

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania 15202
Regular Meeting of Council – November 15, 2011
Minutes

Call to Order

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

Pledge of Allegiance

Council Members Present

Rob Galbraith, Michael Bett, Judy Konitsney, Lloyd Corder, Richard White, Brian Tokar, Sue Weiss

Council Members Absent

None

Others Present

Bob Jones, Mayor

Chuck Means, Solicitor

Ed McGee, Engineer

Dale Regrut, Public Works Foreman

Carmella Hallstein, Borough Secretary

Gary Buckman, Chief; Ben Avon Volunteer Fire Department

Norbert Micklos, Chief; Ohio Township Police Department

Public Participation

Gary Fujak, Wildlife Conservation Officer for the Pennsylvania Gaming Commission addressed council about controlling the deer population. Mr. Galbraith stated that he has seen an increase in the deer population, adding that the deer are voracious eaters. Mr. Galbraith stated that he is constantly taking ticks off his dogs and that one dog got Lyme disease. Mayor Jones stated that a Merton Road resident complained about the number of deer and about the increasing size of the heard. He also stated that a Merton Road resident contracted Lyme disease. Mayor Jones stated that the residents are extremely concerned about the size of the heard, not just because of damage to the foliage but also because of Lyme disease. He stated that the deer are accustomed to people and are very brazen. Mr. Fujak stated that the deer population would continue to increase as long as the wooded areas surrounding Ben Avon continue to be developed. He stated that the deer herd would continue to grow unless there is some type of effort to cull the heard. Mr. Fujak stated that the borough could allow hunting on borough property and that it is important to encourage residents not to feed the deer. Mr. Fujak stated that the Game Commission is not able to do much, adding that no “trap and transfer” program will work because surrounding communities have the same problem.

Ted Popovich of 6606 Virginia Avenue addressed council about air quality. Mr. Popovich stated the he is a certified emissions evaluator. He distributed and reviewed information about air emissions and air pollution violations.

PJ Jones of 7119 Ohio River Boulevard volunteered to decorate the borough hall again this year. She stated that the Christmas decorations from last year would be used but she would need \$75.00 to \$100.00 for batteries and a few strings of lights. Council thanked Mrs. Jones for her efforts and agreed to authorize the expenditure.

Wade Lawrence of 6911 Prospect Avenue addressed council about an article in The Citizen regarding the loss of the Ben Avon Heights Fire Contract that was awarded to Avalon. He stated that he did not want to discuss what council had done with the negotiating, but wanted to discuss what bothered him the most, which was the email that Mr. Bett sent to the residents of Ben Avon Heights. Mr. Lawrence stated that he felt Mr. Bett was taking it upon himself to speak for all of council. He also stated that he did not like the disparaging remarks Mr. Bett made about Avalon. Mr. Lawrence stated that he wanted to come to council and complain because he did not think negotiating behind the scenes and sending an email to the residents of Ben Avon Heights was the right thing to do. Mrs. Konitsney stated that Ben Avon council did not authorize the email, adding that some council members were not aware of the email prior to it being sent. Mr. Galbraith stated that council was not aware of the email or the content of the email.

Ron Luntz of 236 Sylvan Walk and Victoria Haynes of 239 Park Avenue addressed council about parking issues and signage on Park Avenue. Mr. Luntz stated that he had requested a no outlet sign and a street sign for Park Avenue at the August 2010 council meeting and was told that the signs would be installed within a month. Mr. Luntz stated that neither sign has been installed to date. Dr. Corder apologized for the oversight. Mr. Regrut stated that he would order the signs and install them as soon as they are received. Mr. Luntz stated that vehicles are being parked on the brick walkway on Shaffer Place, which is a no parking area, making it very difficult to get through the street. Dr. Corder asked Mr. Regrut to order a no parking sign for the north side of Schaffer Place. Ms. Haynes stated that there are times she cannot get out of her driveway because of illegally parked vehicles, adding that it makes for bad neighboring when you continually have to call 911 to report parking problems. Ms. Haynes stated that the police do not issue tickets, but instead ask the vehicle owners to move their vehicles. She stated that the illegally parked vehicles also present a safety hazard because a fire truck would not be able to get through the street. Ms. Haynes stated that the only thing she wants is for vehicles to be parked legally, adding that as long as the police do not issue tickets the parking problem will continue.

Hal Deily of 155 Spruce Street addressed council about the Spruce Street wall project. Mr. Deily stated that some Spruce Street residents are frustrated because of the delay in starting the project. He stated that the residents are also concerned because debris in the creek that was to have been removed in 2004 is still there and the creek bed is up further. Mr. Galbraith stated that council is doing everything it can to take care of the problem, adding that the borough has a contract with Pampena Landscaping and that council has gone through the appropriate process as best it could. Dr. Corder stated that the contractor should start the project within the next few weeks. Mr. McGee stated that the borough applied for and obtained an emergency permit from the DEP to clear the debris out of the creek, adding that the permit was just issued last week.

Doug Silk of 7224 Church Avenue, President of the BAVFD, stated that on behalf of the VFD he wanted to speak about council's failure to secure the fire service contract with Ben Avon Heights. He stated that the members of the fire company are very disappointed with this council. Mr. Silk stated that the BAVFD provided excellent service to Ben Avon Heights for fifteen years. Mr. Silk stated that the borough not only lost revenue from the contract, but it also lost revenue from the State under the Relief Association and revenue from the fire department's letter campaign. He stated that council should have at least asked the VFD for some input when the

contract was being negotiated, adding that the VFD and the borough lost something vital that they will probably not get back. Mr. Silk stated that he told some council members that council needed to freeze the cost for fire service in the next Ben Avon Heights' contract, but nobody listened. Mr. Silk stated that Emsworth council member, Paul Getz, repeatedly stated that Ben Avon Heights was not paying its fair share. He stated that even though Mr. Getz has no business dictating what Ben Avon should do, evidently his comments stuck in someone's mind. Mr. Silk stated that the email from Mr. Bett to the residents of Ben Avon Heights was in poor taste. Mrs. Konitsney stated that not every council member was in agreement with the negotiation tactics or Mr. Bett's email, adding that some council members did not even know about it. Mr. Silk stated that he did know if Mr. Bett spoke to council president Lloyd Corder or just took it upon himself to send the email and that council members not knowing about it was bad.

Approval of Minutes

Motion: Mr. White; Second: Mr. Galbraith; Motion carried by unanimous voice vote to approve the minutes of the October 18, 2011 council meeting.

Engineer's Report - Report given by Ed McGee, Engineer

Financial Report - Report given by Judy Konitsney, Chair

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by unanimous voice vote to approve the October 2011 financial reports as presented.

Motion: Mrs. Konitsney; Second: Mrs. Weiss Motion carried by unanimous voice vote to approve the November 2011 accounts payable reports as presented, authorizing payments of \$18,078.98 from the general fund account.

Intergovernmental Cooperation Report – Report given by Lloyd Corder, Chair

Administration Report – No Report

Public Works / Building and Property Report – No Report

Public Safety Report – Report given by Michael Bett, Chair

Mr. Bett stated that Ben Avon did not get the Ben Avon Heights fire service contract and apologized to the VFD for that, adding that a lot of time was spent working on the agreement and obviously, this was not the result he wanted.

Property Maintenance and Code Enforcement Report – No Report

Public Affairs Report – Report given by Richard White, Chair

Mr. White stated that he was disappointed after reading the article in The Citizen about the fire service contract and Mr. Bett's email to the residents of Ben Avon Heights. Mr. White stated that Mr. Bett's actions were not vetted through council or the solicitor. He stated that because of the email he was concerned that many years of cooperation between Ben Avon and Ben Avon Heights had been put in jeopardy. Mr. White stated that he thought it would go a long way if Mr. Bett apologized to council and the taxpayers because his actions brought shame to the borough. Mrs. Weiss stated that she was uncomfortable with shaming someone in a public forum. She stated that she saw the article in The Citizen and did not think Mr. Bett was given the opportunity by the press to comment. Mrs. Weiss stated that she was not consulted about Mr. Bett's email but was not concerned about it. Mrs. Weiss stated that she thought Ben Avon

Heights just made a business decision and went with the cheapest deal. Mr. White stated that he was not addressing the loss of the contract. Mr. White stated that the email undermines the authority of the Ben Avon Heights' council, adding that it is not a matter of whether or not Ben Avon Heights made a business decision; it is a matter of whether or not the conduct was proper considering the circumstances.

Mayor's Report – *Report given by Bob Jones, Mayor*

Emergency Management Report – *No Report*

Police Chief's Report – *Report given by Norbert Micklos, Chief; Ohio Township Police Dept.*

Tri-Borough Joint Planning Commission – *No Report*

Solicitor's Report – *Report given by Chuck Means, Solicitor*

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by voice vote to authorize the solicitor to prepare an Engine Brake Ordinance and authorize the borough secretary to advertise the ordinance. Mrs. Weiss opposed the motion.

Fire Chief's Report – *Report given by Gary Buckman, Chief; BAVFD*

New Business

Resolution 2011-12

Motion: Mrs. Konitsney; Second: Mr. White; Motion carried by unanimous voice vote to adopt Resolution 2011-12, which amends provisions of Resolution 2006-09 for determining the Chief Administrative Officer for the Borough's Pension Plans for purposes of Act 205 of 1984.

Resolution 2011-13

Motion: Mr. Bett; Second: Mrs. Weiss; Motion carried by voice vote to urge the Pennsylvania General Assembly and the Governor of Pennsylvania to support changes to the PA Oil and Gas Act that would expand municipalities' ability to determine what is necessary to protect the health, safety and welfare of its communities and residents. Mr. Galbraith opposed the motion.

2012 Budget

Mr. Tokar presented the 2012 Budget. He stated that the budget is in balance and does not raise taxes. Mrs. Konitsney stated that she was against cutting the public safety fire budget while budgeting \$4,000.00 for the Avon Park trail and \$10,500.00 for the bookmobile. She stated that she thought public safety was more important to the community than the bookmobile or the trail. Mr. Tokar stated that the cut in the fire department budget that Mrs. Konitsney was referring to was based on the 2011 budget that was established last year. He stated that the 2012 budget is based on actual spending for 2011 not the 2011 budget. Mrs. Konitsney stated that she still did not think the public safety fire budget should be cut. Mr. Tokar stated that based on 2011 spending the fire department budget is not being cut. Mrs. Weiss stated that she thought the 2012 budget was solid and should be advertised. Mr. Galbraith stated that the \$26,000.00 budgeted for 2012 for the engineer is predicated on better use of the engineer's time. Mr. Galbraith stated that the bookmobile is nice to have, but has a cost of \$10,500.000 per year and is not used by many people. He stated that the borough is doing some serious belt tightening and the bookmobile is an expense that we really do not need since there are good libraries in Bellevue and Avalon. Mrs. Konitsney stated that the bookmobile is a luxury that the borough

can no longer afford. Dr. Corder asked if adjustments could be made to the budget after it is advertised. Mr. Means stated that even though a budget is advertised, it is subject to being changed before council adopts the final budget. Mr. Means stated that because this is an election year, you could change the budget again up to February 15, 2012.

Motion: Mr. Tokar; Second: Mrs. Weiss; Motion carried by unanimous voice vote to advertise the 2012 Budget as presented.

Ordinance 751

Motion: Mr. White; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to advertise Ordinance 751, which levies an ad valorem real estate tax and fixes the tax rate for the fiscal year 2012.

Bookmobile

Dr. Corder stated that the cost of the bookmobile for 2012 for one hour of service per week would be \$10,500.00, which is an increase of \$500.00 per year. Mrs. Weiss stated that she supports the bookmobile, adding that it is a way to support the arts, that it is very convenient and that she would encourage residents to take advantage of the service. Mr. White stated that the \$10,500.00 could be put towards a new fire truck or any number of vital projects for the borough. Mr. White stated that he did not feel the borough could afford the bookmobile this year, adding that the borough could reinstate the service next year if finances are better. Mr. Bett stated that the borough could afford the cost of the bookmobile. He stated that the expense is included in the budget and taxes have not been raised. Mr. White stated that he voted in favor of advertising the budget because the good outweighs the bad but it does not mean that there is no room for improvement. Mrs. Konitsney stated that some items for property and maintenance that were cut from the budget could be added back in if the expense for the bookmobile was eliminated.

Motion: Mrs. Weiss; Second: Mr. Bett; Motion carried by roll call vote: four-aye; three-nay to continue Bookmobile service in 2012 at the current service level.

Rob Galbraith-nay; Michael Bett- aye; Judy Konitsney-nay; Lloyd Corder-aye;
Richard White-nay; Brian Tokar-aye; Sue Weiss-aye

Old Business

None

Adjournment

Motion: Mr. White; Second: Mrs. Konitsney; Motion carried by unanimous voice vote to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Carmella Hallstein

Borough Secretary