

**Borough of Ben Avon Heights  
Council Meeting  
November 11, 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, Dickson, Cuneo, Solicitor Vogel, Mayor Dismukes, Police Sergeant Adams, Ben Avon Fire Chief Gary Buckman, Emergency Management Coordinator Albert Wichmann and residents Lester Olson, Zoe Eadie and Janae Smith.

Mr. Davis called the meeting to order. The October minutes were approved as written. The October Treasurer's Report (which was distributed at the meeting) was approved as distributed.

Mr. Davis opened the floor to public comment.

Resident Lester Olson (17 Cambridge Rd.) requested the following from Council: 1). Permission to leave his shed where it is currently located 2). Reimbursement of \$500 which he paid in 2002 toward a stone wall which he has been informed is 85% on his neighbor's property 3). Action from Council to require his neighbor to move the woodpile out of the way of his shut off valves. Council and Solicitor Vogel asked that Mr. Olson submit a letter detailing his requests along with a copy of his survey and the cancelled check. Mr. Olson requested an extension of time for moving his shed. Council granted him an extension of 30 days.

Zoning Officer Tom Price will be paid \$17 per hour for 12 hours of service for reviewing some zoning issues. Council voted by motion to authorized Mrs. Phelps to issue a check to Tom Price in the amount of \$204. The motion passed.

Resident Zoe Eadie thanked Council and the Police for the continued watch for speeders along Canterbury Road. She also requested that the speed monitor device be turned to face vehicles going into Shannopin next time it is posted along Canterbury Road.

Police Report: Sergeant Adams provided Council with a Police Report.

Fire Report: Chief Buckman reported a gas line break at Perrysville/Wilson and a tree down at 4 Perrysville. He also mentioned that the merger report is preliminary.

Consent Decree: Mr. Grubbs and Gateway Engineers met with Fleming Walker representatives last week to go over the punch list. They will come back next spring if the grass does not grow back at the park and the tree (at the corner of Ben Avon Heights Road and Lynton Lane) does not come back. United Survey will need to complete Contract C in early 2009 due to a mishap at their facility.

Mr. Dismukes said that he has pricing questions with regard to the possible police contract merger between Emsworth, Kilbuck and Ben Avon Heights. He will provide Council with more information next month.

Council approved the bookmobile expense for 2009 but will reevaluate the expenditure for 2010 this spring.

The 2009 Budget and millage rate were approved for advertising. A motion was made to advertise the budget and proposed ordinance setting the tax rate. The motion passed. On December 16, 2008 Council will vote to approve the 2009 millage rate and budget. Mr. Grubbs mentioned that he believes we will need to budget some money for the Consent Decree in years 2012 & 2013 even though we do not have money allocated for those years in the 5 year budget projection. He also said that the amount budgeted for 2009 might not be enough to cover the deficiencies uncovered in 2009. Gateway and Mr. Grubbs will do their best to try to stay within the budget.

After brief discussion, Council approved the renewal of the Snow Removal/Salting Contract for 2009. A motion was made to approve the 2009 snow removal/salting contract with Avalon. The motion passed.

Council discussed at length the Negligent Property Ordinance which was deferred last month and decided to table this issue until May 2009.

Emergency Management Coordinator Albert Wichmann provided Council with a brief description of the new plan. He will provide Council with copies of the updated plan once it is complete. He mentioned that Ben Avon Heights has the following options for evacuation locations depending on the situation: 1). Avonworth School District HS/MS 2). Sacred Heart Church 3). Mayernick Center at ACORD Park.

Council discussed Berkheimer's recent service issues. Mr. Dismukes and numerous residents received letters which indicated late payment of their wage taxes along with a penalty assessment; however Mr. Dismukes is certain that the payment was mailed in plenty of time. He sent Berkheimer a letter which indicated that he mailed his payment on time and he expected a letter in response but still has not received one. Solicitor Vogel will contact our Berkheimer Representative to discuss.

The Annual Holiday Luncheon date was set for December 12, 2008 at Shannopin Country Club beginning at 11:45 am. Mrs. Phelps will extend an invitation to Norm Ward, John Koch and Gary Hunt.

Mrs. Phelps alerted Council of the need to hire a new Crossing Guard for the afternoon shift at the corner by the playground. She will place an advertisement in the Citizen and also on Craigslist.

Solicitor Vogel addressed the delinquent Alcosan accounts and the most effective means to collect the delinquencies. First a notification letter should be sent. Then, depending on the amount of the delinquency, the Borough should either take the resident to court or file a lien

against their property. He will look into when it is cost effective to file a lien vs. taking them to court to collect the debt.

At 8:45 pm Council entered into Executive Session to discuss legal matters with Solicitor Vogel.  
At 8:57 Council concluded the executive session.

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

Respectfully submitted,  
Cindy Phelps, Secretary/Treasurer