

**Borough of Ben Avon Heights**  
**August 11, 2009 Council Meeting**

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

Present: Council Members Berardi, Davis, Dickson, Cuneo, Cuteri, Grubbs, Isherwood, Mayor Dismukes, Solicitor Vogel, Police Chief Micklos, Fire Chief Buckman, Emergency Mgmt. Coordinator Wichmann, resident Bob Frisch and reporter Paul Cusic.

**Council President Mr. Davis called the meeting to order**

**July 2009 Minutes**

- A motion was made to approve the July 2009 Minutes which were approved as distributed

**July 2009 Treasurer's Report**

- A motion was made to approve the July 2009 Treasurer's Report which passed unanimously

**Public Comment**

Resident Bob Frisch addressed Council with the following concerns: poor condition of Borough roads, "tacky" reflectors and/or sticks which at times protrude into roadways from residents' properties, neglected property maintenance of various homes in neighborhood (tall grass & weeds, paint peeling, etc.), and parking issues around the park.

Mr. Davis addressed Mr. Frisch's concerns and informed him of the following: Council is beginning the paving process in the Borough this year by paving Penhurst -- with plans to continue the repaving process throughout the Borough over the next few years, Council plans on adopting an Ordinance tonight to address the negligent properties in the Borough, and discussions of possibly widening Lynton Lane to alleviate park parking problems have been underway. Chief Police Micklos will address the leaning reflector issue with the residents.

**Police Report: Chief Micklos**

- BAH had a very quiet month, according to Chief Micklos, with only a few calls related to false alarms, medical assist, and animal complaints (barking dogs)

**Fire Report: Chief Buckman**

- A quiet month was reported by Chief Buckman

**Street Repaving: Mr. Davis**

- Bids for repaving Penhurst Road were opened at Shannopin Country Club today at 1 pm. The following contractors submitted bids: A. Folino Inc. \$94,767.49, T.A. Robinson Asphalt \$103,261.70, and Michael Fachiano Contracting \$134,242.00, Engineer Gaus reviewed the bids and recommended A. Folino Company -- they had the lowest bid, provided all the required documentation and have a good reputation. A motion was made to accept A. Folino's bid of \$94,767.48 to repave Penhurst Road according to specifications. The motion passed unanimously.

- Council discussed the option of securing long term financing for future road resurfacing projects

- Next month Jim Georgalas will attend the meeting with some long term financing information

**Tennis Court: Mr. Cuteri**

- Mr. Cuteri reported that approximately 30 residents have obtained their new tennis court key and signed the usage agreement

- The tennis court surface is bubbling in a few places and needs to be repaired, therefore Council asked Mrs. Phelps to contact Meneghini Company to arrange for an estimate so that it can be put into the 2010 budget

- Residents have complained recently about loud noises from tennis players playing tennis before 7

am. Mr. Davis will write a letter to residents and include a reminder about the 7 am start time.  
– Council discussed the condition of the sign on the tennis court door and decided that it needs to be replaced. It was decided that this expense will be added to the 2010 budget.

**Park: Mr. Cuteri**

- Several trees along Lynton Lane (on park property) have either dead or dying limbs, therefore Mr. Cuteri asked Mrs. Phelps to contact Walt's Landscaping to provide Council with an estimate to have the limbs removed.

**Emergency Management: Emergency Mgmt. Coordinator Mr. Wichmann**

- Avonworth School District approved the use of the school in the event of an emergency

**Perrysville Road Berm Asphalt issue: Mr. Cuteri**

- A resident recently informed Mr. Cuteri about a "pile" of dried asphalt near the Perrysville Road crosswalk (park side) which is causing a tripping hazard. Council asked Mrs. Phelps to contact PennDot to ask them to mill it down.  
- Council also discussed possibly paving the area from the crosswalk to the bus stop

**Consent Decree: Mr. Grubbs**

- Gateway Engineers is requesting that the Borough sign an agreement to increase our 2009 Consent Decree budget by \$8K to cover the required Feasibility Study's accelerated schedule. A motion was made to authorize Mrs. Phelps to sign the agreement with Gateway Engineers for the increase of \$8K to cover the accelerated Feasibility Study requirements. The motion passed.

**PA One Call Service Providers: Mrs. Phelps**

- Mrs. Phelps provided Council with three estimates for service providers to cover our PA One Call locating. They included: Avalon \$35.00 p/hr – no minimum call out – billed for actual time, Emsworth \$75 p/hr – 2 hr. minimum call out, Tri-State Maintenance \$50 p/hr – 2 hr minimum call out per notice. A motion was made to contract with Avalon Borough for our PA One Call locating service provider at a rate of \$35 p/hr with no minimum call out. The motion was approved. Avalon will draw up the contract for our solicitor to review/approve and Council to sign.

**Nuisance Ordinance Discussion**

- The proposed ordinance was advertised in The Citizen during the first week of July  
- A motion was made to adopt proposed Ordinance 300 which regulates litter and debris, obnoxious vegetation, stagnant water, infestations, and setting forth procedures and penalties for non-compliance. The motion passed by vote of 6 to 1 with Mr. Grubbs opposed.

**Regulation of Wage Tax Collection: Solicitor Vogel**

- PA is in the process of establishing a uniform collection process for collecting local wage taxes  
- A motion was made to appoint Al Cuteri as primary delegate and John Isherwood as secondary delegate to the Local Tax Collection Committee. The motion passed.

**Council entered into Executive Session to discuss legal matters at 9:08 pm.  
Executive Session concluded at 9:20 pm at which time the meeting reconvened.**

**Briar Cliff/Clovelly Insurance Claim**

– A motion was made to authorized Solicitor Vogel to pursue the insurance claim matter. The motion passed.

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

Respectfully submitted,  
Cindy Phelps, Secretary/Treasurer