

## Borough of Ben Avon Heights

### Tuesday July 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: Cuteri, Davis, Isherwood, Keelan, Smith

Mayor: Dismukes

Solicitor: Vogel

Ohio Twp. Police: Chief Micklos

Avalon Volunteer Fire Company: Chief Carney

Lennon Smith Souleret, Engineer: Firek

Secretary/Treasurer: Raves

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

1. Vote to approve May Minutes: Mr. Cuteri ***made a motion*** to approve the May Minutes as presented. Mr. Keelan seconds the motion. ***The motion passed unanimously.***
2. Vote to approve the May Treasurer's Report: Mr. Cuteri ***made a motion*** to approve the May Treasurer's Report as submitted, by emails. Mr. Keelan seconds the motion. ***The motion passed unanimously.***
3. Vote to approve the June Treasurer's Report: Mr. Cuteri ***made a motion*** to approve the June Treasurer's Report as submitted, by emails. Mr. Keelan seconds the motion. Mr. ***The motion passed unanimously***
4. Fire Report: Two trees down on Oxford and Perrysville.
5. Police Report: DUI, Trees down, 4 cars broken into but perpetrators were apprehended. People need to remember to LOCK their car doors and remove valuables from cars. The thefts have taken place mainly between 11:00 PM and 3:00 AM.
6. Fire Contract: Mr. Vogel presented the Fire Contract Extension that he and Mayor Dismukes have worked out with Avalon's Council and solicitor. This is a 2 Year extension at \$10,000.00 per year that can be automatically renewed for four (4), 2 year additional terms. In 2017 the parties have the right to give a 1 year notice to terminate the extension. Mr. Cuteri ***made a motion*** to approve the addendum contract extension to the Fire Emergency Protection Contract by the Borough of Avalon that has been presented. Mr. Davis seconds the motion. ***The motion passed unanimously.***

**Resolution 2014-05** to enter into an addendum with the Borough of Avalon to extend the agreement for Fire Protection Services was signed.

7. **Public Comment:** No Public present.

8. **Engineer's Report:** Mr. Firek stated that a Hauling Permit was issued to the 21 Wilson Drive project.

*2013 Sewer Work*, Mr. Davis noted that Bridges has graded and reseeded the yards from the 2013 sewer work behind Stratford and Biddeford Roads. All residents are pleased with the current situation. A change order has not yet been executed for that project; LSSE will be forwarding this for processing in the near future.

Mr. Firek looked at a crack that has developed on Clovelly Road near Banbury Lane as requested by Mr. Kolenda and noted that it is a typical stress crack. This and other cracks, Mr. Firek noted, should be sealed to prevent further spider cracking and that this procedure should be done annually on roads that have been paved in the last 5 – 7 years. Our Borough, in his opinion, is not large enough to bid the job so he suggested we hire someone to complete the work for a “per foot” cost. (Possibly work with Avalon.) Mr. Firek distributed and reviewed a typical Road Maintenance Plan for Council’s consideration.

A discussion took place about ranking the roads in order of need for repair. (This process was done years ago by our old Engineers; however, this list may require updating.)

Mr. Firek was requested to look at the beginning portion of Wilson, by the Park, Cambridge Road and the beginning portion of Courtney Mill Road and give his opinion regarding those road bases to verify if it would be prudent to simply resurface those portions of those roads or wait till they can be rebuilt. Mr. Davis stated that he did not see the advantage to doing any work on Courtney Mill Road unless we have a joint venture project in place with Kilbuck Township since the border runs down the middle of that road.

It was mentioned that Mr. Frisch, a resident who attended the meeting two months ago, reported that he spoke to Ohio Township about their ability and willingness to mill and overlay the beginning portion of Wilson Road. Mr. Davis will discuss this with the Ohio Township Manager, John Sullivan.

Council is in agreement that crack sealing should be added to the maintenance plan immediately for the newly rebuilt roads. Mr. Davis will contact Avalon to see if they can do this type of work for us.

Mr. Firek informed Council that it is too late to bid any road work for this year. Work can be engineered and estimated at this time for budgeting in 2015. LSSE will assess the previously mentioned roads and report at next meeting.

A quick budget review took place and it was decided to hold off till October 23<sup>rd</sup>'s Budget Meeting for more detailed discussion. Mr. Cuteri noted that now that we have the Sewer Fund, less money will need to come from the General Fund Budget for sewer work and we will have additional funds available for roadwork. Mr. Firek stated that money could possibly be taken from the Sewer Fund to repay the General Fund for past Sewer work.

9. New Grading Ordinance: Council had not reviewed the sample Ordinances that Mr. Vogel forwarded and it was decided that Mr. Firek should review the samples and report. The Borough is looking for something that would require review and permitting for grading work. Mr. Cuteri asked if we can prohibit residents from starting grading for construction projects before their construction has been approved. Mr. Vogel was under the impression that many Ordinances revolve around how much earth is being moved or how much area will be disturbed. Mr. Vogel will review various sample ordinances and draft something for review by Mr. Firek and Council at next month's meeting.

10. Joint Comprehensive Plan: Mr. Davis stated that there had been a conference call who's sole purpose was to nail down if we, BAHB, were willing to participate in the Joint Comprehensive Plan. Mr. Davis stated that the Borough is interested in participation as long as agreeable language can be reached between all involved parties. Mr. Vogel has been revising some of the language and forwarding these changes to the other parties and their solicitors for their review and comment. Mr. Vogel reviewed the changes with Council... they included making it clear that there is one Joint Comprehensive Plan between all five (5) parties; Steering Committees and the number of representatives and votes; who will be submitting grant applications; start date of September 1, 2014; and cost sharing.

Mrs. Smith questioned the goal for this type of plan. Mr. Cuteri informed her that by joining into a Comprehensive Community Plan, we will be able to comply with the multiple zoning uses that other municipalities have that we do not. This will aid in the development our new Zoning Ordinance as single family residence usage only. (Grant money will be an added benefit.) Mayor Dismukes noted that our borough will be paying more to develop our portion of this plan since we do not have an existing plan to update as is the case for three of the other municipalities.

Mr. Davis noted that this is simply the planning of the agreement... once this plan is developed we will need to develop a new zoning ordinance for Ben Avon Heights.

Mr. Vogel noted that as of earlier today the other municipalities had agreed with the reviewed changes and in order to stay on schedule for action in August; however, as of earlier today Charles Means, solicitor for Kilbuck, notified Mr. Vogel saying that, "Kilbuck

Township has not decided it will join a joint agreement so I have no comments on your changes at this time.”

Mr. Vogel suggested that Council make a motion to advertise the Intergovernmental Agreement for passage at the August meeting. The final agreement will be distributed to Council after the advertisement is placed and the members clarified; that way if Kilbuck decides in the next few weeks to join the agreement, or not, we are prepared to move forward. We can choose to advertise or not within the necessary time constraints.

**Mr. Isherwood made a motion** to advertise the passage of the Intergovernmental Cooperation Agreement. **Mr. Keelan seconds this motion. The motion passed unanimously.**

11. Sign Replacement Discussion: Mrs. Raves stated that she attended a workshop on street signs presented by the Pennsylvania Department of Transportation. As of today, to be in compliance with the State, we need a letter filed in the Borough’s office stating our intention to change the signs. Mr. Vogel asked Council to authorize execution of the letter. ***Mr. Cuteri made a motion*** to authorize execution of the intention letter. ***Mr. Isherwood seconds the motion. The motion passed unanimously.***

Mrs. Raves will continue with the survey and documents for sign replacement and have an estimate for the 2015 Budget at the October meeting.

Mayor Dismukes stated that he feels it important to give the community a voice in the sign options as to colors and style. Mr. Cuteri questioned how the community would be surveyed. That discussion will take place at a later date.

Mayor Dismukes noted that signage is important for our first responders during the night hours.

12. Duquesne Light: submitted a LED Municipal Cobrahead Street Lighting Conversion Pilot Program Letter to Council. After discussion, noting that the payback timeframe would be lengthy and the light coloration could be considered unfavorable, Council decided not to participate in this program.

13. Street Lights: Mayor Dismukes noted last month that many of the Borough’s street lights are obscured by trees in the Borough. Mrs. Raves received an estimate from Walt’s Landscaping in the amount of \$6,200.00 to handle the trimming. (Oak trees cannot be trimmed until later this fall per Walt’s due to a current disease.) Council agrees that this work must be completed. Mrs. Smith requested that residents be notified of this work prior to its start. Mrs. Raves will send an email blast regarding the work. This work will be placed under the Road Maintenance Budget. (Tennis Court resurfacing will need to be budgeted for next year.)

14. ACORD Park Volunteer List: Mayor Dismukes reminded Council that we need to find a replacement for Mr. Ed Gould on the ACORD board. A list of residents will be circulated and Council is requested to review this list for discussion next month.

15. Intergovernmental Sewer Agreement: This agreement is completed. Mrs. Raves was asked to send letters to the two houses (one at 57 Wilson and another at 53 Newgate Road) informing them of the Dye Testing requirement under our Ordinance. The letter was reviewed by Council and approved with several modifications.

16. Executive Session: Council entered into Executive Session at 8:55 PM  
The meeting resumed at 9:30 PM

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

This meeting adjourned at 9:32 P.M.

The next monthly meeting is **Tuesday** August 12th, 7:00 at Shannopin Country Club.

Submitted by Denise Raves, Secretary