

Borough of Ben Avon
7101 Church Avenue, Ben Avon, Pennsylvania, 15202
Regular Meeting of Council
April 19, 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, Lloyd Corder, Richard White, Sue Weiss

Council Members Absent

Judy Konitsney

Brian Tokar

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

Kim Wynnyckyj of 6901 Church Avenue and Robyn Siddoway of 7502 Church Avenue addressed council about painting a mural on the Dalzell Avenue side of the fire station building. They stated that the project would cost about \$1,800.00, which they felt could be funded through donations. Mrs. Wynnyckyj stated that she spoke to a nonprofit organization called The Sprout Fund, which provides small grants to organizations for murals. She stated that The Sprout Fund offered to help facilitate meetings and solicit artists for designs. Mrs. Siddoway stated that the process of choosing the artist would be open to the community. Mrs. Wynnyckyj and Mrs. Siddoway stated that they would circulate a petition to residents near the proposed mural site to see if the residents support the project and report their findings to council at the May meeting.

Charles Thomas of 3 Spruce Street addressed council about clutter that is being allowed to accumulate at 294 - 296 Spruce Street. He stated that the accumulation of junk vehicles has caused fuel, oil and radiator fluids to saturate the ground, which is right next to the waterway. Mr. Thomas stated that fuel spills and contamination of the ground is illegal. He stated that some of the junk vehicles have been there for at least three years and asked council to address this problem. Mr. Thomas also addressed council about the illegal riding of mini bikes and motor bikes that are housed in these buildings. He stated that individuals come to Spruce Street for the express purpose of riding up and down the street. Mr. Thomas stated that the bikes do not have exhaust systems to muffle the noise. Mrs. Weiss stated that she would instruct Building

Inspection Underwriters to address the code enforcement issues. Chief Micklos stated that the police department would also address these problems.

Hal Deily of 155 Spruce Street addressed council about the Spruce Run wall collapse. He stated that he would appreciate anything council could do to keep the reconstruction project moving, adding that with every rainstorm he and his neighbors are under the threat of flooding. He stated that in addition to replacing the wall it is important to get the debris out of the creek. Mr. Deily stated that he is willing to do anything he can to help facilitate the process.

Joan Tadler of 127 Laurel Avenue stated that she is against Marcellus Shale drilling and asked council where they stood on this issue.

Ted Popovich of 6606 Virginia Avenue presented handouts to council about natural gas drilling. One handout listed excerpts from The Legal Intelligencer, which indicate that Marcellus Shale litigation is sure to boom. Mr. Popovich stated that the Marcellus Shale industry is way ahead of regulations in the law and technical capabilities, adding that nothing seems to be stopping them except maybe legislation on the local level. He urged everyone to attend an Air Toxic Guidelines Public Meeting that is scheduled on May 4, 2011 at 6 p.m. at the Avalon Borough Building. Mr. Popovich also distributed a handout from GASP (Group Against Smog and Pollution) which addresses the threat of air pollution from natural gas drilling.

Mayor Jones and each council member briefly expressed their opinions about natural gas drilling and the recently rejected lease agreement between the Avonworth Municipal Authority and Energy US, LLC that would have allowed drilling beneath park property.

Approval of Minutes

Motion: Mr. White; Second: Mr. Bett; Motion carried by unanimous voice vote to approve the minutes of the March 15, 2011 council meeting.

Engineer's Report - Report given Ed McGee, Engineer

Motion: Mr. Galbraith; Second: Mr. White; Motion carried by unanimous voice vote to authorize an expenditure not to exceed \$5,000 for sewer inspections on the east side of the borough.

Financial Report - Report given by Richard White

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

Motion: Mr. White; Second: Mr. Galbraith; Motion carried by unanimous voice vote to approve the April 2011 accounts payable reports as presented; \$34,727.69 from the general fund account and \$21,152.92 from the capital improvement account. Payment to McElroy Paving Co., Inc. for \$21,152.92 from the capital improvement account is contingent on approval by Ed McGee.

Intergovernmental Cooperation Report – No Report

Administration Report – No Report

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

Public Safety Report – Report given by Michael Bett, Chair

Property Maintenance and Code Enforcement Report - *Report given by Sue Weiss, Chair*

Public Affairs Report – *No Report*

Mayor’s Report – *Report submitted by Bob Jones, Mayor*

Emergency Management Report – *No Report*

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

Fire Chief’s Report – *Report submitted by Gary Buckman, Chief; BAVFD*

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

New Business

Rock Salt Contract – Exercise of First Option Year

Motion: Mr. Galbraith; Second: Mr. White; Motion carried by unanimous voice vote to exercise the option to extend the contract with Morton Salt, Inc. for rock salt for an additional one year term commencing July 1, 2011 and ending on June 30, 2012

Borough Office - Door Lock

Motion: Mrs. Weiss; Second: Mr. Galbraith; Motion carried by unanimous voice vote to hire a locksmith to change the office door lock.

North Boroughs YMCA

Motion: Mr. White; Second: Mrs. Weiss; Motion carried by unanimous voice vote to authorize Lloyd Corder to send a letter to the North Boroughs YMCA offering usage of the second floor of Borough Hall for periodic exercise classes and to authorize the solicitor to prepare a lease agreement between Ben Avon Borough and the YMCA.

Resolution 2011-03

Motion: Mr. White; Second: Mr. Galbraith; Motion carried by unanimous voice vote to adopt Resolution 2011-03, which declares the borough’s intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008.

Allegheny County CDBG and Home Programs for Fiscal Years 2012, 2013 & 2014

Mr. Galbraith stated that he read the letter from Allegheny County regarding the option to be included or excluded from the County’s CDBG program. He stated that he had questions about language in the opt-in section of the document and was concerned that opting in would commit the borough to something that is not included in the letter. Mr. Galbraith stated that no action was necessary to opt-in, but a resolution adopted by May 31 was necessary to opt-out. He stated that he would contact Mr. Davin at Allegheny County Economic Development for clarification and recommended that action, if needed, be deferred until the May meeting.

Old Business

Resolution 2011-04

Motion: Mr. White; Second: Mr. Galbraith; Motion carried by unanimous voice vote to adopt Resolution 2011-04, which authorizes the borough to apply for a grant from the Department of

Conservation and Natural Resources Department for Avon Park Restoration, Phase II and authorizes the President of Council to sign the grant agreement.

Ordinance Codification

Mrs. Weiss stated that Chief Micklos reviewed the borough's current motor vehicles and traffic ordinance and the current PennDOT model and he recommended that the borough continue to use its current ordinance. Mrs. Weiss stated that based on Chief Micklos' review and recommendation, she was recommending that the borough keep its current motor vehicles and traffic ordinance and not use the PennDOT model for the codification. Action on the Shade Tree Commission Ordinance was deferred until the May council meeting.

Adjournment

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

Respectfully submitted,
Carmella Hallstein
Borough Secretary