

**AVALON BOROUGH
REGULAR COUNCIL MEETING
JULY 15, 2008**

The meeting opened with a prayer and the pledge of allegiance led by Mayor Dave Haslett.

Roll Call: Cortese, Donnelly, Klicker, Michalow, Narcisi, Powell, Repp, Sefick, and Wurst.

Also present were Mayor Haslett, Harry Dilmore, Chief Howie, Solicitor Canciello, Shawn Rosensteel and Judith Brogan.

Repp moved:

“To accept the Minutes of the Regular Council Meeting of June 17, 2008 meeting.”

CARRIED

COMMUNICATIONS:

- Letter from the Northgate Quarterback club asking Avalon Council to place an ad in their 2008 Football Program. Letter forwarded to the Inter-boro Committee.
- Letter from Alcosan updating information from the Wet Weather Project.
- Information received from Tuti Mechanical for the HVAC units on the Municipal building. Information forwarded to the Property Committee.

VISITORS:

Jackie Yurkovich spoke for her neighbor Linda who had a complaint of garbage left sitting on the curb of the house on the corner of Fisk Street and California Avenue. Is there anything they can do about it? Klicker

asked Dilmore if he was aware of the problem and Dilmore stated that he would go there and look into the situation and call the necessary people to get it cleaned.

Jackie also stated that Linda would like to be present at the hearing for the complaint against 309 Fisk Avenue. Dilmore stated that he would like to have more residents with the concern for the Borough that Linda has and he will definitely keep Linda informed so she can attend the hearing and enter her information on the matter.

Jackie welcomed Ralph Cortese to Council and stated that she is happy to have someone on Council who will get involved with the Borough. She then went on to compliment the Borough for the reasonable rates charged at the swimming pool, the life guards, the cleanliness of the pool and the new pool manager, Terry Benson. She said it was good to have a pool manager who is willing to work with the people.

She also complained about the homes on N. Birmingham that have broken sidewalks, overgrown brush and broken bottles and glass which is a hazard to anyone walking in the area. Dilmore stated that the owner refused to fix the sidewalks until after the Borough fixes the curbs which will be done when the Borough is able to do the other work which will be done when they receive the money from PennVest.

MAYORS REPORT:

NO REPORT

SECRETARY/MANAGER:

- Dilmore stated that a Variance hearing for 924 California Avenue was held on June 18, 2008 and was approved.
- Dilmore stated that the pool is running smoothly and Mr. Cortese will give the report for the Parks and Recreation. Terry Benson asked Dilmore to announce that the next big event at the pool is the Christmas in July party to be held on July 25, 2008 from 7:00 p.m. to 10:00 p.m.

- **Dilmore stated that he received a letter from MRM on the year's dividend on unemployment compensation coverage. Avalon finished second in percentage of return at 68%. Thank you employees!**
- **Dilmore stated that he completed the communication with SHACOG on the 2008/2009 salt contract. He met with Keith Lorey, head of the Street Crew, to determine the potential salt usage for the season. The final papers have to be filed by July 28, 2008.**
- **Dilmore stated he received correspondence from Waste Management concerning the fuel adjustment fee for 2007. The Borough Managers are fighting this adjustment because Waste Management wants to make the adjustment retro-active to January. Since the Boroughs bill the residents annually, they will not be able to recoup this increase like the towns and cities that bill their residents on a quarterly basis.**
- **Dilmore stated that it was discussed at the QVCOG meeting and a representative from Waste Management is going to attend a meeting to explain the reason for the surcharge and to answer questions.**
- **Klicker stated that he is unhappy with the work Waste Management does and now they want to change their contract in the middle of the year. He finds this unreasonable and asked if there is any way to withhold payment to them. Dilmore stated that Avalon Borough's Waste Management bill is less expensive because the Borough does not have specialized pick-ups. Some of the other areas have back yard pick-up and alley pick-up to mention a few but Avalon only has the curb pick – up and recycling bins. This cuts the cost considerably.**

SOLICITOR:

Canciello stated that Senate Bill 1063 was recently signed into law. This bill drastically changes the way earned income tax, local service taxes and per capita taxes are collected in Western Pennsylvania.

Statistically, there are 550 local tax collectors in the Commonwealth of Pennsylvania and 2900 local taxing districts. With the new law, Allegheny County will be assigned 4 different tax collectors solely for the purpose of collecting earned income tax, service tax and per capita tax. According to the study, more than \$237 million dollars goes uncollected due to inefficiencies in the system. Under the new bill, the County will collect the taxes and send a check to the Municipalities. Narcisi asked if this would eliminate Inez Stauffer's position as tax collector and Canciello said that has not been determined yet and the Bill will not go into effect until 2012. Canciello will have an outline at the next meeting.

The details have not been finalized yet and Canciello will keep Council informed as it progresses.

ENGINEER'S REPORT:

SEE ATTACHED

FINANCE:

Michalow moved:

"To permanently move \$38,184.80 from the Sewage Surcharge Fund to the General Fund."

CARRIED

Michalow explained that the money was originally moved last year to cover a bill from 2006 and a few from 2007 that had to be paid.

Michalow also explained his next motion by stating that due to the crisis in the tax office, it put the General Fund in jeopardy. He met with Lorraine (Makatora) to go over the expenses and to see how much would be needed to cover the pending bills and payroll.

Michalow moved:

“To temporarily move \$120,720.88 from the Sewage Surcharge to the General Fund.”

CARRIED

“To move \$120,720.00 to the Sewage Surcharge Fund from the General Fund.”

CARRIED

“To accept the Treasure’s report as submitted.”

CARRIED

“To accept the Tax Collector’s report as submitted.”

CARRIED

“To pay the List of Bills as submitted.”

CARRIED

“To accept the Finance Report as submitted.”

CARRIED

PUBLIC SAFETY:

Narcisi stated that Fire Chief Carney brought the new pick up truck and parked it outside of the Municipal building for Council to inspect.

He also stated that the Quality of Life meetings would begin and the Revival and Renewal meeting will be on September 4, 2008 at 7:00 p.m. in the Avalon Borough Municipal Building. The Committee will review three Ordinances related to property maintenance that were discussed in the past but never brought to Council.

Narcisi thanked Wurst for his research as to cost and effectiveness to place cameras in strategic places in the Borough to monitor and/or sensor behavior within the Borough. The cost for the cameras will be \$300.00 and the research will be referred to the Parks Committee.

Narcisi moved:

“To hire Joseph Faulisi, Michael North and Amber Price as part-time police officers for Avalon Borough.”

CARRIED

Haslett asked if there were any considerations for the Police Chief or Council before the vote was taken. Klicker stated that the Police Chief made the recommendations for these applicants since they applied directly through the police station and Council had already interviewed them.

CARRIED

“To accept the resignation of Edward W. Kurtz, Jr. as a part-time police officer with the Avalon Police Department.”

Klicker stated that Edward has been with the Borough for several years and the Council was pleased with his work.

CARRIED

“To move a handicap parking space from one location now not in use to 741 Hemlock Street for continued use by another party.”

CARRIED

STREETS:

Repp moved:

“To accept the low bid of \$46,027.94 from Pro Tec Maintenance to pave Spruce Run Road.”

CARRIED

Klicker asked Repp if the Streets Committee had discussed this bid already and Repp stated they had.

Repp reported that one of the trucks has been inspected and the other is due soon, a few trees are down and had to be removed, and the Street Crew was taking care of the grass and parks as scheduled. The Crew foreman, Keith Lorey, stated that they had not put the park entrance signs up yet and the camera idea was noted.

PROPERTY:

Sefick stated he had been in touch with Dan Franus about the window problem at the library and received information today that the windows would be in any day and the contractor would start the work immediately.

Sefick stated that they are looking into Tuti Mechanical taking over the work now being done Bussard Heating and Cooling. Dilmore stated that the Borough would honor the contract up to August 31, 2008 and then turn the work over to Tuti. Sefick stated that Bussard doesn't have the equipment to do the work efficiently or cost effectively.

HEALTH:

"To accept Resolution No. 1044 declaring the intent of Council to reimburse the General Fund with construction improvement funds obtained from PennVest."

CARRIED

"Wurst moved:

"To enter into an agreement between Chester Engineering and Avalon Borough authorizing Engineering Services for the sanitary sewer deficiencies project."

CARRIED

“To enter into and authorize a contract with State Pipe Services for the sanitary sewer deficiencies project.”

CARRIED

“To authorize Chester Engineering to issue a notice to proceed with the State Pipe Services immediately following the PennVest closing.”

CARRIED

CORP/PLANNING:

NO REPORT

INTER-BORO:

NO REPORT

PARKS:

Cortese moved:

“To accept the low bid of DPM Construction for the handicap restroom project in Avalon Park and direct the secretary to notify the QVCOG of our notice to proceed.”

Cortese announced that Terry Benson, the pool manager, will be having a “CHRISTMAS IN JULY” event at the swimming pool on Saturday, July 26, 2008 at 7:00 p.m. to 10:00 p.m. The announcement will be in the Citizen.

LIBRARY:

NO REPORT

4th JULY:

Connie Rankin stated that this year’s fireworks were the best she has seen in the Borough and Klicker agreed, stating that he has heard the same thing from several residents.

Michalow moved:

“To adjourn the meeting.”

CARRIED

The meeting adjourned at 8:32 p.m.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Harry W. Dilmore". The signature is written in a cursive style with a large, sweeping initial "H".

**Harry W. Dilmore
Manager**

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**AVALON BOROUGH
REGULAR COUNCIL MEETING
AUGUST 19, 2008**

The meeting opened with a prayer and the pledge of allegiance led by Councilman Al Wurst.

Roll Call: Cortese, Donnelly, Klicker, Narcisi, Powell, Repp, and Wurst. Also present were Harry Dilmore, Chief Howie, Solicitor Canciello, Shawn Rosensteel, Judith Brogan and intern, Jeff Swackhammer. Absent: Michalow, Seficek, Mayor Haslett and Stauffer.

Repp moved:

“To accept the Minutes of the Regular Council Meeting of July 15, 2008 meeting.”

Klicker recognized Intern, Jeff Swackhammer who has been working in the Borough and assisting Harry Dilmore with the Kilbuck work since May. Jeff’s internship will end on August 22, 2008 at 4:00 p.m.

CARRIED

COMMUNICATIONS:

- **Letter from AAA on “Schools Open” Program. Dilmore registered the Borough to take part in the distribution of signs and literature. The information and material will be given to Chief Howie.**

VISITORS:

Paul Springob a resident of Elizabeth Avenue for the past 25 years, commended the Avalon Borough Police Department and specifically, Police Chief Howie, for doing a good job protecting the citizens of Avalon. He then complained about the stop sign placement at the top of Elizabeth Avenue saying that cars do not stop at this sign. He also stated that he has experienced road rage from drivers who got angry because he stopped at the stop signs. He wants to know if there is any

thing that can be done to put the stop sign in a better or more visible spot.

He also asked if there is an Ordinance specifying if it is permissible to pour gravel in the yard and use it for parking. He did not file a formal complaint or state who in particular he was referencing.

Mr. Springob is concerned that travelers passing through Avalon will see the Borough as a "scum hole." He stated that he was glad to see that Domino's Pizza finally cut their weeds as they were an eyesore.

He also complained about the sidewalks that Columbia Gas company put in, stating that they only used gravel and now that the gravel has deteriorated the weeds are taking over the area.

Ohio & California Avenues have overgrown weeds, Chubby Chucks Pizza is an eyesore which has not been addressed for 20 years. He wants to know if violators are being fined for the inconvenience they are putting the Borough through.

He stated that he knows Council is well aware of the problems with Norwood Avenue, Grandview Avenue, Birmingham Avenue and the steps all of which are falling apart. He wants to know how Council will come up with the money to fix the problems when the Borough is deteriorating quicker than the money is coming into the Borough.

Mr. Springob thinks that the Borough and Council should take a little pride in the appearance of the Borough. He stated that although he has been sick over the years, his house is painted perfectly and he still takes care of his property. He wants to know what is wrong with the people in the Borough that they don't care about the town.

He also wants to know what rule is governing Commercial Trucks in the Borough. He stated that the Roto Rooter Co. truck parks and blocks the stop sign which he feels is going to cause an accident.

He stated that an Avalon fireman got a ticket in Ben Avon and while he admitted that he did not have all of the details, he is positive that Ben Avon tickets because they care about their Borough. He feels Avalon needs to enforce their laws.

He wants to know why vehicles are provided to Borough workers. While he means no disrespect, he thinks that if his wife can get paid mileage, the Borough workers should do the same.

He wants to know if the Borough Dump Truck is working. Winter is approaching and he sees the truck sitting idle. He is considering moving out of Avalon. He thinks that the Councilmen and Councilwomen should be walking through Avalon citing the violators and force them to keep the Borough clean.

Klicker stated that the stop sign Mr. Springob is referring to is a code issue and should be addressed by the Police Department. He also stated that the area at the bottom of Elizabeth Avenue is owned by the Commonwealth of Pennsylvania and the project which was supposed to repair the area has been put on hold by the State.

Dilmore stated that the Borough is waiting for a court date for a hearing on the property at 500 California Avenue. On Wednesday the property maintenance inspector and Dilmore appeared in front of the Magistrate regarding 22 property maintenance violations. Dilmore complimented Mr. Springop on his concern about the Borough.

Mr. Springob asked if the Borough can do the work needed on some of these homes and put a lien against the property. Dilmore stated that it is illegal to go on property without the owner's permission.

Donnelly stated that she and Dilmore will be attending a hearing concerning a house on the street where she lives and she too is tired of the way some people maintain their property.

Dilmore stated that the Borough is dealing with absentee landlords and renters who ignore the notices sent out by the Borough.

Klicker asked Dilmore about the status of the house on Delp Avenue that Donnelly was complaining about. Dilmore stated that the Borough won a hearing at the Magistrate's level awarding the Borough \$10,000 in fines. The owner appealed the award and they are now waiting for a hearing in Downtown Pittsburgh. Dilmore stated that the landlords have rights and by the time they exhaust all of the options available to them, it takes a long time to get anything settled.

He also stated that the Borough has lent lawn mowers to residents who are renters and are also ashamed of the way the owners fail to keep the property maintained.

Donnelly stated that although the Borough should be inviting younger buyers to the area the Borough needs to fix the streets. She feels that when the streets and sidewalks are finished it will do a lot to improve the area and people will want to keep it maintained and younger people will want to buy in this area.

Chief Howie stated that when he stops truckers for violating the truck Ordinance in Avalon, he is often told that they got the directions from Mapquest and there is nothing on the website stating that they cannot use this route.

Karen McCulley of 513 Spruce Street stated that her aunt who lives at 338 Spruce Street and works in the Borough is complaining that cars are ignoring the stop signs causing concern to her and other residents. She said there is a stop sign missing from the pole and they want another one put up in its place. She asked if the Borough removed it or was it stolen. Chief Howie stated that Borough has not removed any of the missing signs but the cost to replace all of the stolen signs is prohibitive.

Karen stated that they would also like a sign warning drivers to watch out for children. Howie and Klicker said they would look into the situation of the signs and do what they could to correct the problem.

She also thanked the Street Crew for cleaning the sewer line in front of her house which was stuffed with leaves and debris from the heavy rains.

Cortese asked Chief Howie if the police department has a list of the missing signs in the Borough. Howie said they do have a list but it is too expensive to replace the signs at this time. He promised to look into the matter.

Pam Golubski of 221 S. Star Avenue complained about her neighbors consuming parking spaces unfairly since they live in the apartment complex and they have a parking lot. She is being yelled at by

neighbors using obscenities because she asked them not to park in front of her house when they have private parking in the apartment parking lot. This is causing her concern because she goes to school and works and she often has to park a street away and walk to her home at 11:00 p.m. She has complained to the Bellevue Police because the apartment building is actually in Bellevue. She is also concerned that there may be illegal activity in the house at 217 S. Starr Avenue because she sees roughly 33 cars/people going in and out of the house. She also stated that one of the neighbors has a car that leaks gasoline and she is afraid of the consequences of such a leak. Klicker told her to report the problem to the Fire Department. He also asked who the neighbor is and Dilmore stated that it is, again, 217 S. Star Avenue. He has sent a letter to the owner in the past and he and the inspector have visited the area due to other violations. He will continue to look into the problem Pam is having and the police will be notified if there are legal violations to address.

Dave Dixon of Center Avenue and President of the Fire Department asked who is heading the Streets Committee and the Finance Committee. Klicker stated that Sefick and Michalow are the representatives, respectively, and both are absent from this meeting. Dixon asked how soon items are discussed when presented to the Finance Committee. Klicker stated that items brought up for discussion by the board are discussed at the next meeting. Dixon stated that he will come to the next safety meeting in hope that his concerns with the completion of the bathroom, the repair of the doors and the Purchase Order numbers he needs in order to receive the check for the pick-up truck would be discussed.

He also stated that the Fire Department wants lock-boxes put on the main doors of the apartment buildings in Avalon Borough similar to the ones used by real estate companies. This would help the Fire Department in their rescue efforts. He also stated that the department wants the siren alarm system re-established. He said the Fire Department thinks it is a necessity at this time. Klicker stated that the Fire Department gave Council a list of priorities and the siren issue is on the list. He thinks it might be wise to have the list updated. Klicker also stated that he would like to see a representative at every Safety Committee meeting. The priority list could then be updated and re-prioritized as needed.

MAYORS REPORT:

NO REPORT

SECRETARY/MANAGER:

- **Dilmore stated that he attended the intern recognition luncheon honoring the Borough intern, Jeff Swackhammer, for 2008. It was a great lunch, a great ceremony and a great job, Jeff.**
- **Dilmore stated that he met with Chester Engineering representatives and contractors on CD34 project that will begin shortly. The engineer will explain the details in his report.**
- **Dilmore stated that he completed the Pension audit with the State auditor and conducted exit memorandum with Mr. Michalow and the auditor. Mr. Michalow and Mr. Klicker were present and are waiting for the report to give to the actuarial.**
- **Dilmore stated that the Library window project has been completed and looks great. He is awaiting approval of project papers from architect.**

Klicker asked Dilmore about the hearing the Magistrate, Tara Smith. Dilmore stated that even though the Borough won the cases, Tara gave a continuance to six of them and while most of them were for 10 days, one was for 30 days because a contractor has to be hired by the owner. She also raised the fines and then the properties have to be revisited to make sure the violations have been corrected.

Harry stated that when people say the Borough looks run-down, they have to take into consideration that residents have a legal process that allows them to appeal decisions at different levels, and then they are given so many days to comply and by the time they do comply, the property sometimes looks worse than when the Borough started the process. He will continue to keep Council informed.

SOLICITOR:

Canciello gave a PennVest update stating that there will be a special meeting on Friday, August 22, 2008 at 7:30 p.m. to amend Ordinance No. 1323. The ad for the meeting and the changes in the Ordinance will appear in the Pittsburgh Post Gazette. The changes are according to recommendations from Bernadette Fantini of PennVest. The changes are 1. 'To clarify that what is being enacted is a guaranteed Revenue Note as opposed to a General Obligation Note and 2. That the project will last the length of the note.' Bernadette does not foresee any delay due to these changes but the papers must be sent to the DCD as soon as possible.

There will be a post-ad in the Citizen after the meeting.

Canciello then stated that he has not done any more work on Senate Bill 1063 which will change the way the local income tax is collected, due to the work on the PennVest Ordinance. The Senate Bill does not go into effect for four years and he will keep Council informed as it progresses.

ENGINEER'S REPORT:

SEE ATTACHED

Dilmore stated that he met with the contractor on the Spruce Rune Road project. The contractor wants to start as soon as possible and the road will be closed for one or two days.

Donnelly asked Shawn about the drainage on Grandview Avenue and Shawn assured her that it will be addressed as needed.

Shawn also stated that if Council has any suggestions to please let him or Harry know and the suggestions will be considered.

FINANCE:

Repp moved:

“To accept the Finance Report as submitted.

CARRIED

“To accept the Treasurer’s report as submitted.

CARRIED

“To accept the Tax Collector’s report as submitted.”

CARRIED

“To pay the List of Bills as submitted.”

CARRIED

STREETS:

Repp stated that there was a meeting on August 14, 2008 and the front loader was reported as being repaired and the spray painter was repaired.

There will be a Dumpster Day on October 25, 2008 from 8:00 a.m. to 1:00 p.m.

The paper work for the Salt contract has been received. Repp also stated that the Committee will look into the stop sign problems brought up at the meeting.

The handicap ramp curbs at Locust and Florence Avenues need to be re-planed because they have metal strips on them and they are too high.

SAFETY:

NO REPORT.

PROPERTY:

Dilmore spoke for Sefick stating that the project has been done and Dan will meet with the Fire Department as soon as he can about the project.

HEALTH:

Wurst stated that the County Department of Health states that rabies reports are down for the third year. They are using a baiting procedure which is consumed by the squirrels and other animals to limit the virus.

The West Nile virus is also down this year.

CORP/PLANNING:

NO REPORT

Dilmore announced there will be a zoning meeting on Monday, August 29, 2008 at the Avalon Borough Building.

INTER-BORO:

NO REPORT

PARKS:

NO REPORT.

Narcisi stated that he is receiving good reports on the pool. Terry announced that the pool will be open on Labor Day week-end from noon til 6:00 p.m.

LIBRARY:

NO REPORT

4th JULY:

NO REPORT.

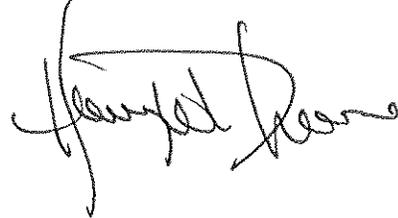
Narcisi moved:

“To adjourn the meeting.”

CARRIED

The meeting adjourned at 8:45 p.m.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Harry W. Dilmore". The signature is written in black ink and is positioned above the printed name and title.

**Harry W. Dilmore
Manager**

**AVALON BOROUGH
REGULAR COUNCIL MEETING
SEPTEMBER 16, 2008**

The meeting opened with a prayer and the pledge of allegiance led by Councilman Mayor Haslett.

Roll Call: Cortese, Donnelly, Klicker, Michalow, Narcisi, Repp, Sefick and Wurst. Also present were Mayor Haslett, Dilmore, Chief Howie, Solicitor Canciello, Shawn Rosensteel, and Judith Brogan. Absent: Powell and Stauffer.

Wurst moved:

“To accept the Minutes of the Regular Council Meeting of August 19, 2008.”

CARRIED

(Michalow and Sefick abstained)

COMMUNICATIONS:

- Dilmore stated that he received a call from the DEP on the meeting dates for informational meeting with all parties involved with flooding along Union Avenue. Dilmore wants to discuss the call with the Borough Solicitor, Canciello and with the engineer, Shawn Rosensteel. If proposed situation is done, water will increase in Avalon Park.
- Letter from ACHD on Pool Managers certification Registration Form. Since Ms. Benson is done for the summer and she is supposed to fill it out, how should this be handled?
- It was decided to pass the forms on to Ms. Benson and have her fill them out and return them.

VISITORS:

Clark Edenhart of 803 Hemlock Street stated that he had contacted the Animal Control Office in May and spoke to Lois Cummins about a pit-bull owned by his next door neighbor. He wanted to know if the dog had a dog license and he is concerned that the dog would hurt his granddaughter when she visited because pit bulls have the highest percentage of violence against children under the age of 14. He was told the department would look into the matter and make sure the animal was licensed and had its shots. Lois Cummins, of the Animal Control Department stated that she and a County representative along with the Avalon Police Chief, Howie, went to the home and found nothing out of the ordinary. The dog was not a threat and had not hurt any one so there was nothing the officials could do at that time. Chief Howie stated that the dog was no longer living there. Edenhart stated that he had contacted the Animal Control office when he returned from his vacation and asked if they found out if the dog has a license and he was told that the information was not available to him because of the privacy act. He asked why dogs have rights under the Constitution. He wanted to know if the dog has a license in case it attacks his grandchild. Howie stated that the dog and the owner would be liable whether the dog had a license or not. The dog is not living at the address at this time.

Edenhart stated that his neighbors are using the yard as a parking lot and going on his property causing damage. He brought pictures to show where the cars are parked. He also stated that they are very noisy revving up the cars and spinning the tires in the gravel.

There are also three cars with New York license plates on them. State law requires that registration be changed within 20 days from the time the car is brought into the area. The cars have been there for more than the 20 days required and they still have the New York plates on them.

He also wants to know what the Borough can do about the extremely loud horn blowing from Neville Island. He stated that it starts at 6:00 a.m. on Saturday and Sunday. He spoke to Nick Butchko from Neville Island and was told that it is an automated locomotive that they have to blow each time there is a crossing.

Dilmore addressed the situation of the cars and explained that the Borough has filed a complaint against the owner with the Magistrate Tara Smith. The owner failed to attend the hearing and after Tara Smith's office served papers ruling in favor of the Borough, the owner contacted Dilmore. The owner is going to correct the parking problem, the overgrown weeds and the noise. Dilmore stated that the Magistrate gave the owner 30 days to comply with the ruling and there is approximately one week left. Dilmore stated that the person living at the address in question works at Metro Motors and takes the cars home to work on them. He also stated that this is in violation of the Borough Ordinance is being addressed by the Borough.

Sefick gave Mr. Edenhart a telephone number in the County to call about the automotive whistle coming from Neville Island. Hopefully, this will be of help for Mr. Edenhart.

Jackie Yurkovich of Grandview Avenue spoke about her serious concerns regarding the condition of her street. She was very emotional and asked why she cannot get an answer as to when the street will be fixed. She stated that had to have an ambulance take her to the hospital where she had open heart surgery. The street is in such disrepair that the EMTS almost dropped her on the way to the ambulance.

Donnelly stated that although Council is aware of the problems with all of the streets in the Borough, the sewer lines have to be fixed first and then the paving can begin. Yurkovich stated that she has attended many Council meetings where she was told that the work would begin soon but it never does. She is demanding an answer now and wants the Borough to stop buying trucks and cars and start fixing the streets.

Dilmore stated that he, the Solicitor and street crew foreman, Keith Lorey were there to check on the problem and the problem is still coming from her downspouts and gutters. Yurkovich still insists that the problem is the Borough's because it has been so long and the property is deteriorating.

Klicker explained that it is the Federal Government that insists that the sewer lines be replaced and in compliance with the laws governing the Wet Weather Project.

He assured her that the Borough is doing all they can to expedite the work including raising the funds to complete the work.

Dilmore stated that they will fix the problem as soon as they get the money released to them from PennVest. Klicker stated that he signed papers tonight that were duplicates of papers he had signed in June and he doesn't know why the money hasn't been released to them. It is supposed to be wired to the Borough account tomorrow.

Donnelly stated that it is the state of mind of the State is not in our favor.

Jackie stated Ridge Avenue residents are parking on Grandview because the Ridge Avenue is so bad. Can the street crew clean it so people can walk on it? Lorey stated that it is not coming from Ridge Avenue but from private property where the road washes out to Grandview Avenue.

Dilmore stated that this will be addressed when the work begins.

Klicker apologized for the hardships this is putting on Jackie during her recovery time from surgery and stated that the Council was glad to see her health improving.

Pamela Ridge of 2353 Rochester Road, Sewickley, Pa. 15143, stated that she again is attending the meeting because she applied for a handicap parking space in front of her parent's home. She insisted that she be given a letter stating why her request was refused. Dilmore stated that he never sent letters in the past and that Pamela had been told in person why the application was denied.

Pamela stated that she had been given two different answers as to why she was refused and she wants to know which one is correct. She stated she was told by Howie that her parents had off street parking available to them so a handicap parking space was not necessary. She looked it up in the ADA laws and denying her this handicap parking sign violates her rights. She then stated that Mr. Dilmore told her that the Safety Committee studied her request and could find no reason to give her the sign. She was quoting the Minutes of March 18, 2008.

She insisted that her rights are being violated and she had pages of ADA laws to support her claim. However, she was unable to find the paragraph or article number to support her statements.

Solicitor Canciello had Brogan make copies of the pages Pam was quoting from and stated that he would look into the matter again. Pamela again stated that she was quoting from the ADA laws when she said that the Boroughs should go out of their way to accommodate handicap people and senior citizens.

She stated that she was going to apply for a "Handicap Parking Placard" because of her own health and that will allow her to park in any handicap parking space in any area. Klicker explained to her that the same rules apply to any one with a handicap parking placard.

Narcisi, stated that there will be a Safety Committee meeting on the second Tuesday of October (October 14, 2008) and as head of the Committee, he will review her request and possibly the committee would reconsider their previous decision.

Solicitor Canciello stated that he will study the ADA laws and he will also make a statement at the next Council meeting.

MAYOR:

NO REPORT

SECRETARY/MANAGER:

- Dilmore stated that he worked with Chester Engineering on putting together a possible paving "wish list" for the Wet Weather Project." Engineer, Shawn Rosensteel will include it in his report.
- Avalon Borough hosted the LGA workshop on Regional Police Forces. 35 people attended the seminar and there were only two seminars held in Allegheny County. They have already requested an October date for the Leadership Pittsburgh class. Dilmore stated that because the Borough of Avalon is the host for this, all Borough employees are invited to attend the seminars at no cost. The fee is usually \$75.00 per person.

- Dilmore is working with QVCOG and other municipalities on LED lighting for Ohio River Boulevard and a “sync” timing system. Grants are available and we are meeting with the COG on Wednesday to do the paperwork.
- Dilmore thanked AAA for again supplying the “Schools Open” signs.
- Applied for the flu vaccination clinic to be held at the Borough Hall and the application has been accepted. We’re waiting to for the date to be decided.

SOLICITOR:

Canciello stated that the paperwork signed by the Council is being sent to PennVest first thing in the morning.

He also stated that the Open Record Law will go into effect on January 1, 2009. He will have the Procedure ready for the next Council meeting to be held in October. He stated that although the Borough will not need an Ordinance to adopt the new law, they should have it on record that they studied the Procedure and will comply with the regulations.

Narcisi asked why it is necessary to have a contract between Avalon and the neighboring municipalities and why it is in the best interest of the Borough to sign the contract. Chief Howie stated that it is for the protection of the Borough to have a signed contract stating the chain of command when the Borough is being called out to other communities. Klicker explained that for years there has been cooperation between the Boroughs when police help was needed. Some of the Council members want to know why it is now necessary to have a written contract. Dilmore stated that it is not a law but without it the Borough will not qualify for FEMA money.

ENGINEER’S REPORT:

Shawn Rosensteel apologized for not having a written report for Council. The computer system at Chester Engineering is still down due to the storm on Monday.

He explained that the contractors hired to do the work in Avalon are respected and trustworthy.

Shawn also stated that when the work is started, it will be a project by project decision as to priority. There may be unforeseen necessities and PennVest has allowed money for this. Also, there is a contingency plan in place. He also stated that Chester Engineering will work with the contractors during the project. Shawn will send a written report to Dilmore when possible.

FINANCE:

Michalow announced that it is time to work on the budget for 2009. There will be meetings on Thursday, October 9th, Thursday, October 23rd, Thursday, October 30th, Thursday, November 6th and Thursday, November 13th and Saturday, November 22nd. The Saturday, meeting will be from 8 to 10 a.m. These meetings will occur concurrently with the regular finance meetings. He announced that he has been working with Harry Dilmore and Lorraine Makatura to keep the finances in the black.

He also stated that the tan loan is being paid off and the purchase order request forms are working well. However, there was a problem getting checks issued. Michalow is working with Dilmore and Lorraine to modify the policy in order to expedite the process.

He stated that he has not received the Actuary report regarding how much is owed on the Pension fund. Dilmore stated that he was told that Mockenhaupt will not be able to work on it until late October. A report will then be sent out. No payment will be expected until 2009.

Michalow stated that he has several companies calling him to set up meetings to discuss the pension fund investments. He will not be able to contact them until January at which time he will meet with them and report back Council.

He stated that the zoning project is almost complete. The next ending meeting is scheduled for September 29th.

Michalow moved:

“To accept the Tax Collector’s Report as submitted.”

CARRIED

“To accept the Treasurer’s report as submitted.

CARRIED

“To pay the List of Bills as submitted.”

CARRIED

“To accept the Financial Report as submitted.”

CARRIED

SAFETY:

Narcisi announced that Fire Chief Carney and the Fire Department will be hosting a breakfast on Dumpster Day beginning about 6:00 a.m. He also announced that the Fire Company will be hosting a ‘Drill Night on September 22nd at 6:30 p.m. They are expecting a representative from Amtrack to be there to discuss emergency situations on the railroad tracks and how such situations would be handled. All are welcome to attend.

Narcisi also stated the Ken Yurkovich was going to talk about the DCD report on merging the North Hills Borough Fire Departments. Ken had to leave and Narcisi stated that the DCD report would be done soon and he would have a copy for Council to consider.

Narcisi moved:

“To hire Frank Colonello as a full time policeman with the Avalon Police Department with the anniversary date of September 11, 2008.”

CARRIED

Repp asked Rosensteel about the increase cost for asphalt. Shawn stated that there has been a significant increase depending on the amount purchased. With larger jobs, the asphalt is purchased in quantity and therefore costs less.

STREETS:

Repp asked Lorey if the repairs on truck for the garage were complete. Lorey stated the truck is not repaired yet. Repp also stated that the 2000 Explorer should be put up for sale. An advertisement should be put in the newspaper asking for bids.

Repp moved:

“To advertise the sale of the 2000 Explorer with 115,000 miles on the odometer, with the low bid of \$1,500.00.”

CARRIED

Repp stated that the leaf machine was repaired at a cost of \$480.00. The machine is 42 years old and the engine is 52 years old so it is anybody’s guess how long it will last. Lorey explained that it had to be disassembled to get it on the truck and back to the garage.

Repp wants a back up plan for leaf removal in the event the leaf machine does not last through the season. Klicker stated that Donnelly suggested that a fee be added to the annual garbage bill to cover the cost of paper bags to be used for the leaves. The residents could get the bags at the Administrative office, fill them with leaves and put them on the curb for the Street Crew to pick up and dispose.

Klicker allowed Brogan to speak although she is not usually permitted to do that since she is there only to record the minutes of the meeting. She spoke as an employee of Avalon Borough and not as a resident.

Brogan stated that many people in Avalon have outstanding garbage accounts now and to add an extra fee for bags they may or may not use will anger and frustrate the residents. Especially those who will not use the bags. She stated that she and Lorraine, who also works in the office, take a lot of verbal abuse over the cost of garbage removal now and to add any extra fees would make it more difficult for them. She suggested that if the cost of the bags is added to the garbage fee, the bill should be itemized so the residents know they are paying for the bags. It should be emphasized that this is not an increase in garbage removal costs but an added fee to cover what was previously included in the street cleaning process.

The Council will need to have a plan to pick up the leaves. Lorey stated that the leaves will have to be bagged and not put in the street for the crew to pick up if the machine is not working.

Repp announced that Keith Lorey wants to use the wood that is in storage for the creek walls, to build a kitchen in the new shelter at the park. Since there is not enough money to buy the concrete needed to do the walls along the creek the Borough will benefit from having a kitchen in the shelter which is rented during the summer months.

PROPERTY:

Sefick stated there was no damage to the Library from the storm on Monday night. The painting is completed and the window installation is also done.

HEALTH:

NO REPORT

CORP/PLANNING:

NO REPORT

INTER-BORO:

Donnelly stated there will be QVCOG meeting on Wednesday, September 17th at the Ben Avon Borough Building at 7:30 p.m. There will also be a banquet at the Shanopin Country Club on October 15, 2008, and she encouraged the Council members to attend.

Donnelly moved:

“To permit the North Suburban Chamber of Commerce to have a Halloween Parade on October 25, 2008 with a rain date of November 1, 2008.”

CARRIED

PARKS:

Cortese stated that he received a letter from the Panthers complaining that they were being overcharged for the party they had booked in August. They were charged \$234.00 which they feel is an overcharge.

Cortese also read the Swimming Pool report which at this time is incomplete. The income was \$35,212.75 and the expenses were \$61,121.50 leaving a negative balance of \$15,908.50. This report will be addressed again at the October meeting when all amounts are posted.

LIBRARY:

NO REPORT

4th JULY:

NO REPORT.

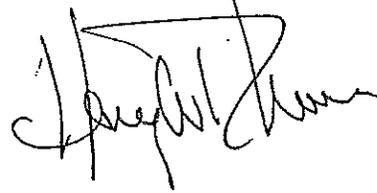
Wurst moved:

“To adjourn the meeting.”

CARRIED

The meeting adjourned at 9:15 p.m.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Harry W. Dilmore". The signature is written in a cursive style with a large, stylized initial "H".

**Harry W. Dilmore
Manager**

REGULAR COUNCIL MEETING OCTOBER 20, 2009

The meeting opened at approximately 7:30 p.m. with a prayer and the pledge of allegiance led by Tom Michalow.

Roll Call: Cortese, Klicker, Michalow, Narcisi, Powell, Repp, Sefick and Wurst. Also present were Dilmore, Solicitor Canciello, Rob Arnold and Judith Brogan. **Absent:** Mayor Haslett, and Inez Stauffer and Vickie Donnelly.

There was no Executive Session held prior to the Regular Council Meeting.

Powell moved to accept the Minutes of the September 15, 2009 Council Meeting.

CARRIED

COMMUNICATIONS:

- Dilmore stated that the EIT Board is scheduled to meet on November 14, 2009 at Community College of Allegheny County (CCAC) North Campus to start the process of the new taxing board. The board will be empowered to create bylaws, collection procedures and voting structure, beginning in 2012.
- Received letter from Ben Avon Heights requesting Avalon DPW do the ONE CALLS for Ben Avon Heights. Motion to go to Council.
- Letter from AC on joining the County Energy Program to reduce energy use and improve efficiency. Motion to go to Council.
- Communication from Mochenhaupt Benefits Group presenting the 2010 MMO report for acceptance by Council.
- Letter from Penn Dot on 2009/10 snow and salt services on state roads within the Borough. Check received today, October 20, 2009.

The Borough is in the last year of that contract and it will be evaluated at a later date.

- **Contacted by Frank J. Zottola Construction alerting the Borough of the Route 65 widening project and standing dates of construction. They already started taking the trees down.**

VISITORS:

Mrs. Dominytus of the Avalon Arms Apartments asked if any decision has been made about planting grass around the pool.

She also complained about adults smoking "pot" at the pool. She asked if there is a sign indicating the designated smoking area and police chief, Howie stated there is not sign at this time but they were going to take care of it for next season. Klicker and Howie stated that smoking "pot" or marijuana is illegal anywhere at any time.

Tom Motta of 901 Jackman Avenue asked about the status of the damaged fire hydrant at the corner of Jackman and Elizabeth Avenues. Dilmore explained that West View Water had to replace the collar and the insurance agent for the vehicle involved has been in touch with him and it will be repaired as soon as possible. The company is based in Wisconsin but they have a local agent who is working with the Borough. The estimated cost for the repairs is \$160,000.

Mr. Motta complained about the trucks using Elizabeth Avenue because there are no signs indicating that it is a residential area with a weight limit.

Klicker stated that they will look into having new street signs installed. Howie stated that the GPX systems that the truck drivers are using have the wrong information in them and that is what needs to be corrected.

Ann Macrella of 1015 Jackman Avenue expressed concerns about the handicap slopes at the corners. She said that the slope is too steep and anyone using a wheelchair cannot get up it without help. She stated that the one in question is at least 6 to 8 inches which is too steep.

Rob Arnold of Chester Engineers will look into the problem to determine if it is actually out of line and make his recommendations.

Jackie Yurkovich of Grandview Avenue thanked Council for the work being done on Grandview Avenue. She asked why there is gravel on the sides of the road and was told it is there to keep people from parking on the lip of the road and it works as a drainage system so water cannot get under the road and cause damage. Parkers can park on the gravel but not on the lip of the road.

Jackie asked if there is enough money from the grant for the steps to be done and Dilmore stated that the money that is available will be used for the bricks to be put in place.

Dilmore stated that the tax increase was for the step project next year, but the money from the grant is to be used for the completion of the street projects.

Michalow stated that the budget has not allowed the steps or the paving to be done before this but he guaranteed her and the other residents that now that the money has been made available the projects will be completed and any money available will be used to work on the steps.

Jackie stated that she called Columbia Gas Company about the damage their work did and asked when the grass was going to be replanted. She was told that the truck with the dirt and seed was in New Kensington. She also asked when the sidewalks would be repaired and the operator told her that he didn't know anything about it. Dilmore stated that he is dealing with the local workers and the sidewalks will be done.

Pamela Rich of Sewickley asked about the work at the top of Alley C parents live. Solicitor Canciello introduced the Crew foreman, Keith Lorey who stated that they went as far as they could with the money that was available. They did the worse part of the road and they will continue when money is made available.

Pamela Rich stated that the section where her parents live was not done and other areas were done and she wants to know why it was done that way. She read the information she obtained on line about pot holes. She explained how they are formed and why. Keith Lorey stated that

they were out of money and she wanted to know what all has been done with the money, specifically which streets/alleys were patched and which were paved.

She stated that it was published in the newspaper that it was going to be done completely and she questioned why it was not done according to the report in the newspaper. Dilmore stated that it was not published in any newspaper and they have done all they could with the money and equipment available.

Klicker asked Dilmore what was actually done on Alley C and Dilmore stated that the area was weed whacked and the usual Alley maintenance and Klicker asked what type of patch was used on that section of Alley C and Dilmore stated that the crew had to use cold patch because they did not have the patch machine available to them.

Klicker asked what was used on Alley C and Dilmore stated that it was just patching. Ms. Rich stated that Dilmore was lying and the engineer, Rob Arnold stated that Dilmore was correct.

Ms. Rich stated that Alley C provides the only access for her mother to enter her home located at 320 Cleveland Avenue. She also stated that the reason that is the only access to her parent's home is because her mother was denied a handicap parking sign at which time Solicitor Canciello ended the conversation stating that the matter is in litigation and cannot be discussed any further.

MAYOR:

NO REPORT

SECRETARY/MANAGER:

- Dilmore stated that he is working on the final steps of the PennVest closeout. Ann Scott from Chester Engineers is coordinating the paper work with Harrisburg and we hope to have everything completed for the end of the year budget process.

- **Started work on the 2010 Budget and preparing packets for Department Heads and Council persons which is to begin on November 5, 2009.**
- **Did walk thru and punch list for the items for the paving project. We addressed all of the resident complaints that were phoned in or turned in to the Borough. The contractor has been efficient in responding to complaints and getting things done while weather is good. The Department of Public Works has been working on backfilling new road surfaces.**
- **Work on the California Avenue Park will start soon. The playground will be closed during construction. The equipment is in and scheduling is being worked out and all parties will be contacted about the closing and the length of time that the park will be closed.**
- **Preparing all paperwork for the end of the year reports and filings: the MMO's, Auditor scheduling and reporting and the final 2009 movement of monies for the Bond payment are all looming and work for the tax collector transition should start soon.**
- **Completed liability review on all Borough owned property, parks, and playground equipment for PIRMA. The report was very favorable with only minor corrections which were sent to the Department heads.**
- **Election Day is November 3rd at the Borough Hall from 7:00 a.m. to 8:00 p.m.**

SOLICITOR:

Canciello stated the closing date for the loan has been set for October 22 and the money will be wired transferred to Avalon Borough.

ENGINEERS REPORT:

SEE ATTACHED

Finance:

Michalow stated that Dilmore had already affirmed that the second Bond payment is due and although it looks like the Borough is in the "black" the bond payment and payroll periods will make it a close call. However, it will be a good year for Avalon.

He also affirmed the dates for the Budget Meetings. They are November 5, 12, and 21st.

Michalow announced that there will be a Dumpster Day which is tentatively set for November 14, 2009. More information will follow and an announcement will be published in the Citizen.

Michalow moved:

"To accept the Tax Collector's Report as submitted.

CARRIED

"To accept the Finance Report be accepted as submitted."

CARRIED

"To accept the Treasurer's Report as submitted."

CARRIED

"To pay the List of Bills as submitted."

CARRIED

Michalow thanked everyone who helped with the Oktoberfest.

SAFETY

Narcisi move:

“To hire Keith Krauss of 142 View Street, Oakmont, Pa. as a part time police officer with the Avalon Police Department.”

CARRIED

“To hire Kevin Mikulan of 7356 Perrysville Avenue, Pittsburgh, Pa. 15202 as a part time police officer with the Avalon Police Department.”

CARRIED

“To hire John Dolan of 2474 Royal View Drive, Allison Park, Pa. as a part time police officer with the Avalon Police Department.”

CARRIED

“To donate unused light bars to Northwest EMS for use on their vehicles.”

CARRIED

“To accept the bid of Keystone Fire Apparatus for Twelve (12) sets if fireman’s bunker gear at a cost of \$16,740.00.”

CARRIED

There was some discussion between Michalow and Narcisi about bidding out the big ticket items. Michalow stated that anything over \$10,000 should be bid out to get the best price.

Narcisi stated the Quality of Life meeting went well with approximately 25 people sharing their ideas. There will be another meeting on November 9 and Narcisi said if any one wants to attend, their ideas will be welcome.

STREETS:

Repp moved

“To accept the salt bid and snow removal contract with Ben Avon Heights Borough for the 2009/2010 season.”

CARRIED

“To purchase cover assembly from TEK Supply for a salt building at a cost of \$8,454.82”

CARRIED

“To purchase the “Pony Wall” section of the salt building from Intex Co. at a cost of \$7,200.00”

CARRIED

Repp explained that the building is to house the salt during the winter. Powell asked about the warranty and Repp stated that it will have a 15 year warranty.

PROPERTY:

Sefick moved:

“To hire Marshall Elevator Company to test the hydraulic elevator at the Avalon Library and provide certification of testing to proper state agencies at a cost of \$573.00.”

CARRIED

“To grant permission to the Trinity Church to use the Avalon Municipal parking lot on October 31, 2009 for their fall festival.”

CARRIED

HEALTH:

Wurst reported that the Health Department sent a memo reminding residents to check their furnaces for carbon monoxide.

CORP/PLANNING:

NO REPORT

INTER-BOROUGH:

NO REPORT

PARKS:

NO REPORT

LIBRARY:

Cortese moved:

“To put Ellen Gamble on the Library Board to replace Lisa Sefick who has tendered her resignation due to prior commitments.”

CARRIED

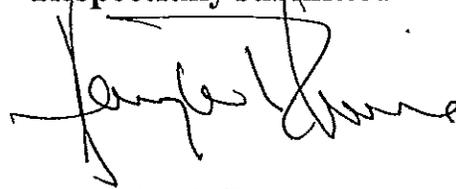
Klicker asked what the term of office will be for Ellen and Cortese stated it will be for the remainder of Lisa’s term.

4th of JULY/FESTIVAL

NO REPORT

The meeting adjourned at 8:39 p.m.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Harry W. Dilmore". The signature is written in black ink and is positioned between the phrase "Respectfully submitted" and the printed name "Harry W. Dilmore".

Harry W. Dilmore

**AVALON BOROUGH
REGULAR COUNCIL MEETING
NOVEMBER 18, 2008**

The meeting opened with a prayer and the pledge of allegiance led by Mayor Dave Haslett.

Roll Call: Cortese, Klicker, Michalow, Narcisi, Powell, Repp, Sefick and Wurst. Also present were Dilmore, Chief Howie, Solicitor Canciello, and Judith Brogan. **Absent:** Donnelly and Stauffer.

The was no Executive Session held prior to the Regular Council Meeting.

Repp moved:

“To accept the Minutes of the Regular Council Meeting of October 21, 2008.”

**CARRIED
(Powell abstained)**

COMMUNICATIONS:

- Dilmore stated that he received the Tri-Boros Joint Zoning Ordinance form from Solicitor Caniciello. Copies were distributed to Council for review and distribution to County for review.
- Letter from QVCOG on CDBG 34.7 project and additional funding for three (3) projects granted to Avalon.
- Letter from Mockenhaupt Associates on Act 92 of 2008 with changes in mandatory surviving spouse benefits. Letter forwarded to Safety Committee.
- Letter from Penn Dot on repairing of North Home and Union Avenues in April of 2009. Penn Dot is requesting a temporary

abatement to the local noise ordinance for work at night. Request was forwarded to the Streets Committee.

- Received a request from the Boroughs Association for year book advertisement for February dinner. Letter forwarded to the Inter-Boro Committee.
- Letter from Bellevue/Avalon Baseball Association (BABA), requesting use of the field for 2009 baseball season. Letter forwarded to the Parks Committee.
- Letter from the North Boroughs YMCA inviting Council persons to a "Meet and Greet" at the Shannopin Country Club on December 4, 2008 at 5:30 p.m.
- Letter from Allegheny County Boroughs Association on a General Membership meeting on December 4, 2008 at 7:00 p.m. at the Churchill Valley Country Club.
- Letter from ALCOSAN on the 2009 rate increases for sewage. Letter forwarded to the Health and Sanitation Committee and action will be taken at this meeting.

VISITORS:

John Bernstein of 938 Jackman Avenue stated that he has his Avalon web page operable again. He found it necessary to take time off but he is once again offering his services to the Borough to help set up the Avalon web site for the Borough. He expressed his concerns and the concerns of his neighbors regarding leaf pick up in the Borough. Repp explained that the leaf machine is not working and it is not able to be repaired due to the age and condition of the machine. Repp stated that the leaves are being picked up by the Avalon street crew on Mondays and Fridays. The leaves must be in bags and put curbside. Mr. Bernstein stated that neither he nor his neighbors were aware of the reason for the leaves not being cleaned up and asked if anything had been put in the local newspaper. Repp explained that there was not enough time to advertise the leaf machine situation and asked the residents to be patient with the crew and the Borough stating that they are looking into getting a new

machine as soon as possible. Leaf pick up will last just a few more weeks and then the Borough will have time to look into purchasing a machine for next year.

Tom Simian of 316 South Home Avenue expressed concerns about a rumor he heard about a tax increase. He stated that the homeowners are being hit hard enough already and suggested that if a tax increase is necessary, the Borough should consider raising the head tax. He also expressed concerns about sewage tax which was supposed to last for five years and may be extended to 10 years. Klicker stated that it is true that a tax increase has been discussed and listed the reasons for the consideration – mandatory sewer improvements, salaries and other Federal law changes regarding the sewer lines and flow. Klicker stated that the Ordinance regarding the surcharge on the sewage was put in place so that future Council boards would have to make changes publicly so the residents would be aware. Mr. Semian stated that he and his wife have actually discussed leaving Avalon due to the high taxes.

MAYOR:

Haslett congratulated Police Chief Robert Howie on his award presented to him at a dinner at the Highland Country Club by the Doorway Organization in Avalon.

Haslett also asked for a motion to be put on the floor concerning funds for updating the school signs. Klicker stated that the Council also received a letter from Dr. Bonfield requesting that the signs be updated.

SECRETARY/MANAGER:

- Dilmore stated that he attended a meeting the DEP and other interested parties on the Union Avenue creek reconstruction. Chester Engineering attended the meeting and the next meeting is scheduled for December 10' 2008 at the Avalon Municipal Building at 10:00 a.m.
- Dilmore is working with the State Pipe and Chester Engineering on the wet weather project. Work has encountered few problems and changes. The engineers report will follow.

- Completed the Spruce Run Road paving project. After 30 years, the road is paved and at no cost to the Borough.
- Completed paving project in Avalon Park in Pavilion area. Turn around area is completely paved and will aid in parking and accessibility for handicapped-residents.
- Handicap parking ramp project is completed and 22 more sets of ramps for the disabled are in the Borough. Avalon now has 110 accessible ramps under project. The project has taken four years to get to this point and will continue because money is already set aside from a grant through the QVCOG. The goal is to make all of Avalon Borough Handicap accessible.

Klicker pointed out that all of the ramps in the project have been paid for with grant money.

SOLICITOR:

Canciello stated that he would give the floor to Michalow for his motion and he (Canciello) would give his report later during the meeting.

Michalow moved:

“To forward the Tri-Boros Joint zoning ordinance on to the Allegheny County Review Board for the mandatory 45 day review process.”

Michalow stated that the 45 day mandatory review process would begin on Wednesday, November 19, 2008 if the motion is carried. The public hearing date for the Tri-Boros Review Board will be on February 19, 2009 and will be advertised in the local newspaper.

Michalow stated that the Zoning Ordinance will be on display as of November 19, 2008. Copies can be obtained from the company at a fee of \$20.00. The Borough office staff cannot copy the Ordinance.

Motion by Michalow:

Carried

SOLICITOR:

Canciello spoke about the Right To Know Law which will become effective on January 1, 2009. He explained that an "Open Records Officer" must be appointed and an Ordinance will be voted on at this meeting.

The counties will be divided into districts and the DCED will contact everyone and let them know in what district they are located. It was noted that there are questions about how the municipalities would be paid and how problems will be handled.

Canciello responded to Narcissi's question stating that the new law affects all of Pennsylvania and not just the Susquehanna Valley.

Canciello also stated that House Bill NO. 2188 passed the House State Assembly. He will continue to keep Council informed on the Bill and how it will affect the municipalities concerning abandoned properties.

ENGINEERS REPORT:

The flooding of the ball fields was discussed and Klicker asked if it is fair to state that the way the Penn Dot engineers constructed the on and off ramps for I279 are the cause of debacles now facing the Borough.

Shawn said that he could not state that as a fact at this time but they are investigating that possibility and he will keep the Council informed.

A discussion followed as to why the rain water is flooding the area. Shawn stated that a report will follow the investigation.

FULL REPORT ATTACHED

FINANCE:

Michalow noted that Vickie Donnelly is home from the hospital and recuperating at home. She is anxious to get back to work and thanks everyone for their concern and get - well wishes.

Michalow announced a pension fund meeting is set for December 11 to discuss the audit for the pensioners and employees for Avalon Borough.

He also thanked Harry Dilmore Sr. for his help on Election Day which was necessary due to a mix-up at the County level. As usual, Mr. Dilmore, Sr. stepped in to offer his assistance.

Council President, Ed Klicker also expressed the gratitude of the Council and the Election Board for Mr. Dilmore's assistance.

Michalow announced that this is the first year in many election years that his signs were not vandalized.

Michalow moved:

"To accept the Treasurer's Report as submitted."

CARRIED

"To accept the Tax Collector's Report as submitted."

Michalow noted that the handwritten note on the back of the report from Lorraine was for informative purposes and the money was not deposited until after the report was finished. The reason for the late deposit was because the Tax Collector did not give the check to Lorraine for deposit until after the regular deposit and the report were done.

CARRIED

To accept the Finance Report as submitted."

CARRIED

"To pay the List of Bills as submitted."

CARRIED

Michalow stated that because of the steps taken by the Borough and the corrections made to the pension fund they were able to keep the Borough from lay-offs and/or closing down the Borough.

Klicker noted that Michalow did an excellent job keeping the Borough flowing up to this point and thanked him for a job well done.

Michalow read a short paragraph from the Minutes of 1991 which stated that the Minutes showed that Avalon Borough lost the lawsuit of Avalon Borough vs. West View Water Authority and it was noted that nothing has changed. Hence the present problems with the water authority.

CARRIED

SAFETY:

NO REPORT

Narcisi moved:

“To accept the handicap parking sign request for 203 Marie Avenue.”

Klicker asked if this motion is being made with the knowledge and approval of the Police Chief.

Chief Howie stated that there had been a sign on that spot in the past but the person had died and the sign was removed. He agreed that it should be replaced.

CARRIED

“To approve a temporary handicap parking space for 512 Marie Avenue.”

CARRIED

“To enter into an agreement to lease a police car at a cost not to exceed \$30,000.00.”

CARRIED

STREETS:

NO REPORT

Repp moved:

“To permit Penn Dot to temporarily suspend the local noise Ordinance during the paving project of Union Avenue/N. Home Avenue to Casper Avenue in April of 2009.”

CARRIED

“To accept the PennDot proposal to salt and plow on the Kilbuck State Road contract for 2008/2009.”

CARRIED

“To accept the proposal from Chester Engineering setting fees for the engineering and bidding process preparation at a total cost of \$37,500.00.”

CARRIED

“To enter into an agreement with Ben Avon Heights Borough for snow plowing and salting for the 2008/2009 season.”

CARRIED

“To advertise for bids for a 2001 Isuzu dump truck at a cost not to exceed \$15,000.00”

CARRIED

“To advertise for the purchase of a leaf machine.”

CARRIED

PROPERTY:

NO REPORT

“Sefick stated that Tudi Heating has found the problem with the heating system in the building and had repaired it already.

HEALTH:

NO REPORT

Wurst moved:

“To accept the Resolution No. 1046 setting the 2009 Alcosan Sewage Rates.”

CARRIED

CORP/PLANNING:

NO REPORT

Powell moved:

“To accept Resolution No. 1047 of 2008 appointing Harry W. Dilmore as the Open Records Officer and Lorraine Makatura as the Deputy Open Records Officer.”

“To accept the PennVest payment application #1.”

CARRIED

INTER-BORO:

NO REPORT

Repp moved:

“To establish December 29, 2008 as the date for the clean-up meeting at 7:00 p.m.”

CARRIED

PARKS:

NO REPORT

Cortese moved:

“To donate \$50.00 to the Ryan Douglass Baseball Clinic.”

CARRIED

LIBRARY:

NO REPORT

4th JULY:

NO REPORT.

Repp moved:

“To adjourn.”

CARRIED

Respectfully submitted



Harry W. Dilmore
Manager

✓

**AVALON BOROUGH
REGULAR COUNCIL MEETING
DECEMBER 16, 2008**

The meeting opened with a prayer and the pledge of allegiance led by Councilman, Tom Michalow.

Roll Call: Cortese, Klicker, Michalow, Powell, Repp, Sefick and Wurst. Also present were Dilmore, Chief Howie, Solicitor Canciello, Shawn Rosensteel and Judith Brogan. Absent: Donnelly, Narcisi, Stauffer and Mayor Haslett.

An Executive Session was held prior to the Regular Council Meeting and was in compliance with the Sunshine Act according to Borough Solicitor Canciello.

Repp moved:

“To accept the Minutes of the Regular Council Meeting of November 18, 2008.”

CARRIED

COMMUNICATIONS:

- **Dilmore stated that he received a letter from Wade Trim, Engineering firm now in charge of Gerty Run lower Ohio basin group, requesting information on shared sewer lines with Bellevue Borough.**
- **Letter outlining Local Government Academies upcoming programs. The blighted neighborhoods are on the agenda.**
- **Letter from Alcosan on the 2009 Wasteland Management report which was filed and corrected. Letter sent to Chester Engineering.**
- **Letter from Avalon Volunteer Fire Department on situation with lock box and Met Towers. Letter sent to Safety Committee.**

- Letter from Southwestern Project Group on Route 65 LED traffic signals and timing devices. This will be discussed later in a report.

VISITORS:

Jackie Yurkovich thanked Council for the new salt boxes on Grandview Avenue. She also complained about a boat that is parked in front of 714 Ridge Street since June and causing a dangerous situation and is an eyesore to the residents of the area.

Klicker assured her that the situation would be taken care of as soon as possible.

MAYOR:

NO REPORT

SECRETARY/MANAGER:

- Dilmore stated that he received a letter from SPC on the Route 65 traffic lights and timing devices. An Application was submitted in September and the letter informs the Borough that based on preliminary evaluation, the Route 65 project is receiving further consideration for funding. This does not include the Union Avenue/Route 65/Lincoln Avenue section.
- Dilmore stated that there is continued work on the wet weather sewer project. The work is progressing well and the engineer, Shawn Rosensteel will give a more detailed report.
- Dilmore stated that he has met with Wade –Trim Co. on the lower Ohio/Gertys Run storm water project. It is still in the investigative stage and he will keep the Council informed of further action.
- Dilmore stated he met with the DEP and others on the Union Avenue/Culvert project. Both the engineer and Solicitor can give their reports but at this time no action taken by the DEP with reports on Avalon impact are assessed.

Jackie Yurkovich asked if there is anyone the residents can call or write to about the problems with the water run-off that going through the park. Klicker stated that there is nothing to be done at this time. Repp pointed out that Avalon is being held responsible for the correction of the problem even though Avalon is not responsible for the problem in the first place. Dilmore and Council will keep the residents informed as the meetings progress.

SOLICITOR:

Canciello explained why the DEP is doing what they are doing with the water run off. Avalon is working with Ross Township to set up an Ordinance to deal with this problem. It was noted that the First Response Unit is also at risk because of the geographical setting. He is working with Chester Engineers to resolve the problem with the DEP. We can also work with the State Senators and Representatives to get help with the problem. Money is the main issue in getting the assistance needed.

ENGINEERS REPORT:

SEE ATTACHED

FINANCE:

Michalow noted that he met with the Fire Department and he told them to send their requests in writing to the Joint Planning Commission.

He also stated that the Joint Planning Commission authorized the fire truck repairs and they plan to apply for a grant for two of the communities. There is a meeting scheduled for Monday, December 22nd. He also spoke with Congressman Altmire and Congressman Doyle's offices. He will draft a letter for them which will include the public works department programs. Michalow suggested that he have the Joint Planning Commission research the application for a joint grant from Congressman Altmire's office and Congressman Doyle's office.

Michalow moved:

“To send a letter to Congressman Altmire and Congressman Doyle requesting that Avalon participate in the 2009 Federal Infrastructure program.”

CARRIED

Michalow also noted that the clean up meeting for 2008 is scheduled for December 29th at 7:00 p.m.

He stated that the Tax Collector’s position is up for re-election and March 1, 2009 is the final date to pick endorsements.

The AIM loan is due January 31, 2009. The Borough is also looking into new health insurance for the employees. He stated that he sent an e-mail to the school board.

He also announced that the Budget is on display in the Borough Administrative office and explained that there are multiple issues causing a need for the tax increase by 1.76 mill property tax, bringing the millage rate from 7.25 to 9.01 mills.

Michalow moved:

“To accept the Treasurer’s Report as submitted.”

CARRIED

“To accept the Tax Collector’s Report as submitted.”

CARRIED

To accept the Finance Report as submitted.”

CARRIED

“To pay the List of Bills as submitted.”

CARRIED

SAFETY:

NO REPORT

INTER-BORO

Powell moved”

“To have Avalon participate in the 2009 Allegheny County Boroughs Association Banquet Program at a cost of \$250.00.”

CARRIED

Michalow noted that he would contact Donnelly to check on her recovery from her recent surgery.

STREETS:

Repp stated that the equipment is in working order and they got a good price on the salt again this year. The salt was purchased in 2008 to get the best price before the 2009 increase.

PROPERTY:

NO REPORT

HEALTH:

NO REPORT

CORP/PLANNING

NO REPORT

Wurst moved:

“To have Council approve a PennVest application #2 for payment in the amount of \$176,052.12

CARRIED

PARKS:

NO REPORT

Cortese moved:

“To approve the request of BABA aka Bellevue Avalon Baseball Association, to use the Avalon Municipal Building for their registration on Sunday, January 25, 2009 from noon to 3:00 p.m., Monday, January 26, 2009 from 6:00 p.m. to 9:00 p.m. and Sunday, February 15, 2009 from noon to 3:00 p.m.”

CARRIED

LIBRARY:

Cortese announced there will be a meeting on the first Tuesday of the month. He also stated that Emsworth Borough donated their library books for the Avalon Borough book sale.

Cortese asked if there has to be a vote on how much to contribute and the Solicitor said yes.

Cortese stated there are seats available on the Library Board. These seats are Avalon’s and should be filled.

4th JULY:

NO REPORT.

Repp moved:

“To suspend the meeting until December 29, 2008 at 7:00 p.m. at which time Council will hold a “Clean-Up Meeting.”

CARRIED

Respectfully submitted

A handwritten signature in black ink, appearing to read "Harry W. Dilmore". The signature is written in a cursive style with a large initial "H".

**Harry W. Dilmore
Manager**

**MINUTES FOR ADJOURNED MEETING
DECEMBER 29, 2008**

Klicker reconvened meeting from December 16, 2008 at 7:00 p.m.

Present were Donnelly, Klicker, Michalow, Narcisi, Powell, Repp, Sefick also present were Mayor Haslett, and Dilmore.

VISITORS:

Dave Ferber of 4 California Avenue stated that he saw the Avalon website and wants to know if it is the official website or something someone just put together. Klicker stated both statements are correct. Ferber stated that the website has the old borough building on the page and he wants to know if it is the correct website.

Klicker stated that they are working to have an official webpage with updated information. John Bernstein will be contacted to do the webpage and to get it up and running.

Ferber also asked if the rumor is true concerning the paving of the yellow brick roads in Avalon. He objects to the paving because the yellow bricks are an Avalon landmark. Klicker stated that the paving is being done on the "downhill" roads for safety reasons since the bricks are slick when they are wet.

Powell moved:

"To retain Meyer-Darragh as the Solicitor for Avalon Borough and Richard Canciello as their representative to Council."

CARRIED

Michalow moved:

“To approve the 2009 budget with the following changes necessary to balance the budget to zero:

- 1. Item No. 380.710, Kilbuck Contract. The 4% increase has been reconsidered and will remain the same as 2008.**
- 2. Item No. 331.100 the district court fees – add \$1,000**
- 3. Item No. 430.232 – Street diesel fuel – subtracting \$2,464.55”**

“To approve Resolution #1048 setting the Appropriations for Avalon Borough for Fiscal Year 2009.”

CARRIED

“To approve the 1st & 2nd reading of Ordinance No. 1325 fixing the tax rate for 2009.”

A roll call vote was taken and seven ayes were recorded.

CARRIED

“To set the rate for the 2009 Police Pension contribution at 3.5% of eligible employees pay.”

CARRIED

“To approve the 2009 agreement between Avalon Borough and Kilbuck Township to provide Administrative services for the year 2009.”

CARRIED

Michalow moved:

“To move \$38,000 from the sewage surcharge fund to the General Fund.”

Klicker asked the Borough Solicitor to speak on the re-allocation of funds.

Canciello stated that it is legal to move the money from the sewage surcharge fund to the general fund because it is being done at a public meeting. Michalow stated that this will allow the Borough to continue to function without lay-offs. He also stated that the Borough was short 6 payrolls in 2008 and now only had to cover 1 payroll.

After some discussion, the move was:

CARRIED

Donnelly moved:

“To approve Resolution No.1049 appointing Tax Collector, Inez Stauffer as collector of 511 taxes.”

CARRIED

Repp moved:

“To set the meeting dates for Avalon Borough Council meetings as the third Tuesday of each month at 7:30 p.m. in the Council Chambers of the Avalon Borough Municipal Building, 640 California Avenue, Avalon, Pa. 15202.”

CARRIED

“To retain the Citizen as the official newspaper of Avalon Borough.”

CARRIED

Narcisi moved:

“To retain National City Bank of Pennsylvania to be the official depositor of Avalon Borough.”

CARRIED

Klicker stated that there will not be a National City be available as a bank in the near future. What are the options to continue banking with National City? Dilmore explained that his information allows at least

six (6) months before any changes would be made at which time a representative from PNC Bank will meet with Council and explain the options for future banking with them. He also stated that the Government told PNC Bank that they must sell sixty-one (61) banks to other financial institutions to prevent PNC Bank from having a monopoly in this area.

After this discussion, the motion was;

CARRIED

“To approve the MEIT Improved benefit taxability option for employees eligible for short and long term disability.”

CARRIED

Sefick moved:

“To retain Chester Engineering as the Engineers for Avalon Borough and Shawn Rosensteel as their representative.”

CARRIED

Donnelly stated that the League of Municipalities will have their dinner on February 8, 2009 instead of the following week-end. Klicker thanked her for informing Council of the change.

Canciello stated that he was asked to address the following questions:

1. Can Council reduce the Tax Collector's fee?
 - Yes, the Tax Collector's fee can be reduced.
 - Michalow pointed out that this would have to be done by February 17, 2009 so as to be completed before the Primary election.

2. How can the number of Councilmen/Councilwomen be reduced?
 - This can be done through the Judicial System.
 - It is mandatory that Boroughs have a minimum of 7 representatives on Council.

- Councilmen/Councilwomen who are already seated must be permitted to serve out their elected term.
3. Is it permissible/legal to publish the names of delinquent tax payers?
- It is legal to publish the names of delinquent tax payers within the boundaries of the Privacy Act. Caution must be used when do this so as not to violate the taxpayers rights.
4. Can the Borough collect a Business Tax and a Mercantile Tax?
- Caution must be used so as not to duplicate taxes.
 - The Borough cannot tax gross receipts.

Repp moved:

“To adjourn the meeting.”

CARRIED

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harry W. Dilmore". The signature is written in a cursive style with a large, sweeping initial "H".

Harry W. Dilmore
Manager