

## **Borough of Ben Avon Heights**

### **July 13, 2010 Council Meeting**

The regular meeting of the Ben Avon Heights Council was held at the Shannopin Country Club at 7:30 pm

**Present:** Council Members Cuneo, Cuteri, Davis, Dickson, Kolenda, Mayor Dismukes, Solicitor Vogel, Police Chief Micklos, Fire Chief Buckman, and residents Phyllis Colaanni, Joan Mosey, and Greg & Mary Ann Mihalko.

Council President Davis called the meeting to order at 7:30 pm

#### **June 2010 Minutes**

- A motion was made to approve the June 2010 Minutes. They were approved as distributed.

#### **June 2010 Treasurer's Report**

- A motion was made to approve the June 2010 Treasurer's Report which was approved unanimously. The 2010 Year-To-Date Budget Overview Report was reviewed.

#### **Public Comments**

- Resident Mary Ann Mihalko addressed Council with questions and concerns regarding their sidewalk on Banbury which has been deteriorating for over 10 years due to, in her words, road paving issues along Banbury Road. She wanted to know the status of the needed work to the sidewalk. Mr. Davis explained that Council had hoped to work on it this year, but they are waiting to see if there would be any money left over after the Clovelly Road paving project and Consent Decree projects are completed over the next few months. Mr. Mihalko asked if Council could please put in a wedge curb to protect their landscaping, as a temporary fix, if Council is unable to fix the sidewalk this year. Mr. Cuteri said that Council will consider the work once the hard costs are known for the roadwork and Consent Decree work.

- Resident Joan Mosey addressed Council to inform them of Shannopin's decision to put the signing of the lease agreement for the Marcellus Shale drilling on hold for at least 3 years. She also wanted to know if Council was aware of a possible lease agreement for a cell phone tower at Shannopin. Council was unaware of a cell phone tower agreement. It was mentioned by resident Greg Mihalko that the cell phone tower would be incorporated into their new flag pole. Mr. Davis said that he would ask Mark Shepherd if he knew anything about it.

#### **Ben Avon Heights 100 Year Anniversary – June 17, 1913**

- Mrs. Dickson volunteered to be the Council liaison person to assist with communication to and from the committee. She mentioned that she is planning to serve on Council for the remainder of her term which will be until the end of 2011; therefore other arrangements might need to be made after 2011. A motion was made to appoint Mrs. Dickson as the 100 Year Anniversary Committee Liaison. The motion passed unanimously.

#### **Police Report: Police Chief Micklos**

- The written police report was provided to Council and Chief Micklos said that it was a normal month with only a few resident false alarms and animal complaints. He informed Council that he talked with the resident along Banbury Road, at the crest of the hill, regarding parking in front of their home instead of utilizing their driveway. The resident explained that they were having some work done recently which prevented the use of their driveway at times. They assured the chief that they would park in their driveway whenever possible.

–Council asked Mrs. Phelps to contact our Zoning Officer to review an above ground pool which might be in violation of our zoning ordinance.

–Mr. Kolenda reported speeding along Clovelly Road and asked what could be done to help with the problem. Speed humps were discussed, but it was quickly decided that they cause more problems than good because of the noise, and even more speeding occurs once vehicles go over the humps. It was suggested that the speeders' license plate numbers be reported to the police.

#### **Fire Report: Fire Chief Buckman**

- A written fire report was provided to Council.

#### **Gateway Engineers Report**

-Gateway Engineers provided a written report prior to the meeting which stated the following: **Consent Order Work** - Creative Enterprises will begin the contracted work for the sewer point repairs which will enable Tri-State Maintenance to access the untelevised portions of the sewer line. They will also fix the inlet on Clovelly which was damaged by Waste Management and the manhole on Cambridge as change orders to the existing contract as authorized by Council. The Cambridge Road change order is to repair the loose bricks inside of the manhole which was overflowing last summer after the stretch of rain. **2010 Paving Program** – Clovelly Rd. paving project contracts have been signed by all parties as of July 7<sup>th</sup> and Gateway is working with T.A. Robinson for a tentative schedule and preconstruction meeting. Columbia Gas has reported that they will be unable to do any work on the main along Clovelly Road this year. Columbia Gas, as well as all of the utility companies, has been made aware of our updated Street Opening Procedures and Permit Application.

–Mr. Kolenda recently obtained a rough estimate from Guy Miller of \$7,000 to repair the retaining wall at the end of Clovelly Road.

– Council asked Mrs. Phelps to ask Gateway to get an estimate to repair the storm inlet next the retaining wall at the end of Clovelly Road from Creative Enterprises.

#### **Park**

-The budgeted tennis court work will wrap up this week. The work included: milling the bubbles and imperfections in the asphalt base, installing 2 acrylic base filler coats on milled areas, installing acrylic color base coat on milled areas and entire area outside lines, install acrylic color top coat over entire court and laying out 2” white playing lines. The budgeted expense will be \$3,980. Ben Avon will be offered the slightly used tennis court net. If they are unable to use it, it will be offered to another community.

–Walt’s Landscaping will do the budgeted tree work over the next month or so. The work includes thinning the 7 pin oak trees along Lynton Lane and cutting out the lower limbs. The budgeted expense will be \$1,400.

#### **Hauling Permit Ordinance**

- The advertised Hauling Permit Ordinance #306 was reviewed and discussed. A motion was made to pass Ordinance #306. The motion passed unanimously. A new Hauling Permit Application will need to be drafted and then the residents and Kilbuck Township officials will need to be notified of the new requirements and permit application. Gateway Engineers will need to be involved as they will be providing the inspection of the streets when a permit application is received.

#### **Street Opening Ordinance & Permit Application Updates**

- Mr. Cuteri and Mrs. Phelps will meet with the utility companies next week to answer any questions they might have regarding the updated ordinances and permit application. All of the utility companies received a packet in the mail with copies of ordinances 145, 268 & 304, the updated permit, and the updated trench detail specifications. They have also been made aware, by letter, of the Clovelly Road paving plan and we will inform them of our draft 5 year paving plan once it becomes available.

#### **Planning Commission Members & Terms**

- A motion was made to approve the following Planning Commission Members and their terms, retroactive to January 2010: Chair Alan J. Cuteri – 4 year term, Gregory Mihalko – 3 year term, Peter Keelan – 2 year term. The motion passed unanimously.

#### **February 2010 Snowstorm FEMA Assistance**

- Mrs. Phelps reported that the Borough received \$3,088.33 in assistance from the Federal Emergency Management Agency to help offset emergency expenses related to the February snowstorms.

#### **Electronic Version of Ordinances**

-Solicitor Vogel reported that his firm finished up the ordinance scanning project and has provided Mrs. Phelps with 5 CDs with the scanned ordinances on them. Mrs. Phelps will review the CDs and then distribute them as appropriate.

#### **Emergency Management Coordinator Resignation**

- Mr. Wichmann provided Council with a resignation letter which is effective August 1, 2010. He noted personal reasons for his resignation. Fire Chief Buckman will ask Ben Avon’s Emergency Management Coordinator if he would have an interest in serving Ben Avon Heights as well. In the mean time, Mrs. Phelps will review the plan to determine the requirements of the coordinator.

#### **Joint Community Planning Meetings**

-Mrs. Cuneo reported that she and Mr. Isherwood have attended two planning meetings and have found them to be helpful and interesting. They will keep Council updated as the meetings progress.

#### **Joint Community Comprehensive Plan**

-Council discussed the email which was received from Sarah Fink, an intern doing the foundation work on a Comprehensive Plan for Kilbuck Twp., which asked if BAH would like to be included. She also mentioned the possibility of a grant for the plan since it would be a joint community comprehensive plan. Mr. Cuteri will contact Ms. Fink to let her know that BAH is interested.

#### **Delinquent ALCOSAN Accounts**

-Solicitor Vogel provided Council with a draft ordinance which would allow the Borough to collect the delinquent ALCOSAN Accounts and charge the appropriate fees for doing so. A motion was made to advertise the drafted ordinance. The motion passed. The criteria established for when it’s appropriate to go into “collection mode” on a delinquent ALCOSAN account include: A balance due of \$500 or more and/or not paying for 1 year or more.

**Council entered into Executive Session to discuss legal matters at 9:03 pm. Executive Session concluded at 9:15 pm at which time the meeting resumed.**

Council authorized Mrs. Phelps to pay the Gateway bills which are not related to the O&M Plan or the Feasibility Study Split Time. Mrs. Phelps will meet with Mr. Davis to review the O&M Plan bills and Feasibility Split Time Invoices so the he can discuss them with Gateway.

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