

## **Borough of Ben Avon Heights**

### **Wednesday, November 9, 2011 - 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

#### **Present:**

Council Members: Berardi, Cuneo, Cuteri, Davis, Keelan, Kolenda

Solicitor: Marc Coda, Tucker/ Arensberg Attorneys

Fire Chief: Buckman & Assist Chief Rupert

Ohio Twp. Police Chief: Micklos

Secretary/Treasurer: Raves

Ben Avon Representatives: Bett

Ben Avon Heights Residents: Joe Dawley, Jeff King, Greg and Maryann Mihalko

Citizen's Editor: Rankin

The meeting was called to order at 7:33 PM by President Davis:

1. October 2011 Minutes  
- *A motion was made to approve the October 2011 Minutes. They were approved unanimously as distributed.*
2. October 2011 Treasurer's Report  
- *A motion was made to approve the October 2011 Treasurer's Reports which was approved unanimously as distributed.*
3. The Budget Overview – held till Budget Review later in the meeting
4. Public Comment – Jeff King of 4 Banbury Lane attended to hear the discussion regarding the Fire Contract due to the email that was sent out earlier today by Michael Bett of Ben Avon.
5. Police Report: 1 DUI, Some animal complaints, Removal of a dead raccoon, 1 traffic accident and a citation. When asked about a bomb threat was reported at Northgate High School during swim practice Chief Micklos stated he was unaware of that threat.
6. Fire Report: 1 call last Sunday (that was actually November) Halloween Parade went well. Fire Department will provide candy canes Christmas Eve at the park with Santa. Wanted to know if Hot Chocolate would be provided; however, K. Cuneo has reported the Community Club has decided to do away with hot chocolate due to time being near the dinner hour. Council defers to the decision of the Community Club regarding this matter.

7. Community Club: K Cuneo reported that all the neighborhood street poles will be decorated this year thanks to the fact that plenty of volunteers have come forward. The tree in the park will be decorated by the Dicksons.

D Raves reported that Matt Wensel has volunteered to update the Community Directory.

8. Budget Review: M Davis stated that we met two weeks ago to review the Budget for next year. The Wet Weather and Street Repaving costs continue to loom over our Budget. So then Mr. Davis began this discussion with the Engineer's Report:

A. Mr. Firek reported that the soil analysis conducted by Garvin Boward Beitko Engineering Inc, clearly indicates unstable soils at the Briar Cliff location and estimates that the construction of a retaining wall will cost between \$125,000.00 and \$150,000.00. This cost is based on the installation of a soldier beam and lagging (SBL) wall and to complete necessary road repairs at that location. This estimate does not include engineering fees of approximately \$10,000.00 - \$12,000.00 and the relocation of any and all utility services at that location (gas and water are located there)

This work would require the Borough to obtain a temporary construction and permanent easement for the wall at approximately a \$5,000.00 cost. Total estimated cost of approximately, 140,000.00 - \$167,000.00.

Mr. Firek thought they would be able to have bidding documents prepared by January 2012.

B. Road work costs approximately \$200,000.00 for 150 – 200 feet of road.

C. Sewer system work behind Biddeford/ Stratford needs to be handled for an approximate cost of \$177,000.00 (including engineering fees) and that does not include the line behind 22 Clovelly.

D. Newgate/ Wilson sewage smell issue had uncovered the fact that there is a second utility pole buried in our Sanitary Sewer line. This was discovered by Tri State's work cleaning and running a camera through the line in this area to determine the source of the odor. This incident has also brought to light several other issues in that area that Mr. Firek outlined for Council. Tri State did get the line open but there is major damage to the line as shown by the camera.

A similar situation happened several years ago at Wilson and since the Borough did not have a PA One Call system in place, the Borough paid for the repair work.

Mr. Firek discussed the drawing he prepared showing the progress of Tri State regarding their cleaning and viewing of the lines in this area. The location indicated as "805-24" is a lamp hole therefore Tri State could not televise from there...they moved down to 805-25 but could not get past the bend at the 805-24 lamp hole. Then Tri State moved to 805-25 and found the manhole buried in the shoulder of the road down approximately 4" which is when they were able to televise and find the utility pole in the sewer line.

The lamp hole should be replaced with a manhole. And another lamp hole 805-21 is missing a cover and should be replaced with a manhole. Access to the line is not possible without these manholes. Mr. Firek stated that our O&M states that we will clean manholes and televise them every five years and we will be at that time shortly. We will need to budget for that work as well.

Two manholes will cost approximately \$5,000.00 - \$8,000.00 and since the state has raised the minimum bid limit that requires three written bids to any project over \$10,000.00 we might want to wait for January 1<sup>st</sup> to contract this work since we will be able to obtain 3 phone bids.

E. Big numbers are what we are looking at are as follows:

Briar Cliff project will be put into the budget under the road portion of the budget. Roads are annually budgeted as \$100,000.00 - \$110,000.00  
Mr. Firek stated that a Feasibility plan will need to be submitted will be due June of next year and that will be approximately \$10,000.00.

F. The decision was made not to raise the millage.

G. Bonds do not make sense for us since we are not big enough.

H. Mr. Davis noted that the Borough borrowed money to pave Clovelly Road. Mr. Coda stated that our borrowing base is \$721,837.00 minus what we have borrowed previously which would bring our limit to \$562,337.00. One thought was to borrow what we can due to the low interest rates currently available. Discussion took place and it was decided to see where our project costs come in and borrow only what is determined to be necessary.

I. Our current reserve is \$180,000.00. Historically, our reserve was six times the operating budget for the Borough. However, due to the Consent Decree and deferred maintenance to the Borough's roads our reserve is approx. 60% of our current operating budget. Mr. Davis sent an email to council today indicating that phase 2 of the Consent Decree is about to get underway and the estimates for that work is considerably more than what we just finished.

J. A motion is to be made to advertise the Budget for next year. Mr. Coda stated that this year will be different with the County's Assessments being behind and that budgets will be permitted to be reopened and revised once the County's information is made available. It is our Solicitors advice to use the 2011 figures at this time and if necessary we will reopen the budget. A budget is to be advertised before the December meeting so it would be open to public comment at the December meeting before approved.

K. 2012 Budget worked out under the supervision of Mr. Cuteri was as follows... Paving rollover is \$50,000.00; the consent Decree rollover is \$50,000.00. \$232,000.00 is to be budgeted on Streets and Consent Decree. These items bring our spending to \$531,140.00 and our revenue to approximately \$531,140.00. That is what we will advertise.

L. A motion was made to advertise the budget as discussed above. The motion passed unanimously.

9. Engineers: Report was given during the Budget Review.

10. Banbury Lane work reported by G. Mihalko. Forms are ready to be poured for the curb. He wanted to discuss the need for sidewalks and the detail that is shown to toe the sidewalk into the curb. Mr. Firek stated that the detail is to keep the sidewalk from falling away. Mr. Mihalko did not think the detail necessary. R. Firek was going to visit the site the next day to review the site conditions. Mr. Mihalko did not haul off the excess soil and will use it. Mr. Mihalko then stated that several neighbors are questioning what was going on regarding the area and hiring Mr. Mihalko's firm to do this work ...Mr. Davis stated that the minutes will reflect that the work in this area, including a new sidewalk, was put out for bid twice this past summer and no bids were received. At that time Council negotiated a small amount of work with Mr. Mihalko's firm to keep water from damaging the Mihalko's property.

11. Sewage Fee: Mr. Coda reported that a fee can be charged but must be reasonable and in line with cost of the sewer projects. We are one of only 5 communities who are billed directly by Alcosan.

The fee structure usually works this way.... Alcosan bills the Borough for the total and the Borough would then bill each resident for their portion of the fee and add a surcharge for the lines. A sewer rent is enacted by ordinance... sometimes they are flat fees and other times they are based on water usage. Billing would go from Alcosan to the Borough.

Mr. Firek noted that sometimes the water Authority can take over billing and add a fee. Water Authorities are not required to handle the billing. We would need to negotiate with West View Water to take over billing.

12. Waste Management: The letter regarding 2012 service was reviewed and approved for distribution to the community. Council does not want to consider charging residents for garbage pick at this time. Approval was given to D. Raves to send this notification out by email to all residents and only send hard copies to those who do not have email addresses.

13. Late Fee for Alcosan Bills: Mrs. Raves noted that the Borough does not currently add a late fee to the delinquent Alcosan bills. It was questioned, that if we had the water company bill for sewage, could they shut off the water to the property? Mr. Coda stated he would look into this issue. This issue is tabled for now.

14. Executive Session was entered into at 8:44.  
Meeting resumed at 9:03 PM

15. Fire Contract Discussion: No residents were present during this portion of the meeting. Mr. Davis reported that he, Mayor Dismukes and Vice President Cuteri had negotiated a tentative agreement with Avalon for Fire Services (subject to Council approval) that is a flat fee of \$10,000.00 per year for five years without increase. Mayor Dismukes had reviewed the proposed contract with Avalon's solicitor and they had agreed to the changes that we wanted. The contract stipulates that Avalon's equipment must comply with all applicable NFPA Requirements and Avalon must provide Council with proof of inspections. They have assured Mr. Davis that this is the case regarding their equipment. The draft contract had been distributed to all Council members prior to the meeting.

Mr. Bett began to speak and Mr. Davis stopped him. Mr. Davis asked Council if anyone had any questions for Mr. Bett; however, no questions came from Council. Mr. Davis reminded all present that Ben Avon Heights already contracts with Avalon for snow removal and road repair and we have had a good working relationship with them.

Mr. Davis stated that we are prepared to move ahead with this vote.

A motion was made to adopt the Contract for Fire Services with Avalon subject to final review from our Council, resolution to pass at the next meeting.

Mr. Davis opened the floor for anyone to speak as long as their comments were held to the advantages of Ben Avon's proposal without disparaging Avalon's department. Mr. Bett was silent.

Chief Buckman stated that their department was sorry that this has happened since we have had a good 15 year relationship with Ben Avon Heights; he and the Assistant Chief stated that the Fire Department had nothing to do with the contracts that were proposed. Once again, Mr. Davis stated that this decision has nothing what-so-ever to

do with the Fire Department. It has everything to do with the negotiation tactics used by Ben Avon's Council.

The motion was approved unanimously.

At this time Joe Dawley entered the room and a discussion that took place... Mr. Dawley felt that this decision was made quickly. However, it was noted that this was not a quick decision and that meeting minutes have been posted on-line indicating these discussions have been taken place over many months.

The previous discussion was recapped for Mr. Dawley's benefit. It was agreed that reading the minutes on-line would be a good tool for informing residents of the actions of Council.

Then Mr. Jeff King entered the room. He was asked if he had any questions but none were presented at that time.

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

This meeting adjourned at 9:15 P.M

The next monthly meeting is Wednesday December 14<sup>th</sup> at 7:30 at Shannopin Country Club.

Respectfully submitted,  
Denise Raves, Secretary/ Treasurer