coll and Fred Sapp to discuss these issues, adding that they are trying to schedule a meeting with Mr. Garbinski. Mr. Regrut stated that the code officials want the debris cleaned

up, the dirt graded and gravel put in so that there will not be a repeat of the mud problems that occurred last year.

**Approval of Minutes**

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

**Engineer's Report - report by Rob Galbraith**

Motion: Mr. Galbraith; Second: Mr. White; Motion carried by unanimous voice vote to accept the proposal from Strada Architecture for \$7,225 to design and monitor construction of the ADA restroom at the VFD building.

Motion: Mr. Galbraith; Second: Mr. White; Motion carried by unanimous voice vote to charge West View Water Authority \$3,500 in lieu of the street opening permit fee to cover costs to the borough for coordination and inspection of waterline replacement work for the Perrysville Avenue reconstruction project.

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to authorize Ed McGee to prepare the specifications and advertise for bids for the Perrysville Avenue reconstruction project.

There have been complaints about the HVAC system at the coffee shop. A HVAC contractor did seasonal maintenance on the system and determined that the ductwork may not be sufficient or there could be a problem with the blower.

The oil pan on one of the dump trucks is leaking and needs replaced. The cost to do the work will be \$1,600.

**Financial Report – report by Judy Konitsney**

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

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

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

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

Dr. Corder introduced Kathy Coder, the Bellevue Borough Council President.

Dr. Corder met with the Kilbuck Township Supervisors to discuss Avon Park improvements. He presented and reviewed a list of potential park upgrades. Kilbuck Township applied for another ADA grant, if approved; the grant will be used to pave a handicap accessible path to the pavilion and the playground.

Mrs. Weiss and Mayor Jones will attend the North Boroughs Joint Cooperation Planning Summit along with representatives from Bellevue, Avalon, Emsworth, Kilbuck and Ben Avon Heights. The summit will be held Saturday April 24 at the Bellevue Borough council chambers.

## **Administration Report**

No Report

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

The borough received a letter from the Allegheny County Department of Emergency Services stating that the February snowstorm had been declared a disaster, so the borough is eligible to receive reimbursement from FEMA for some of its snow removal costs. Mr. Galbraith will complete the required forms that need to be submitted to request these funds.

## **Public Safety Report**

No Report

## **Property Maintenance and Code Enforcement**

No Report

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

A company called Print prepares and mails informational brochures that give an overview of a community. Print sells advertising space in the brochure, which covers all costs, so there is no charge to the municipality for this service. Mr. White spoke to representatives from Kilbuck Township and Ben Avon Heights about joining Ben Avon in this project and distributing one brochure that would highlight all three communities. Both Kilbuck and Ben Avon Heights are interested in the project. Dr. Corder stated that Emsworth, Avalon and Ohio Township have already used this service. Mrs. Konitsney asked if the brochures are addressed to “resident” or if names are required, adding that she would like assurance that Print does not sell names to other companies.

Motion: Mr. White; Second: Mr. Tokar; Motion carried by unanimous voice vote to enter into an agreement with Print to provide a brochure for Ben Avon Borough, Ben Avon Heights Borough and Kilbuck Township, pending a guarantee that Print does not sell the names of the residents.

## **Mayor’s Report – report by Bob Jones**

At the March 17 Quaker Valley Council of Governments meeting, Dan Herchenroether was honored for his service to council and awarded a framed certificate of appreciation.

Mayor Jones stated that the two traffic lights in Ben Avon were upgraded from incandescent lights to LED lights, which reduced the wattage from 16 watts to 6 watts per bulb. He stated that the borough must notify Duquesne Light about the change and request the savings from the reduced wattage. Mr. Regrut stated that he had already notified Duquesne Light about this change. Mayor Jones stated that streetlights are not metered and that the borough is billed based on the number of poles. He stated that high-pressure sodium vapor streetlights cost \$0.54 per month less than mercury vapor streetlights. Mayor Jones stated that we should make sure the borough is being billed correctly. Mr. Regrut stated that several years ago the borough removed a lot of streetlights, changed the remaining ones to sodium vapor lights and notified Duquesne Light about the changes. He stated that he would check with Duquesne Light to ensure that the borough is being charged properly.

## **Police Chief’s Report**

No Report

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

Mr. Means requested an executive session to further discuss the Garbinski matter.

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

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

**New Business**

**Ordinance 746**

Motion: Mr. White; Second: Mr. Tokar; Motion carried by unanimous voice vote to advertise Ordinance 746, amending Ordinance No. 692, Article I, Section 9, regulating intersections to add a stop sign for southbound traffic on Ridge Avenue at the Intersection of Ridge Avenue and Brighton Road.

**Ordinance 747**

Motion: Mr. White; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to advertise Ordinance 747 amending Ordinance 744 adopting the 2009 International Property Maintenance Code.

**Rock Salt Contract**

Motion: Mr. Galbraith; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to exercise the option to extend the contract with Cargill, Inc. for rock salt for an additional one year term commencing July 1, 2010 and ending on June 30, 2011.

**July 4<sup>th</sup> Fireworks**

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to authorize a contribution of \$750 to North Boroughs Fireworks for the North Boroughs Independence Day celebration and fireworks display.

**Old Business**

**Ordinance Codification**

Mrs. Konitsney stated that she spoke to Ken Rotz at Keystate Publishers about codification of the borough ordinances. She stated that the codification process usually takes nine months to one year and that Mr. Rotz is willing to begin the codification now and accept the amount budgeted, \$2,675, as the maximum payment for 2010. Mrs. Konitsney stated that the balance of \$3,685 would be paid in 2011. Mrs. Konitsney stated that she thought it was important to move forward with this project, adding that in the long run it could save the borough money by reducing research time to find specific ordinances. She stated that Keystate would provide a hard copy and an electronic copy of the finished product. Dr. Corder stated that the borough has over one hundred years of ordinances that will be reviewed and organized by Keystate. He stated that Keystate would then make recommendations based on current law about adding, amending and repealing ordinances. Dr. Corder stated that from this point forward we would have a way to manage the ordinances that is easy for everyone to access. Mrs. Konitsney stated that the proposal covers all ordinances adopted by the date of the agreement, adding that there would be an additional charge of \$15 for each page added or changed after that date. Mr. Means stated that he has worked on codification projects with Keystate Publishers for other municipalities. He stated that once the ordinances are organized, Keystate would prepare a rough draft, a list of questions and a list of recommendations, which would be sent to him for review. Mrs. Weiss asked what the associated legal costs were for the other communities. Mr. Means stated that he

would find out the amount charged to the other municipalities for legal costs for ordinance codification and report back to council.

Motion: Mrs. Konitsney; Second: Mr. Tokar; Motion carried by unanimous voice vote to approve the contract with Keystate Publishers for \$6,360 for ordinance codification.

### **Executive Session**

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adjourn to Executive Session at 8:30 p.m. to discuss legal issues.

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adjourn from Executive Session and reconvene to Regular Session at 9:00 p.m.

### **Adjournment**

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to adjourn the meeting at 9:00 p.m.

Respectfully submitted,  
*Carmella Hallstein*  
Borough Secretary