

Borough of Ben Avon Heights
December 15, 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, Davis, Dickson, Isherwood, Kolenda, Mayor Dismukes, Solicitor Vogel, Police Chief Micklos, and Fire Chief Buckman.

Council President Davis called the meeting to order at 7:30 pm

November 2010 Minutes

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

November 2010 Treasurer's Report

- A motion was made to approve the November 2010 Treasurer's Report which was approved.

Public Comment: None

Police Report: Police Chief Micklos

- The written police report was provided to Council. Chief Micklos provided Council with an explanation of some of the report items including hunting calls, animal complaints, and a traffic accident. Council asked Chief Micklos to go to the next level with enforcing the negligent property ordinance once spring arrives. Mr. Davis asked Solicitor Vogel to look into the IBC or BOCA codes to determine whether there might be language within to help with enforcement of the negligent properties areas that our negligent property ordinance does not address such as broken windows, gutter issues, etc.

Fire Report: Fire Chief Buckman

- A written fire report was provided to Council and Fire Chief Buckman informed Council of a call involving a strong gas smell on November 11th in the Oxford/Clovelly area. Columbia Gas investigated the area and found no leaks.

Banbury Sidewalk: Mr. Davis

- Mr. Davis talked to Harry Dilmore from Avalon and asked their public works to install the safety fencing along the area where the sidewalk was removed. Resident Greg Mihalko removed the barricades from the sidewalk area and then lined the sidewalk with safety cones. Mr. Mihalko pointed out the fact that the hillside along his property is not as steep as the hillside in front of 4 Banbury Road; therefore he sees no reason for a guide rail, safety fence, etc. Mr. Davis reported that the sidewalk demolition contract was fulfilled; therefore payment to Hoy, Inc. was authorized.

Briar Cliff Road: Mr. Davis

- Mr. Davis asked Avalon to install a barricade along the area where the road appears to have shifted to keep traffic off of the soft spot.

Consent Decree: Mr. Isherwood

- Engineer Gaspich is reviewing the situation regarding the sanitary pipe/line which is located within the Biddeford Road residents' front yards, due to the possible need to install manholes in that area. Solicitor Vogel is also reviewing the legal aspect of easements and right-of-ways.

-Mr. Davis mentioned that we could opt to install a new line within the roadway to replace the line which is in deplorable condition. Why install costly and unsightly manholes in residents' yards only to find out that the line needs to be replaced anyway? Council discussed getting quotes/estimates so that Council knows the most cost effective way to proceed.

- Mrs. Phelps was asked to look back at the 1954 minutes to determine if there might be anything regarding right-of-ways mentioned with regard to the Biddeford Road sanitary line.
 - Mayor Dismukes reminded Council that the Borough has the right to obtain the right-of-way either by eminent domain or voluntarily.
 - Council discussed Consent Decree compliance issues with regard to camera work completion.
 - Creative Enterprises started the deficiency corrections along Banbury and Biddeford and are now waiting for the go ahead to work in the Stratford/Biddeford area before they finish the work.
- Council asked Mr. Isherwood to notify Gateway Engineers that Council will not be able to authorize the Stratford/Biddeford work until more information is collected, therefore they should finish the contracted work and remove their equipment.

Clovelly Road Paving Program

- The first drawdown payment of \$73,063.20 was received from AIM. A motion was made to pay the first application payment to T.A. Robinson in the amount of \$73,063.20. The motion passed.
- The second payment application has been received, with sign off from Gateway, in the amount of \$68,837.29. Mrs. Phelps has submitted the second drawdown request of \$68,837.29 to AIM.
- A motion was made to pay T.A. Robinson the second payment application of \$68,837.29 when the loan drawdown funds are received from AIM. The motion failed to pass. Council determined that it would be best to wait to authorize payment during the January 11, 2011 Council meeting.
- Mrs. Phelps received the invoice from T.A. Robinson in the amount of \$22,877.25 for the trench work related to the Clovelly Road gas line replacement project. Gateway reviewed the invoice and approved the quantities; therefore Mrs. Phelps sent a request for payment to Columbia Gas in the same amount to be paid directly to T.A. Robinson.

Winter 2010-11 Snow Removal Contract: Mrs. Phelps

- A motion was made to approve the 2010-11 snow removal contract with Avalon Borough since they reduced the response time back down to 2 hours rather than the 6 hour time frame the original contract provided. The motion passed.

Emergency Management: Mayor Dismukes

- Council is awaiting a draft agreement from Ben Avon for shared services of Emergency Management. Once received it will be reviewed by our Solicitor and then reviewed by Council.

2011 Insurance Package Proposal Review: Mrs. Phelps and Mr. Berardi

- Higbee Insurance provided Council with a proposal of \$4,589 for 2011 which includes the General Liability Policy, Public Officials' and Management Liabilities Policy, Excess Liability Policy and Property (crime coverages) Policy. Last year's rate was \$4,367. A motion was made to accept the 2011 insurance proposal in the amount of \$4,589. The motion passed unanimously.

2011 Budget and 2011 Tax Millage Rate

- Council reviewed and discussed the proposed 2011 budget which was advertised. A motion was made to approve the 2011 budget. The motion passed.
- A motion was made to set the 2011 Tax Millage at 6.5 mills which is the same rate from 2010. The motion passed.

Allegheny County Economic Development Tourism Fund Grant: Mrs. Phelps

- The 2011 proposed budget includes funding of an Allegheny County Economic Development Community Infrastructure and Tourism Fund Grant. Mrs. Phelps submitted the grant application in the amount of \$50,000 with \$50,000 matching funds as authorized by Council. The funding approval will not be known until spring of 2011.

Uniform Traffic Control Devices (signs) Guidelines: Mayor Dismukes and Mrs. Phelps

- Mayor Dismukes and Mrs. Phelps enlightened Council of specific guidelines with regard to the MUTCD and BAH signs. The guidelines are set forth by the federal government to help prevent accidents by regulating uniform signs with regard to reflection, size, and lettering. BAH regulatory signs are up-to-date. Mrs. Phelps reviewed all of the BAH regulatory signs (stop, speed, no parking, etc.) this summer and had Avalon Public Works replace the ones which were worn or did not meet the guidelines (within the limits of the 2010 budget). Each year they should be reevaluated since reflectability levels will diminish over time. The street name signs are a different story. Our street signs do not meet the reflection guidelines; however they are the proper size and lettering. Currently there are three or four signs which need to be replaced due to damage and/or worn parts. Mrs. Phelps will get estimates to replace those signs for the next meeting.

2011 Meeting Schedule Discussion: Mrs. Phelps

- Shannopin will be closed for the entire month of January, therefore Council has received permission to use Ben Avon's Council Chambers for the January Council Meeting on Tuesday, January 11, 2011. Fire Chief Buckman will have a key to let us in and lock up afterwards. The February, March, November and December 2011 meetings will be held on the 2nd Wednesday of the month since Shannopin is closed on Mondays and Tuesdays during those months. The rest of the year Council will meet on the 2nd Tuesday of the month at Shannopin Country Club. Mrs. Phelps will provide everyone with a schedule and will also advertise the schedule as required.

PA Department of Community & Economic Development Grant: Mr. Davis

- Council has decided not to accept the grant in the amount of \$16,275 since the work proposed to upgrade our comprehensive plan will require more funds to do it correctly and the Borough does not currently have extra money budgeted for this purpose. Mr. Davis asked Mrs. Phelps to notify DCED.

Holiday Traditions: Mayor Dismukes

-For decades residents have been decorating the street signs around the neighborhood in the spirit of the holiday season. Typically homeowners, with street signs located in their yard, would decorate their sign with beautiful red and white ribbon and garland swags just before the annual Christmas Tea. This tradition seems to be almost forgotten since only a few street signs have been decorated this year. Mayor Dismukes asked if Council would like to reinvigorate this tradition. Council discussed it and would like to see the tradition continue. This topic will be revisited in September; however the following ideas were tossed around: reminders and/or informational letters could be sent to the residents, Council could provide the materials to the residents with street signs in their yards, the tradition could be tied into the 100 year celebration, and/or a new committee could be formed to do the decorating.

Council entered into **Executive Session** to discuss a legal matter at 9:18 pm. Executive Session ended at 9:49 pm at which time the meeting resumed.

Council thanked Mrs. Phelps for all of her hard work in 2010 and authorized a \$4,000 bonus.

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

Respectfully submitted,
Cindy Phelps, Secretary/Treasurer