

## Borough of Ben Avon Heights

### Tuesday, July 9, 2019 - Council Meeting Minutes

The regular meeting of council was held at Shannopin Country Club at 7:00 P.M.

A quorum is in attendance

**Present:**

Council Members: Cuteri, Hebert, Radcliffe, Stiller

Mayor: Dismukes

Solicitor: Mongillo, Tucker Arensberg

OTPD: Sargent Beck

Avalon Volunteer Fire Company: Chief Berie

Engineer: Heyl, Lennon Smith Souleret Engineering

HRG, INC: Beidler, RLA, AICP

Secretary: DiNuzzo

Residents: Mark Davis, Mike S

Shannopin Country Club Representative: Dick Moss

**Mr. Radcliffe began the meeting at 7:10 PM.**

- 1. June 2019 Minutes: A motion was made by Mr. Radcliffe to approve the June, 2019 Minutes previously distributed to Council by email. Mr. Hebert seconds the motion. The motion passed unanimously.**
- 2. June 2019 Treasurer's Report: Mr. Radcliffe made a motion to approve the June 2019 Treasurer's Report previously distributed to Council by email. Mr. Stiller seconds the motion. The motion passed unanimously as distributed.**
- 3. Police Report (Beck):** For the month of June Sargent Beck reported that there were a total of 123 calls, 90 of those being routine patrol. Sargent Beck has been working on his training for PEMA to become the emergency contact. He presented a drafted resolution for the Borough to review that would allow for him to become the intergovernmental emergency cooperation for the Borough. Mr. Mongillo felt that a resolution would be inappropriate and that the Borough should create an ordinance for this. More discussion to follow.
- 4. Fire Report (Berie):** Chief Berie reported that there were no calls for the month of June. The fireworks have been postponed until Labor Day weekend.
- 5. Engineers report (Heyl):** Mr. Heyl reported to council that Columbia Gas notified LSSE on June 11, 2019 that they only had a total of five services left to complete; all work should be completed in mid-July including all service abandonments. Shields pavement also provided a schedule with a tentative start date of August 5, 2019. LSSE also transmitted change order no. 1 to the Borough for execution on June 11, 2019; the purpose of change order no. 1 was to increase the contract amount to reflect the increase in asphalt index. This change order was approved in the June 2019 meeting. LSSE notified Columbia Gas of the complaint received by the Borough on June 12, 2019 and another on June 27, 2019. Columbia Gas immediately responded and indicated they were getting with their construction department to resolve these types of issues. Columbia Gas indicated on June 12, 2019 that the sidewalk on New Brighton will be replaced the last week in June and the concrete curb on Banbury will be replaced once the pipe has been removed. Estimated time for the concrete curb replacement is mid-July 2019.
- 6. Zoning Ordinance Review Update (Beidler):** Mr. Beidler provided council with a memo to council breaking down the audit performed on the Boroughs zoning ordinance. Some areas HRG found to be issues were in the definition of land use; they feel that the definitions within Article III should be updated based on current industry standards and the Pennsylvania Municipalities Planning Code regulations. Permitted uses, HRG feels that the current zoning district should be updated to reflect the recent hearings and amendment. In addition, they feel the Borough should address

the following issues such as: bed & breakfasts, short term rentals such as Airbnbs, boarding houses, group care facilities, group homes, private recreation, parks and open space, and forestry (the right to timber your own property). Another area they feel should be updated as well as expanded is the accessory uses and supplemental standards. They recommend the updated should address the following issues that are not currently included such as: accessory dwelling units (tiny houses), urban agriculture such as chickens and bees, home day cares, outdoor hydronic heaters, and home occupational business. They also suggested the Borough look at the currently minimum floor area standards as they could be vulnerable to a legal challenge. They also noted that it is unclear if the Borough currently has an Official Zoning Map as section 605 in the MPC suggests a “map made part of the zoning ordinance” is required. They also suggest we looking into our parking standards given the outcomes of the proposed land use updates, parking should also be reviewed for consistency. They also feel that the administration and enforcement should be updated to reflect the amendments made by ordinance 293. With the extent of the proposed revisions, HRG would like to prepare a comprehensive ordinance update at this time. Mr. Hebert questioned what would happen if a resident already had something such as chickens or bees, Mr. Beidler explained that something such as that could be “grandfathered” in. Mr. Cuteri indicated that farm animals are currently not permitted in the borough.

**7. Community Communication (Cuteri):** Mr. Cuteri had a list of questions from the community this past month and wanted to readdress these during our council meeting. COPY ATTACHED TO THE MINUTES. The paving work which is currently being conducted is not part of our reconstruction that the Borough has been conducting over the past 5 years; it is part of the Columbia Gas restoration project in which Columbia Gas has been moving pipelines into the street. We have put our road reconstruction project on hold as we have exhausted our borrowing capacity as a Borough. Once we have completed payment on these in the next few years, we will resume the reconstruction of the Borough roads, which include paving, curbs and drainage. The only exception to this is Cambridge as this is where the Boroughs main sewage line runs. The road is decaying and cannot wait; therefore, the Borough is currently paying for this to be reconstructed with its current funds. Due to the delay in the Columbia Gas project, there is a thirty-thousand dollar increase cost which was accepted by Columbia Gas. There were a few very specific questions from Mr. Davis that Mr. Cuteri addressed:

a. ***Why are the treasurers reports not included on the website?***

- i. Financial reports are available through the Borough office, Council will also discuss this with legal counsel.

b. ***What is the Boroughs current debt and which loan will be paid off in what year?***

- i. In 2012 the Borough took out a twelve-year loan with a current balance of 228,366 which will be paid off in 2022 with a 3.4% interest rate. In 2015 the Borough took out an AIM loan, the current balance on that is 37,107 and will be paid off in 2020 with an interest rate of 1.34%. In 2016 the Borough took out another AIM loan with a current balance of 107,012 and will be paid off in 2022. Mr. Dismukes noted that these loans were primarily taken out to fund road reconstruction in the Borough. Mr. Cuteri also noted that these are mostly annually or quarterly payments which have been budgeted in the annual budget.

c. ***Does the current 5-year budget projection include any road restoration projects?***

- i. Funds are allocated every year for road work, until we can fund capital projects through borrowing, they are not included in the 5-year budget. Once the Borough can increase debt by paying off current loans, then the Borough with the assistance of the engineers will look at what roads need the most attention first.

d. ***What's the Boroughs current amount of surplus?***

- i. Mr. Cuteri asked Mr. Davis for some clarification on what me meant in this question, which he meant how much money the Borough currently has in the bank. Mr. Cuteri stated that the Borough has a reserve fund, which is around 400,470 dollars. Mr. Davis questioned if this fund has been increasing or decreasing, Mr. Cuteri responded that the reserve fund account has been consistently the same. The Borough uses this account for two primary reasons: short fall on budgets, for when emergencies like hurricane Ivan came through and left extensive damage to the Borough, this allows the Borough to take emergency action to fix things. The Borough will also use this account to keep taxes at the same rate or lower as we do not want to raise taxes in the Borough.

e. ***What's the current balance of the sewer fund and has any money ever been withdrawn from it?***

- i. The current sewer fund is 227,623. The Borough collects money from the county from the wet weather project. There is a fee on those collections in which we build up. The Borough over the past 8-9 years have spent over a quarter of a million dollars on sanitary sewer repair, new sewer lines, all to comply with the wet weather project from the federal government. This has also delayed the reconstruction of roads.

**f. How long does the engineer expect paving to last if no curbs are included?**

i. The repaving will last the Borough around 5-10 years if we continue to apply sealance to cracks.

**g. Will the repaving include cutting and sealing of the new expansion joints of the new wearing surface?**

i. Yes, it will.

**h. The sidewalk above Mohalcos house was removed at the Boroughs expense, are we allowed to remove our sidewalks?**

i. Mr. Beidler responded as the sidewalk would still be in the public right of way, as this would still fall under the municipality.

**i. Why did the Borough pay for new sidewalks on Clovelly?**

i. Mr. Cuteri was unsure of what was approved when this took place, he asked Mr. Davis if he could recall why this was approved while he was on council. Mr. Davis stated when he was on council they felt that it would be nice to put in sidewalks when they could during road construction. They also made sure that residents sidewalks, driveway aprons and so forth were done with the approval of the property owner and Mr. Davis does not feel the Borough or council are currently doing this. Mr. Cuteri reminded Mr. Davis that the current road project is a temporary fix as the Borough pays off their debt.

**j. Lawn restoration is listed as last task for this year's project, why is that necessary if there is not curb work included?**

i. There were some sidewalks on New Brighton that had been removed, as well as some exuviation in yards that needs to be corrected, but Mr. Cuteri believes this should all be corrected by the time the asphalt paving begins.

**8. Public Comment:** Mr. Mark Davis from 20 Banbury lane wondered if there was a master plan to get back and continue all the road reconstruction project so that all roads in the Borough are eventually reconstructed? Mr. Cuteri informed Mr. Davis that yes, this is the plan but currently we cannot afford to continue this until our debit us paid off, but there is a plan in place. Mr. Davis also raised a question on how much surplus a Borough is allowed to keep. Mr. Mongillo has never heard of a cap, but the council will look into this. Mr. Davis also questioned if there was base repair in the road projects. Mr. Cuteri informed Mr. Davis that all roads being resurfaced will have base repair. Mr. Dismukes added that Cambridge may exceed the reserve put aside for this project due to the state the road is in. Mr. Davis questioned how much money is being spent on Cambridge. Mr. Cuteri believes it's around \$60K to \$70K. A resident questioned why the Borough is so concerned with Cambridge as there are only two homes at the bottom of the hill and is closed to traffic. Mr. Cuteri responded that our main sewer line runs under that road and if the Borough receives a failure, that could lead to a more hazardous problem. Resident feels if we move the gate from the bottom to the top, would illuminate the sewer line concern. Mr. Cuteri feels that the two properties are residents of the Borough, and should be able to access their homes from the Borough. This resident also mentioned that the Borough owns part of Courtney Mill Road, which parts of this road are in worse shape than Cambridge and wondered if we were going to put work into this road as well. Mr. Dismukes mentioned that they are actively looking into geological projects to put townhomes in, which down the line could result in repaving of the road. Mr. Davis questioned when in the master plan will Banbury be repaved. Mr. Cuteri indicated that we have a report prepared a number of years ago relative to the conditions of roads and have been following that plan. It addresses the worst roads first and so on. Resident Mr. Mike Slenska who lives at 13 Banbury Lane brought up concerns of an area there is a small section, approximately 20-25 feet of Banbury Lane near the corner with Clovelly that is completely missing a curb. This section of Banbury experiences very high velocity runoff, which causes erosion, as it sits at the end of the street very near the catch basin at the corner. Mr. Selnska was wondering if a curb would be added here. Mr. Cuteri will discuss with the engineers on what steps the Borough could take on this. A resident questioned if the Borough gets our catch basins cleaned or if we will be. Mr. Cuteri responded that we do, but due to the large amounts of rain, as well as coordinating with the repaving project, we had been delaying this. Ms. DiNuzzo has been in touch with Tri-State and is working with them to get the Borough on a cleaning schedule. Mr. Dick Moss from Shannopin country club wanted to confirm the paving project dates as there are some golf outings at Shannopin that could be affected. Mr. Moss will obtain the dates in question before the end of the meeting to confirm there are no conflicts with any Shannopin events.

**9. Zoning Application Submissions report:** Ms. DiNuzzo reported for the month of June, there were two applications: One for grading at Shannopin country club and the other at 18 Wilson for alteration/repair/demolition.

**10. Update on Parks and Landscape:** The new Ben Avon Heights sign is up this week; the park also is looking great with lots of pickleball, we thank Mr. Radcliffe for all the efforts on these items.

- 11. Update on Noxious Weed Program:** Mr. Radcliffe informed council that the removal of the “tree of heaven” will be removed in late July and early August. The “Tree of heaven” is only currently located along Briar Cliff and Cambridge.
- 12. Homeowner property maintenance at roadways:** Mr. Radcliffe, noticed that along Ben Avon Heights Road and Perrysville Road that some properties are not maintaining their properties. He thought it would be helpful to send out a generic letter to the community to remind them of their responsibilities. Ms. DiNuzzo will draft and email to send to all the residents reminding all.

Executive session began at 8:46 pm.

Council resumed at 9:23pm. Meeting adjourned at 9:34pm

The next monthly meeting is Tuesday August 13, 2019 at the Shannopin Country Club.

Respectfully submitted,  
Jessica DiNuzzo, Secretary

Mark Davis Email Questions as read by Mr. Cuteri at the meeting on July 9 council meeting before public comment.

Financial Questions:

1.0 Why aren't the treasurer's reports included along with the meeting minutes on the website?

**Answer: Financial reports are available for review by the public at the borough office. Council will review to see what we can post on a regular basis.**

2.0 What is the current debt? Which loan will be paid off first? What year?

**Answer:**

**2012 twelve-year loan, \$228,366 Balance, Payed of in 2022, 3.4%**

**2015 AIM Loan \$37,107 Balance, Payed off in 2020, 1.34%**

**2016 AIM Loan \$107012 Balance, Payed of in 2022, 1.34%.**

3.0 Does the current five-year budget projection include any road restoration projects?

**Answer: Funds are allocated every year for Road Work, until we can fund capital projects through borrowing, they are not included in the five-year budget.**

4.0 What is the current amount of the surplus?

**Answer: Can you define surplus?**

5.0 Has refinancing been considered?

**Answer: No.**

6.0 What is the current balance of the sewer fund?

**Answer \$227,623**

7.0 Has any money ever been withdrawn from this account?

**Answer: Yes, as we use this fund to pay for sewer service to Alcosan.**

Technical Questions:

8.0 How long does the engineer expect the repaving of Cambridge to last if no curbs are included?

**Answer: it will last until we can re-construct per the road replacement plan, estimated 5 to 10 years.**

9.0 What is the status of the curb replacement at the north west end of Banbury that was to be included in the last road reconstruction project?

**Answer: that is to be installed by Columbia gas per the borough engineers email to you on June 16, 2019 and as reported at the June council meeting.**

8.0 Will the repaving of Oxford include cutting and sealing the expansion joints in the new wearing surface?

**Answer: Columbia Gas is to resurface to restore to original condition, so I believe yes.**

9.0 The sidewalk above Mihalko's house was removed at the borough's expense. Are we permitted to remove our sidewalk?

**Answer: that is a legal question which would be answered by ordinance. Our Solicitor will advise us on this matter and we will get back to you.**

10.0 Why did the borough pay for new sidewalks on Clovelly?

**Answer: Most of Clovelly does not have sidewalks. If you are talking about the intersection sidewalk at Clovelly and Banbury, I believe that those sidewalks were damaged by a commercial vehicle that was not supposed to be on the road for which we were reimbursed for the repairs. But I cannot confirm this, as it was many years ago. Mr. Davis you were probably President of Council when that was done, so if we did pay for sidewalks did you approve that payment? Was the reason different than my recollection?**

11.0 Lawn restoration is listed as the last task for this year's project. Why is that necessary if there is no curb work included?

**Answer: Because there are sidewalks on New Brighton that were removed, there was some excavation in yards that needs to be corrected, but I believe most of that is done or will be done by time the paving begins.**