

Borough of Ben Avon Heights

Tuesday, July 12, 2011 Council Meeting Minutes

The regular meeting of council was held at Shannopin Country Club at 7:30 P.M.

A quorum is in attendance after the swearing in of Councilman Keelan

Present:

Council Members: Cuteri, Davis, Keelan, Isherwood

Mayor: Dismukes

Solicitor: Vogel, Tucker/ Arensberg Attorneys

Fire Chief: Buckman

Ohio Twp. Police Chief: Micklos

North West EMS Chief: Webster

Borough Engineers: Firek of Lennon, Smith, Souleret Engineering, Inc.

Secretary/Treasurer: Raves

Resident: Bob Nock

The meeting was called to order at 7:30 PM by President Davis:

New Council Member Peter Keelan was sworn into office by Mayor Dismukes.

1. June 2011 Minutes

- A motion was made to approve the June 2011 Minutes. They were approved unanimously as distributed.

2. June 2011 Treasurer's Report

- A motion was made to approve the June 2011 Treasurer's Reports which was approved unanimously as distributed. During a review of the budget overview, a question has come up regarding the fact that account 401.00 General Government is already over budget for the year. A report will need to be produced to determine why this is happening.

3. Public Comment – Discussion regarding the sinking of Briar Cliff Road just above the Nock's house took place. Mr. Nock asked what the Borough is doing about the road since he is attempting to sell his house. Mr. Nock stated that he did not feel that the hillside has been moving, but the roadway is sinking. The "slide area" is out of the Borough's right-of-way based on information and a drawing produced by the Engineers and Bob Firek gave a description of how the soil will act during settlement. In his opinion, a retaining wall of some type may be needed to prevent a slide. The additional concern is

the fact that there are utilities running down the road which could be damaged in the event of a drastic failure. Sawhorses have been placed near the affected area to prevent vehicles from causing the issue to accelerate more quickly. Mr. Nock stated that the recently installed curb has done its job keeping the water channeled toward the sewer and not running down the hillside but he does not feel that there is an issue regarding a landslide

4. Police Report: There was one Motor Vehicle accident, a gas leak, wires down, an animal complaint, theft of flags at Shannopin and a harassment claim. (This was from a former employee.)

A review of where Ben Avon Heights is regarding the One Call Now system took place. Mrs. Raves had training for the GEO portion of the system earlier that day. But they stated that we were not set up for e-mail with our account. Chief Micklos will work on getting that remedied since we should be set up for email access. There is to be a link for us to send out residents so they can "opt in" to this system. At this time, our account is set up for residents phone numbers all to be "opted in". They will be able to "opt out" if they want. We might want them to submit a letter stating they have chosen to "opt out" therefore releasing the Borough of liability if they do not receive a message causing something to happen to them or their property.

One resident contacted M. Davis regarding a rumor that Shannopin has a rat infestation... but the Chief has not had any reports.

5. Fire Report: Contractor hit Gas line at 15 New Brighton, car over the hill at 2 Perrysville, transformer at Stratford and two fire alarms this month.

6. Quarterly EMS Report: 4 calls over the quarter. Average response time 5 minutes. CPR and First Aid certification has changed drastically. Please contact the Chief if anyone wants to be recertified call the base and the Chief will get a class set up at a convenient time and location.

7. Tree Bids - Two bids were reviewed from Tall Timbers Tree Experts and Walt's Landscaping. Tall Timber Tree Experts' price to remove 7 trees and grind out 5 stumps is \$1,250.00. Walt's price for the work is \$1,430.00; however, Walt's will also reseed the 5 locations in the park where the stumps were removed for his price. It was noted that the two bids are very low and competitive.

A motion was made to award the tree removal to Walt's Landscaping for the sum of \$1,430.00 provided he reseeds the 5 locations where stumps have been removed from the grass area. The motion was approved unanimously.

8. Delinquent Property Review – Letters were sent to several residents last month regarding their violation of Ordinance 300. There are still two properties out of compliance. A letter will be sent to those properties notifying them that the Borough will perform the work and forward them the bill. Mayor Dismukes has declined to sign one of the letters so Mr. Cuteri has signed that letter in lieu of the Mayor. Council is in agreement of sending the letters.

9. AIM loan papers to initial – The final papers have been forwarded due to the fact that we have drawn down our final amount. The Authority has requested these papers be initialed and returned. Council was concerned that the dollar amount listed on the new loan payment sheet was not what was budgeted... and questioned why the payments been moved back to November. Could this movement of the due date be the cause of the additional fee? John Vogel will have the attorney who reviewed the loan initially review this issue. We will not initial the sheets and return them till this review is completed. (On Wednesday July 13th, it was determined that the payments schedule is the same with the exception of the due date. Mark Davis instructed Denise Raves to initial the pages and return them to the Authority.)

10. Three Men and a Truck –A list of jobs was reviewed by Council and approved for submission to Mr. Dilmore. The concern is that there may not be enough work to keep the team busy. We will ask Mr. Dilmore for his opinion regarding the amount of time this work will take. If he feels that this is a sufficient amount of work, we will proceed with the list.

We need to add the downed STOP sign at the corner of Wilson and Perrysville roads. Mrs. Raves will contact Mr. Dilmore to get that work done as soon as possible.

11. Storm Water at 1 Canterbury: We cannot go back and require residents who have already begun projects to adhere with procedures that we do not have in place. A discussion took place regarding the Borough’s Storm Water Management policy and the following statement was approved for use until an ordinance is adopted:

“With regard to your storm water discharge on your property at (insert address), we advise you that your storm water should not adversely affect any neighboring properties including the public streets. We would prefer, but do not require, that you connect the storm water into the storm water system or storm water catch basin. You are not permitted to connect storm water to the sanitary system.”

This statement will be added to the “Letter of Procedure”.

In addition, the Zoning Officer will now be informed of any work being done in the Borough. It will be his determination whether a permit will be necessary or not.

The work currently taking place at 15 New Brighton was discussed. This project has gone beyond the originally reported "French Drain" work that was presented to the Borough weeks before construction began. From now on, all projects are to go to the Zoning Officer for review... if a permit is needed then the process will continue; if not, the owner will be required to submit a letter clearly outlining the extent of their project that will then be on file in the Borough office.

J. Isherwood will contact the contractor at 15 New Brighton and request that they submit their project for zoning review.

12. Tennis Court Keys.

Mr. Cuteri has had several requests for new tennis court keys. The cost of the keys is \$25.00 to replace a key that was previously issued. A check for \$25.00 from Arlene Grubb was submitted for her new key.

Mrs. Raves noted a tennis camp taking place in the Park that does not have Council permission or the proper paperwork to continue. A release form was put together and forwarded to Michelle Dawley for distribution to all participant's Parents or Guardians. These forms must be filled out and taken to the Borough Office by Thursday morning for the camp to continue.

A letter to all residents will be drafted by Mr. Cuteri notifying residents of proper procedures regarding usage of the park and tennis court.

13. Emergency Management Services – Mr. Dismukes presented a proposed Intergovernmental Cooperation Agreement Establishment of the Joint Emergency Operations plan to Council for their review.

A motion was made to send a draft of the "Intergovernmental Cooperation Agreement Establishment of the Joint Emergency Operations" to Ben Avon for their approval. The motion passed unanimously provided the wording is changed to include covering number of dwellings not residents under Section IV. (Finances).

A motion was made to advertise the Ordinance to enter into an Intergovernmental Cooperation Agreement for the Establishment of the Joint Emergency Operations in time for a vote at our next meeting the motion was passed unanimously.

14. Engineer's Report –

Regarding the Consent Order:

Lennon Smith Souleret is prepared to, on behalf of the Borough, submit the Municipal Planning Information Submittal necessary for submission to Alcosan. The semi-annual report is due July 31, 2011. This will include the updated GIS mapping recently performed. A draft will be submitted to the Mr. Isherwood for review prior to submittal. When preparing for that report, LSSE will determine if they have received all pertinent information from Gateway.

LSSE attended the Lower Ohio/Girty's Run Planning Basin meeting and forwarded a meeting summary dated July 5, 2011 along with Feasibility Study Working Group summaries with handouts.

LSSE recommends a subcommittee be formed to review roads, storm sewers and sanitary sewer budgets for 2012 - 2017. Mr. Isherwood, Mr. Keelan and Mr. Davis will attend a meeting Friday July 22nd at 2:00 PM at LSSE's offices.

Other work

Dye testing was conducted on Oxford and Briar Cliff where sewer line blockages were believed to be located. It has been determined that both areas actually end at those locations and flow down to other sections of the system.

The pipe located under Biddeford Road appears to be deficient and should be considered for replacement rather than repair. Replacement would cost approximately \$100,000.00 rather than installing manholes to do spot repairs at a cost of approximately \$60,000.00 - \$80,000.00. This work would count toward the yearly requirement for the O&M.

15. Curb at Banbury – No bids were received, again, for the work at Banbury Lane.

Greg Mihalko was interested in the work; however, his bid was received a day late. Mr. Davis called Mr. Mihalko and asked him if his firm could install approximately 300 feet of 18" curb for under \$10,000.00. The answer was no.... Additional discussion occurred regarding what could be done at the site for under \$10,000.00.

A motion was made – to hire Greg Mihalko to provide approximately 100 feet of curb and fix the storm inlet along his property on Banbury Lane for \$9,995.00. *The motion passed* – unanimously.

16. Executive Session: Council entered into Executive Session to discuss legal matters at 9:00 pm. Executive Session ended at 9:20 p.m. at which time the meeting resumed.

17. Discussion took place regarding what should be done regarding the depressed portion of Briar Cliff Road.

A motion was made authorizing LSSE to conduct geotechnical testing of the area and bring several resolution options to council along with estimated costs including LSSE's design fees for each. The motion passed unanimously.

18. Right-To-Know – A request was made for the Borough to produce income tax information including the names, addresses and penalties of all residents in the Borough. We are required to provide information; however, we are not required to divulge personal information. Mrs. Raves forwarded a monthly report provided by Berkheimer for this request with general information.

The Borough can charge for copy fees and postage for any requests only.

19. Bees in the Park: Several calls were received today regarding a number of bees at the tennis court. Ehrlich came and treated the posts around the court and looked unsuccessfully for a nest. The area that was treated is covered by the initial fee for 30 days. If anyone hears of additional bee issues please let Mrs. Raves know so we can call them back out for additional treatment. If they are not called back, Ehrlich has stated that they will reduce the \$295.00 fee.

A motion was made to adjourn the meeting. The motion passed. This meeting adjourned at 9:50 P.M.

Note: The next scheduled meeting of Council is August 9th at 7:30 P.M. at Shannopin Country Club.

Respectfully submitted,
Denise Raves, Secretary/ Treasurer