

**AVALON BOROUGH  
REGULAR COUNCIL MEETING  
JULY 19, 2011**

**The meeting was opened by acting President, Pat Narcisi, with a prayer and the pledge of allegiance led by Vickie Donnelly.**

**Roll Call: Bernstein, Cortese, Dixon, Donnelly, Narcisi, Powell. Also present were Dilmore, Solicitor Megan Ott, Shawn Rosensteel, Police Chief Kokoski, Tax Collector, Ed Klicker and Judith Brogan. Absent: Lloyd, Repp, Sefick, and Mayor Haslett.**

**No Executive Session was held prior to the Regular Council Meeting.**

**Cortese moved “to approve the Minutes of the Regular Council Meeting of June 21, 2011.”**

**Powell seconded**

**CARRIED**

**COMMUNICATIONS:**

- Dilmore stated that he received the contract and agreement papers from AIM on the roof loan. AIM thoughts were discussed at the Finance meeting and are on the table for tonight’s meeting.**
- Letter from Penn State University and Engaging Pittsburgh Group asking Avalon Borough to join Bellevue and Ben Avon with the Tri Boros Zoning Commission to form a Shade Tree Commission. This is on the table to be discussed tonight.**
- Letter from the Northgate Quarterback Club regarding an ad for the 2011 program.**
- Letter from the Solicitor on a property reassessment and guidance on her method of procedures.**

## **VISITORS:**

**Denise Schmidt, owner of 609 N. Birmingham Avenue stated that she came to her first Council meeting about a year ago to discuss the horrible condition of the Norwood Avenue steps. She has been to a few Council meetings since then, but has not been given an answer as to why the steps are not repaired. She stated that she spoke with Harry Dilmore in early spring and he told her that she didn't get any answer because she has not been to a Council meeting. She stated that she is not aware that you must attend a Council meeting in order to get things accomplished in the Borough.**

**She stated that she was told that the contract to repair the steps had been cancelled and she demanded to know why. She also wants to know when the work will be done.**

**She is unable to rent her building because the steps are a hazard and potential renters are not interested because of the steps and the risk that emergency vehicles cannot access the property.**

**She stated that she asked Harry Dilmore if she has to attend the Council meetings to get things done and he stated "no, you don't have to do that." But at the next Council meeting the contract was disintegrated.**

**She then stated that Harry Dilmore told her via email told her that the Department of Public Works was going to repair the steps.**

**She stated that last winter a resident used the rail and fell and dropped her child. (no serious injuries) The only work done on the steps, which are Borough Property, was to have the DPW shore up the railing. Her question is "Why was the contract cancelled? What does Avalon Borough intend to do with "their" property that is a safety hazard and in definite need of repair and has been at the attention of the Borough since at least 2006?"**

**Dixon asked her do you have this property up for rent and are making money on it? She stated that she cannot rent it because of the steps.**

**Dixon asked if renting the property was the idea of buying it and she stated that it was not. She stated that she bought the property in order**

**to have a home she could afford on her income and she lived there until four (4) years ago when she got married.**

**Dixon stated that his point is that the Borough property allows her access to her property so she can collect the rent on it. She disagreed; saying that the Borough agreed that the walkway and steps are the only access to the property and needs to be repaired. She stated that if she had a sidewalk that needed to be repaired, she would be fined if it wasn't done and she wants the Borough to do their share.**

**She complained about the Borough making her have rental inspections and she is always within the safety codes and now she cannot sell or rent her property.**

**Donnelly stated that she believes that the owner of a property should be responsible for providing access to their property or perhaps eliminating the steps altogether. There was some argumentative discussion and Ms. Schmidt stated that she was told "many, many things about this problem and none of them are true."**

**Narcisi stated that the contract was cancelled because the Borough doesn't have the money at this time to pay for the work.**

**Narcisi stated that the Borough wants to repair the steps but is limited by the lack of funds. After further argument from Ms. Schmidt, Narcisi stated that no one is out to get her. Ms. Schmidt stated asked why she is held to a higher standard than the Borough when it comes to property repair and upkeep. She argued further and Narcisi again stated that they are trying to address her problem and she asked why it has taken so long – since 2006 – to get this done.**

**Ms. Schmidt asked why she has to pay a garbage bill if she is short of funds but the Borough is not held to the same standard.**

**After further argument between Donnelly and Ms. Schmidt, Narcisi took control of the meeting, stating that the Borough is now held to higher standards by the state. There are new laws that govern how the repairs and replacements are to be done. He asked her to be patient. The Borough will make the necessary repairs and she asked "when?" Narcisi stated that he could not give her a definite date and she asked if**

she has to come to all of the Council meetings to find out when this will be done. Narcisi stated that she does not need to do that but she argued and stated that Dilmore told her (to her face when she was paying her trash bill) that she has to attend the meetings to get things done.

Narcisi stated that although it is not mandatory for her to attend the meetings, it is the best way to make sure her voice is heard.

Ms. Schmidt stated that Council is telling her that the problem is being worked on and she wants to know what is being done. Donnelly stated that the cost is so high to repair the steps because of the new laws.

Dilmore stated that the cost to replace the steps is \$100,000 and he has applied for grants three times. The problem is that there is limited access from the people on the hill. Ms. Schmidt asked if he tried doing a survey when the residents are home so he can get an accurate account of how many people would benefit by these repairs.

Dilmore stated that he does not make the rules and the grants are based on things he has no control over.

Dilmore stated that the \$10,000 would only fix the section from the top of Norwood to just below her house.

Ms. Schmidt asked why the Borough is not doing the snow removal and Dilmore stated there was a miscommunication and he has corrected it.

She stated that there are overgrown weeds growing over to her property and the Borough is supposed to take care of that too and they are not. She has sprayed the weeds but it is not her responsibility to take care of Borough property. When was the last time the Crew cut the grass there?

Bernstein stated that there will be no decision made regarding her concerns at this meeting. He stated that "there are committee meetings she can attend and if you have misinformed previous to this point, I apologize to you." The Committees that exist are all public meetings and there is a street Committee and that who originally informed Council of the problem. Ms. Schmidt argued that was incorrect but Bernstein again stated that it was the Street Committee that started the

**process and made Council aware of the problem. He stated that he can appreciate her concerns about the other issues she raised, especially her communications with Harry, and any other issues she may have and his suggestion is to revisit these issues at the proper Committees. He stated that she can get a calendar of the meetings at the Administrative office.**

**He stated that the Committees will work together to address her concerns.**

**Cortese stated that she does not have to attend any meetings. The only reason the steps are not done is because the Borough ran out of money. The only thing left to do is to get Rob Powell, who chairs the Finance Committee to find the money and the steps will get done. We are aware of the problem and until we get the money, nothing can be done. When they get the money, Cortese stated that he will put the motion on the floor to get the work done.**

**Powell thanked Cortese for putting it on him but he promised to look into where they can get the money. If he finds the money, he will let Cortese know when he can put the motion on the floor.**

**Jackie Yurkovich of 649 Grandview Avenue thanked Ralph Cortese for getting umbrellas for the concession stand. She stated that this has made it more comfortable for everyone and with new families coming to the pool, the umbrellas are really appreciated.**

**She also reminded Council about the two streets that are going to be closed for the two block parties.**

**Dilmore stated that everything is in place for this and the Borough Crew will drop off the wooden horses.**

**Jackie asked about the electric company that spoke at the meeting a few months ago that offered lower rates. She would like information from this company to compare it to other offers she is receiving.**

**Bernstein will get the information to her as soon as possible.**

**Dixon reminded her that the company she is asking about is a Broker and not an electric company, stating there is a difference.**

**Dilmore stated that the Borough has been using this company and there is a significant savings although it has only been a few months.**

**Jeffrey Marous, 320 California Avenue asked about the streets that Columbia Gas tore up and he is glad to see that the gas company has started the work but they left some areas unfinished.**

**Dilmore stated that the gas company actually paved more than was agreed upon and Marous asked who will do the rest of the work. Dilmore stated that the gas company is not done yet and the rest of the work will be done as soon as the gas company's work is completed. Moruse stated there are large holes that need to be repaired before winter. Dilmore stated that it will be done when the gas company completes their work.**

**MAYOR:**

**NO REPORT**

**SECRETARY/MANAGER:**

- **Shawn Rosensteel will give his report on the West Bellevue Road Project tonight.**
- **Dilmore had the interview for the AIM loan for ht roof at the fire house. The paper work is ready and a motion is scheduled for tonight's meeting to approve the loan application.**
- **Council may need to meet with the Committee for the Teamsters negotiations. Letter was sent to the Teamsters with the negotiating team member's names and the dates Council suggested. Council should meet before the negotiations because there are options to be considered and the old contract should be studied. This should be done before the second week of August.**

**Narcisi asked who is on the Committee and Dilmore stated that the members are Narcisi, Lloyd, Powell and Repp.**

**SOLICITOR:**

**Megan Ott stated that she reviewed the car Ordinance for Avalon Borough and compared it to the Pennsylvania Motor Vehicle Code. There are two options in which the Borough can pursue action against violators. The first is the Borough Ordinance. It covers the nuisance law and she made recommendations which should answer any questions Council may have. The second option is the Pennsylvania Motor Vehicle Code which allows the police to take action. This would involve giving notice to steps that would allow the police to take action.**

**Cortese stated “we all know what this is after - if a business can take their own cars and park them in front of a resident’s house. We know this is a business doing this...does that mean we have to go to a resident’s house and cite them instead of towing it (the car) away?”**

**Megan stated there is a zoning violation and the officer can send a notice telling the owner that there will be a fine if the car is not moved within a certain amount of time. The second option is the Ordinance which covers the nuisance law as stated and the third option is the Pennsylvania Motor Vehicle Code which allows the police to go after the owner of the vehicle. She recommends using all three options.**

**Powell asked if putting a written notice on the windshield of the vehicle would be within their options and Megan stated that it would be within the Motor Vehicle Code.**

**Police Chief Kokoski stated that there is an officer that knows this law thoroughly. Kokoski stated that his officer told him that you cannot tow a car without written notice because that is seizing someone’s property. The vehicle may be moved in the case of an emergency.**

**The police must give a ten (10) day notice and wait for a reply. If they don’t reply, you must send a certified letter and wait for a reply. Then a letter must be sent to Penn Dot and wait for a reply.**

**Kokoski stated that there is no Ordinance that can change the state law and the steps he laid out are state law requirements.**

**Megan stated that she thinks it is worth sending a letter first and then go from there. It may serve the purpose and be all that is needed. The Borough can certainly follow up with the other options if needed.**

**Donnelly asked if the owner of the cited vehicle would have to go to a local district court or do they have to go the state.**

**Donnelly stated that taking the owner to the local court could help because if the car is not properly insured or if the owner doesn't have a license or if the car is in poor condition, the magistrate could tell them to get rid of the car.**

**Kokoski stated that he has one officer that is designated to the job of ticketing and following through with the violators, but the problem does not them to take immediate action if the state law requires otherwise.**

**Megan stated that she has been looking into various Library "stuff" for the Borough.**

**She also has been working with Harry Dilmore concerning the commercial status and the increased tax assessment for the Metowers.**

**She is also looking into the Kersting litigation and will report to Harry.**

### **ENGINEERS REPORT:**

**Shawn Rosensteel reported on the West Bellevue Road Project stating that there was a delay in getting the equipment on site but he has been assured that the equipment will be there within the next two weeks and the project will still be within the time frame as per the contract.**

### **FINANCE:**

**Powell moved:**

**"to approve Ordinance No. 1333 for the 1<sup>st</sup> and 2<sup>nd</sup> reading, increasing the indebtedness of Avalon Borough in the amount of \$70,000 with the Allegheny County Authority For Improvements In Municipalities."**

**Dilmore read:**

**“AN ORDINANCE INCREASING THE INDEBTEDNESS OF AVALON BOROUGH, COUNTY OF ALLEGHENY, PENNSYLVANIA, THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$70,000.00 FOR THE REPLACEMENT OF THE MUNICIPAL BUILDING GARAGE ROOF; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY THEREOF: MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE OF THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTS, PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE, AND AUTHORIZING THE EXECUTION, SALE AND DELIVERY THEREOF.**

**Powell moved “to have the Secretary pay off the Tan Loan when the funds are appropriately transferred.”**

**CARRIED**

**“To accept the Finance Report as submitted.”**

**CARRIED**

**Donnelly 2<sup>nd</sup>**

**“To accept the Treasurer’s Report of June 21, 2011 as submitted.”**

**CARRIED**

**Donnelly 2<sup>nd</sup>**

**“To accept the Tax Collector’s Report dated May 27, 2011 as submitted.”**

**Donnelly 2<sup>nd</sup>**

**CARRIED**

**“To pay the List of Bills as submitted.”**

**CARRIED**

**Donnelly 2<sup>nd</sup>**

**Dixon asked why the Borough paid \$425.00 to E&R Automotive to fix the window on a DPW truck. Why didn't the DPW go to the junk yard and buy a window and fix it themselves.**

**Also, “why are we (the Borough) giving this guy any business at all when we are trying to get him to comply with the cars and stuff and why are we still sticking money into the DPW truck when they don't even need this truck.”**

**And, why do we need a skid steer at a cost of \$1500.00 when we have access to the gas company equipment.**

**Dilmore stated that he did not approve any repairs on the truck for the DPW but the crew saw a need and took care of it. Dixon stated that he has a truck and if it needs repaired he goes to the junk yard and fixes it himself and the crew should do the same.**

**Dilmore asked if Dixon does not want the Borough taking any of the vehicles to E&R Automotive and Dixon stated that if we are hurting for money why give them any business. We should be doing it ourselves.**

**Donnelly asked if it is possible to turn the damage over to the insurance company and Dilmore stated that in most cases, the deductible is more than the repairs.**

**Donnelly asked Dixon how much the scrubber for the fire hall cost and Dixon stated that Council approved it months ago and it still isn't paid for or received.**

**Dilmore stated that the check was mailed on June 20<sup>th</sup> and cashed on June 23<sup>rd</sup>. He suggested that Dixon ask at the fire hall to see if they got the scrubber.**

**Dixon asked Donnelly how the cost of the scrubber has any effect on his question. A heated argument ensued and Narcisi called the meeting to order, telling Council members to allow each other to speak and to be civil to each other.**

**Narcisi stated that he received a call from the fire chief, Bill Carney, and he told Narcisi that the scrubber is in and at the fire hall.**

**Narcisi asked for a vote on Powell's motion to pay the list of bills. The motion was...**

**CARRIED**

**Powell moved "to exonerate the Tax Collector, Ed Klicker, from collecting any and all earned income taxes and directing him to turn over any and all monies already collected for said taxes to Keystone Collections, effective July 22, 2011.**

**CARRIED**

**Cortese asked why we are giving Keystone the money if it is ours. If Ed collected it why turn it over to Keystone.**

**Klicker explained that this was already discussed in June and possibly in July with Council. There has to be a cut off date where he no longer accepts payments for past years. If the residents continue to send payments to his office, he will send them to Keystone for posting.**

**Klicker stated that he will continue to work on the wage tax thru September.**

**Cortese thanked him for explaining it.**

**Dixon asked if we went with Keystone earlier than required so there would be more time to do what he is doing now. Klicker stated that is correct. He stated that the Borough has been receiving money from his office and from Keystone since January. There have been some bumps in the road but we have time to work it out.**

**Narcisi asked if there are any more questions on this motion at which time the motion was voted on and...**

**CARRIED**

**Powell moved “to accept Resolution No. 1076 authorizing the execution of a note pursuant to Ordinance No. 1033.”**

**Donnelly 2<sup>nd</sup>**

**Dixon asked Dilmore about the plumbing problem at the fire hall and Dilmore stated that Bauer Plumbing is working on the line they were having trouble with and then the roof would be done. He stated that the floor seemed more important at this time but the roof would also be done.**

**Dixon asked about the \$70,000 being used for the drainage problem and Dilmore stated that the money has not been received yet but the problem will be solved.**

**Donnelly asked if there should be a roll call vote and was told that is not necessary for a Resolution.**

**Narcisi called for a vote and the motion was...**

**CARRIED**

**SAFETY:**

**NO REPORT**

**STREETS:**

**NO REPORT**

**PROPERTY:**

**NO REPORT**

## **HEALTH:**

**Dixon reported that the County is giving free smoke alarms for home owners who live in the home. If you have alarms that are ten (10) years old or more they will replace them and install them. You must call the County for more information and to schedule an appointment.**

**Dixon stated that he has some questions on a bill from Chester Engineering concerning work that was completed in 2010. First, he wants to know who Jessica Antel is, second, this is for work that was done on July 27, 2010 and faxed from somewhere to State Pipe on March 8, 2011 and again to Chester Engineering on or about March 15, 2011 who then sent it to Harry Dilmore stating that State Pipe is requesting payment.**

**Dixon asked why this bill has not been paid or is it wrapped up with the West Bellevue Road Project that is going on now?**

**Dilmore stated that it is wrapped up with the current work being done, and when the work was completed, State Pipe submitted the bill to Chester Engineering instead of Avalon Borough and Jessica Antel is the Engineer at Chester Engineering who was in charge of that project.**

**The bill Dixon has in front of him to sign is Avalon's share and will be paid when the project is complete.**

## **CORP/PLANNING:**

**Bernstein moved to appoint Tom Demongone to a three (3) year term as chair with the vice chair to remain open, Rae Fisher to a one (1) year term and Bernstein to a 2 year term.**

**Donnelly 2<sup>nd</sup>**

**Cortese asked what they plan to do with the chair people that were appointed in 2009. Bernstein stated that there weren't any members appointed to the Executive Board of the Friends of the Library.**

**Cortese stated there were members appointed and stressed that he worked with those members to obtain the 501-C from the state.**

**Bernstein again stated that he is unaware of this and Megan Ott suggested that the motion should be tabled until further information can be obtained and the chair members' appointment can be worked out.**

**Bernstein moved to table his motion until the Solicitor and Bernstein can look into the matter.**

**Donnelly 2<sup>nd</sup>**

**Donnelly suggested asking the current board members to resign so new board members can be appointed.**

**Narcisi stated that it is already table pending research by the Solicitor and Bernstein.**

**Bernstein thanked Connie Rankin and Ed Klicker for a spectacular celebration for the 4<sup>th</sup> of July. Their hard work was enjoyed by many people this year.**

**Bernstein stated that the Local Government Academy held a meeting at the Borough Hall at which he was a speaker. The topic was Social Media Practices. He stated that the Facebook page he has posted is growing and they currently have 12,000 viewings.**

**He stated that one good thing that came out of the meeting was to recognize the need to have good policy and language practices.**

**INTER-BORO:**

**Donnelly stated she has a QVCOG meeting coming up on Wednesday. She will report back to Council in August. They also discussed the DB-37 update but there is nothing definite at this time.**

**Donnelly moved "to participate in a multi-media shade tree commission with Bellevue-Ben Avon to promote the green infrastructure and give efficient use of resources in our communities."**

**Powell 2<sup>nd</sup>**

**Dixon asked how much it is going to cost the Borough. There was a heated argument and Narcisi took control of the meeting and asked Donnelly to explain her motion.**

**Donnelly stated that in order to get funding for the greenery, a commission must be formed. She asked Dilmore to explain what he knows of this plan.**

**Dilmore stated that Avalon had a Shade Tree Commission in the past but no one wanted to serve on it. It seems now that the County has sent letters to the three communities asking them to participate. At this point that is all he knows about it.**

**Narcisi asked for a vote and the motion was...**

**CARRIED  
(POWELL AND DIXON VOTED NO)**

**Donnelly stated that the Quaker Valley Council of Governments is still working on the Garbage contract and a report will be given at the August meeting.**

**PARKS:**

**Cortese moved “to place an ad in the 2011 Northgate Football Program at a cost of \$45.00.”**

**Donnelly asked if Council was going to “chip in” as in past years and Cortese stated that would be acceptable.**

**Dixon asked what it is for and Cortese stated that it is a fund raiser for the football team to help defray their costs.**

**Donnelly stated that she paid for the ad last year but this year it would be good if Council each paid \$5.00 to pay for it.**

**Dixon asked if she asked for a reimbursement and she stated she did not.**

**Cortese stated that he will withdraw the motion since Council is going to contribute \$5.00 each to pay for the ad.**

**Cortese withdrew the motion.**

**Cortese moved “to allow the Avalon Panthers use the field for the season with a \$1,500 security deposit which has already been paid. Use of the field will be contingent upon proof of their insurance.”**

**Donnelly 2<sup>nd</sup>**

**Yurkovich asked if there will be a no smoking rule for children’s events. Dilmore and Cortese agreed this will be enforced.**

**Narcisi called for a vote and the motion was...**

**CARRIED**

**Cortese announced that the Monday night swims are doing well. The cost is \$2.00 and you can swim from 8:00 p.m. to 10:00 p.m.**

**Morning swims are also doing well. They are on Tuesday and Thursday mornings from 8:00 a.m. to 10:00 a.m. and are \$2.00.**

**Movie night is on Thursday evenings. This week we have a “kids flick” and hot chocolate will be available.**

**LIBRARY:**

**NO REPORT**

**4<sup>th</sup> JULY:**

**NO REPORT**

**Powell moved:**

**“To adjourn.”**

**Cortese 2<sup>nd</sup>**

**CARRIED**

**Respectfully submitted**

**Harry W. Dilmore  
Manager**