

AVALON BOROUGH
REGULAR COUNCIL MEETING
March 19, 2013

Meeting called to order at 7:35 pm by Edward Repp with the Pledge of Allegiance.

Roll Call: Bernstein, Dixon, Donnelly, Klicker, Lloyd, Narcisi, Repp, Vetterly. Also present Solicitor Megan Ott, Borough Manager Harry Dilmore, Police Chief Kokoski and Makatura. Absent: Cortese, Mayor Haslett, Ed Klicker.

Solicitor reported announced there was an executive session held to discuss pending litigation.

Klicker Moved:

“To accept the minutes of the February 19, 2013, Avalon Borough Council Meeting ”

Bernstein 2nd

CARRIED

COMMUNICATIONS:

- Letter from Allegheny County Controllers Office on the “windfall watch” program. They ensure taxpayers have information available to them on a website with all the municipality millage tax rates.
- Letter received from Chester Engineering on the filing of the 2012 Chapter 94 Annual Waste Water Management Report.
- Received a report from ALCOSAN on sewer regionalization evaluation, outlining the plan set forth on storm water flows. Copies available in the office for your review.
- Received application information from the Department of Conservation and Natural Resources on recreation grants. Will discuss with the Parks and Committee and Ms. Donnelly.

5/3/2013

- Letter from Duquesne Light Co. on regulations set forth on banners and signs on light poles. The borough will have to enforce.

VISITORS:

Daniel Byron
229 Harrison Avenue

This is in regards to a garbage issue on February 22, 25, 28 and several other days. I have called Waste Management with regard to why my garbage and my neighbors is not being picked up since 2013. I have asked to speak to a superintendent, put on hold 4-5 minutes and disconnected. Finding no answers at Waste Management I went to the Borough to find out some answers. I was met with not the greatest situations, a day there was a bomb threat at the school. No one could tell me that, including the police. Just the same, it was a hostile visit here, and Mr. Dilmore had the police escort me off the property. Justly so, had I known there was a bomb threat, no one told me that, do not know why there was a communication break down between all public services, why they could not tell a resident what was going on at that point, seeing that it was a crisis situation at that point.

Getting back to the garbage, it still is not currently being picked up. I have done several things, leaving it out until Saturday at noon. I was told to move the garbage from Florence since I am on a corner lot. I have personally taken a load to ABC Transfer Station for \$55/load to dispose of your garbage. I am not alone at this point and the Borough contracts out with Waste Management I feel that there has been no communication from the Borough and Waste Management on this matter. Waste Management says nothing about the Borough and the Borough says nothing about Waste Management. A letter needs to be issued explaining the lack of garbage collection for household garbage. I am aware, as a contractor, that there are different regulations for

contractor material.

Dilmore stated that we had a meeting today with Waste Management in anticipation of this evening's meeting. We have since resolved the corner issues, garbage was not placed in front of homes and not matching up with the lists in the trucks. Also addressed the customer service issues regarding the time people spend on the phone with customer service and disconnections. Also resolved the issue with delinquent accounts, Waste Management will pick up the garbage and we will file issue citations on those residents with Tara Smith, Waste Management will wait to get their money. Going back to a similar collection method that we had when we did the billing. To clarify, it is not a year to year contract, it is 3 years with 2 options years.

Dilmore also stated that the new audit system that is now in place in the trucks caused confusion with corner lots not being picked up at the actual front door address. It has been very frustrating for Waste Management as well as the Administration Office. We went a whole year under the new contract without problems. We have homes that are not on their list that we did send on our original list. The new computers going in the trucks should help resolve these issues.

Paul Loding
118 Cleveland Avenue

Want to know what my rights are to erecting a fence on my property. I park 3 cars on my property. There is a tenant next door and sometimes my vehicles encroach about a foot to a foot and half. Dilmore stated there is a one foot set back from the property line. There is a zoning ordinance covering the type of fence as well as height. There is zoning permit required. What can Avalon do for me to talk to the neighbors regarding this issue.

Also inquired about the Dumpster Day scheduled for Saturday, March 23. Dilmore explained what will be collected.

Dixon questioned the new collection requirements for paint – if you call, they will do a special collection. Valerie Cupps said they do not, Waste Management said to use kitty litter.

Mary Marous
320 California Avenue

Did not anticipate that anyone would respond at that time to the issues I brought up last month. However, I was hoping that there was some kind of discussion and investigations that I could get some type of answers.

My first question, does anyone in this room know what the anticipated income collected from Sewage Surcharge tax per year? Dilmore responded that it is approximately \$58,000. Is that what it is or was? Dilmore stated it was approximately \$57,000 last year and what was put in the budget. Marous asked what was collected in 8 years time in surcharge fees. Dilmore stated that if you want to discuss the budget, it is in the audit, Mr. Lloyd and I discussed what you would like to see, you can make arrangements to see the audit and all paperwork associated with the loan, etc. Marous questioned the length of the loan, when payments began, how long we have collected the surcharge and why the loan amount has not changed since the inception of the loan and the how the balance listed on the financial reports tonight is so large. Dilmore stated that the interpretation of the financial reports is not just the surcharge money but also ALCOSAN sewage payment for the quarter. Marous stated that the sewage surcharge ordinance clearly states it to be a separate fund. Where is the 8 years of payments that residents have made to the sewage surcharge gone and when do you start payment on the principal. Dilmore stated that Mrs. Marous was welcome to make arrangements to come to office and view the amortization schedule, audits, and all other information available to support the sewage surcharge. Marous again wanted to know how the plans were developed and implemented for the sewage surcharge.

Repp deferred to Solicitor Ott for comments to Mrs. Marous:

This is not meant to stifle your comments to council. This highlights why public comment is designed for you to give your comments to Council and for Council to listen. It is unfortunate that you are asking some technical and specific questions, and this is a terrible forum to ask those type of questions. The people who know best don't necessarily have the documentation in front of them to respond to you. I ask that public comment, to the extent that council feels comfortable, obviously, we are engaged in a dialog. A dialog is much better suited for a different forum and date so that you get the information that you are looking for and actually are able to have a conversation. If you have any other comments, everyone can take them down and make a list of the questions, that will better prepare everyone for a more meaningful meeting you.

Marous appreciated that fact and didn't anticipate that anyone would give a dollar figure or answer my questions. I just want to drive home the point I don't know if our council members are asking the questions. As a resident, I'm asking the questions more in the light of saying that I know the subject is coming up in the next few months, that it will be on an agenda to vote on, and I want to put those questions out there hypothetically and I want to know that Council knows and asks the questions.

Dilmore commented that Marous wants to know where the sewage surcharge is going and in the next year, as we approach another "Sunset" on this issue. Storm water work coming next, will require the sewage surcharge to continue. Avalon was one of the last communities in the ALCOSAN system to add the surcharge. The other communities started years ago and built a ware chest to start this project. We gave a break to the citizens for something that was down the road. To think that would end in 4 years was unrealistic with the amount of money we had to borrow just to repair the deficiencies in the system in addition to what is coming with storm water deficiencies it is unlikely to go away any time soon. Council will have to readdress this, it is unlikely that it will be

able to continue with just the ALCOSAN fee. I will be happy to sit down with you now that I know what you are interested in seeing.

Repp commented that being on council as long as I have, things have progressed beyond what we started with in the sanitary sewers. When we were a third of the way through we started getting information on the storm water changes to come. We will soon be dealing with washing cars in the streets and that water going into the storm drains.

Specifications changed as we progressed through the original plans. Marous repeated that she feels there is not careful oversight of the honorable plan and questioning the execution of the plan.

Klicker responded to the execution of the plan the honorable nature of the plan. I have seen a number of the documents you requested. I have seen how funds are transferred in from Jordan Tax, and transferred out. If there is one thing I think Council has done and more so the office, has maintained an honorable plan. There is a defined process on how the sewage funds come through, account for, disbursed, checks are itemized from Jordan down to the payee. There are no missing numbers, flow of funds out of the sewage surcharge fund, it is a well documented process.

Marous stated that she would make another appointment to see exactly what is happening and redefine her inquiry.

Dilmore stated that if we had extra surcharge money, we would certainly pay the loan down. The ultimate goal of everyone is to have the debt paid down. We have the bonds and the Pennvest loan that cripples us in other repairs and equipment needed, ie the N. Birmingham slide. We need to be prudent in what we are putting out there so that loans do not affect our credit rating with other things we are accomplishing. Maher Duessel is one of the best municipal auditors in the State of Pennsylvania and they would certainly let us know if we were not putting money to the proper places according the amortization schedules.

5/3/2013

Beth Mosley
635 Center Avenue

Avalon NOW meeting March 27 at 7:00 pm here in Council Chambers. We have invited a Representative Dan Deasy and County Councilperson, Michael Finnerty, Avalon Council and the community to discuss points and ideas from other communities, as well as issues you might like to have answered.

April 20, Spring Cleanup Day, 8:30-9:30 AM registration, cleanup is 10:00-2:00 PM. Skinny Pete's will donate breakfast for all attendees.

Jackie Yurkovich
649 Grandview Avenue

What is the progress on the steps at Birmingham? Dilmore stated that we have received estimates on taking the steps out to the barrier, complete removal of the bottom steps up to the second landing, the landing and the next set as well. Finished with dirt and grass seed and some sort of barriers to deter people going up or down. The sidewalk should also be taken care of by the owners.

MAYOR: No Report

MANAGER/SECRETARY:

- Judy Brogan, Administration Office, retired on March 8, 2013. Reception was held at Skinny Pete's to wish her well.
- We are in the final stages of the audit. The Finance Committee has copies of the audit draft. Once all the final reports are submitted to DCED, Brian McCall of Maher Duessell will have the close out meeting.
- Met with Waste Management, to be discussed under Health & Sanitation.

- Working on a new Personnel Policy manual for the Borough, copy provided to the Solicitor for review and opinion.
- New computer system to be installed this week.
- Dilmore and Makatura attended the Clean Water meeting, along with Connie Rankin. Anticipated more of a plan than what was presented when the contingency came to us last month for support. The green alternatives are a reality and a lot of things can be done. We thought it was a plan instead of trying to drum up more support for the plan. Refreshing to see that amount of young people becoming involved in trying to eliminate the tunnel and the \$4billion needed to correct the problem and what we all will continue to pay on the surcharge. Reducing the amount of water going into the system through the different projects of eliminating run off and getting younger people involved to convince the older people of the new way of correcting the problems. We see what is happening to our brick streets with run off and what green gardens or rain barrels can do to help correct that problem. Avalon NOW could get involved with the group to help make this work. Mt. Lebanon and Millvale have active groups. There are alternatives and it will be costly for the municipalities to meet the ALCOSAN plans. Big push is for jobs to stimulate the communities.

SOLICITOR:

No report.

ENGINEER:

- Borough received their 5 yr term MSPD? storm water permit for the MS4 report. Requires milestones to met during the duration of the permit.
- Went with Dilmore to observe the Birmingham Avenue slide. Has significantly changed. Reached out to the Geotechnical Engineer involved in this project and as outlined in April 2012, the design fees are \$8K lump sum. As presented options one being lag beam and soldier wall at \$125K and \$155K. Not including rehab to the road above, will not know

the extent of the damage until the design is complete. If the water line needs to be relocated, there is currently an exposed 6" water main, and if ruptured, there will no longer be a road. Two utility poles on both sides of the slide must be relocated. Costs of moving poles can be as high as \$25K/pole. Any support the Borough can supply with their possible relationship with Duquesne Light would be helpful. All of this would be necessary to make the repair and stop the earth movement. There has been at least a 2 ½ ft. change in 10 days. With the rainy weather approaching it could cause a landslide. Question about streams located in that area. Nothing is evident but it could be behind the scenes. The borings did not show water at that point, but below the slide. A design could be completed in 4 weeks for your next council meeting then allowing for bids for your May meeting. Dilmore stated that he spoke to a few banks and Angie Hicks for an AIM Loan since the dump trucks are paid off this year. There are cracks in the road at this point and we cannot loose the road. We could make a motion to proceed with the design and if possible, and research for a "shovel ready" project to proceed.

- Also, a simultaneous design to continue discussion with Duquesne Light to move the poles for this project. Need to determine what poles should be moved and possibly add this cost into the loan application.

FINANCE:

As mentioned earlier, there will be a final audit report forthcoming.

Lloyd moved:

"To accept the Treasurer's Report as submitted for the month of March 2013."

Donnelly 2nd

CARRIED

“To accept the Tax Collector’s Report as submitted for the month of March 2013.”

Donnelly 2nd

CARRIED

“To accept the Finance Report as submitted for the month of March 2013 .”

Donnelly 2nd

CARRIED

“To pay the List of Bills for the month of March 2013 in the amount of \$119,294.38.”

Vetterly questioned the purchase of the uniforms, Abe Bernstein Uniforms, will research why they purchased the uniforms without approval.

Dixon questioned the Verizon bill and what Centrex is on the bill. Question to Bernstein regarding the phone service. Question to Makatura and what the Verizon bills are for the existing numbers and what the Centrex charge might be. Also questioning Comcast and how it is related to the phone service. Makatura explained how Comcast is used for the phone service.

Repp amending the motion to eliminate the Abe Bernstein payment from the list of bills – Dilmore questioned how we could not pay this item. Recommended to pay the list of bills as it stands and resolve the issue of the uniforms with the DPW workers. Possible reimbursement from the workers for

not allowing us to continue our research with another company.

Donnelly 2nd

CARRIED

PUBLIC SAFETY:

Narcisi moved:

“To approve a handicap parking spot in the vicinity of 307 McKinley Avenue.”

Donnelly 2nd

Narcisi commented that they are 50 year residents and there are no other handicap spots in this area.

CARRIED

“To approve a handicap parking spot in the vicinity of 404 Marie Avenue.”

Donnelly 2nd

Narcisi commented that there are 2 other spots in this area. The resident is on the high side and there is a question of the validity of the space. Questioned if it is on the corner. Chief commented it is 3 down from the corner at S. Ohio. Dixon questioned if we investigated whether the other 2 are still being used by the original requestor and still active and moving the location. No specifics on handicap needs were mentioned in the letter.

NO – Dixon, Narcisi

CARRIED

“To pursue the purchase of a new police vehicle from IBIS Tech under the municipal purchasing agreement.”

Lloyd 2nd

Donnelly questioned what type of vehicle was being purchased and if it was new. Chief commented that they are no longer Explorers but all wheel drive Police Interceptors.

CARRIED

STREETS:

Vetterly moved:

“To have Garvin, Boward and Beitko on the design of lag bean soldier wall for N. Birmingham Avenue slide area for a fixed fee of \$8000.”

Dixon questioned and it was confirmed that this was strictly for the design of the wall. Developing specs in preparation for a bid.

Donnelly 2nd

CARRIED

Did some camera work in the sewers at Orchard and Division for 2 sink holes. Nothing significant found. A washed out area that needs addressed, do not feel it is the main sewer at this time, possible lateral problem.

Projects on the main avenue over the next couple of weeks in preparation for the Apple Blossom Festival.

Street sweeper parts are in and it had been inspected and ready for the April 1 start of street sweeping.

PROPERTY:

Parks committee had discussion on getting the pool area and building ready for the season.

Donnelly questioned the repair of the light at Birmingham at the garage. Currently looking into a repair alternative and costs of changing to a single light and post.

HEALTH & SANITATION:

We met with Waste Management (3 representatives) today. It was extremely productive and able to clear the communications in both directions. We have a procedure for updating and identifying new owners for them. As part of their new audit procedures, they will have computers in their trucks and will notify us of who will not be collected, the Chief will cite them, however, their garbage collection will continue

CORP/PLANNING:

Bernstein moved:

“To accept the agreement with First Energy/High Voltage Management on electricity provider for 2013/14.”

Bernstein stated that it is a 24 month agreement that will lower our voltage price .2/cent saving almost \$1500 over that period.

Dilmore stated that 4 different providers gave us pricing. The turnover in the plans from coal fire to natural gas there is an increase in the cost expected. Also available to the residents of the Borough and provides us energy credits for those residents that switch. Literature will be available for residents to make the switch.

Dixon questioned the savings vs. Duquesne Light pricing, directed towards Columbia Gas. Further discussion on how this pricing works.

Donnelly 2nd
Dixon Abstained

CARRIED

INTER-BOROUGH:

Attended the Allegheny County Boroughs Association financial meeting. Discussion on new committees. Yellow Banner program mentioned, however, the criteria to qualify will change. Only 6 communities are Banner communities.

COG Meeting, changes were made on committees. Next meeting is next week in Bellevue, 7:00 pm.

Donnelly moved:

“To recognize Judy Brogan, who recently retired, for her years of service to our residents.”

Lloyd 2nd

CARRIED

LIBRARY:

Donnelly reported the Library is still questioning the signs they requested for the video taping and fish ponds.

Keystone Grants to be completed by the end of the month.
Preservation Board to meet in June.

PARKS & RECREATION:

Parks meeting held. We reviewed the applications and will be interviewing a pool manager next week.

5/3/2013

4th OF JULY:

Date set for June 28, the Friday before July 4.

Lloyd moved:

“To Adjourn at 8:59 pm.”

Donnelly 2nd

CARRIED

Respectfully submitted,

Harry W. Dilmore
Secretary