

Borough of Ben Avon Heights
Council Meeting
August 12, 2008

The regular meeting of the Ben Avon Heights Council was held at Shannopin Country Club at 7:30 pm.

Present: Davis, Grubbs, Cuteri, Berardi, Dickson, Cuneo, Solicitor Vogel, Mayor Dismukes, Police Chief Micklos, Emergency Management Coordinator Albert Wichmann, Engineer Gaus and residents Bob Nock and Bob Frisch.

Mr. Davis called the meeting to order. The June minutes were approved. The June and July Treasurer's Reports were approved. Mrs. Phelps pointed out the transfer of \$125,000 from the General Fund to the Federated Investors Fund due to \$185,000 in real estate tax revenue in June and July. The year-to-date budget overview report was reviewed.

Police Report: Chief Micklos provided the police report and pointed out the number of call outs for the month of July. The officers are now recording when routine patrols are completed, which will be reflective in the call out number on the report. Council asked that the report be emailed to either Mayor Dismukes or Mrs. Phelps prior to each meeting. One legitimate crime occurred in the neighborhood when a large container of change and a piggy bank were stolen from a residence. The perpetrator has not been found. Mrs. Phelps will ask Avalon to repaint the school crossings prior to the first day of school. Council also authorized her to have the yellow line along Wilson Drive repainted. A resident complaint from Erin Morris regarding speeding along New Brighton Road, prompted Chief Micklos to offer to paint lines along the road and offer more police patrols in that area.

Fire Report: Fire Chief Buckman was not present.

Consent Decree: Engineer Gaus provided the bid tabulation sheet for the bid opening on 8/8/08 and pointed out the differences between Contract A (open cut repairs), Contract B (Wilson Drive Storm Sewer) and Contract C (2008 sewer lining repairs). Contracts A & B were awarded to Fleming-Walker, Inc. since their overall combined bid was the lowest. A motion was made to accept the Fleming-Walker, Inc. bid under the alternate lowest combined bid for a total of \$90,128. The motion was approved. Mr. Cuteri suggested separating line items 1 and 2 on Contract C since the unit prices are considerably different between the two bids. Engineer Gaus will look into this issue. A motion was made to authorize Engineer Gaus, after consultation with Council President Davis, to seek new contract bids for Contract C in the event they need to rebid the contract. The motion was approved.

Mr. Grubbs informed Council of an afternoon session he recently attended which discussed the next phase of the consent decree.

Resident Bob Nock asked Council to address the poorly functioning catch basin which is located above his property. During light rain the water never makes it to the catch basin and during substantial rainfall the water skirts over the catch basin. Engineer Gaus looked at the situation and determined the need to have the curb rebuilt/modified. He said that Contract A (which was awarded tonight) includes work right along the problem curb area. He will work with the contractor to have them rebuild/modify the curb to correct the problem.

The pine logs which resident Mara Cregan has stacked along the borough's 10 foot easement (which abuts her property) are being reviewed by our Zoning Officer Tom Price. The logs in question are stacked 7 feet high by 35 feet wide and seem to be more of a log wall rather than a wood pile. The zoning officer will report his findings to Council.

Resident Bob Frisch of 15 Devon Lane expressed his concerns over the changing condition of Ben Avon Heights, namely reflector placement on residents' properties, excessive signs (political, for sale, etc.) and the condition of our roads. Council explained the 5 – 6 year repaving plan which will begin in 2009. The possibility of widening Lynton Ln. to help alleviate park parking problems was briefly discussed. The reflectors in his opinion are tacky looking but the ones along the curve of Wilson Drive are causing a safety hazard. Chief Micklos will address the safety hazard with the resident. Bob also asked if the catch basin at the corner of Wilson/Penhurst is working correctly. Our engineer determined the problem to be a street grading issue which will be addressed when Wilson Road gets repaved. With regard to the signs, there should not be any political signs on the right of way of the park or in the park.

Joint Comprehensive Plan: Mr. Cuteri reiterated the Borough's problem of only having single family residential zoning. He has talked with Kilbuck Township regarding a Joint Comprehensive Plan which could help with the problem. Council authorized Mr. Cuteri to proceed with the Joint Comprehensive Plan with Kilbuck Township.

ACORD: A motion was made to nominate and officially vote Jason Brown of 8 Lynton Lane to the ACORD Authority. The motion passed unanimously.

Solicitor Vogel discussed Shannopin Country Club's request to establish a referendum on the next primary ballot seeking authorization for small games of chance at the club. The Elections Bureau said it would go on the spring 2009 ballot if approved by Council. They also said to call them back for more information after the 2008 election. Mrs. Phelps was asked to send a letter to Shannopin letting them know that their request is under consideration but that no action can be taken until December 2008. Mr. Grubbs stated that he is not in favor of the referendum because he feels it does not benefit the entire community. Some of the other Council Members believe that it is imperative to the survival of the country club. If Council allows the referendum to appear on the 2009 ballot it would read, "Do you favor the issuance of a license for small games of chance in Ben Avon Heights?"

Negligent Property: Solicitor Vogel offered follow-up information with regard to questions raised during the June 2008 Council meeting. He said that our current ordinance #257 only provides for nuisances and hazardous structures and ordinance #61 which provides for litter, only charges a penalty of \$10. He suggested modifying our ordinance to include some of the items from Bethel Park's Ordinance. Council discussed whether or not they want to be concerned with appearances/aesthetics in addition to safety issues. Nauruns' property and "the parking lot" were discussed. Council decided to review the Bethel Park Ordinance before next month's meeting to determine how extreme they would like the new ordinance to be.

Council decided to post Council Meeting Agendas and Minutes on the borough website. Mrs. Phelps will contact the current webmaster. The meeting minutes can not be posted until after they are approved.

Delinquent ALCOSAN Accounts: We currently have 3 residents which do not pay their ALCOSAN bills. The Borough pays the bills and then holds the delinquent amount as a lien against their property. Solicitor Vogel will research the most effective ways to collect the delinquent accounts.

The request to use the park for a 100 person graduation party sporting wine, beer, a port-o-john, and a tent was turned down by Council.

A motion was made to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,

Cindy Phelps, Secretary/Treasurer