

**AVALON BOROUGH
REGULAR COUNCIL MEETING
JANUARY 18, 2011**

The meeting opened at 7:35 with a prayer and the pledge of Allegiance led by Tom Lloyd.

Roll Call: Bernstein, Cortese, Donnelly, Lloyd, Narcisi, Powell, Repp and Sefick. Also present: Megan Jones representing the Borough Solicitor, Dilmore, Police Chief Kokoski, Chester Engineer Representative, Rosensteel and Judy Brogan. Mayor Haslett and David Dixon were absent.

No Executive Session was held prior to the Regular Council Meeting

Lloyd moved:

“To accept the Minutes of the Regular Council Meeting of December 21, 2010 and the Adjourned Meeting of December 30, 2010 as submitted.

**CARRIED
(Donnelly abstained)**

COMMUNICATIONS:

- Dilmore stated that he received a final response letter from ALOM (Allegheny County League of Municipalities) regarding the February dinner and meeting. Please let Dilmore know if anyone plans to attend.**
- Received letter from QVCOG (Quaker Valley Council of Governments) on a Sustainable Community Essentials Project. Will forward the letter to Mr. Narcisi for possible consideration by his group.**

VISITORS:

Mary Marous of 320 California Avenue read a report she had obtained through the Right To Know Law, concerning the delinquent garbage accounts in Avalon.

She had statistics supporting her findings stating that Council was not doing their job because they do not know correct amount owed by the delinquent account holders in the Borough. She reported that there are 315 delinquent accounts with 8% owing more than \$1,000, 2 accounts owing more than \$2,000, 26% owing \$300 to \$999 and 56% owing for 2 or more years.

She demanded to know how Council could not know how much money is owed to the Borough for delinquencies stating that there are Council members who are delinquent on their accounts. She demanded that they abstain from voting on any motions that concern the garbage collection in Avalon until they pay what they owe. She named Jonathan Berstein and Pat Narcisi and asked if they had received bills for their accounts and what options were offered to them to pay their delinquent accounts. She stated she thinks it is wrong for them to decide what her bill should be when they haven't paid their own.

There are also Northgate School Board members and one Bellevue Council member on the delinquent list.

Marous also chided Narcisi for having his deceased father's name on the list. She feels he should have paid the account before it got this far out of respect for his late father.

She insists that the Borough is collecting more than Waste Management charges the Borough but she also admitted that by offering the discount the Borough is losing money.

She feels that the non payers will remain non payers if the fees are increased by the Borough. She stated that the Borough is owed \$136,000 and she wants to know if the Borough is delinquent with Waste Management and if they are not where did the Borough get the money to pay them. If the Borough is late in paying Waste Management, where will they get the money to cover it?

She informed the residents that it cost her \$22.00 to obtain the information she was reading and reminded them that Council works for them not the other way around and they – the residents – should do what they can to know what is going on in the Borough and hold Council accountable for their actions and decisions.

Donnelly stated that she was on the Quaker Valley Council of Governments when Avalon decided to go along with the other members to get a cheaper rate with Waste Management. She pointed out that it would have been more in 2007 if they had not joined the QVCOG and signed a five year contract which is coming to an end this year.

She pointed out that the office staff showed her a book with letters and court cases that had been sent to delinquent residents. Many of whom are more than one (1) year delinquent.

A resident from City View objected to having her bill increased because of the dead-beats who refused to pay. Repp stated that was not the reason for the increase and Joe Sictar of 627 City View quoted a report in the January 7, 2011 Citizen where Donnelly stated that the increase was to make up for those residents who do not pay their fees.

Repp stated that the correct reason for the increase is because the final option year is coming to a close and the Borough is not sure what the new cost to the Borough will be. Siktar asked if Repp was accusing him of lying. Repp stated that is not the case, because he also heard Donnelly say that but the actual reason for the increase is to cover the anticipated increase from Waste Management. He pointed out that Waste Management charges the Borough whether the resident pays or not. He stated that the discount is offered because the Borough needs the money as soon as possible to pay Waste Management.

Mary Mauris asked Bernstein if he had been taken to court and he stated that he had not.

Cortese noted that a fuel cost is also added to the cost.

Donnelly stated that she did not intentionally mislead anyone when she gave her reports in the past. That was not her intention.

Al Dingman of 711 Sylvan Avenue stated that he has lived in the Borough for 44 years and he wants to know what Council is going to do about this situation. He cannot believe that Council has all these facts and has done nothing about it.

He stated that Donnelly did not answer the question

Jackie Yurkovich of 649 Grandview Avenue stated that she has received several calls from her neighbors who cannot attend the meetings so she is getting information for them. She asked why she was lied to at the December Council meeting when she was told that the Borough was owed \$80,000 in delinquencies when the actual amount is twice that amount. Why is the Borough hiding the truth from the residents?

Dilmore stated that the office staff member who works on the garbage bills several days a week could address the group and answer some of their questions.

Laurie Lawless of 823 Jackman Avenue stated that she works for a collection agency that collects for a garbage company and there are ways to collect these delinquencies that the Borough is not using.

She stated that the Borough can refuse to pick-up people's garbage if they do not pay and then the police can cite them for putting their garbage out.

She stated that the Borough could go to Sheriff sales on these properties because people will pay when you knock on their door.

She wants to know whose job it is to collect this money. She expects Council to do their job.

Michael Bodycombe of 523 Eugene Street stated that he owns property on Ohio River Boulevard that he is renovating. The property is empty but he is still getting billed for garbage pick-up. He wants to know why he has to pay when there isn't any trash being put out for pick-up.

Dilmore explained again, that Waste Management bills the Borough per unit. If people move in or out of the area the Borough is still charged

for that unit. Thus, the owner must be billed by the Borough to cover this fee.

He told Dilmore that he has a dumpster at the site and he refuses to pay a garbage fee on top of that. He wants to know why the Borough is bothering with this when they can just have Waste Management bill them.

This community is already suffering so why is the garbage such a big problem.

Narcisi wanted to put a motion out that everybody will find their own garbage company to pickup their trash and they can pay them. He stated “why should the Borough be bothered with the billing and collection of fees when there are so many other things in the Borough.”

Loud voices and arguing pursued and Repp called order to the meeting.

Donnelly stated that there are things that need to be negotiated such as owners paying for garbage removal when the property is vacant. But when Waste Management takes over the billing and collection, there may not be any negotiations.

Repp noted that the Borough has options, and a decision needs to be made. Bernstein asked if a motion could be made to change the bill for this year to eliminate the discount and charge only the amount Waste Management charges the Borough. Then a disclosure could be posted as to the exact amount charged by Waste Management and the amount charged by the Borough.

More screaming. Yurkovich asked “how did this get so out of hand?” “How could Council sit there and overlook all of that?”

Narcisi stated that they do not get all of the figures every month so they cannot make the garbage a full time job. Yurkovich stated that is why they are elected.

Narcisi noted that Yurkovich had an opportunity to be a Council member but she turned it down. He agreed that she did have personal reasons but so do some of the current members.

Cortese asked how many delinquencies are being pursued and Judy Brogan showed him the book with all of the names and what attempts have been made to collect the outstanding debts.

Judy spoke about the efforts made by her and Lorraine to collect the delinquencies, some going back as far as 10 years.

She stated that the people should not be concerned with their neighbor's bill because there are absentee owners who allow their properties to be used as homes for vermin and other critters as well as squatters and drug users.

She explained how she and Lorraine follow the process by contacting the owners, offering Promissory Notes with payments in line with their income, accepting partial payments, monthly payments, and minimal payments in line with fixed incomes.

She expressed their frustration when residents who owe for more than one year are buying pool passes, remodeling their homes, buying cars, etc. but totally ignoring the collection letters.

She also explained the process of taking delinquencies to the local magistrate, then notifying the Prothonotary's Office, then the lien is placed so when property is sold or a credit check is run, that lien shows up. Oftentimes, when a property is sold, the Borough can collect when a lien letter is requested.

There are times when a Sheriff Sale is held and the Borough can collect or they can collect through bankruptcies or refinances. All of these options are viable resources for the Borough but they do take time.

Once a Bankruptcy is declared, people resent getting bills from us even though the bankruptcy is for a previous year. So they don't pay either.

Judy stated that they have collected thousands of dollars on Sheriff Sales alone and thousands are still owed.

She tried to explain that the policy followed by the Borough is set through Ordinances and the correct process. Lori Lawless argued that a Sheriff sale can be initiated within thirty days after being notified but

most people will pay rather than have the signs posted that their property is being put up for Sheriff sale. Judy again stated that they have to follow the process as written in the Ordinances. She explained that she accepts quarterly payments, monthly payments, \$12.00 payments and anything that will encourage people to pay on a regular basis and maybe eventually pay it down or off.

Dilmore stated that it is the Borough policy that all buildings with three (3) units or less have to be under the Borough contract for garbage removal. Waste Management has a base payment for each unit. He further explained that when they were looking for bids on the trash removal, Waste Management was one of the lowest bids. Their low bid eliminates perks such as picking up trash from porches and yards.

Dilmore explained that Judy works everyday on the garbage and lien letters everyday. She also does the Promissory Notes and sets up the payment amounts. She also does the payroll for the Borough.

He stated that \$200 may have been too much and he wonders if everyone would have showed up for this meeting if it had been raised to \$185.00.

Another resident stated that her mother lives in West View and they also use Waste Management. Her mother only pays \$42.00 per quarter. It was pointed out that Avalon's quarterly amount is \$41.25 but it is not billed quarterly. If residents want to pay the quarterly amount that is acceptable.

One resident asked why Avalon residents cannot pay quarterly and Repp stated that they can.

Lawless asked why we don't go after the absentee landlords and property owners and Repp pointed out that they might be in another state such as Florida. Lawless stated that we should go to Florida to collect. Judy noted that there is a cost factor there and it makes no sense to travel to Florida to collect a debt that will equal or exceed the amount of the debt.

Lawless stated that there are a lot of things that can be done that are not being done and she wants the Borough to look into them.

Narcisi asked if there is a State law requiring the Borough to use a commercial garbage company. Dilmore asked who else would do it and Narcisi stated that he wants an answer to his question.

A resident stated that his mother lives in an area where each property owner hires their own pick-up company.

Narcisi stated that if there is nothing that requires the Borough to use one company, then we should consider whether we want to hire one company or have the residents hire their own removal service individually.

Dilmore stated that would be too many trucks in the area all week.

Narcisi pointed out the time the office staff uses a lot of time working on the bills and it is a great burden on the Borough all around. He pointed out that innuendos and accusations of kickbacks were referenced and he thinks the solution would be to have each resident hire their own contractor.

Repp had to call for order again since there are too many people talking too loud to make any progress.

Pete Zubic of 625 City View Avenue said Narcisi is threatening residents with individual contractors and he told them to wake – up. Narcisi stated that he is not threatening anyone and Repp stated that Narcisi’s suggestion was just that – a suggestion to be discussed by Council along with other ideas and options.

Zubic stated that the question is “what are we going to do with the contract this year? Not the future.”

Repp stated that this year’s contract affects future. He stated that the Council is being accused of hiding behind closed doors when in fact; these issues have been discussed at other meetings the Zubic did not attend.

Zubic asked “what are you going to do about the contract” “What are you going to do about the delinquencies?”

Repp stated that the Borough can lower the bill but there will be no discount. There were other suggestions and ideas put on the floor but for the most part, these were drowned out by spectators wanting their voices to be heard.

Linda Hudgins of 307 Fisk Street stated that she has no problem paying the full amount but she does not think a discount should be offered. She thinks adding \$1.00 to cover postage rather than forcing the payers to pay for the delinquents.

She also stated that she does not think individual haulers would be a good idea.

Bernstein wanted to make a motion to change the Waste Management charge. Dilmore stated that it would have to be done as soon as possible because the Borough needs the money to pay Waste Management.

Dilmore explained that to worry about next year is not accomplishing anything but the bottom line is that a decision has to be made at this meeting because the bills are ready to be mailed.

Bernstein stated that his motion would charge \$162.12 up to March 31st then charge \$200.00. Dilmore suggested charging \$165.00 with no discount and then \$200.00 after the due date.

Bernstein stated again that he would like to make a motion to charge \$165.00 with no discount and Dilmore added the penalty would be assessed on April 1st.

There was some problem with the wording with everyone adding an opinion.

Repp then called a five minute recess to have everyone calm down and the motion to be worded correctly.

Meeting resumed.

Bernstein stated that he would like Donnelly to make the motion he discussed before the break.

Donnelly moved to change the Avalon Borough garbage fee to \$165.00 if paid by March 31, 2011 and after that, April 1, 2011, a penalty of \$35.00 will be assessed for a total will be \$200.00.

Narcisi asked Dilmore he endorses this motion and Dilmore stated that he does endorse it as long as the fees are paid. He believes that Council should address this issue again next year.

Repp stated that he agrees with Dilmore that the reduced fees must be paid; otherwise, the Borough will have to come up with the money to pay Waste Management another way.

A vote was taken and the motion was...

**CARRIED
(Bernstein abstained)**

Donnelly moved for the Secretary to advertise for a collection agency to collect the delinquents.

Dilmore asked if this is a service or will it be open for bids.

Repp stated that he wants this discussed further at a Finance Meeting before he would give a decision.

Narcisi asked what a collection agency will charge and it was explained that was the purpose of the advertisement.

A vote was taken and the motion was...

**CARRIED
(Powell, Narcisi and Repp – nay)**

Repp stated that he would like to see the people at future meetings.

Rankin stated that she has the list to be published and it will be in the next publication.

Pete Zubic thanked Council for listening to the residents and Repp invited him to attend all future meetings.

MAYOR:

NO REPORT

SECRETARY/MANAGER:

- **Dilmore stated that he finished the final paperwork as directed by Council on the 2011 Tan Loan with Fidelity Bank and monies were transferred to the General Fund account on January 14, 2011. He thanked the people at Fidelity Bank for their work on the loan.**
- **Auditors from Maher – Duessel have been in the office for the past two (2) weeks working on the 2010 final audit. They will be back in February to complete work and all has gone well.**
- **Dilmore worked with John Jakela of the Quaker Valley Council of Governments (QVCOG), Doug Sample and Katie Hale of the Bellevue Administration Office and the Allegheny County DCED on preparing an application for funding on the West Bellevue Road Project.**

SOLICITOR:

NO REPORT

ENGINEERS REPORT:

Shawn Rosensteel stated that was assisting Avalon Borough and the Quaker Valley COG and on January 31st the semi-annual report will be sent to the Allegheny County Heath Department.

FINANCE:

“To accept the Tax Collectors 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 Finance Report as submitted.

CARRIED

“To direct the Secretary to advertise for a new Solicitor for Avalon Borough.”

CARRIED

Powell stated that the Tan Loan did go through.

Harry asked Shawn Rosensteel about R & B Construction Company and Shawn stated that the work would begin on January 24, 2011.

SAFETY:

Narcisi moved to approve a handicap parking space in the vicinity of 932 Clive Street.

CARRIED

STREETS:

Lloyd stated that the Street Crew is doing a good job keeping the streets cleaned and thanked them.

Lloyd moved to authorize the Secretary to file the paperwork with the Allegheny County Airport Authority for participation in the Pennsylvania Airport Hazard Zoning Overlay Requirements and be eligible for Grant reimbursement.

Dilmore stated that the Borough needed to submit a letter by February 1st to be eligible for Grant money. Allegheny County has set aside money to reimburse 90% of the cost for doing the zoning overlay on the zoning work for communities in the flight path of the airport so nobody plants a tree that grows to high and other things. Dilmore wants to submit a letter but he wants to talk with Bellevue so they can go together and use one Solicitor and split the money. He believes it will be a good thing for the Boroughs to do.

Repp called for a vote and the motion was...

CARRIED

Lloyd moved to accept the bid of Howard Johnson, Inc. of 128 Farragut Street, Pittsburgh, Pa. 15202, for \$8,290.00 on the two (2) Ford F350 dump trucks.

CARRIED

PROPERTY:

NO REPORT

HEALTH:

NO REPORT

CORP/PLANNING

Bernstein reported that he is working with an energy company to get reduced rates. He will get the information and report back to Council.

INTER-BORO:

Donnelly moved too approve Resolution No. 1071 authorizing the filing of an application for fuel with the Allegheny County Department of Economics in the amount of \$370,000.00 for the West Bellevue Road Sewer Project.

Cortese asked if the cost amount is correct and Rosensteel confirmed.

Shawn Rosensteel spoke about the project stating that the construction is difficult because sewer lines need to be replaced and the estimated cost will be approximately \$370,000.00. Dilmore stated that a lot of people worked on this project and got it through.

Repp called for a vote and the motion was...

CARRIED

Donnelly stated there will be a Quaker Valley COG meeting on January 19th at 7:30 p.m. in the Council Chambers.

She also stated that the Borough Association Banquet information is available in the Administration office for sign up.

PARKS:

Cortese stated that an ad for lifeguards and manager will need to be placed in the Citizen in the near future.

LIBRARY:

Cortese stated that Dave Mayernik is going to resign form the Library Board due to his job.

Megan Jones, Solicitor, stated everything was ready for the 501C application amendment. The IRS wanted an amendment and they tried to do one but the IRS wanted two. The 501C is the Tax Exempt status form required by the State for the Library to be exempt.

4th JULY:

NO REPORT.

Cortese moved to adjourn.

CARRIED

The meeting adjourned at approximately 9: 30 p.m.

Respectfully submitted

**Harry W. Dilmore
Manager**