

Borough of Ben Avon Heights

Tuesday April 14, 2015 - 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, Kolenda, Smith

Mayor: Dismukes

Solicitor: Vogel

Ohio Twp. Police: Micklos

Avalon Volunteer Fire Co.: Chief Carney

Lennon Smith Souleret: Firek

Secretary/Treasurer: Ravas

Residents: Martin Knuth, 26 Banbury Lane; Becky Pool, 11 Wilson Drive

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

1. Police Report: Several thefts (two cars broken into @ Shannopin Country Club) and usual patrols and reports were given.
2. Vote to approve March Minutes: Mr. Cuteri ***made a motion*** to approve the March Minutes as presented to Council earlier by E-mail. Mr. Kolenda seconds the motion. ***The motion passed unanimously.***
3. Vote to approve the March Treasurer's Reports: Mr. Cuteri ***made a motion*** to approve the March Treasurer's Report submitted previously by email to Council. Mr. Keelan seconds the motion. ***The motion passed unanimously.***
4. Fire Report: No report, totally quiet.
5. EMS Report: submitted by email.
6. Public Comment: Mr. Knuth inquired how to get his engineering firm involved in the Borough's work. Mr. Davis noted that Lennon Smith Souleret took over the Borough's work just over 4 years ago and the Borough has been happy with their performance. If that was to change then the Borough would interview for new engineers. Mr. Vogel suggested that Mr. Knuth send information to the Borough Secretary she could keep it on file. Mr. Cuteri noted that having the same firm working on the sewer and road work over time is more efficient.
7. Engineer's Report: The ACO: two letters were received from the DEP, one dated 3/27 and the other dated 4/1/2015. We, the Borough, have been given 120 days to decide if we will be part of the CAP Correction Action Plan or part of the Phase 1 Consent Order. LSSE is having a seminar regarding this matter. Mr. Firek noted that Alcosan and watershed area have not completed the ACO requirements lead bullets and that the Consent order expired March 31st 2015. Mr. Cuteri questioned what this means... Mr. Firek stated that the flows have not been

calculated from all the communities... Mr. Davis stated that since we have complied why do we need to do more? Mayor Dismukes stated that in his conversation with the DEP's attorney, he was given the impression that they (the DEP) do not know what to do with Communities who have completed the requirements of Phase 1. And, Mayor Dismukes noted that there are few things that we need to consider before we get to Phase 2. In this interim period, the Consent Decree is terminated and the O&M plan is not enforceable by the agencies. Mayor Dismukes stated that Council will note that the DEP's approach to the communities who have not completed the work and asked for an extension has changed from where they started....they will likely be looking for additional flow reductions and we are not covered for that. Mr. Firek suggested that we line a manhole which would constitute approximately 6% of our sewer length at a cost of about \$5,000.00 and will be in line with that the DEP is looking for from the communities who are not completed with Phase 1. Mr. Firek then stated that there is a third option (that is not written) which is to ask for release from the Consent Order, but we will need to show our flow data. Discussion took place stating that this direction will be under additional scrutiny over the next 18 months and if we choose to go that route we need to show flow reduction. Mayor Dismukes stated, he felt that this would put us into a category where third party law suits for pollution is a possibility. Mr. Davis stated that it seems to him that the DEP will be looking for further reduction to flow and that this will be done on a regional basis in the future. We might need to indicate our flow to reduce the future costs therefore, maybe we need to make sure our data is correct so we have a defensible position. Mr. Davis thought that there will probably be regional municipal authorities and we should position ourselves to be in the best position regarding that idea.

Mr. Isherwood suggested we wait to see what the New Consent Decree brings, probably soon. Mr. Keelan stated that we have spent a good deal of our money and held other needed work back while other communities have not complied with the deadline; he feels we should sit back and wait.

Mr. Isherwood stated that collecting new data is needed.

Mayor Dismukes noted that he felt that if regional Authorities were formed then they would be able to borrow money in addition to each municipalities borrowing basis. And that maybe we should get an agreement with ACHD to secure our position. Maybe we could pass an Ordinance, like other communities, requiring laterals be reviewed at each sale insuring that they are not leaking.

Mayor Dismukes feels that we can sit back for a few years and spend very little money but keep proceeding with the O&M plan and he is in support to get new data.

Mr. Davis stated that the Avalon side of the system is brand new and will not be leaking at all.

Mr. Vogel is suggesting waiting till the next letter stating what the next step will be.

Mrs. Smith felt we should be more logical to sit back and wait to see what happens. She might be in favor of \$5,000.00 for lining

Mr. Davis stated, it is always good business to keep working in good faith as well as a good idea to maintain the system and continuing to work on the O&M would be good to consider.

Mayor Dismuke's perspective is that the letter says that the fact that there will be additional requirements strategically may help us; maybe we state that we are committed to the O&M Plan and will continue with that, maybe we collect data, and add an ordinance and let them review the ordinance.

Mr. Keelan verified that this is just an informational discussion and then we can discuss this again at a later date. All were in agreement.

Mr. Cuteri asked how long the metering would take. Mr. Firek said 30 days would be good.

Mr. Isherwood stated he would like us to install our own meters and keep constant data so we can prove the reduction over time.

Council asked Mr. Firek to get pricing on metering for our review at the next meeting.

2015 Roads: Mr. Firek reported that their office had two contractors pick up the bid documents for the 2015 road work but only T. A. Robinson submitted a bid for the work at the sum of \$98,443.00. Mr. Firek also noted that the asphalt numbers were lower than the engineer's estimates. Mr. Cuteri ***made a motion*** to accept the bid submitted by T.A. Robinson. Mr. Isherwood seconds the motion. Discussion took place; verifying that we can accept this price since we only received one bid and Mr. Vogel confirmed it was OK. Mr. Davis asked if the prices were good. Mr. Firek stated that he compared the prices with other projects bid in their office and that the price was in fact in line with the others. Mayor Dismukes noted that the bid price was in line with what we were expecting. Mr. Davis asked if we could ask the contractor to add work to the scope of the project after signing the contract. Mr. Vogel and Mr. Firek stated that additional work up to 20% - 25% of the contract sum can be added by change order. Mr. Davis asked about the time frame to immobilize and Mr. Firek stated that the contractor might be able to start as soon as May. Mrs. Raves noted that the AIM loan will not be completed by that time. Mr. Vogel did not think that the loan closing would be longer than 30 days. Mr. Firek reviewed the document trail and he felt that the first payment would not need to be paid till the loan was in place. Mayor Dismukes noted that we have money in the Reserve Account if needed to cover the entire project. It was decided that Mr. Firek will let TA Robinson know that they have the project. Council is not concerned about the timing of payments and the AIM loan.

The motion passed unanimously. May 5th the LSSE is hosting a luncheon on various FEMA updates from 11:30 – 1:00 all are welcome.

8. Ordinance No. 329: Mr. Cuteri ***made a motion*** to approve Ordinance No. 329 as advertised increasing the Borough's indebtedness by issue of general obligation note in the maximum amount of \$92,766.00 for purpose of paving roads, upgrading sewer facilities and capital improvements within the Borough. Mr. Keelan seconds the motion. ***The motion passed unanimously.*** Mr. Davis questioned as to where this will position us in regards to borrowing money. Mrs. Raves will work on that information for the next meeting. Mayor Dismukes noted that we might not want to borrow yet because West View Water will be tearing up the next roads on our list for repair. Mrs. Raves noted that our borrowing base has increased because of the money we collect for the Sewer Account.

Roll Call for Ordinance No. 329: Davis, Cuteri, Keelan, Smith, Isherwood, Kolenda; all responded Aye.

9. Resolution 2015-01: Mr. Cuteri ***made a motion*** to approve Resolution 2015-01 authorizing execution of a general obligation note in the amount of \$92,766.00 for the purpose of road repaving noted in Ordinance No. 329. Mr. Isherwood seconds the motion. ***The motion passed unanimously.***
10. AIM Loan Agreement: Mr. Cuteri ***made a motion*** to sign the Loan Agreement 2015-01 with AIM in the principal amount of \$92,766.00. Mr. Kolenda seconds the motion. ***The motion passed unanimously.***

At this time Council paused to sign all Ordinances, Resolutions and Loan Agreements. Becky Pool notarized the Debt Statement/ Borrowing Base Paperwork for Council.

11. Park Rules: Mrs. Raves noted that it had been several years since the rules were distributed to the Residents and Mr. Cuteri has submitted several updates for Council's review and approval. Mr. Cuteri noted that he planned to turn the tennis court keys over to the secretary since he is

frequently not available for residents to contact him. Mayor Dismukes did not want to prohibit paid lessons on the tennis court. Discussion took place regarding the use of the tennis court and if paid lessons should be permitted. Mr. Vogel asked to have the Rules forwarded to him so he could review and make a recommendation.

12. Community Presbyterian Church: Mrs. Raves reported that the Church has asked for permission to hold their Easter Sunrise Service at the Park again on Sunday March 27, 2016. Council has approved the Church's request.

13. Council entered into Executive Session at 8:28 PM

Note; Mr. Davis left the meeting during Executive Session.

The meeting resumed at 8:40 PM.

14. It was noted that the crossing guard's car at the Oxford stop, when parked in her usual position blocks the view of traffic from the right. Mrs. Raves was instructed to ask Mrs. Haver to move her car back about 8 – 10 feet when parked at the stop.

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

This meeting adjourned at 8:56 P.M.

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

Submitted by Denise Raves, Secretary