

**Borough of Ben Avon Heights**  
**April 13, 2010 Council Meeting**

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

**Present:** Council Members Berardi, Cuneo, Cuteri, Davis, Dickson, Isherwood, Kolenda, Solicitor Vogel, Police Chief Micklos, Fire Chief Buckman, Ben Avon Council Member R.J. White, and resident Marilyn Rodgers.

Mr. Davis called the meeting to order at 7:30 pm

**March 2010 Minutes**

A motion was made to approve the March 2010 Minutes. They were approved as distributed.

**March 2010 Treasurer's Report**

- A motion was made to approve the March 2010 Treasurer's Report which was approved unanimously. The 2010 Year-To-Date Budget Overview Report was reviewed.

**Public Comment**

- Resident Marilyn Rodgers asked Council if they are planning on writing a letter to Shannopin Country Club to voice concerns over the possible Marcellus Shale drilling. Mr. Davis informed Council and Mrs. Rodgers of a recent meeting that he had with Mark Sheppard, Shannopin's Vice President. Mr. Sheppard informed him that a vote will need to take place among Shannopin's voting members before they will allow a lease agreement to be signed. Solicitor Vogel reminded Council that state laws govern the drilling, therefore Council's only control is over Ben Avon Heights' roads. Mrs. Rodgers urged Council to do what they can to stop the lease agreement for the drilling at Shannopin.

- Ben Avon Council Public Affairs Chair, R.J. White asked Council if they might be interested in joining Ben Avon in a no cost Community Pamphlet to send out to residents. The pamphlet would feature a map, phone numbers and information for local businesses and schools, etc. The only expense to the borough would be the postage to mail it to the residents. Council will think over the option and let him know.

**Police Report: Police Chief Micklos**

- The written police report was provided to Council. Mr. Berardi asked if there is anything that the police can do to help with the control of teenagers that are using foul language at the park in front of young children. Chief Micklos said that all he needs to do is call the police, using 911, and they will come up right away to handle the situation.

**Fire Report: Fire Chief Buckman**

- A written fire report was provided to Council

**Wet Weather**

- Mr. Cuteri enlightened Council of the details of the Gateway Engineers' meeting which he and Mayor Dismukes attended to try to resolve the concerns with the O & M plan which Gateway presented to Council last month. They went line item, by line item and were still not satisfied. They will work on the plan to come up with a reasonable and agreeable O & M plan. It's possible that the borough may incur some fines since the submittal of the plan will be late. The goal is to have a draft plan for our May Council meeting. Solicitor Vogel submitted a letter to Allegheny County asking them for more time on the submittal of the plan.

- Council reviewed the bid results for the **2010 Sanitary Sewer Cleaning and Internal Inspection** bid opening which took place on April 8, 2010. Four bids were received, with the lowest bid of \$1,942.20 from Tri-State Maintenance, Inc. and the highest bid of \$6,165.00 from Insight Pipe Contracting, L.P. A motion was made to award the contract to Tri-State Maintenance, Inc. upon recommendation from our engineer. The motion passed.

- Council reviewed the bid results for the **2010 Sanitary Sewer Open Cut Repair Contract** bid opening which took place on April 8, 2010. Two bids were received, with the lowest bid of \$12,175.00 from Creative Enterprises Corp. and the highest bid of \$18,115.00 from Independent Enterprises, Inc. A motion was made to award the bid to Creative Enterprises Corp. upon the recommendation from our engineer. The motion passed. Council would like further clarification on line item # 4 – Locate defects and lines via CCTV because they believe the line has already been televised. Since the bid was set up using unit pricing this item could be a change order, if needed.

**ACORD: Mrs. Cuneo**

- A motion was made to appoint Mark Hansen to the ACORD Authority Board for the remainder of 2010. The motion passed.

**Oxford Road Bus Stop Safety**

- A resident asked Council if there is anything that can be done to make the Oxford Road bus stop area safer for the children.

The parked cars along Oxford Road are forcing the children to walk in the street. Council discussed the issue and decided that there isn't a good solution since alternative parking locations could make it even more unsafe for the children. Mrs. Phelps will provide the crossing guard with an orange safety cone which will help to alert drivers to go slow and watch for the children.

#### **Comcast Agreement**

- After careful review of the Comcast Agreement, a motion was made to advertise proposed Ordinance #303. The motion passed unanimously. Mrs. Phelps will advertise the proposed ordinance.

#### **Hauling Permit/Weight Limit Ordinance**

- Solicitor Vogel discussed the draft Weight Limit/Hauling Permit Ordinance with Council and Police Chief Micklos. It was decided that Solicitor Vogel and Police Chief Micklos will work together to tweak the ordinance and then they will present a revised draft for the May Council meeting. Council wanted to be sure that the ordinance addressed the "local delivery" issue in the new ordinance.

#### **Street Opening Ordinance**

- A motion was made to advertise proposed Ordinance #304 which establishes a permit fee of \$50 and a requirement of a bond and insurance. The motion passed. Mrs. Phelps will advertise the proposed ordinance.

#### **Planning Commission Ordinance Revision**

- A motion was made to advertise proposed Ordinance #305 which establishes the number of Planning Commission members from 7 members to 3 members, of which there can be two citizen members and one Council member. The motion passed. Mrs. Phelps will advertise the proposed ordinance.

#### **Allegheny North Tax Collection Committee: Mr. Cuteri**

- Mr. Cuteri updated Council on the happenings of the Allegheny North Tax Collection Committee.

#### **Maintenance Items: Mrs. Phelps**

- Mrs. Phelps informed Council that pot hole patching was completed yesterday, catch basin cleaning was completed today and street sweeping will take place on Monday, April 26, 2010. These items were all budgeted and part of our regular yearly maintenance.

#### **Statement of Financial Interests Forms: Mrs. Phelps**

-Mrs. Phelps reminded Council that their Statement of Financial Interests Forms are due by May 1, 2010.

#### **Adopt-A-Highway/Earth Day Litter Clean-Up: Mrs. Phelps**

- This Saturday, April 17<sup>th</sup> is our litter collection day to collect litter along the three state maintained roads which run through BAH. A community e-blast was sent to residents to let them know of the event.

#### **Real Estate Tax Collector Resolution #2010-01**

- A motion was made to approve Resolution #2010-01 which establishes Cynthia Phelps as Ben Avon Heights Borough's Real Estate Tax Collector from Jan 1, 2010 to Dec 31, 2013. The motion passed. The ordinance was required by Allegheny County.

#### **Draft Phase Five Road Repair Plan & AIM Loan 2010 Road Paving Project**

- Council reviewed and discussed, at length, both the Draft Phase Five Road Repair Plan and the AIM Loan 2010 Road Paving Project. After many options and suggestions were discussed, Council made a motion to authorize Gateway Engineers to engineer and bid the 2010 Road Paving Project which includes segments of Wilson Drive and Clovelly Road. The motion passed. Mr. Davis will contact Gateway Engineers to discuss the road paving project. Council agreed that the best option for the 2010 project would be to bid both roads in multiple sections with straight curbing. Once the bids come in, Council can determine which segments of each road falls within \$158,500.00. The remainder of the roads on the Draft Phase Five Road Repair Plan will need to be looked at, in detail, at a separate meeting or at our next Council meeting.

#### **Council entered into Executive Session to discuss legal matters at 10:10 pm. Executive Session concluded at 10:25 pm at which time the meeting resumed.**

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

Respectfully submitted,  
Cindy Phelps, Secretary/Treasurer