

Borough of Ben Avon Heights

Tuesday, October 16, 2012 - Council Meeting Minutes

The meeting of council was held at Shannopin Country Club at 7:00 P.M.

A quorum is in attendance

Present:

Council Members: Berardi, Cuteri, Davis, Georgalas, Isherwood, Keelan (arrived at 7:20)

Kolenda

Mayor: Dismukes

Solicitor: Vogel

Ohio Twp. Police: Sargent Beck

Avalon Fire: Chief Carney, Ayres and Fisher

Secretary/Treasurer: Raves

Residents: Ted and Niki Dillenburg

The meeting was called to order at 7:04 PM by Mr. Davis:

1. September 2012 Minutes:

- A motion was made by Mr. Cuteri second by Mr. Kolenda to approve the September 2012 Minutes. They were approved unanimously as distributed. Mr. Davis abstained

2. September 2012 Treasurer's Report:

- A motion was made by Mr. Cuteri, and second by Mr. Kolenda to approve the September 2012 Treasurer's Reports which was approved unanimously as distributed. Mr. Davis abstained.

3. The Budget Overview:

–Mayor Dismukes questioned the Budget vs Actual report regarding the \$270,000.00 Interfund transfer line. Mrs. Raves reported that the movement of the General Fund from First Niagara Bank to Northwest Savings Bank was posted as an "Interfund Transfer".

Public Comment: Ted Dillenburg, of 3 Cambridge Road, reported that their house has been without water for three weeks due to the water line not holding pressure leaks were found in the water line and this occurred during or about the time of construction of the retaining wall along the edge of their property. It is their belief is that the line broke due to the stress of the water being turned off and on during the installation of the retaining wall and that the contractor has a financial responsibility regarding the line repair. Another issue regarding this matter reported by Mrs. Raves is that the

Dillenburg's plumber had contacted the Borough today at approximately 4:00 PM for information regarding the necessary permits for him to continue working. The issue is that the water line crosses under Briar Cliff Road. The Water Company informed Mr. Dillenburg that their contractor can lay a copper line directly under the road surface. The Borough Engineer, Bob Firek indicated that the pipe must be at least 3'-6" below the road surface to avoid freezing, that the pipe should not be sleeved but be a direct burial. Using horizontal boring to go under the road is not desired as you cannot control the depth of the boring elevation and the pipe could end up above the frost line. The borough will need to provide an easement for the line to cross the street. The Dillenburgs are currently working to obtain the missing and necessary easements with the Borough and other properties on the other side of Briar Cliff where their line is located. Mr. Davis noted to the Dillenburgs that Bridges Company has notified their insurance carrier of a "potential claim."

Mr. Cuteri indicated that he had spoken to MR. Dillenberg Monday night and that he explained the issue of the Borough being an additional insured under Bridges Construction Companies Contract, and that we could not negotiate on his behalf with the Contractor.

4. Fire Report: No calls to report.
5. Police Report: -Two hazardous conditions reports, fallen trees. Two traffic or parking problems. One animal complaint. One abandoned vehicle. And 90 routine patrols completed.
6. Vote to approve Canvassing and Soliciting Ordinance – A motion was made by Mr. Cuteri and second by Mr. Kolenda to adopt the Canvassing and Solicitation Ordinance. A vote of 4 Aye to 2 Nay with Mr. Berardi, and Mr. Davis voting against.
7. Engineer's Report:
 - a. Alcosan released its Draft Wet Weather Plan which was summarized by Mr. Firek. This is a draft of what Phase 2 of the plan could entail for the Borough moving forward. Comments regarding this document are due back to Alcosan by this Friday 10/19/2012. A remarks letter will be drafted by LSSE and submitted to the Solicitor and the Borough for submission. This letter will need to state that there is currently no differentiation between Ben Avon Heights and Ben Avon within this report. Discussion resulted after Mr. Firek's presentation:

The Borough will also need to locate the missing Ordinances and contracts that were negotiated years ago. Council decided that concentrating on completing the outstanding Consent Decree # 1 work should be our main focus. Then, once completed, new flow rates will need to be obtained so negotiations can proceed. The engineer was asked to submit an estimate of what it will take to complete the outstanding work for our budget meeting next week.
 - b. 2012 Road and Sewer Improvements: The project is approximately 50% complete. LSSE has approved Change Order No. 2 (this Change Order is for shortening of the retaining wall length resulting in a savings of \$20,870.00.) Application for Payment #2 was approved as well for \$162,971.63. The

Sanitary Sewer subcontractor is behind schedule. Mr. Davis, of Bridges, will be meeting with the subcontractor October 17th regarding this matter. It does not appear that his work will be completed by October 31.

8. Zoning Ordinance Update - Mr. Georgalas requested access to the Solicitor for legal guidance. ***A motion was made*** by Mr. Cuteri, permitting Mr. Georgalas to engage the Solicitor on Zoning and Planning Ordinance matters. Mr. Isherwood seconds the motion. ***The motion passed unanimously.***
9. New Ordinance restricting Cell Phone Towers. – It was questioned as to whether this matter should wait for the Zoning and Planning Ordinance work to develop due to its coordination with this work. It was decided that moving this matter forward at this time would be best. A timeline will be set up by the Solicitor.
10. Ordinance regarding Rental Properties: Edits to this Ordinance were made based on previous discussions and if all is acceptable we will move to advertise this new Ordinance for vote next month. Discussion took place regarding the need to have Building Inspection Underwriters involved in inspecting these properties. ***A motion was made:*** by Mr. Cuteri to advertise this ordinance. Mr. Keelan seconds this motion. ***This motion passed unanimously.*** The contract submitted by Building Inspection Underwriters will be reviewed at the time the Ordinance is approved.
11. Logo Contest: The form submitted by Mrs. Raves was revised by Mr. Cuteri. A provision permitting Council to reject any and all applications will be added to this document then distributed to all residents.
12. ACORD Budget No figures were submitted indicating Budget vs Actual data for the last 2 years. Council is asking the Board to submit the actual figures for their consideration and review next month.
13. Snow Removal Contract with Avalon – ***A motion was made*** to approve the contract submitted by Avalon Borough for Snow Removal and salting. ***The motion passed unanimously.***
14. Centennial Committee A request was received from the Centennial Committee for Council to donate \$1,500.00 toward tent, table and chair rental for next summer's celebration. Council agreed to add this request to the Budget for 2013. That meeting will take place next Tuesday October 23rd.
15. Model Sewer Ordinance was submitted by Mr. Vogel for comment. Mr. Cuteri questioned the need of suspended solids as to whether they are industrial or commercial waste. It was decided that this section could be necessary and should be left in the Ordinance.
16. General Street Repairs This is an annual budget item; however, nothing has been done this year. Mr. Davis will walk the Borough with a can of spray paint to mark the areas that require patching and or repair. Mr. Dismukes noted the intersection of Oxford and New Brighton has a large dip and Mrs. Raves noted the beginning of Courtney Mill Road is in deplorable shape. The wedge curb on Briar Cliff is another item which requires attention. It was requested that Avalon be contacted to schedule this work before the end of the month.
17. Mr. Davis, of Bridges, informed council, regarding the situation of the water line of the Dillenburgs . Soon after the contractor completed the contracted work regarding this

water line, the Dillenburgs notified Bridges that water was infiltrating their house. The contractor dug the water line back up and noted that there was in fact water near the pipe but it was not leaking within the work area. Bridges then hired a leak detection crew who discovered that the leaks in the line were above the work area in the yard of 7 Briar Cliff Road. Bridges does not see this as their fault; however, they have informed their insurance company as a courtesy of a potential claim. Also noted, is the fact that the Borough is an "additional insured" on Bridges policy .

Mrs. Raves stated that the Dillenburg's plumber contacted the Borough to verify what paperwork was necessary for them to complete their work replacing the line which crosses under Briar Cliff Road. Council states that if the work is completed before the road is paved only a "Street Opening Permit" will be necessary. If the work is not completed before the paving then a Bond will be required. Mrs. Raves will forward the Street Opening Ordinances as well as the approved trench detail to the Plumber for clarification of the required work.

Mr. Vogel asked Mrs. Raves to notify our insurance carrier of this matter.

Executive Session: Council went into executive session at 8:23

The meeting resumed at 8:36 PM.

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

This meeting adjourned at 8:39P.M

The next monthly meeting is Wednesday November 14th at 7:00 at Shannopin Country Club.

Submitted by Denise Raves, Secretary