

**Borough of Ben Avon**  
**7101 Church Avenue, Ben Avon, Pennsylvania 15202**  
**Regular Meeting of Council – August 20, 2013**  
**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, Earl Bohn, Lloyd Corder, Richard White, Sue Weiss

**Council Members Absent**

Brian Tokar

**Others Present**

Bob Jones, Mayor

Chuck Means, Solicitor

Ed McGee, Engineer

Dale Regrut, Public Works Foreman

Carmella Hallstein, Secretary

Mike Dufresne, Emergency Management Coordinator

Jim Rupert, Chief; Ben Avon Volunteer Fire Department

Norbert Micklos, Chief; Ohio Township Police Department

**Public Participation**

Terry Hartnett of 408 Dickson Avenue addressed council about Avon Park. Mrs. Hartnett stated that the borough does not take reservations for the pavilion at the park and it is used on a first come first serve basis. She stated that more people are using the park since its revitalization and that two groups wanted to use the pavilion this past Sunday. Mrs. Hartnett stated that the borough should consider implementing a reservation policy for the pavilion and consider renting a porta-john for the park. Mr. Galbraith stated that the borough should have some kind of reservation policy. He stated that he would take responsibility for the research on the porta-john, adding that he was not sure the borough would want to commit to having a porta-john year round but possibly could consider having one from April through October. Mr. Galbraith stated that council could not promise anything but would take the suggestion seriously.

Ray Winter of 6898 Perrysville Avenue addressed council about the proposed shade tree ordinance. Mr. Winter stated that he has lived in Ben Avon for forty-six years. He stated that speeding is an issue on Perrysville. Mr. Winter stated that he finds the proposed tree ordinance ridiculous considering Juniper Way and the traffic that ignores the stop sign, adding that it seems shade trees are more important. He stated that he would like to see a list of priorities for this council. Mr. Winter stated that he could not believe the proposed tree ordinance is a priority.

John Ott of 7309 Terrace Avenue addressed council about the proposed shade tree ordinance. Mr. Ott stated that he was part of an ad-hoc shade tree commission that the borough created about four years ago. He stated that the commission talked about this issue, where the line is and

how far the borough should go in taking responsibility for shade trees. Mr. Ott stated that at that time they were concerned about an issue that was happening in the Quaker Valley Area where utilities were coming in and topping the trees. He stated that the committee thought that maybe the borough should do something to prevent utilities from topping the trees without getting some sort of consent. Mr. Ott stated that the committee thought it was improper and imprudent to have private members of society governed by an ordinance such as the one that is proposed. He stated that if the proposed ordinance requires residents to go through channels to cut down their own trees or requires them to trim their trees; he thinks this is a political issue that goes too far.

Jodie Downing of 7126 Belle Riviere Court addressed council about the proposed shade tree ordinance. Ms. Downing stated that she does not feel residents should be governed or forced to trim or take down their trees or have to apply for a permit to trim or take down their trees. She stated that she has a huge tree in the front yard of her house that she had trimmed two years ago that needs trimmed again. Ms. Downing stated that it is very costly for her as a single mother raising two children to keep trimming her trees. She stated that she is trying to do the best she can but cannot have someone telling her that she has a certain amount of time to take care of her trees. Ms. Downing stated that it is not fair to her or the elderly people of the community, adding that residents should not be governed to trim or take down trees.

Brian Jensen of 6927 Perrysville Avenue addressed council about the proposed shade tree ordinance. Mr. Jensen stated that he had not read the ordinance but was supportive of a shade tree commission. He stated that he wanted to talk about a flyer he received. Mr. Jensen stated that the flyer contained highly misleading statements and an invective type of context. He stated that using these kinds of scare tactics is not appropriate for this borough, adding that we are a very small community that wants to address things in a friendly manner. Mr. Jensen stated that the flyer was an effort to scare a lot of people into coming to the meeting and making snap judgments about things that they have not heard about.

Councilmember Michael Bett stated that he agreed with Mr. Jensen. Mr. Bett stated that unfortunately we have a fear monger among us. He stated that many people had been misled by a councilmember who has been distributing misguided misinformation that is un-cooraparitive, disruptive and in a cowardly fashion. Mr. Bett stated that this information has the potential of costing Ben Avon thousands of dollars a year in free trees and related services. He stated that this councilmember has done a great disservice to our community for which he pretends to represent and to this council for which he serves. Mr. Bett stated that this hurtful and disrespectful behavior stirs up needless confusion and controversy. He stated that the gentleman to the left of him who thinks he understands the United State Constitution does not even understand how municipal government performs its most basic duties. Mr. Bett stated that he is asking him to apologize to the community and to the council. He stated that he further hopes the councilmember will educate himself on the way council's business is conducted and stick to the facts or simply be quiet.

Mark Pokos of 325 Dalzell Avenue addressed council about the proposed shade tree ordinance. Mr. Pokos stated that he has been a resident for over thirty years. He stated that the borough already has a tree ordinance that was adopted in 1909. Mr. Pokos stated that the proposed ordinance goes against what is already a borough law in terms of the way you handle the trees and the responsibilities. He stated that up to this point the borough has chosen not to enforce the current ordinance. Mr. Pokos asked why the borough would even consider taking over his personal trees that are on his property.

Lawrence Dyjak of 134 Irwin Avenue addressed council about the proposed shade tree ordinance. Mr. Dyjak stated that he has been a resident for thirty-eight years. He stated that he thought the councilmember who sent out the flyers should be praised for doing that. Mr. Dyjak stated that Duquesne Light came in and topped the trees and the gas company put new gas lines in and killed every tree on Irwin Avenue. He stated that he thought this was stupid and asked why we need a tree ordinance for the resident.

Councilmember Sue Weiss stated that the current ordinance is from the early 1900's. She stated that the proposed ordinance would govern trees that are planted between the sidewalk and the street. Mrs. Weiss stated that in 2011 council looked at ordinances that were outdated and became concerned if they should keep them on the books. She stated that we have some residents in Ben Avon who are very skilled professionals in a number of fields, adding that some of these residents are knowledgeable about urban re-landscaping. Mrs. Weiss stated that Ben Avon has lots of trees and has a reputation of being an old leafy beautiful home community and that she assumed this is what we would like to maintain. Mrs. Weiss stated that in 2011 she asked the solicitor to provide examples of ordinances from other communities to see how they were addressing the issue and protecting their trees. She stated that it is difficult dealing with powerful utility companies. Mrs. Weiss stated that she reviewed a couple of the examples and drafted a tree ordinance, adding that she has a law degree but is not a municipal lawyer so she gave the draft to the solicitor for review. She stated that one of the Ben Avon residents who has been instrumental in helping council learn about trees is Ephraim Zimmerman. She stated that Mr. Zimmerman informed council about the TreeVitalize program that is sponsored by the Western Pennsylvania Conservancy. Mrs. Weiss stated that TreeVitalize is a privately funded charitable organization that provides trees, advice for community tree plantings and advice on the form of shade tree ordinances that work. She stated that the proposed ordinance was drafted because the TreeVitalize program in Ben Avon was successful and that we want a program in the community that takes care of these trees. Mrs. Weiss stated that the only thing residents have seen is something that Councilman Bohn put in the newspaper or on their porch commenting on a proposed draft ordinance that has not even been discussed by council. She stated that the information was presented as if council was going to take action on the ordinance. Mrs. Weiss stated that trees are not her number one issue for Ben Avon; however, they are a lovely thing to have. Mrs. Weiss stated that she is in her second term on council and very few people have come up and tried to sit in this seat, adding that if someone feels so strongly they should throw their name in the hat. She stated that typically a proposed ordinance is presented; council discusses it, decides if they are for it or against it and decides if it should be changed in anyway. Mrs. Weiss stated that if council is in favor of a proposed ordinance it is advertised in the newspaper so that council can take public comments before taking any action. Mrs. Weiss stated that the ordinance is designed to restore and protect the trees, adding that it is not a government takeover or conspiracy.

Councilmember Rob Galbraith stated that council is just in the draft stages of reviewing this issue. He stated that council reviewed the 1909 ordinance and wanted to update it to reflect current times. Mr. Galbraith stated that council has not even discussed the draft ordinance. He stated that the vision is to protect the trees in the community, adding that they enhance property values and enhance our lives in the community. Mr. Galbraith stated that council has a responsibility to the community to maintain the right of way for safety reasons. He stated that Ben Avon has to have a shade tree ordinance and a shade tree commission to be eligible for the TreeVitalize program. Mr. Galbraith stated that speaking for himself, not council; a shade tree commission should provide advice to council and have no regulatory authority, adding that this would not apply to private property only public domain.

Paula Templeton of 6927 Prospect Avenue addressed council about the proposed shade tree ordinance. Ms. Templeton stated that she has been a resident of Ben Avon for seventy-eight

years. She asked what happened to sending a letter to inform a resident of an issue with their tree. Ms. Templeton asked what happened to that simple measure and wanted to know why council needs to redraft something that is probably as good today as it was in 1909.

Karen Taylor of 243 Hilands Avenue addressed council about the proposed shade tree ordinance. Ms. Taylor stated that she thought the problem was a lack of communication. She stated that residents should not be hearing about issues from letters put on their porches. Ms. Taylor asked why the council meeting minutes are not posted on the website. Dr. Corder stated that the meeting minutes and the ordinances are posted on the website.

Paul Grater of 233 Breeding Avenue addressed council about the proposed shade tree ordinance. Mr. Grater stated that he was curious about the process by which the proposal would be presented and asked when the draft would be shaped up for presentation and public comment. Mrs. Weiss stated that the draft ordinance was to be discussed tonight by council and then council would decide if they were going to table it, continue to discuss it, amend it, drop it or present it to the public. She stated that if council decided to present the ordinance to the public they would vote to advertise it in the newspaper. Mrs. Weiss stated that at the next meeting, council would take public comments and a councilmember would make a motion to accept, amend or reject the ordinance, adding that if accepted by the majority of council it would become law at that time.

Lucinda Dyjak or 134 Irwin Avenue addressed council about the proposed shade tree ordinance. Mrs. Dyjak wanted to confirm that The Citizen is the only newspaper the borough uses for advertisements. Mr. Means stated that the borough must publish advertisements in a newspaper with general circulation. Dr. Corder stated that every year the borough appoints a newspaper as its official newspaper. He stated that the borough could appoint any newspaper; however, The Citizen offers lower advertising rates, which saves the borough a lot of money.

Julian Wynnyckyj of 6901 Church Avenue addressed council about the proposed shade tree ordinance. Mr. Wynnyckyj stated that he got involved planting trees with Dr. Corder 3 or 4 years ago when he and some of his neighbors noticed that their street seemed somewhat bare compared to the rest of the streets in Ben Avon. Mr. Wynnyckyj stated that Dr. Corder went out and purchased a bunch of trees; they dug a bunch of holes along the sidewalk and threw these trees in them. Mr. Wynnyckyj stated that they are all very proud of these trees because they are growing high and wide. He stated that a couple days ago Ephraim Zimmerman was at his house and told him that the big tree in his front yard is the same tree as the ones that were planted along the sidewalk. Mr. Wynnyckyj stated that now he has trees that probably should be cut down before the sidewalk is destroyed. He stated that having a shade tree commission so that citizens could be more informed might be a good idea. Mr. Wynnyckyj stated that if anything, this discussion had brought out that government should provide a role, not to tell us what to do but maybe to point us in the direction of people that are in nonprofit organizations who are professionals in this field. Mr. Wynnyckyj stated that he thought a lot of the proposed ordinance came from bigger cities. He stated that we needed to engage council, engage ourselves, and become more active. Mr. Wynnyckyj stated that trees are an important factor in this community, but we do not want them destroying our sidewalks and we do not want the police telling us what trees we need to trim. He stated that a visit from an arborist or a posting on the website with information for people who need help with their tree, want to know more about their tree or want to replace a tree would make a lot more sense as opposed to imposing something in the future that seems ominous.

George Trent of 7190 Brighton Road addressed council about the proposed shade tree ordinance. Mr. Trent stated that he had attended over three hundred meetings of council and only

remembered one other meeting that drew so much attention. He stated that the proposed ordinance sets up a shade tree commission, which does not conform to the Borough Code. Mr. Trent stated that if you set up a commission, they get exclusive rights to the trees along the right of way. He stated that council is removed from any control except as the shade tree commission asks them to enact certain ordinances in order for them to do what they are supposed to do.

Councilmember Earl Bohn thanked the residents for attending the meeting. He stated that the bullet points in the newspaper ad and the flyer were extracted exclusively from the proposed shade tree ordinance. Mr. Bohn stated that if no one had any intention of regulating the trees that are rooted in private property but have limbs that extend beyond the right of way then why did the author of the ordinance ask for that power in the draft ordinance. He stated that if no one intended to fine the residents up to \$600.00 per day for failing to get a permit to do what is permitted, for doing anything that is prohibited or for failing to obey the instructions of the urban forester, then why propose that draft ordinance. Mr. Bohn stated that he felt a responsibility to residents who do not read *The Citizen*, who do not attend the council meetings or who see nothing on the bulletin board, to understand what was being proposed. He stated that he never characterized the information as a done deal; he characterized it as a proposal. Mr. Bohn stated that he thought the residents responded because they recognized what this could become. He stated that in the preamble of the draft it says that it is the intent to give local government exclusive control and custody of all shade trees. Mr. Bohn stated that this is an awesome responsibility even to propose. He stated that shade trees were defined as those rooted in the right of way or those rooted in private property whose limbs extended beyond the right of way. Mr. Bohn stated that council had not even addressed the responsibility of the borough to take on the liability associated with managing every shade tree that meets the definition in the proposed ordinance. Mr. Bohn stated that he would guess that a large proportion, twenty-five to fifty percent of the shade trees in Ben Avon extend beyond the right of way. He stated that if the government should fail to do something or do something that leads to an unpleasant outcome, who do you think the plaintiff's attorneys are going to look to for payment of settlements and damages. Mr. Bohn stated that the borough would be taking on a huge responsibility that it does not need.

### **Approval of Minutes**

Motion: Mr. White; Second: Mr. Bett; Motion carried by unanimous voice vote to approve the minutes of the July 16, 2013 council meeting.

### **Engineer's Report – Report given by Ed McGee**

Motion: Mr. Galbraith; Second: Mrs. Weiss; Motion carried by unanimous voice vote to accept the proposal from Hampton Engineering for \$2,150.00 to survey Shaffer Place.

### **Financial Report - Report given by Richard White**

Motion: Mr. White; Second: Mr. Bohn; Motion carried by unanimous voice vote to approve the July 2013 financial reports as presented.

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to approve the August 2013 accounts payable reports as presented, authorizing payments of \$60,013.07 from the general account.

### **Intergovernmental Cooperation Report – Report given by Lloyd Corder, Chair**

### **Administration Report – Report given by Richard White, Chair**

Mr. White stated that PJ Jones is spearheading the borough's version of light up night, which is called "Deck the Borough Hall." He stated that the proposed date for the event is Saturday, November 30. Mr. White stated that there would be a carriage ride and refreshments at the event. He stated that Mrs. Jones requested approval of the proposed date. Mayor Jones stated that PJ and Kim Wynnyckyj are looking for as many donations as they can get in order to pay for the event and to pay for replacement decorations that may be needed. Anyone wanting to make a donation should contact PJ Jones.

Motion: Mr. White; Second: Mr. Bohn; Motion carried by unanimous voice vote to approve the date for "Deck the Borough Hall" which will be held Saturday, November 30, 2013.

Mr. White will ask attorney Brian Gabriel from Campbell, Durrant, Beatty Palombo & Miller and Bill Asay, President of Mockenhaupt Benefits Group to attend the next council meeting to discuss the pension plans. An executive session for legal purposes will be held with special legal counsel on Tuesday, September 17, 2013 at 6:30 p.m.

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to approve a three-year agreement between Ben Avon Borough and Cottrill Arbutina for \$20,660.00 for yearly audits of the borough's financial statements for the years ended December 31, 2013, 2014 and 2015.

**Public Works / Building and Property Report** – *Report given by Rob Galbraith, Chair*

**Public Safety / Strategic Projects Report** – *Report given by Michael Bett, Chair*

**Fire / Public Affairs Report** – *Report given by Earl Bohn, Chair*

**Property Maintenance and Code Enforcement Report** – *No Report*

**Mayor's Report** – *No Report*

**Emergency Management Report** – *Report given by Mike Dufresne, EMC*

**Police Chief's Report** – *No Report*

**Fire Chief's Report** – *No Report*

**Tri-Borough Joint Planning Commission Report** – *Report given by Scott Keener*

**Solicitor's Report** – *No Report*

#### **New Business**

##### **Addendum to Avon Club Lease Agreement**

Motion: Mr. White; Second: Mr. Bett; 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, 2013 and ending on August 31, 2014.

## **Recess**

Motion: Mr. White; Second: Mr. Galbraith; Motion carried by unanimous voice vote to take a five-minute recess at 8:15 p.m.

## **Regular Session**

Motion: Mr. White; Second: Mr. Bett; Motion carried by unanimous voice vote to reconvene Regular Session at 8:20 p.m.

## **Shade Tree Ordinance**

Mrs. Weiss presented the draft shade tree ordinance. She stated that she asked Mr. Means to review the ordinance to make sure nothing was inconsistent in anyway with current law. She stated that Mr. Means made comments on the proposed ordinance in a letter to her numbered 62084-11. Mrs. Weiss stated that the definition of a shade tree is any tree, shrub or other woody plant on any public highway in the borough or that part of any tree, shrub or other woody plant which extends within the line of any public highway. She stated that the ordinance is not about the root system or an entire tree in someone's yard, it is about the trimming of a part that hangs over the sidewalk or street, it is not about taking down an entire tree. Mr. Bohn asked how the borough could regulate the portion of a tree that extends into the right of way, for example denying that portion of that limb water or nutrition, if you do not regulate the entire tree. Mrs. Weiss stated that if a limb is blocking the sidewalk you know that the limb needs to go, if a tree is blocking a stop sign you know that the tree needs to go, adding that this is why you have a commission with someone who has tree expertise so that the tree is not killed unnecessarily. Mrs. Weiss stated that she did share Mr. Bohn's concern and thought that the language was broad and sufficient enough to allow for that discretion. Mr. Bohn stated that if you require a resident to get a permit for that portion of the tree that extends into the right of way, how do you let them cut down a tree without a permit if they are going to remove that portion that extends into the right of way. He stated that you are regulating the entire tree if that tree has a portion that extends into the right of way. Mrs. Weiss stated that if a property owner wants to take down a tree this ordinance has no bearing on it. She stated that she disagreed with Mr. Bohn and asked him what he would recommend. Mr. Bohn stated that he would recommend that the borough use the authority it already has under the ordinance dated 1906 and forward, which states that if any tree presents a hazard to property or health or personal injury, the borough would act. He stated that the State Borough Code gives the borough the authority to intervene if a tree presents a hazard. Mr. Bohn stated that we can already do those things and asked why we need to claim the authority to regulate a tree because a limb extends into the right of way. He stated that the existing ordinance says if there is a limb hanging over the sidewalk that is less than eight feet high you have to cut it or you are in violation. Mr. Bohn stated that the proposed ordinance says if you have a limb that extends into the right of way at whatever height anywhere along that plane that goes from the ground up to the sky defined by the right of way line that tree is now in the regulatory domain of council. Mrs. Weiss stated that she did not see the distinction that Mr. Bohn was trying to make. Mr. Bett stated that the proposed ordinance says that the minimum clearance of a public highway of any overhanging portion thereof shall be 9 feet, which raises the clearance by 1 foot. Mrs. Weiss stated that the proposed ordinance says that members of the commission who are appointed by council may work proactively with property owners, public utilities, and road construction contractors to protect trees by limiting root and limb pruning and damage or removal during construction activities. Mr. Bohn stated that he spoke with three attorneys to ask them if the proposed ordinance means what it says it means and their answer was yes. Mrs. Weiss stated that she sought legal advice from Ben Avon's counsel and she wanted to know if Mr. Bohn got different legal advice about the proposed ordinance. Mr. Bohn stated that by definition you are encompassing in the regulatory reach of the borough all those

trees that extend into the public line, so if a tree extends into the public line, meaning over the right of way, it is now subject to all of the provisions in the proposed ordinance. Mr. Bohn again asked how you could regulate a limb if you do not regulate the tree. Mrs. Weiss stated that the shade tree commission is not going to come in with the heavy arm of government as Mr. Bohn is suggesting. She stated that the spirit and intent of the ordinance is to get people with expertise in the community to work proactively with people who have trees on their property. Mr. Means provided his thoughts regarding the language of the ordinance and suggested clarifying the language by adding a sentence that says this is not intended to regulate a property owner from removal of a tree planted outside of the right of way. He stated that if the ordinance included that sentence he thought Mr. Bohn's question would be answered because you would have clarity that he does not see now. Mr. Bohn stated that this would answer his question in part. He stated that you could specify what must be done for public safety and for clearance on the sidewalk without gathering in your arms the entire tree and all of the things that could happen to a tree that would affect that limb over the sidewalk. Mrs. Weiss stated that she thought what should be done in the interest of time was to allow for some folks to come to the next meeting with proposed changes to the language that would suit them and maybe could be explained better. Mrs. Weiss stated that she was withdrawing the ordinance from further discussion and asked that it be placed on the council meeting agenda for next month. She stated that everyone was welcomed to attend the next meeting and she invited Mr. Bohn and anyone else who would like to propose some language prior to meeting to get it in our hands and make it available to others. Mr. Bohn stated that he was not taking on the task of writing Mrs. Weiss' ordinance. Mrs. Weiss stated that the problem for Mr. Bohn is how to define a shade tree and she asked Mr. Bohn if he had no intention in helping define a shade tree to say that now. Mr. Galbraith stated that he went through the proposed ordinance and made changes but had not submitted them to Mrs. Weiss yet. He suggested that Mr. Bohn do the same. Mr. Galbraith stated that he would send his version to Mr. Bohn if he would like to review it. Mrs. Weiss asked everyone on council to come to the meeting next month prepared to say what parts of the ordinance they propose to change. She stated that the spirit of the ordinance is to protect trees and to provide a body to assist folks to maintain their trees. Mrs. Weiss stated that if we can have a tool to prevent utilities from doing to the trees what has been done in the past she would like to see that included in the ordinance. Mrs. Weiss stated that if you cannot define a shade tree to the satisfaction of folks then you have a challenge and she appreciates that the gauntlet has been laid down. Mr. Bohn stated that rather than mark up Mrs. Weiss' draft he would volunteer to mark up the existing ordinance and remove such passages as the prohibition against tying your horse to a tree. He stated that we have an ordinance on the books that approaches things from the public safety point of view not from reaching into the realm of private yards. Mr. Bohn thanked Mrs. Weiss for withdrawing the ordinance.

Ephraim Zimmerman of 6891 Perrysville Avenue stated that the old ordinance does not have a provision for a shade tree advisory council and he was afraid that Ben Avon would be losing a great opportunity because a community must have a shade tree commission to be eligible for the TreeVitalize program. Mr. Bohn asked why Ben Avon needed to change its ordinances so that it could get free stuff. Mr. Zimmerman stated that he was not suggesting that. Dr. Corder stated that there are seven members on council who each get a vote and we are going to hash out the issue. Dr. Corder asked if Mr. Trent's statement about a shade tree commission having exclusive rights and council being removed from any control was correct. Mr. Means stated that a commission could be set up by the council to have whatever parameters of power council wants to give it. Mr. Means stated that Mr. Trent said that if you create a commission then you give the commission, automatically, exclusive control over all of the trees, which is not true and is incorrect. He stated that you give the commission whatever control the ordinance says they

have. Mr. Means stated that you may give them exclusive control or any percent of control or recommending power only, which is no percent. Mr. Means stated that right now, under the Borough Code it says that the council has exclusive control. Mrs. Weiss stated that a member of council could be on the shade tree commission.

Thomas Schaefer of 6915 Church Avenue addressed council about the proposed shade tree ordinance. Mr. Schaefer stated that trees are obviously a passion for a number of people. He stated that to save everyone a lot of trouble perhaps you do not need to reinvent the wheel. Mr. Schaefer stated that there are municipalities in this area that have very well established and very well defined shade tree ordinances already on the books. He stated that the old ordinance is no longer germane to modern times and instead of focusing on what seems to be fine points of law we should work proactively because we know that shade trees in general enhance property values. Mr. Schaefer stated that the current ordinance says that you are allowed to plant Elm, Maple, Horse Chestnut or Pin Oak trees and he did not think you would find too many people suggesting in the 21<sup>st</sup> century that these are the best trees to plant anywhere in the front of your property. He stated that the people prior to us well meaningly planted trees out in front on 18 inches of dirt and those trees are condemned to die. Mr. Schaefer stated that we needed to come together on this issue.

Bob Boyd of 7110 Ohio River Boulevard addressed council about the proposed shade tree ordinance. Mr. Boyd asked if the language “any public highway” included Route 65. Mrs. Weiss stated that it does include Route 65.

Mr. Dufresne stated that as he previously reported, he had spent eight hours today at the nuclear power plant. He stated that he did not tell council about the technical data that was reviewed, the risk analysis or the assessment of hazardous vulnerability. Mr. Dufresne stated that he did not explain any technical details in his report but should have done that. He stated that through his assessment and the analysis of the State and County people he reported that the threat posed by the nuclear power plant is slight to none to Ben Avon. Mr. Dufresne stated that a snide remark “well that’s your opinion” was made when he reported this information. Mr. Dufresne stated that if council does not care to have him as the Emergency Management Coordinator he would be happy to resign. He stated that he assumed the comment was made in jest but he did not think that any jest should be made when you are talking about a threat to the community. He stated that it was his assessment and he expects that to be respected. Mr. Dufresne stated that if you do not want to accept it let him know. Dr. Corder stated that he for one accepts it and appreciates everything that Mr. Dufresne does for Ben Avon. Mrs. Weiss stated that we do not want to lose Mr. Dufresne as the Emergency Management Coordinator.

### **Old Business**

None

### **Adjournment**

Motion: Mr. White; Second: Mr. Galbraith; Motion carried by unanimous voice vote to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

*Carmella Hallstein*

Borough Secretary