

Borough of Ben Avon Heights

May 11, 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, Kolenda, Mayor Dismukes, Solicitor Vogel, Police Chief Micklos, Fire Chief Buckman, Ben Avon Council Member R.J. White, Reporter Paul Cusick, Emsworth Council Member Paul Getz and residents Lou and Phyllis Colaiani, Joan Mosey, Marilyn Rodgers, Jim Georgalas, and Shannopin Country Club Vice President Mark Shepherd.

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

April 2010 Minutes

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

April 2010 Treasurer's Report

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

Public Comment

-Council discussed the "website feedback" item received regarding the possible closing of Suburban General Hospital and how it may affect our community and residents. A town hall meeting will take place on Friday, May 14, 2010 in Bellevue. The meeting information has been posted on our website. Council President Davis asked Solicitor Vogel about becoming "Friends of the Court". Solicitor Vogel was asked to monitor the hospital situation and keep Council informed.

- Ben Avon Council Public Affairs Chair, R.J. White, returned to asked Council to commit to joining Ben Avon in a collaborative pamphlet to be mailed out to Ben Avon & Ben Avon Heights residents. Council authorized Mrs. Phelps to release the information needed to compile and distribute the pamphlet.

Fire Company Study – Emsworth Council Member Paul Getz

- Council was provided with a fire company study which reviewed the possible need for consolidation of the Emsworth & Ben Avon Volunteer Fire Companies. On May 27, 2010 there will be a meeting to discuss the study at 7 pm at the Emsworth Borough Hall. Mr. Getz encouraged Council to attend the meeting.

Marcellus Shale Discussion

-Shannopin Country Club Vice President Mark Shepard provided Council and concerned residents with an overview of the possible lease agreement for Marcellus Shale drilling at Shannopin Country Club. He said that Shannopin is close to an agreement; however the actual drilling will most likely be 5 years away. Shannopin Voting Members will need to vote to approve the agreement. All DEP rules and regulations in place at the time of drilling must be followed, according to Mr. Shepherd. Resident Lou Colaiani asked if Shannopin will have the ability to approve where the drilling equipment and actual drilling will be located and Mr. Shepherd said, "Yes". Mr. Shepherd does not believe that any trucks or equipment will be in Ben Avon Heights because major roads are needed to bear the weight of the vehicles and equipment. Solicitor Vogel asked which communities will be impacted most by the drilling and Mr. Shepherd said, "Ohio Township and Ross Township mainly". He also asked what the lead time would be before drilling could take place. Mr. Shepherd said approximately 60 to 90 days after the permit is issued. Resident Jim Georgalas urged Shannopin to require a wall or sound barrier as part of the agreement. He also said that a close watch is necessary to assure that our water is not polluted. Resident Joan Mosey asked if Shannopin will have to pay tax money on the drilling income and Mr. Shepherd said, "Shannopin will have to pay tax on the oil fracking income". Council President Davis reminded everyone that the DEP has jurisdiction over the drilling.

Police Report: Police Chief Micklos

- The written police report was provided to Council. Chief Micklos said that he has been working with our Solicitor to fine tune the Weight Limit Ordinance revisions.

Fire Report: Fire Chief Buckman

- A written fire report was provided to Council. Mrs. Phelps thanked the chief for the letter which he wrote about the conditions of the roads during the February snowstorms. The letter was provided to FEMA.

Wet Weather

- Mr. Cuteri and Mayor Dismukes revised the O & M plan and then submitted it to Gateway. Gateway did not have any revisions or problems with it. The plan was presented to Council. A motion was made to adopt the O & M plan draft to be

Park: Mr. Cuteri

-Mr. Cuteri reported that he will be turning on the water for the drinking fountain as soon as possible.

5 Phase Road Repair Plan

-Mr. Davis and Engineer Joe Sites toured the neighborhood to refine the 1st phase of the 5 Phase Road Repair Plan. Engineer Sites is preparing bids, to be opened before our next Council meeting, for the paving of Clovelly Road and Wilson Drive so that Council can award the bid during the June Council Meeting.

-Council discussed the overall 5 Phase Road Repair Plan and decided that more time was needed to prepare a well thought out plan to present to the community. Mr. Cuteri will compile everyone's comments with the draft 5 Phase Road Repair Plan. His goal is to have that complete by July. By September, Council can have a solid plan to present to the community.

Comcast Agreement

- A motion was made to approve Ordinance #303 - Comcast Agreement. The motion passed unanimously.

Hauling Permit/Weight Limit Ordinance

- Solicitor Vogel presented Council with a draft Weight Limit/Hauling Permit Ordinance. Police Chief Micklos and Solicitor Vogel tweaked the ordinance to cover the "local delivery" issue. A motion was made to advertise the Weight Limit/Hauling Permit Ordinance. The motion to advertise was approved.

Street Opening Ordinance

- A motion was made to approve the advertised Street Opening Ordinance (#304) which establishes a permit fee of \$50 and a requirement of a bond and insurance. The motion passed.

Planning Commission Ordinance Revision

- A motion was made to approve the advertised Planning Commission 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.

FEMA Designation of Agent Resolution

-A motion was made to pass the FEMA Designation of Agent Resolution naming Mrs. Phelps as Ben Avon Heights' Agent for the FEMA February Snowstorm Grant. The motion passed.

North Borough's Fireworks Donation

- A motion was made to donate \$200 to the North Borough's Fireworks Celebration. This was a budgeted item. The motion passed unanimously.

Memorial Day Parade Donation

-A motion was made to donate \$150, which was budgeted, for the 2010 Memorial Day Parade Celebration. The motion passed.

Planning Commission Grant

- Preliminary approval was received from the Department of Community & Economic Development for a Planning Commission Grant in the amount of \$16,275.00. After the final approvals and clearances are received, a contract will be forwarded to Council.

Council entered into Executive Session to discuss legal matters at 9:05 pm.

Executive Session concluded at 9:20 pm at which time the meeting resumed.

A motion was made to authorize Mrs. Phelps to pay the undisputed portion of the Gateway Engineer bills under the discretion of Council. The motion was approved. Council will review the bills and then let Mrs. Phelps know which Gateway Engineer bills to pay.

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

Respectfully submitted,
Cindy Phelps, Secretary/Treasurer