

Borough of Ben Avon Heights
March 9, 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 Cuteri, Davis, Dickson, Isherwood, Kolenda, Mayor Dismukes, Solicitor Vogel, Police chief Micklos, Fire Chief Buckman, ACORD Authority Board Chair Ed Gould, Reporter Paul Cusik, and residents Ed Werley, Joe Dawley, Joan Mosey, Jason Brown, and Lou Colaanni.

Council Member John Isherwood was sworn in by Mayor Dismukes.
Mr. Davis called the meeting to order at 7:30 pm

January 2010 Minutes

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

January & February 2010 Treasurer's Reports

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

Police Report: Police Chief Micklos

- The written police report was provided to Council. Chief Micklos asked Council how BAH would like to define "local deliveries". After discussion, Council authorized the police to fully enforce the weight limit of 9 Tons. Companies making local deliveries should not be bringing vehicles into the borough with a weight over 9 Tons.

Fire Report: Fire Chief Buckman

- The month of February was busy for the fire company due to downed trees from the 2010 Snow Event and the need to dig out all of the fire hydrants from the 21" to 30" of snow that fell. A written fire report was provided to Council.

ACORD Park: Ed Gould

- Mr. Gould enlightened Council of the circumstances surrounding the bonuses of two ACORD Park employees and a gratuity payment to a board member for reimbursement of expenses for equipment rental. Council thanked Mr. Gould for taking the time to explain the issues.

Website Criteria: Mr. Cuteri & Mrs. Phelps

- Council and webmaster, Jason Brown, discussed what should & what should not go on the website in an effort to establish criteria. It was decided that non-profit groups, which might be of community interest, could have links to their websites put on our website. The website will not be used for promoting fundraisers and non-Ben Avon Heights activities. The website's purpose is to serve as a tool for residents to stay better informed when it comes to Council information & Community Club information and activities.

Draft Phase Five Road Repair Plan: Mayor Dismukes

- Mr. Dismukes provided Council with a draft Phase Five Road Repair Plan which he would like Council to carefully review and provide detailed comments and suggested revisions. He asked that council members walk the roads with the plan to be sure that everything has been considered. The plan reflects Gateway Engineers' priority list. Once all of the suggested revisions are incorporated, it will be presented to Council for approval during the April Council Meeting. After Council approval, the plan will be mailed to the community for review and comment. Ultimately, he would like to see a Community meeting towards the end of April to engage in meaningful community input prior to the 2011 budget plans. Resident Ed Werley asked Council to please be careful when repaving the roads. He explained that most of our roads do not have a wearing course and binder, so once they are opened up there isn't much protecting the surface and/or underground pipes. He suggested using a firm that uses smaller trucks to deliver supplies and do the work in order to protect and preserve the underlying surface and pipes.

Sidewalk Clearing

- Council authorized the Police to issue warnings to anyone that does not clear their sidewalks within 24 hours of ceasing of snowfall. Too many residents are not following the Ordinance with mandates them to maintain their sidewalks. Solicitor Vogel said that the Borough could pay to have someone clear the sidewalks and then send the resident the bill. If they don't pay it, a lien can be filed against their property. Council will revisit this issue prior to next winter.

Comcast Agreement

- After careful review of the Comcast Agreement, a motion was made to approve advertised Ordinance #303 approving the Comcast Agreement. The motion passed unanimously.

Hauling Permit Process: Mrs. Phelps

- Council discussed the need for a hauling permit ordinance to keep overweight trucks from damaging our roads. In 2005, a draft ordinance was reviewed, but never passed by Council. Solicitor Vogel will review the ordinance, make any necessary changes and then get it ready for advertising. Council authorized the advertisement of the proposed hauling permit ordinance.

Zoning Hearing Board, ACORD Park and Planning Commission Member Terms: Mrs. Phelps & Solicitor Vogel

- For the record, the following terms were noted: The Zoning Hearing Board Members have a term of three years with one member's term expiring each year, the ACORD Park Members have a term of one year with reappointments or new appointments yearly, and the Planning Commission Members have a term of four years. The Planning Commission ordinance will be revised to reflect fewer member requirements.

Authority for Improvements in Municipalities (AIM) Loan – 1.79%: Mrs. Phelps

- A motion was made to approve advertised Ordinance #302 authorizing Ben Avon Heights to borrow \$158,500 for 5 years at an interest rate of 1.79% for the 2010 Road Program. The motion was approved unanimously. The following documents were exhibits to Ordinance #302: AIM Loan Agreement, Certificate of Indebtedness, Offer Letter, and Resolution #2010-01. The next step in obtaining the loan is DCED approval. Once DCED approval is received Council can execute the AIM Loan by signing the Loan Agreement and Certificate of Indebtedness. As part of the conditions of the loan, Council must have an executed sales agreement with a contractor by 6/15/10.

Allegheny North Tax Collection Committee: Mr. Cuteri

- Mr. Cuteri provided Council with the draft Allegheny North Tax Collection Committee Bylaws

Council approved the use of the park for the Ben Avon Community Presbyterian Church Easter Sunrise Service on 4/4/10

Shannopin Oil/Gas Drilling: Mr. Kolenda

- Mr. Kolenda wanted Council to be aware of the possible oil/gas drilling at Shannopin. Shannopin is in the process of negotiating the contract but the actual drilling most likely would not take place for a few years. This could involve many truck loads of sand and water to travel through our community. Resident Lou Colaianni expressed his concern over the environmental effects of a project of this magnitude. He said that over 3 million gallons of water (equaling 500 to 800 truck loads) would be needed. The project and trucks will stir up dust throughout the neighborhood and the water runoff could pollute private wells and have other negative effects. Resident Joan Mosey also expressed her concern over the project by providing Council with an informational sheet on oil drilling. Mrs. Phelps will scan and distribute the article to Council. Solicitor Vogel informed the residents that it appears that the drilling would physically take place in a different municipality, which means the only leverage Ben Avon Heights Council would have over the project, is the control over our roads. Mr. Dismukes encouraged the concerned citizens to closely follow the project and to actively participate in the public notice and comment process required for any and all permits required for this project. Notice of such permits is typically published in the *Pennsylvania Bulletin* and all comments need to be filed within a short specified time period.

Community Composting Day: Mr. Davis & Mayor Dismukes

- Council discussed the possibility of a Community Composting Day to aid in the removal of all the limbs and branches from the February snow storm. Mrs. Phelps will check with Walt's Landscaping to determine if they are willing to set up 3 or 4 locations throughout the neighborhood for collecting and chipping limbs and branches.

Snow Event 2010: Mrs. Phelps

- Due to approximately 30" of snow which fell during two, back to back snow storms in February, Ben Avon Heights (as well as Allegheny County) declared a State of Emergency. A Public Assistance Request was submitted to Allegheny County Department of Emergency Services with the hopes of some financial assistance for storm cleanup. FEMA is reviewing paperwork from all of the Allegheny County Municipalities and then will decide if they will provide financial assistance.

Council entered into Executive Session to discuss legal matters at 9:45 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