

Borough of Ben Avon Heights

Tuesday, January 14, 2014 - Council Meeting Minutes

The regular meeting of council was held at Avalon Volunteer Fire Department at 7:00 P.M.

A quorum is in attendance

Present:

District Magistrate: Honorable Tara Smith

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

Mayor: Dismukes

Solicitor: Vogel, Tucker Arensberg

Avalon Fire Chief: Carney and Assist. Chief Barry

Ohio Twp. Police Chief: Micklos

NWEMS Division Chief: Scott Spencer

Secretary/Treasurer: Raves

The meeting began at 7:07 PM

1. The Honorable Tara Smith Swore in Mayor Dismukes, and Councilmen Cuteri and Davis as well as Tax Collector Raves.
2. Mr. Davis ***makes a motion*** to appoint Andy Kolenda and Janae Smith to Council for a two (2) year term. Mr. Keelan seconds the Motion. The ***motion passes unanimously.***
3. The Honorable Tara Smith Swears in Councilmembers Kolenda and Smith.
4. Nomination of Council President and Vice President: Mr. Cuteri ***nominated Mr. Davis for President of Council.*** Mr. Keelan seconds this nomination. ***A unanimous vote took place electing Mr. Davis to the post.*** (Mr. Davis abstained from voting.) Mr. Davis ***nominated Mr. Cuteri as Vice President,*** Second by Mr. Keelan and another ***unanimous vote took place.***
5. Mr. Davis Called the meeting to Order at 7:20 PM.
6. Council Committee member assignments: Mr. Berardi ***made a motion to maintain the committees' assignments from 2013.*** Mr. Kolenda seconds this motion. ***The motion passed unanimously.***
7. Official Appointments: ***Mr. Davis motioned*** to maintain all appointments as were in place during 2013. ***Mr. Berardi seconds this motion.*** Discussion: The positions that are available are: Zoning Hearing Board member, Jason Brown's term has expired but he has agreed to stay on for another 3 year. And the Planning Commission will need a Chair. Mr. Davis asked Mr. Cuteri if he would take on this committee and Mr. Cuteri agreed to accept the Planning Committee Chair Position and Mr. Keelan stated that he

would be available for Planning Commission. Council noted to Mrs. Smith that she can step into a committee role after she has been with Council a while. Mayor Dismukes noted that he is working with Avalon to get the Emergency Management Coordinator position filled in the near future. **The motion passed unanimously.**

Streets/Lights/Water -	Mark Davis, Rick Berardi and Andy Kolenda
Fire/Police -	Mayor Dismukes
Finance -	Mayor Dismukes, Alan Cuteri and Mark Davis
Sewers/Consent Decree -	John Isherwood, Peter Keelan
Recreation -	Alan Cuteri
Insurance -	Rick Berardi
ANTCC (Allegheny North Tax Collection Committee) Representatives -	Alan Cuteri and John Isherwood

Solicitor	Tucker Arensberg Attorney - John Vogel
Secretary/Treasurer	Denise Raves
Engineer	Lennon, Smith, Souleret Engineers
Police Chief	Ohio Township Police Department Chief Micklos
Fire Chief	Avalon Fire Chief William Carney
Zoning Officer	Tom Price
Zoning Hearing Board (3 year staggered terms)	Kati Von-Lehman – 2013 to 2015 Jason Brown – 2014 to 2016 David Raves - 2012 to 2014
Building Inspector	Building Inspection Underwriters of PA
Emergency Management Coordinator	Scott Dismukes working with Avalon on this appointment
Judge of Elections	Matt Wensel
ACORD Board	Ed Gould.
Auditors	Hosack, Specht, Muetzel & Wood LLP
Earned Income Tax Collector	Keystone Collections Group
Elected Real Estate Tax Collector	Denise Raves
Deputized Real Estate Tax Collector	Berkheimer & Associates
Planning Commission	Al Cuteri Peter Keelan Greg Mihalko
Legal Advertising	The Citizen
Bank	First Niagara

8. December 2013 Minutes:

- **A motion was made** by Mr. Davis to approve the December 2013 Minutes. Mr. Cuteri seconds the motion. **The motion passed unanimously.**

9. December 2013 Treasurer's Report

- **Mr. Cuteri made a motion** to approve the December 2013 Treasurer's Report. **Mr. Kolenda seconds the motion.** Mr. Cuteri asked what the \$68,000 transfer to the Reserve Fund was from... Mrs. Raves noted that was the unused amount left from last

year's budget. Discussion also took place regarding the "Construction Loan Account". It was determined that once the 2012/2013 contract is completely closed the remaining funds (approximately \$30,000.00) will be transferred to the Reserve fund and at that time Council will discuss how that money will be allocated. **The motion passed unanimously as distributed.**

- 10. Fire Report** – There was nothing to report last month. The Christmas tree sale went well. 385 trees were sold.
- 11. EMS Report** – 4th Quarter there were 5 emergency calls dispatched to Ben Avon Heights with an average response time of 7.2 minutes. They have the best response times of the area for the last three year. There were no Customer Service calls to report. Chief Spencer stated that NWEMS is attempting to lower the response time in 2014. Mr. Spencer also stated that they will provide CPR classes to Ben Avon Heights Borough Residents free of charge if Council wanted to have a class. Assistant Chief Barry offered the Fire Hall for such a class if scheduled. Council thanked both organizations for their offers.
- 12. Public Comment**: No public attended the meeting.
- 13. Police Report**: Nothing out of the ordinary to report. Council asked if the group who was breaking into cars had been caught. And a discussion took place that residents should be reminded again to lock their doors. Mrs. Raves will forward another notice to all residents. OTPD has been contacted by Walt's landscaping in order to schedule site cleanup. Once the weather clears up the work should begin.
- 14. Real Estate Tax Issue**: In November, a property that sold the previous April was notified that they had not paid their 2013 Real Estate Taxes and that a lien was about to be placed on the property. The new owner stated that they never received a Real Estate Tax Bill and requested that Council consider waiving the late fee. At the December meeting Council decided not to waive the fee. Since then, the previous owner contacted Mayor Dismukes informing him that the tax bill was sent to an address in Iowa not to the new owner explaining why the bill was never received and asked Mayor Dismukes to revisit the matter in light of this new information. In the meantime, Mrs. Raves also discovered that the deed for this property incorrectly states that it is located in Ohio Township, and this might be the explanation as to why Ben Avon Heights and Berkheimer did not receive notice of the sale. A discussion took place regarding Berkheimer's billing process, and it was determined that the bill was sent to the bank that held the previous mortgage due to the fact that they were never notified of the sale. Based on the defects in the properties' closing process, not any fault of the Borough's, and the Borough's Solicitor's recommendation, Council has decided not to refund the late fees. Mayor Dismukes will contact them to discuss this matter.
- 15. Ordinance No. 323, Residential Deduct Water Meters.** – Mr. Cuteri **made a motion to adopt Ordinance 323 as advertised.** Mr. Davis seconds this motion. Council reviewed the Ordinance and its history with Mrs. Smith. **The motion passed unanimously.**
- 16. Centennial Committee Donation for Park Fountain**: Mr. Cuteri reported that the Centennial Committee has turned over \$5,000.70 to be used toward a new fountain at the park. Mr. Cuteri suggested hiring someone to develop a design for the fountain as

well as suggest trees types to replace those that were removed from the park due to death or disease. It was discussed the Heather O'Brien might be willing and interested in taking on this project and how much this service would cost. Mr. Cuteri will contact Heather to determine if their firm would be interested in this project if they are not interested, Mr. Cuteri will contact Jim Pashek of Pashek Associates to determine their interest in the project. (Since it will be under \$10,000 we do not need to bid this project.) The project could also provide for handicapped access to the new fountain as well as incorporating existing plaques and a new one referencing the Centennial Committee's gift.

17. Sewer Line Agreement: Mayor Dismukes and Solicitor Vogel have drafted a sewer line agreement for Council's review. This agreement will grandfather the two existing Kilbuck Township properties currently on the sewer line. Mayor Dismukes asked Council if they would approve this as a draft to present to Kilbuck Township's Solicitor and Council for their review. After discussion, it was decided that with the addition of a sentence stating that "the addition of any future sewer lines, will need to be consistent to the lines current capacity limitations as determined by Ben Avon Height's current Engineer." in section 1C of the document, Council agreed to give the Mayor the permission to proceed as suggested.

18. Executive Session: Council entered into Executive Session at 8:03 PM

19. Council resumed session at 8:29 PM

20. Dog Waste Issue: Mrs. Smith brought to Council's attention that there is a problem with some dog owners not cleaning up after their dogs in certain locations throughout the Borough. Council requested Mrs. Raves to send a notice to the residents regarding this matter. Mrs. Raves will look to see if there is an Ordinance relating to dog waste for the next meeting.

This meeting adjourned at 8:33 P.M.

The next monthly meeting is Wednesday February 12th at 7:00 at Shannopin Country Club.

Respectfully submitted,
Denise Raves, Secretary/ Treasurer