

## Borough of Ben Avon Heights

### Tuesday, May 10, 2011 Council Meeting Minutes

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

#### Present:

Council Members: Cuteri, Davis, Isherwood, Kolenda

Mayor: Dismukes

Solicitor: Vogel, Tucker/ Arensberg Attorneys

Fire Chief: Buckman

Ohio Twp. Police Chief: Micklos

Borough Engineers: Brett, Firek (both of Lennon, Smith, Souleret Engineering, Inc.)

Secretary/Treasurer: Raves

Guest: Caitlin Frew

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

1. April 2011 Minutes

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

2. April 2011 Treasurer's Report

- *A motion was made to approve the April 2011 Treasurer's Reports which was approved as distributed; however, next month council wants to see more detail on this report.*

3. Police Report: Police Chief Micklos

The report shows a flood in Ben Avon Heights, however, that should read Ben Avon.

Not much happened... a child was threatened on New Gate road but nothing came of the threat.

A few traffic conditions and barking dog reports took place.

Chief presented the "One Call Now" program that Ben Avon would like to participate in and that he has decided to bring forward and run for all the communities under his jurisdiction. This program will enable the Chief to send out emergency notices directly to participating residents.

There are two levels available, they are as follows: .95 cents per year per house will enable the operator to send a phone message and Email on an unlimited basis to each house. For \$1.25 cents per house per year there will be the ability to send a phone message, email and text messages. (Each

house can have up to 6 phone numbers and 5 email addresses included.) Note: these prices are based on all of our communities participating.

Each community will have three licenses to access the system themselves and can send their community unlimited messages annually. The Chief can send messages to all communities or limit it to a neighborhood as needed.

This could be added to our police contract. And it might be able to be tied into the school district and the EMS program. We would like to see the system be complementary with the existing systems currently in place.

*A motion was made to Authorize Chief Micklos to proceed with the "One Call Now" program, including texting, on behalf of Ben Avon Heights. The motion Passed unanimously.*

"Negligent properties" was discussed. An email blast was sent to all residents last month regarding the Borough's ordinances. Mark Davis will make a comprehensive list regarding what issues need to be enforced for council's review.

The police report has been accepted.

4. Fire Report: Fire Chief Buckman

- Written monthly fire report was provided to Council. There was an open burning. The limit for personal bonfires (without a permit) is 4'-0" x 4'-0" x 3'-0" and must be 10'-0" from property lines, utility lines and neighboring structures.

The fire report has been accepted.

5. Yoga in the park: Caitlin Frew, from Yoga on Fremont, is proposing to offer a class once a month throughout different communities within the local area. This will be a free program that accepts donations which will then be given back to the community where the class was offered. (This will be indicated on the information form posted.) Insurance policies and release forms were provided for review.

Council discussed that the insurance policy will need to state that it will cover Yoga on Fremont, its instructors and Ben Avon Heights. A statement from the insurance company will need to be provided stating that operations in the park are covered and also include a statement releasing Ben Avon Heights from liability.

*A motion was made to allow Yoga in the Park providing that the proper insurance certificate is submitted. The motion was passes unanimously.* This program is tentatively scheduled to begin the first Friday in June, weather permitting.

6. Real Estate Reassessment Moratorium- this item is being tabled indefinitely.

7. Allegheny County CDBG and Home Program participation. The borough is not eligible for this program; however, if we do nothing we will automatically "Opt In" and therefore not be eligible for other grants. *A motion was made to "Opt Out" of the Allegheny County CDBG and Home Program for years 2012, 2013 and 2014. This motion was approved unanimously.*

8. Emergency Management Cost Reimbursement. Mayor Dismukes stated that work on this project has started and will proceed. We will continue to hold this payment.

9. Safe Deposit Box. We believe that critical documents such as deeds to the property the Borough owns are located within this box. At this time no one has seen its contents.

*A motion was made to draft a Resolution stating that any two of the following: the Mayor, President of Council and the Borough Secretary/ Treasurer will have access to this box. The motion was passed unanimously. Denise Raves will type this Resolution for Mr. Vogel's review.*

10. Tree Removal. *A motion was made to accept the proposal submitted from Walt's Landscaping to remove the dead tree, located across the street from 17 Briar Cliff Road and its debris using a bucket truck for \$525.00. The motion was approved unanimously.*

11. Resolution: *A motion was made. To pass the Resolution drafted by Mr. Vogel to permit a \$35.00 fee for No Lien Letters. The motion was passed unanimously. (Resolution 2011-1)*

12. Mayernik Citizenship Award: *A motion was made to vote for Essay "C". This motion was approved.*

### 13. Engineers' Report

A. Storm Sewer work at the end of Clovelly is complete.... Soli Construction did extra work because the line was much deeper than thought; therefore, the anticipated tie into the catch basin at the top of the hill was not possible, instead they tied into the lower catch basin. Additional work and materials were needed to complete this project. Lennon, Smith Souleret Engineers worked with the contractor in the field to devise the alternate plan. Therefore, Soli Construction's bill is larger than the \$4,750.00 originally bid. The bill submitted for the completed work is \$6,312.01. This amount is approved and check #11013 was signed for issue May 11<sup>th</sup>.

B. T.A. Robinson was on site today to work on punch list items from the 2010 Road program. They need to seal the cuts they did today. Other items on the punch list were completed.

We need close out the contract and the loan for this job. Copies of the previous payments and the signed change orders will be sent to Lennon Smith for their processing so the final application for payment can be submitted.

C. Columbia gas still has outstanding work regarding the 2010 Road Program: both a hole in the drive and a concrete pad need to be replaced at 28 Oxford Road. An email will be sent to let them know what is still anticipated from them.

D. 2011 Road project – Banbury Lane. The width of Banbury Lane is narrower than PennDot's standard and the sidewalks are out of the Borough's Right-of-Way. We would have to purchase the property from the owners and re deed the property if we were going to work on the sidewalks. Discussion regarding this issue will resume after receiving bids for this work on June 14<sup>th</sup>.

PennDot has had issues with ADA regarding the width of sidewalks. The new guidelines indicate that sidewalks should be 5'-0" or a minimum of 4'-0" wide with a passing area every 200 feet. The current sidewalk on Banbury Lane is 3'-0" wide. PennDot has an ADA specialist that the engineers will contact for review.

The sidewalk was removed from Banbury Lane above 3 Briar Cliff Road for safety reasons. A discussion will take place later to see if it would be feasible to install another sidewalk at this location.

Another cause of concern at this location is the existing steep grade. If we were to follow ramp guidelines, we would end up having to install a step. The engineers will provide a "Technically Infeasible" form to show that there is no way to put a sidewalk with the recommended slope at this location. Other communities have been required to provide a "tabletop" effect at these types of locations. One side of the site will be raised or the other cut down to provide a level area at the intersection. To make this work, it will be very costly. The engineers will provide drawings to show how this sidewalk would need to be handled in order to comply with all current guidelines.

One thought is that we just rebuild this curb and not provide a sidewalk. We need to verify a safe condition exists once work is completed. In this instance, the corner would then need to be signed as "Not a Crosswalk".

If we construct a new sidewalk, we will need to get a "Temporary Easement" to build the sidewalk then once construction is complete the walk would be turned over to the Mihalko's. At that time, they will need to be aware that the sidewalk is theirs to maintain from that point on.

Bids will be delivered to the Engineers Offices at 4:00 P.M. on Tuesday June 7<sup>th</sup>. They will open and tabulate the bids and present them at our next meeting. Mark Davis will be in attendance at the bid opening

14. Executive Session: Council entered into Executive Session to discuss legal matters at 8:05 pm. Executive Session ended at 8:30 pm at which time the meeting resumed.

15. The street light located at the bottom of the driveway of 20 Banbury Lane has been out for several weeks. Duquesne Light has stated that they need to replace the wire to that fixture, and cut the branches of the bushes that rub the wire. The owner of 20 Banbury has denied them the ability to pull a truck onto their decorative concrete driveway and they stated they would find another way to access the area.

16. A motion was made to adjourn the meeting. The motion passed. This meeting adjourned at 9:03 P.M.

Respectfully submitted,  
Denise Raves, Secretary/ Treasurer