

Borough of Ben Avon Heights

Tuesday April 8, 2014 - 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, Davis, Isherwood, Keelan, Kolenda (arrived at 7:45), Smith

Mayor: Dismukes

Solicitor: Vogel

Ohio Twp. Police: Chief Micklos

Avalon Volunteer Fire Company: Chief Carney

NorthWest EMS: Roberta Farls

Secretary/Treasurer: Raves

Resident: Susann Schneider, 7 Biddeford Road

Shannopin Country Club Manager: Richard Moss

The meeting was called to order at 7:00 PM by Mr. Davis:

1. Mayor Dismukes swore in Councilman Isherwood
2. Dick Moss introduced himself as the new Manager of Shannopin Country Club.
3. Vote to approve March Minutes: Mr. Berardi ***made a motion*** to approve the March Minutes as presented. Mr. Isherwood seconds the motion. ***The motion passed unanimously.***
4. Vote to approve the February Treasurer's Report: Mr. Keelan ***made a motion*** to approve the February Treasurer's Report as submitted per emails. Mr. Isherwood seconds the motion. Mr. Davis requested that the two loans and their outstanding balances be added to the Treasurers Report in the future. ***The motion passed unanimously.***
5. Fire Report: There was nothing to report in the Borough last month. Mayor Dismukes informed Council that the agreement addendum submitted by the Avalon Fire Department to extend our contract for 10 years (to 2027) still requires revisions and will be presented to Council once he receives the information from Mr. Harry Dilmore of Avalon. We will add this matter to next month's Agenda.

6. EMS Report: Ms. Farls reported that there were three calls to one address last quarter...all were false calls. An elderly woman accidentally pushed her medic alert button.
7. Police Report: The usual calls and patrols took place.
8. Public Comment: Susann Schneider attended to question the wording in the Dog Waste Ordinance No. 324 and the fine amount. She felt that the, "\$1,000.00 fine is outrageous". Council informed her that the fines are discretionary and set by the Magistrate; however, the Ordinance sets maximum limits. Enforcement of the Ordinance was discussed, residents will need to bring proof to Council... video and photographs can be accepted. If the police witness an animal owner leaving waste on property other than their own they will be able to cite immediately. If the resident did not pay the fine then the issue would go the Magistrate.
9. Vote, Dog Waste Ordinance No. 324: Mr. Berardi **made a motion** to pass Ordinance No. 324 as advertised. Mr. Davis seconds the motion. There was discussion regarding concern the wording in Section 1 and it was decided to delete the words "any waste, including" from the first sentence of that Section this will clarify that solid waste is the issue. Mr. Vogel assured Mr. Davis that since there was not substantial change to the advertised Ordinance Council does not need to readvertise. Mr. Davis **made a motion to amend the Ordinance** by striking the words "any waste, including" from Section 1 of the Ordinance. Mr. Keelan seconds the motion. **The amendment to the motion passed unanimously. The original motion to accept Ordinance No. 324 passed unanimously.**
10. Community Presbyterian Church Sunrise Service: Mr. Isherwood was contacted by the church for approval to have their annual 7:00 AM Easter Sunrise Service at the Ben Avon Heights Park. Council is in favor of this request.
11. Joint Comprehensive Plan: Mayor Dismukes attended the last meeting of the Joint Planning Commission. The communities of Avalon, Bellevue and Ben Avon are working to include Ben Avon Heights and Kilbuck in their Joint Planning Commission. The current Joint Planning Commission was hoping to have both BAHB and Kilbuck sign and pass Ordinances by May in order to include the two communities in their pursuit for grant money. Mayor Dismukes stated that Ben Avon Heights Borough cannot proceed till the cost allocations are worked out and all empty spaces on the submitted Ordinance are filled in so he suggested they process the grant applications without BAHB. BAHB is required to submit our current Comprehensive Plan to the Commission for their review. Mayor Dismukes made no recommendation to advertise this Ordinance for vote next month. Mrs. Raves will find out the date of the next meeting and get that information to Mr. Cuteri and Mr. Davis. We need to have an intergovernmental agreement in place to proceed with this process.

12. Childhood Cancer Awareness Week: No action was taken by Council regarding this item. On another issue, Special Olympics requested a space in the Borough to place a donation bin... but we have no location for such an item.

13. West View Water Agreement Review: Mr. Vogel reviewed the agreement forwarded last month by West View Water that is required with every account we move to shut off. Mayor Dismukes pointed out that the Borough will be liable for lost revenue to West View Water as well as a \$100.00 administrative fee. Mr. Vogel pointed out that repaying the lost revenue is a Pennsylvania Law. Mr. Vogel drafted a letter indicating shut off procedures. **Council unanimously agreed to sign Resolution 2014-2** that establishes guidelines by which the Borough will utilize to shut off water to customers with delinquent sewage accounts.

14. Floodplain Ordinance Review: Mayor Dismukes informed Council that Ben Avon Heights Borough was approached by FEMA asking us to enact a Floodplain Ordinance. The question is why we should do this since we are not in a flood plain. Mayor Dismukes stated that we run the risk of being ineligible for Emergency Relief Grants if we do not proceed with the Ordinance. Mayor Dismukes noted that we took advantage of FEMA grant relief after Ivan caused Cambridge Road to collapse. There are various generic model Ordinances that can be adopted and these will enable our residents to obtain flood insurance. Council requested that Mr. Vogel Mr. Davis **made a motion** to advertise the generic Floodplain Ordinance for vote next month. Mr. Berardi seconds this motion. **The motion passed unanimously.**

15. Wilson Construction Project: A resident approached Mr. Kolenda requesting him to look into the ongoing construction project on Wilson Drive due its unsightly appearance. Mrs. Raves reported that she talked to the Contractor on that project earlier in the week and he reported that the owner changed architects; therefore, causing a stoppage on the project. Currently BAHB has nothing in place to stop a resident from doing earthmoving work without a permit. Council is considering looking into adding to the nuisance ordinance to cover this type of issue. Mayor Dismukes noted that Mrs. Raves has been on top of the project verifying that they have not proceeded, thus far, without the proper documentation. Mr. Vogel will look into sample ordinances for Council's review,

16. Intergovernmental Agreement – Sanitary Sewers: Mayor Dismukes and Mr. Vogel have been in negotiations with Kilbuck and their solicitor. Mayor Dismukes stated that he is waiting for a final review from the Borough's engineer, Robert Firek, who is to fill in several blanks on the contract and it will be ready for adoption. Mr. Isherwood **made a motion** to approve advertisement the intergovernmental agreement between Ben Avon

Heights Borough and Kilbuck Township for Sanitary Sewer. Mr. Keelan seconds the motion. The ***motion passed unanimously.***

17. Executive Committee ACORD Park: Mayor Dismukes informed Council that Mr. Gould has notified him that when his term on the Board ends, in 1 ½ years, he will be leaving the post. We need to find someone who will commit to work on the board. Mr. Davis requested Mrs. Raves to look into the persons who attended the Drilling meeting on April 2011 to see if any of those attendees would be interested in this position. Council also asked Mrs. Raves to put out a community email blast to see if there is any interest in the position. Mr. Gould requested that Council attempt to appoint someone to the empty BAHB spot on the ACORD Authority soon so they can acclimate to the workings of the board.

18. Engineer's Report: The only new portion of the report is that LSSE submitted the Boroughs 2013 Annual Waste load Management Report to Alcosan on March 6, 2014 as required.

19. Executive Session: Council entered into Executive Session at 8:26 PM.

The meeting resumed at 8:54 PM

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

This meeting adjourned at 8:55 P.M.

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

Submitted by Denise Raves, Secretary