

# BEN AVON AREA HISTORICAL ASSOCIATION

## NEWSLETTER

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*This is the third article about Ben Avon Heights first 100 years. Click on **centennial** at <http://www.benavonheightsborough.com> for details on the celebration.*

### **Now that we are a Borough, what do we do?**

**Boil water alert**  
by Michael Weir

#### **The Structure of Government**

Ben Avon Heights became a borough at the end of a particularly active period for borough creation. The period between 1850 and 1910 saw the creation of two-thirds of Pennsylvania's boroughs. This period also saw numerous attempts by the legislature to define the structure of borough government. By 1913, when Ben Avon Heights became a borough, most of the issues had been settled and the powers and duties of the government were clear. Early boroughs were created by legislation. In 1837, county courts were authorized to create boroughs upon petition of the citizens. Until 1873, most boroughs were still created by special legislation. In that year, however, a new state constitution prohibited special legislation. The courts assumed sole responsibility of the creation of boroughs.

Early borough governments included two or more burgesses and councilors. The chief burgess was the presiding

officer at council meetings and served as the chief executive officer. The chief burgess also had limited judicial powers. The legislature, however, eventually settled on a weak mayor – council form of government for boroughs with a burgess and six councilors. In 1893, the council was given the right to elect its own presiding officer, the council president, the office of assistant burgess was eliminated, and the right of the burgess to vote was restricted to ties. Other officials included an elected tax collector, three elected auditors or an elected controller, an appointed borough secretary and an appointed treasurer. Ben Avon Heights chose to have three auditors to examine the books at the end of the year.

Over the years, further legislative changes in the Pennsylvania borough code prompted the Ben Avon Heights council to make changes in the borough's government. In 1953, the offices of treasurer and secretary were combined. In 1961, the legislature changed the title of burgess to that of mayor. In 1963, the council approved the use of a CPA firm in place of the elected auditors. In 1970, council voted to establish a planning commission.

This article is an attempt to follow the course of Ben Avon Heights' new government. The experience of the new government was typical of the northern boroughs as they moved from sparsely

populated rural towns to bustling suburban communities. Ben Avon Heights was the last incorporation. Bellevue (1867), Avalon (1875), Ben Avon (1892), Emsworth (1896), and West View (1905) preceded the borough's 1913 incorporation date.

### **Employees**

The first employees were the elected officials – the burgess, six councilors, the tax collector, and three auditors. The new government appointed a secretary, a treasurer, and a solicitor. They were all part-time. In some years the appointed officials may have volunteered their services as they do not seem to be paid on a regular basis until the 1920s. In the 1920s, E.J. Doehla was paid \$50 a year as secretary. Fred Houston served as solicitor for \$100 a year. T.L. Reger served as treasurer at \$100 a year. The elected tax collector, Homer Neely, was paid a two percent commission on

property tax collections. Doehla, Reger and Neely were borough residents. Doehla was a clerk in a bank; Reger, a bookkeeper; and Neely, a store manager.

The borough established streets and water departments, and hired a number of employees to operate and maintain the borough's infrastructure. The streets department was staffed with Charles Colmer who was also responsible for the water system at a salary of \$15 a month. Colmer was a resident of the borough. George M. Cote replaced Colmer at \$25 a month in 1920. In 1925 the borough employed E.M. Butz who was paid \$75 a month to maintain the water system and work on the streets. In 1928, John Collins was hired with his time split between the water department and policing. In 1929, J.M. Ferguson took over, also splitting his time. Ferguson was initially paid \$100 a month. His pay eventually went up to \$160 a month. Ferguson continued to



The Ben Avon Country Club clubhouse survives as a private residence.

work for the borough in a number of capacities until 1964. He also took over providing the bus service that was started by the developer.

The borough eventually established a police department. In order to conform to the borough code, the department was officially established by ordinance in 1956. The department, however, dates to the 1920s. The first policeman, John Collins, was hired in 1928. In 1929, he was replaced by J.M. Ferguson who split his time between policing and the water department. In 1940, Conrad Becker was added as a part-time policeman. Becker continued to serve until 1957. In 1956 when the borough officially established the police department, it bought three police badges and hired two additional policemen – Henry Baumann and Charles Kretzler. In the following year, the borough entered into an agreement with Kilbuck Township for joint policing. The borough continued to pay one policeman, Kretzler, and made quarterly payments to Kilbuck to cover other expenses. Eventually, the borough contracted with Kilbuck Township for all police services.

The full time staff was supplemented with part-timers. Tony Weiss was initially hired at \$15 a month to pick up trash. He was replaced in 1926 by William Weiss at \$40 a month. Rupert Reger was initially paid \$2.00 a month to read the water meters. The borough also hired housewives to prepare the water bills. These housewives included a least two borough residents, Gertrude Scandrett and Augusta Rylander. Laborers were hired by the hour to work on street repair and maintenance.

It was easier in the early years of the last century to take on full and part time employees. The borough's only obligation was for the salaries and hourly pay.

There were no other withholdings or benefits. Step by step this changed.

In 1915, Pennsylvania passed the Workers' Compensation Act that required most employers to provide workers' compensation insurance. In 1922, the borough began to purchase workers compensation insurance. In 1943, the borough began to withhold taxes from police salaries. About 1953, the borough established a police pension fund. In 1957, the borough began to withhold social security from employee pay. In 1958, the borough established a death and disability fund for police employees. By 1974, with the joint policing, the borough and Kilbuck township had a bargaining agreement with the police.

The official creation of the police department and the hiring of two additional officers marked the high point in borough employment. By 1980, the appointed staff had been reduced to one part-time secretary. All other services are provided by contractors.

### **Challenges for the new government**

Local governments have a responsibility for public safety and for the preservation of public health. Higher levels of government may establish the rules and regulations, but local governments are often responsible for implementation. This can lead to the provision of a broad range of services, including police, firefighting and emergency management, as well as water, sewer and refuse collection services.

The new government's task was initially made somewhat easier because the developer, Walter P. Fraser, retained responsibility for the roads, which were private, and the water and sewer

systems. The deed restrictions served in lieu of zoning.

This respite came to an end with the purchase of the water system for \$1,000 in 1916 and the purchase of the roads, including the sewers and cesspool, for \$1.00 in 1917. The water system included a water tank and pump house at what is now 6 Clovelly Road. The cesspool for the sewer system was at the other end of Clovelly Road. The roads, water system and sewer system were in need of repair.

### **Roads**

The roads may have been adequate for light traffic and light vehicles but they were soon in need of repair. The subdivision of the golf course into lots added two new roads - Oxford and Stratford Roads. Walnut Street Extension, now Cambridge Road, was a wooden board walk. The annexation of the Thompson Plan in 1936 added Wilson Drive, and Devon and Kent Roads. The borough also was responsible for the street light bills.

Eventually, the borough was compelled to undertake major repairs on the roads. In 1922, these began with a retaining wall at the junction of Briar Cliff and Clovelly Roads. The work was intended "for the support of the said roads." The cost of the wall was \$3,502.85. This was a significant amount as total operating expenditures, including the first three of four payments for wall, were \$7,199 in 1922. To help cover these and other expenses, the borough had two short term notes, totaling \$5,200, with Monongahela National Bank, and two smaller notes, totaling \$450, with Exchange National Bank.

In 1928, the borough began a major renewal of the streets. This project

included the paving of all of the borough's streets with the exceptions of Stratford and Cambridge Roads, and the eastern end of Biddeford Road. (At the time, Kent and Devon Roads, and most of Wilson Drive had yet to be laid out. This area had not yet been annexed by the borough.) The repairs included sewer service for Oxford Road and sewer laterals along Banbury Lane. The repairs also included storm drains. As part of the preparation for the project, the borough engineers, Blum, Weldin and Company, were paid \$274 to search for plans for the sewer system. The records left behind by the developer were not in the best order.

Two-thirds of the cost of the road work was assessed against the property owners fronting on the roads. The Allegheny County Court appointed a panel of three viewers "to ascertain the costs, damages and expenses, and to assess the benefits caused by the grading, curbing and paving." The viewers' reports were completed in early 1929. These assessments were considered tax liens against the properties. It took years for the borough to collect all of the assessments.

To pay for the borough's portion of the cost, the borough floated a \$28,000 bond issue. Because of the relative size of the issue, it was put to the voters in April of 1928 and passed. The issue was used to pay for the borough's portion of the paving cost and to retire \$8,700 in floating debt.

The project moved steadily forward through 1928 and 1929 with surveys to establish grades and curb lines and then with the work on "grading, curbing, draining and resurfacing." The total cost of this project in 1928 was \$50,112. In 1929, it was \$28,821. The project was completed in 1930 with \$6,158 in final

payments to the engineering firm, Blum, Weldin and Company and to the paving contractor, John Carson and Son.

The borough was not alone in undertaking major paving projects. At this time, Bellevue, Ben Avon, Emsworth, and West View were repaving many of their streets and assessing property owners for the costs. In 1929, Bellevue borrowed \$100,000 for street paving; and West View, \$35,000.

After the completion of this major project, the borough turned its attention to the rest of Biddeford Road in 1932, to extending Wilson Drive in 1935, and to paving Devon and Cambridge Roads in 1936 and 1937. These smaller projects completed the work.

Paving Cambridge Road was controversial. It was the subject of a special referendum in 1935. Borough lore has it that the controversy was the source of the funds - the Federal Works Progress Administration. One resident recalled the "howls from Republicans, all of whom detested Roosevelt, were heard for miles." Paving was approved by a vote of 70 to 69. The road remains controversial. It has been closed to through traffic since a section of the road collapsed during hurricane Ivan in 2004. The road was repaired, but there is some concern that other sections could collapse.

### **The water system**

The initial water supply was well water. This water was distributed to the growing community through water lines and laterals to individual houses. When the borough took over the water system from the developer in 1916, it became responsible for maintaining the pump house, water lines, and meters, and billing residents. Eventually the demand exceeded the supply of water. The

borough began to buy water to keep up with the increased demand. The first supplier was the Ohio Valley Water Company through a connection with the Ben Avon water system. This company already supplied Ben Avon, Avalon, Bellevue, Emsworth and West View. In 1929, the Pittsburgh Suburban Water Service Company took over the Ohio Valley Water Company. In 1943, the West View Municipal Authority took over the assets of the company. The connection to Ben Avon that provided the water supply ran up the hill from Walnut Road to the western end of Clovelly Road.

In 1924, the borough began major improvements to the system including a new pump motor, an addition to the water tank, and other repairs. The system did not run smoothly. In October of 1926, the borough spent \$15 on water testing and \$3.50 on "boil water" signs. In November, an additional \$5.00 was spent on water testing. Major repairs and new lines were undertaken in 1927 and 1928, and again in 1933 and 1934. In other years, the borough made regular repairs and improvements to the system, replacing pumps, repainting the water tower, and providing service to new homes.

The relationship between the water companies and their municipal customers was contentious. A dispute over the courts' role in Public Utility Commission rate setting between Ben Avon and the Ohio Valley Water Company made it to the US Supreme Court in 1919. The borough's water bill kept increasing, driven by higher rates and more customers. In 1918, the water expenditures for the year were \$110.75. By 1942, water expenditures totaled \$2,729.36.

In 1942, the West View Water Authority acquired the assets of the Pittsburgh Suburban Water Service Company and began to supply water to the borough. In 1943, the water purchase expenditures dropped to \$1,622.26. In 1947, the borough sold the water system to the West View Water Authority. The borough was no longer in the water business.

### **The Sewer System**

In Pennsylvania, local governments are responsible for the regulation of the collection and disposal of waste. Ben Avon Heights' acquisition of the sewer system in 1916 expanded this municipal role to the provision of the service. When Ben Avon Heights became a borough, the construction of sewer systems to collect and carry off waste was relatively new in the United States. By the end of the 19<sup>th</sup> century, population densities were high enough to make it difficult to depend on privies, cesspools and on-lot septic systems in urban areas. By the turn of the century, Bellevue, Avalon, Ben Avon and Emsworth began to put sewer systems in place. By 1913, most large cities and many smaller municipalities had built systems to carry waste and storm water to be disposed of in local waterways. For the northern boroughs, the outlets into the Ohio River were at the end of Spruce Street in Ben Avon and near the Emsworth lock and dam. The waste water from most municipalities was not treated before it was discharged into rivers as it was believed that 'the self-purifying nature of running water' was adequate treatment.

The sewer system that the borough took over from the developer was a problem. The system was built in sections as the development in the borough expanded. Initially, some homes

were served by on-lot septic tanks and others by a common cesspool at the eastern end of Clovelly Road. About a dozen homes are still served today by on-lot septic systems.

The developer laid the first lines but these did not cover the entire development. It was not until 1921 that the borough's system was connected to the Ohio River through Ben Avon. Most of the borough was served by a system that led down Clovelly and Cambridge Roads into a collector on Walnut Road in Ben Avon. Because the service ran through Ben Avon, the borough began to pay Ben Avon \$100 a year in 1922. This fee slowly increased over the years.

Not all of the eastern part of the borough was served until after the Second World War. The lots between Biddeford Road and Banbury Lane were originally part of the Ben Avon Heights Golf Club. After the course was subdivided, only Oxford Road and both sides of Banbury Lane were tied into the sewer system as part of the 1928 paving project. In 1954, council approved the construction of a sewer system to serve Biddeford and Stratford Roads. This system fed into a collector near Norwood Avenue in Kilbuck Township. The owners of the lots along Stratford and Biddeford Roads served by this system were assessed to help pay for the cost. The work, it seems, was not done well. Much of this system was replaced in 2012.

The sewer systems in the area, including those serving Ben Avon Heights, emptied directly into the Ohio River without passing through a treatment plant. The sewer outlets, in the words of a Ben Avon ordinance, were located "at the low water line of the Ohio River." After the end of the Second World War, there was a stepped up movement to

enforce the Pennsylvania Clean Streams Law of 1937. The Sanitary Water Board of the Commonwealth directed 102 Allegheny County municipalities and 90 businesses, "to discontinue the discharge of sewage into the waters of the Commonwealth." The Board set an optimistic deadline of May 1947 for this to be done. In 1946, Allegheny County responded with the creation of Allegheny County Sewer Authority, or Alcosan. In September of 1946, Ben Avon Heights agreed to transfer the responsibility and the problem to Alcosan. The final agreement was not signed until 1949. Planning and construction was not completed until the dedication of the treatment plant in 1959. Eventually, 83 municipalities agreed to be served by Alcosan. These municipalities retained the ownership and responsibility for the sewer lines under local streets, but Alcosan took over the responsibility of intercepting the waste water at the rivers' edges and treating it.

The creation of Alcosan to meet the requirements of the Pennsylvania Clean Streams Law turned out to be just the first step in a more regional approach to sewage treatment. Storm water runoff overpowered the Alcosan system and overflows carried untreated waste into the region's rivers. Beginning in 1948, the interstate nature of water pollution led Congress to pass a series of Water Pollution Control Acts. The 1972 amendments, the Clean Water Act, and additional clean water legislation in 1977 and 1987, formed the basis for current federal efforts to eliminate water pollution. Many municipalities were required to separate their waste water and storm water systems. Fortunately for Ben Avon Heights, the borough already had a separated system.

Even with these improvements, problems with overflows persisted. In 1997, the Federal Environmental Protection Agency threatened to sue Alcosan to correct the problem. Alcosan began negotiations with the EPA as well as with the member municipalities. In 2002, Ben Avon Heights residents were required to separate their gutters, downspouts and drains from the sewer system. In 2007, after years of negotiations, Alcosan entered into a binding consent decree to eliminate combined sewer overflow into the area's rivers and streams by 2026. The final agreement was approved by the federal courts in 2008. Alcosan is still negotiating with the EPA over details in the plan to implement the agreement. After a century of effort, the borough's involvement with these problems is likely to continue well into the 21st century.

### **The Fire Department**

The borough was served by a volunteer fire department. At first, expenses were not significant. Some expenses were covered by the borough. They included purchasing hose and paying rent on a garage to store the hose. In 1931, the borough purchased a new Ford truck for \$424. The use was split between the volunteer fire company and the streets department. The borough also bought a used fire truck for \$50. In 1932, a fire siren was installed. A new siren was installed in 1956. In 1963, the borough purchased a new Dodge fire truck for \$4,653. These equipment purchases were followed by repair expenses, garage rent, additional hose purchases, and insurance premiums.

Beginning in 1940 the borough began to make payments to the Ben Avon Fire Company for assistance. Initially, the payments were \$100 a year. They

increased to \$1,200 a year in 1956. In 1949, after the West View Water Authority acquired the water system, the borough began to pay hydrant rentals to the authority. In 1996, the department was disbanded and the borough contracted with the Ben Avon Fire Company for fire services.

the streets. The work now is provided by contractors, not borough employees.

Ben Avon Heights' experience with providing services to its residents was not unique. The recent history of these services in the other northern boroughs was similar. Police services have been consolidated. Some fire companies have



The park is now the most visible responsibility of local officials.

### **Lessons Learned**

When the borough was created in 1913, the new government saw itself as a direct provider of services. It established departments and took on employees. It took over the streets, and the water and sewer systems from the developer. It worked well despite the problems with the streets and sewer system. After the Second World War, the cost of the services was increasing. Attractive alternatives to the direct provision of services emerged. The borough slowly took advantage of these. By 1980, the only responsibilities that remained were for the streets and the sewer lines under

been disbanded and the remaining companies provide services to more than one municipality. All of the northern boroughs have become part of the Alcosan and West View Water Authority systems. Some of the streets have been added into the state highway system relieving local governments of the upkeep. Through all of this, local governments still make sure that residents receive the services that they need, but the provision of these services is now more regional in nature.

## Mary Anne Porter, Teacher

by Henry Herchenroether  
Oliver High School, '38

When David B. Oliver High School was opened in 1925, some of the teachers assigned to the school came from those previously teaching at Allegheny High School, the only high school on the North Side of Pittsburgh at that time. One of those teachers was Mary Anne Porter who taught at least two levels of Algebra.

I entered 9<sup>th</sup> grade at Oliver in September, 1934 and was assigned to one of Miss Porter's beginning Algebra classes having never seen her nor known anything about her before that time. She was a pleasant looking middle aged single woman. In those days married women were not hired as teachers and if subsequently married were forced to resign (for reasons best understood by society at the time!). She was always neatly dressed, hair piled up in some sort of a bun, and wore horn rimmed glasses (that would be dark plastic today) and wore a wrist watch (a relatively modern touch at that time). Women who wore watches, usually wore them pinned to their blouse or dress.

I took Miss Porter's 9<sup>th</sup> grade and 12<sup>th</sup> grade courses. The 9<sup>th</sup> grade course was beginning algebra. I don't recall the name of the 12<sup>th</sup> grade class but I believe it was, for that day, an advanced algebra course. For some reason completely unknown to me, my homeroom was changed in my senior year to Miss Porter's home room. I was happy for this change because many of my friends were assigned to her homeroom. (Homeroom was the room you reported to upon arrival and returned to at the end each day and was your special group within the class so most of

a student's close friendships developed in that group.)

Miss Porter had a quiet, unspoken but clear command of her classroom. I don't recall any disciplinary problems nor serious outbursts even though some of the students assigned to her class caused problems elsewhere. She knew her subjects well and could communicate the material clearly to those of us sitting under her. She answered questions clearly and was always ready to review material when some of us had problems. Her classes began on time and ended on time. There usually was homework. The homework was handed in at the beginning of class when any problems with it were discussed. Miss Porter reviewed and returned our homework a day or two later, usually with comments on it.

Miss Porter's room was next to the classroom of another teacher who taught the same algebra courses. It was known throughout Oliver that Miss Porter always completed the assigned curriculum material but the other teacher never did. She would finish about three weeks before the end of the year and use the balance of the time teaching extra mathematics.

Some years later I learned Miss Porter was the adopted daughter of L.K. Porter, an attorney and I believe at one time a judge. Mr. Porter had no children of his own and was blind. Miss Porter cared for him in his house at the end of what is now known as Redbird Point Lane in Emsworth. As a teenager and for years after, Jim Knox drove and accompanied Mr. Porter in his travels around the county and state. Jim took advantage of his time with Mr. Porter and later became prominent in Allegheny County and Pennsylvania political affairs.

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