

Borough of Ben Avon Heights

Tuesday July 9, 2013 - 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: Cuteri, Georgalas, Isherwood, Keelan, Kolenda

Mayor: Dismukes

Solicitor: Vogel

Engineer: Firek, Lennon Smith Souleret Engineering

Ohio Twp. Police: Sgt. Beck

Avalon Fire: Chief Carney

NorthWest EMS: Division Chief Spencer

Secretary/Treasurer: Raves

Resident: Bob Drogowski

The meeting was called to order at 7:02 PM by Mr. Cuteri:

1. June Minutes: - ***A motion was made*** by Mr. Kolenda to approve the June minutes as submitted. Mr. Georgalas requested to revise several points in the Engineer's Report (line item 4e). Three sentences were revised - Manhole #805-1003 was added in place of other verbiage. Mr. Georgalas was concerned about the possible third manhole. Mr. Firek stated that at every change of direction a manhole must be installed. The beginning of a sentence describing the locating of manhole covers was changed to state that, "One way to find the missing..." and the addition of a sentence stating that "Mr. Georgalas objected to the Change Order" was added after the sentence where Mr. Cuteri had given Bridges authorization to proceed based on the Engineers documents and the time and material schedule submitted by Bridges. ***The amended minutes passed unanimously.***
2. Treasurer's Report: ***A motion was made*** by Mr. Isherwood to approve the Treasurers Report as submitted. Discussion took place regarding the "wire fee" noted on the Budgetary Reserve account. Mrs. Raves described that she had not had a chance to look into this matter to date; however, if the fee cannot be eliminated then the

Borough will go back to paper checks rather than direct deposit. Mr. Keelan seconds the motion. **The motion passed unanimously.**

3. **Fire Report:** - Chief Carney reported that they responded to a possible house fire at 20 Oxford after the structure was struck by lightning. And to a fallen tree on Devon Lane after a storm.
4. **EMS:** Div. Chief Scott Spencer introduced himself to Council. This is his first meeting with us. There were 4 responses last quarter with an average response time of 7.8 for general calls and for high priority calls the response time was 7.0 minutes. No complaints.
5. **Police Report:** Sargent Beck noted that 6 citations were distributed, one was for obnoxious vegetation. This citation was filed with District Magistrate Tara Smith, the hearing for is scheduled for 9:00 AM on August 5, 2013. Sgt. Beck noted that the difference in the property between the online satellite photo from 2007 and today is notable. Sargent Beck did not think a representative from the Borough was needed at the hearing. Mayor Dismukes stated that the neighbor at 7 Briar Cliff has reported that the area is now infested with rats.
Mayor Dismukes thanked the Ohio Township for their work during the Centennial Celebration last month.
6. **Public Comment:** Mr. Bob Drogowski, 53 Newgate Road, attended to discuss the letter he received from the Borough requesting him to produce documentation demonstrating that the Borough of Ben Avon Heights had approved his tap-in. Mr. Drogowski did not provide any actual paperwork regarding an approval, but provided a circumstantial argument that it must have been approved. He stated that the house was built in 1971 with a sewer line and it was his opinion that the property was not suitable for a septic system. Mr. Drogowski purchased the house in 1992. Mr. Cuteri stated that the Borough's letter was sent to gather information not as a threat, but that we needed some documentation that the tap-in was approved by Council. Mr. Cuteri indicated that Mr. Fader had a letter from Borough Council indicating that he was permitted to tap into the sewer system. Mr. Drogowski stated that he has received and paid a bill from Jordan Tax Services for sewage during the time of November 5th 2012 to February 5th 2013 in the last few weeks. Mr. Cuteri indicated that the existing tap-in from Mr. Dragowski's home was not properly done which lead us to believe it was not an approved or inspected tap in.

A motion was made by Mr. Isherwood for the Ratification of the sewage tap-in at 53 Newgate Road to the Ben Avon Heights Borough Sanitary Sewer. Mr. Keelan seconds the motion. **The motion passed unanimously.**

7. **Consent Decree Work/ 2012 Roadway Improvements:** - Mr. Cuteri presented a letter he sent to Bridges and Company on June 24th 2013, outlining additional necessary work that must be completed per Phase 1 of the Consent Decree. This was done in order to obtain an estimate of costs. The work could be added to Bridges' 2012 Roadway Improvement project as a "Change Order". Mr. Firek noted that the "original" project punch list was completed. New items have been found in the meantime, a broken sign and a broken drain pipe and a new list was generated accordingly; this work is underway. Application for Change Order #3 Revised was reviewed for Council by Mr.

Firek, stating that this Change Order adjusted the contract price based on the “final in-place quantities and extends the contract time”. (A decrease of \$56,835.85 is indicated dated 6/26/2013.). Mr. Cuteri signed this Change Order. Partial Payment #6 was approved by the Engineer and submitted for payment in the amount of \$25,773.98. This amount still holds \$1,000.00 retainage from the original contract. Change Order #4 was reviewed and will include the CCTV work that took place on June 13 and June 18th. A new Change Order, #5, was discussed... work outlined was as follows (related to the letter written by Mr. Cuteri to attempt to finalize Phase 1 of the Consent Decree) :

- a. (Item #1) Remove root ball in line and finish CCTV between manholes 805-1012 and 805-1020.
- b. (Item #2 -) Have the CCTV Company provide NASCO graded information for all CCTV work performed to-date including all push camera work. (Including Steep grade elbow between MH 805-399 – MH 805-4.)
- c. (Item #3 – bring MH 805-1801 to grade) Bring manhole 805-1801 to grade. Mr. Firek stated that the contractor had requested the use of a lightweight ring to raise the manhole due to the physical restrictions of this location; however, this solution is not recommended by LSSE due to the biodegradability of these rings. LSSE suggests using brick with concrete slurry to raise the unit. Mr. Cuteri requested that fiberglass be added to the slurry. Once this is brought to grade the remaining line can be CCTV’d. In order to locate 805-1805.
- d. (Item #8- Add new MH at end of line location on Lynton Lane.) Add a new manhole at the end of the line on Lynton Lane. (MH No 805-72 does not exist.) The engineers suggest that the new manhole be located in the road which will require repair of the street and sidewalk. Originally the letter requested additional CCTV work to be completed to verify the number of laterals in this location: however, Mr. Firek noted that 11 laterals were seen for 9 houses. LSSE suggests that the new manhole be designated the “End of Line” and be located in the street so we are in the Right of Way.. Mr. Firek stated that it is OK to have a house beyond the manhole and feed to the “End of Line” .
- e. (Item #6- Locate upper MH from 805-1003 and report on condition.) Bridges will be asked to locate a special contractor to push a camera from inside 4 Oxford Road to attempt to locate manhole #805-1007. If no manhole exists then this line will be considered a “shared lateral” and “End of line” will be declared at 805-1003. Mayor Dismukes noted that if the end of line is declared then any future work required by the lateral beyond the “End of Line” will be the homeowners’ responsibility. “There are ramifications to this decision”. Mr. Cuteri noted that both homeowners involved are present this evening and have firsthand knowledge of this issue. Mr. Firek noted that if a manhole is found then it must be brought to grade. This may be another incorrect mapping issue, but we will know more after this work is completed and a decision will be made by council at that time.
- f. (Item #7) Between MH 805-27 and 805-25 – Bridges was requested to submit a price to eliminate the Lamp Hole 805-26 and to remove the protruding tap and compare that price to replacing approximately 240 lineal feet of sewer line to

eliminate the change of direction issue uncovered during the CCTV work as well as repairing the protruding tap. The difference is almost 3 times the cost of just installing a manhole; however, the exact location of lines and alignment will not be known until excavated, the tap-in needs to be corrected as well, so the total cost of just installing the manhole would involve additional work and it is in the boroughs best interest to replace the line. The price submitted was \$17,550.00. Mr. Keelan and Mr. Georgalas asked why Bridges submitted pricing from their subcontractors and it was indicated that Bridges wanted there to be transparency as to the costs of these additional projects so we can see which the lowest price was.

- g. (Item #9) MH 805-1804 does not exist. Mr. Firek stated that, "The CCTV indicates that there are two laterals at this location and that both lines here are 4" diameter. We can state that MH 805-1803 is the "End of line" since it appears that the other lines are actually a shared private laterals." Mr. Firek indicated while pointing to the drawing that the lines appear to be in the resident's property and not in the street as previously indicated." No additional work will be completed at this location. "BAHB is not required to confirm and test connectivity of every house at this time." The mapping will be corrected and indicate the above as private laterals.
- h. (Item #10) Place MH at "T" location as marked in the street just below 805-1003. Then complete CCTV work toward 805-1002A.

Mr. Cuteri calculated the total of the work discussed based on the bids submitted by Bridges and Company. Totals of \$34,123.00 from Stefanik's Next Generation Co., and \$38,830 by Iron City Excavating were received.

(Plus the cost of the camera work to be completed from inside 4 Oxford Road.)

Mr. Keelan made a motion that approval be given to add a Change Order to Bridges & Company's contract for \$34,123.00 + camerawork, to: replace the line at Drogowski's property and restore landscape, install manhole #805-72 on Lynton Lane, Install manhole next to 805-1003 and to add the needed camera work from inside 4 Oxford Road and to locate 805-1002A. Mr. Kolenda seconds this motion. **The motion passed unanimously.**

Mr. Firek noted that the contract is set up to be able to add change orders up to 25% of the original contract.

8. Engineer's Report:

- a. MS-4: The Borough received a Waiver for 5 years.
- b. A draft copy of the ACO Feasibility Study was forwarded to Council for review. This document must be submitted by the end of July 2013. Mr. Firek reviewed the fact that both of the Borough's sewage flow connections end up in one Alcosan Manhole situated in Ben Avon Borough; therefore, LSSE contacted Ben Avon's engineers to see what was planned for that manhole this coming year and were informed that no work is currently planned for that manhole. With that information, our report will state that no work will be planned for that location in the coming year. (All we are required to do with this submission is to report what

the Borough plans to do in the next year regarding that connection.) Mr. Cuteri noted that once all the Phase 1 work is completed he would like to obtain new flow monitoring information so the Borough has updated information going forward. Mayor Dismukes asked Mr. Firek when we might be able to expect Phase 2 of the Consent Decree to be released... there is no date as of now but within 3 -5 years is the projection at this time. Mayor Dismukes noted that both Ordinances 318 and 321 are important regarding the collection of the Sewage Fee to build up a Sewage Reserve Fund to help pay for the future unknown forced costs from Alcosan.

A motion was made by Mr. Isherwood and second by Mr. Kolenda to grant LSSE the ability to submit the Feasibility Study on behalf of Ben Avon Height Borough.

The motion passed unanimously. A Resolution to this matter will be brought next month.

9. **Banbury Curb Repair:** Bridges will be instructed, by Mr. Cuteri, to repair the marked curb locations on a time and material basis and that will be billed to the Road Maintenance account. This is a safety issue and must be corrected.
10. **Ordinance 321:** Mr. Vogel reviewed the contents of the new Ordinance to amend Ordinance No. 318 permitting the Borough to collect the fees of a third party on late fees and to add late fees to delinquent accounts. **A motion was made** by Mr. Keelan and second by Mr. Isherwood to adopt Ordinance 321 as advertised. **The motion passed unanimously.**
11. **Street Light Replacement:** Mr. Isherwood described to Council that Duquesne Light owns the 35 street lights and poles in our Borough. We cannot change to LED lamps in these units unless we want to take ownership of the fixtures and poles. Council was not in favor of taking over ownership of the street lights; however, asked Mr. Isherwood to contact our Duquesne Light Representative to request they change the lamps in the fixtures to more energy efficient lamps.
12. **Tree removal at the Park:** Bids were presented to Council to remove dead trees at the park and a troublesome yew. The bids are as follows:
Walt's - removal of 3 trees 1 yew and their associated stumps, topdressing and reseeded for \$1,490. An additional \$310.00 for the 4th pine tree and its stump.
Grand total of \$1,800.00
Tall Timber Tree Experts
Remove 3 Scotch Pines along fence and 1 yew. Grind out stumps haul all away.
Topsoil and seed stump area \$1,050.00.
To add the 4th pine tree it would be another \$400.00
Grand total \$1,450.00

Strunk Remove 3 pines along New Brighton Road (includes stump removal) \$300 + \$350 + \$400. Remove yew and stump. \$50.00 Install dirt and reseed 3 pines \$75.00 each... total \$1,325.00

Plus additional tree \$300.00 + \$75.00

Grand total \$1,700.00

Davey

Remove 3 pines and 1 yew; grind all stumps and seed and top-dress total \$ 3,930 to add the 4th pine tree \$725.00

Grand total \$4,655.00

A motion was made by Mr. Keelan and second by Mr. Kolenda to hire Tall Timber Tree Experts to remove 4 trees and a yew from the park for the submitted price. **The motion passed unanimously.**

Mr. Cuteri wants to research tree species to plant in the park to replace some of the trees we have had to remove along Lynton Lane several years ago.

13. Planning Commission: Mr. Georgalas was wondering if based on the memo written and forwarded by Mr. Vogel, if we could just pursue our own Plan and not pursue a Joint Comprehensive Plan. Mr. Cuteri noted several years ago, the attorney hired by the Borough offered an opinion that a Joint Plan would be our best solution. Mr. Cuteri will forward the 1972 Comprehensive Plan to Mr. Georgalas for his use. Mr. Cuteri noted that the State is offering money to help fund Joint Comprehensive Plans to entice Joint Comp. Plans. Mr. Vogel will forward names of people Mr. Georgalas can contact to discuss the available funding from State and Federal entities. Mr. Cuteri stated he had contacted Landscape Architect James Pashek, of the South Side, years before to handle this for us, Mr. Georgalas will contact him.

14. 2012 Audit review: Mrs. Raves had forwarded digital copies of the Audit and distributed hardcopies of the 2012 Audit for Councils review. No discussion of the Audit took place.

15. Centennial Celebration: The Centennial Committee contacted Mr. Cuteri asking if they could fund something in the park with the money left over from their event. Two items were discussed: 1. replacing the water fountain which is in bad disrepair, or to build a gazebo. The committee will meet next month and let us know what they are thinking. Council and the Mayor are supportive of improving the park.

16. Executive Session: Council entered into Executive Session at 9:08 PM. Council is back in session at 9:20 PM.

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

This meeting adjourned at 9:21 P.M.

The next monthly meeting is Tuesday August 13th at 7:00 at Shannopin Country Club.

Submitted by Denise Raves, Secretary