

**Borough of Ben Avon Heights  
Council Meeting  
December 16, 2008**

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

Present: Cuteri, Davis, Grubbs, Hager, Berardi, and Dickson, Solicitor Vogel, Mayor Dismukes, Police Sergeant Adams, Ben Avon Fire Chief Gary Buckman, Emergency Management Coordinator Albert Wichmann and Resident Lester Olson.

Mr. Davis called the meeting to order. The November minutes were approved as written. The November Treasurer's Report was approved as distributed.

Mr. Olson reiterated the following items to Council from last month's meeting: 1). A request to leave his shed where it is currently located 2). A reimbursement of \$500 for which he paid to have a stone wall erected on, what he thought was his property, but has now learned is his neighbor's property 3). A request for clarification of the rules for placement of shrubs and trees within a public right of way to all residents that live next to a public right of way. Council decided that there was no reason to make Mr. Olson move his shed until Council learns of the Cregan Zoning Hearing determination. The hearing is scheduled for January 14, 2009. Council will give Mr. Olson an extension of time to move his shed and revisit this issue during the January 20, 2009 meeting.

Police Report: Sergeant Adams provided Council with a written Police Report and noted 5 traffic citations. Mayor Dimukes reported that talks with Kilbuck and Emsworth with regard to a joint police agreement have moved forward. Pricing for such an agreement would cost the Borough \$10K more per year.

Fire Report: Fire Chief Buckman provided a written Fire Report and pointed out that Ben Avon Heights has not had any fire call-outs yet this month.

Consent Decree: Mr. Grubbs made a motion to pay Fleming Walker Company for the work they completed in conjunction with the sewer work in contact A & B. Council voted unanimously to pay Fleming Walker the amount recommended by our engineer.

The catch basin fill-in work on Oxford Road has been completed. If filling them fixes the problem, they will stay as is. If problems occur, the area will be reassessed.

Our engineer recommends that we bid 1,300 feet of camera work in 2009. Council may be able to defer some of the defects found to fit our budget over a few years. Mr. Grubbs mentioned that the installation of manholes has become necessary at times to reach certain areas. Mayor Dismukes suggested that we utilize Red Zone Robotics Company as an alternative. Mr. Grubbs will discuss this option with our engineer.

Committee Reports: Mrs. Dickson reported that the Christmas tree is up at the park. Mr. Wichmann said that Santa will arrive via fire truck on Christmas Eve at 6 pm.

Budget: A motion was made to pass the 2009 advertised budget. The motion was approved unanimously.

A motion was made to pass advertised Ordinance 299 which sets the 2009 millage at 6.5 mills. The motion passed.

Council thanked long term Council Member Rick Hager for the 18 years that he served on Council. Reluctantly, Council approved a motion to accept his resignation effective at midnight tonight. A motion was made to nominate John Isherwood to fill the vacancy on Council. The motion passed unanimously. Providing that Mr. Isherwood accepts the nomination, his term will expire 12/31/09 since he will be completing Mr. Hager's term.

Mr. Davis and Mr. Berardi discussed the fire consolidation meeting which recently took place between Kilbuck, Ben Avon, Emsworth, Glenfield and Ben Avon Heights. An independent study was completed but lacked sufficient information. Another study will be completed which will require the current fire companies to provide their financial books. Mr. Davis and Mr. Berardi believe that much time will pass before any kind of decision will need to be made.

Mrs. Dickson provided Council with pictures of the area around the collapsed retaining wall at the intersection of Briar Cliff and Clovelly Roads. She expressed concern for the safety of motorists in icy/slippery conditions. The current orange temporary fencing will not stop a vehicle from falling over the hillside in icy conditions. Council agreed with Mrs. Dickson. Council asked Mrs. Phelps to authorize Gateway Engineers to determine the best method to temporarily secure the area in the safest way possible.

Solicitor Vogel prepared an Open Records Resolution and Policy Document which reflects the new Open Records policies for the State. A motion was made to adopt Resolution 2008-04. The motion was approved.

The Safe Deposit Box Resolution was introduced and a motion was made to adopt Resolution 2008-03. The motion passed unanimously.

The 2009 Meeting Schedule was handed out and was also advertised.

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

Respectfully submitted,  
Cindy Phelps, Secretary/Treasurer