

**Borough of Ben Avon Heights  
Council Meeting  
January 20, 2009**

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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, Berardi, and Dickson, Solicitor Vogel, Mayor Dismukes, Police Chief Micklos, and Ben Avon Assistant Fire Chief Jimmy Ruppert.

Mr. Davis called the meeting to order. The December 2008 minutes were approved as written. The December 2008 Treasurer's Report was approved as distributed.

Mr. Davis discussed the need for the proof of advertisement for the bid for snow removal from 2006 for a Liquid Fuels Audit. He said that he used an online company for the bid advertising and does not have any records. Solicitor Vogel said that we can provide them with the actual contract and the other bids that were received.

Police Report: Chief Micklos mentioned that we have had some hunting issues in the area, particularly in the area behind Giant Eagle. He mentioned that hunters need to be 150 yards away from any occupied property. Chief asked Council if the road salting in the community has been up to par. Council unanimously agreed that the salt coverage has been great.

Fire Report: Assistant Chief Ruppert provided Council with the 2008 Run Report and January's report. BAH did not have any Fire calls in January.

Consent Decree Report: Mrs. Dickson reported that our engineer is in the process of preparing the bid for the final 1,300 feet of camera work needed. Mr. Grubbs asked our engineer about Red Zone Robotics and was told that he thought that their cameras are 2 feet long, but will inquire further. Mayor Dismukes said that they have a variety of size cameras and that their cost is 1/3 of the cost of traditional camera work.

Community Affairs: Mrs. Phelps reminded everyone to please send Mrs. Cuneo their annual report information as soon as possible.

Mayor Dismukes reported that the Census Bureau asked him to review a preliminary Ben Avon Heights property survey to make sure that they have the correct jurisdictions. He noticed that they had a couple of the street names improperly named, so he corrected and returned them.

Council discussed the new guide rail at the intersection of Briar Cliff and Clovelly Roads. The guide rail is a temporary fix until the property damage insurance claim for the moving van incident is settled. Our engineer recommended rebuilding the cement retaining wall at a cost of \$23,000 as the permanent fix. Mrs. Phelps filed the claim and has been tracking it. She will make sure that we have a claim number ASAP.

A motion was made to pay Allegheny Fence Construction Company \$1,990 for the installation of the guide rail at the intersection of Briar Cliff and Clovelly Roads. The motion passed.

Solicitor Vogel provided Council with a proposed Resolution with the proper language for Shannopin's requested referendum (small games of chance) to be placed on the Primary Election Ballot in May. Mayor Dismukes suggested that Shannopin should help offset some of the costs (legal & advertising fees) associated with this referendum. A motion was made to advertise the proposed Resolution. The motion passed.

Kent Culley, the Borough's Zoning Hearing Board Chair, provided Council with a written report of the hearing results from Resident Mara Cregan's Zoning Variance Hearing which was held on January 14, 2009. By unanimous vote, the Zoning Hearing Board determined that Ms. Cregan will be required to remove her log structure from the Borough's right-of-way within 90 days of January 20, 2009.

Council discussed Mr. Olson's three requests from last month's meeting. A motion was made to require Mr. Olson to comply with the Zoning Officer's ruling to move his potting shed out of the Borough's right-of-way, while also making sure that he obeys the required side yard set backs. The motion passed. Mr. Olson has 30 days from the date of his notice (Mrs. Phelps will send), to appeal the Zoning Officer's decision. A motion was made to reimburse Mr. Olson \$500 for the stone wall which was erected on a portion of his property in 2002. The motion was denied. With regard to Mr. Olson's request for clarification of the rules for planting trees and shrubs within the Borough's right-of-way, our engineer is researching the topic and will provide written guidelines for Council.

Council asked Police Chief Micklos to please enforce the Borough's Sidewalk Clearing Ordinance throughout the Borough. Mrs. Phelps will email the ordinance to Chief Micklos ASAP.

Council asked Mrs. Phelps to please look into the Infrastructure Money which has recently been made available by the US Government to help with street repaving costs and sewer costs.

Mayor Dismukes offered to pick up the needed Election Petitions for the May Primary Election. Mrs. Phelps will send him an email with the number of forms needed. We have four 4-year term and one 2-year term Council positions up for re-election. Mayor Dismukes will run for a 4-year term as Mayor and Mrs. Phelps will run for a 4-year term as Real Estate Tax Collector. Berkheimer is deputized as the Borough's RE Tax Collector. Mrs. Phelps will ask the Heights Herald editors to put some information about how residents can run for Council seats in the next issue.

Next month's meeting is scheduled for Tuesday, February 10, 2009.

Respectfully submitted,

Cindy Phelps, Secretary/Treasurer