



**Borough of Ben Avon Heights**

**Tuesday, December 14<sup>th</sup>, 2021 - Council Meeting Minutes**

A quorum is in attendance

**Present:**

Council Members: Brown (arrived at 7:26pm), Cuteri, Dawley, Mihalko (arrived at 7:04pm), Neunder (arrived at 7:04 pm), Radcliffe, Stiller

Solicitor: Katie Beers

OTPD: Chief Hanny

LSSE: John Heyl

Secretary: DiNuzzo

Residents: Greg Mihalko 3 Briar Cliff Road, Jacquyln Neunder 5 Stratford Road

**Mr. Cuteri began the meeting at 7:00 PM.**

**1. November Minutes**

**Approval of November meeting minutes: A motion was made by Mr. Radcliffe. Mr. Stiller seconds the motion. Motion passed unanimously.**

**2. October Financials**

**Approval of October financials: A motion was made by Mr. Radcliffe. Mr. Stiller seconds the motion.** Mr. Stiller raised a few questions on the financial report the way the sewer agency fund was entered it looks as if it was entered as a payment not income. Mr. Cuteri noted it was a payment made to ALCOSAN. Mr. Stiller also pointed out that it looks as if the earned income tax budget line in the financial report should be swapped. Mr. Cuteri suggested this should be pointed out to the accountant. **The motion passed unanimously.**

**3. Police Report:**

Please see attached report. Mr. Stiller questioned if there was more detail that could be provided over the report of Theft. Chief Hanny explained that it was resolved with the resident and at that point was a private matter and he couldn't report further. If it was a threat to the community, he would warn the Borough with more details.

**4. Fire Report:**

There was no Fire present to report for the month of November.

**5. Engineers Report:**

Please see attached memo provided by LSSE. After discussion, Council would like to review the SSORP and vote next month. A copy will be provided to the Council to review.

**6. Public Comment:**

Greg Mihalko at 3 Briar Cliff Road wanted Council to know that he saw a landscape company dumping leaves at the old dumping site, at the intersection of Cambridge, Briar Cliff and Banbury the other day. He said he did approach the company and informed him that there was no dumping there and showed him the signs that are posted. Council discussed and decided that they will send a warning letter to both the landscape company and the resident whose home the company had just completed yard work on. The letter will inform both of the ordinance in violation which is ordinance #192 which prohibits dumping in the Borough.

Mrs. Neunder at 5 Stratford questioned if the Borough was planning on doing anything in the park this year with Santa or not. After some discussion Mr. Cuteri asked Ms. DiNuzzo to reach out to Chief Berie to see if they would still honor Santa on the fire truck coupon in Ben Avon Heights like last year. She'll also reach out to the president of the Community Club to see if Santa in the Park is still going to be an event.

7. **Valley Waste:**

Council requested Valley Waste attend our December meeting after the ample number of issues that have occurred over the past few months. Joe Orlich, the General Manager at Valley Waste, agreed to come to the December meeting to discuss these issues. Mr. Orlich explained that the pandemic has wreaked havoc on their industry like many others. They were able to hold it down in 2020 and in 2021 Valley Waste took a real hit. They lost a lot of drivers in the spring and were down about 35% in their workforce. They have done two increases with their wages and heavy advertisement, helping them hire 6-7 drivers over the past two months. The most recent issue that the Borough and residents of the Borough brought to Valley Wastes attention of recycling being put in the trash truck was due to a new hire believing he was helping the recycling guy with his load. He has been disciplined and retrained so this issue should not occur again. Mr. Orlich apologized to the Council for this mistake. He also added that Valley Waste has a state-of-the-art recycling facility out on Mars where everything is separated. Mr. Cuteri added that we understand the pandemic has been tough. Mrs. Neunder asked if there was a way that the residents could be notified if trash was going to be delayed. Mr. Orlich stated he could let Ms. DiNuzzo know and she can then let the community know.

8. **2022 Annual Millage Amendment**

**Vote to approve Annual 2022 millage rate ordinance and property tax: A motion was made by Mr. Radcliffe. Mr. Brown seconds the motion. The motion passed unanimously.**

9. **2022 Annual Budget**

**Vote to approve 2022 Annual Budget: A motion was made by Mr. Radcliffe. Mr. Stiller seconds the motion. The motion passed unanimously.**

10. **2022 Solicitor Rates**

**Vote to approve solicitor rates for 2022: A motion was made by Mr. Radcliffe. Mrs. Neunder seconds the motion. The motion passed unanimously.**

11. **Election Results:**

Mr. Stiller noted that there was a three-way tie for the final seat on council. They have until December 17<sup>th</sup> 2021 to confirm to Allegheny County that they accept the votes. Ms. Beers added that she too has been in contact with the election's office and the Borough of Ben Avon Heights has a three-way tie with each write-in receiving two votes each. They will need to claim the office, and if two people claim the office we will have a true tie under the election code, they will have to draw lots, like a coin toss; under the Pennsylvania election code. But if none of the three express interest by the deadline, then it will just be considered a vacancy on Council. Then in January 2022 Council can use its powers under the code to fill the vacancy. Mrs. Neunder asked how many seats Ben Avon Heights Council had. There were 3 seats open. Mr. Cuteri reminded the Council that come January the Borough should look for a Judge of Elections. Mr. Stiller requested that we send something out to the community. Mr. Cuteri also reminded Council that Scott can swear in the new members, but they should also see if the local magistrate, Tara Smith can attend the meeting.

12. **Re-Organization Meeting**

**Approve meeting date for January 2022 reorganization meeting:**

13. **Green spaces update:**

Mr. Radcliffe informed Council members that the Dicksons helped with the Christmas tree decorating with the tree in the park. He also informed Council that the Clovelly and Briar Cliff Street signs that were knocked down were moved up the hill a few feet, and shouldn't be knocked over again.

14. **Holiday luncheon:**

Mrs. DiNuzzo reminded Council members that the luncheon was this Friday, December 17<sup>th</sup>, 2021.

15. **Planning commission:**

Mr. Cuteri informed the Council that he's still on the planning commission. Published the meeting minutes from June, and updated the zoning ordinance according to the comments made. He'll suggest another public meeting in January 2022 and then get the final draft to council to review in February 2022.

16. **Executive session:**

Started at 7:40pm

Meeting resumed at 7:55pm

Meeting ended at 7:56pm

The next scheduled meeting is January 11<sup>th</sup>, 2022 at 7:00 pm at Avalon Volunteer Fire Department

*\*Please note that there was a typo in the December 14, 2021 meeting agenda, the next scheduled meeting will be January 11, 2022 at 7pm at the Avalon Fire Hall\**

Jessica DiNuzzo, Secretary

December 06, 2021

### **Calls for Service - by UCR Code**

Incidents Reported Between 11/01/2021 and 11/30/2021



**BEN AVON HTS**

Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
0614	THEFT-\$200 & OVER-FROM AUTO (EXCPT 0615)	2			
3820	DISABLED VEHICLE	1			
6310	TRAFFIC POST	1			
7092	ROUTINE PATROL COMPLETED	77			
CITT	TRAFFIC CITATION	1			
<b>Total Calls</b>		<b>82</b>			

## ***MEMO***



846 Fourth Avenue, Coraopolis, PA 15108  
(412) 264-4400 • (412) 264-1200 Fax

TO: Ben Avon Heights Borough

FROM: Kevin A. Brett, P.E.  
John R. Heyl, P.E., CPESC

SUBJECT: **December 14, 2021 Meeting**  
**Engineering Report**

DATE: December 8, 2021 S. O. No.: 0452-01

cc:

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Following is a summary of the engineering services provided since the last Engineering Report:

1. **Administrative Consent Order (ACO):**

LSSE provided a letter for Borough letterhead on July 1, 2021 requesting the CAP be extended from June 30, 2021 to December 31, 2021. The Phase II COA was released by ACHD on September 1, 2021. A meeting was held with Borough Representatives on September 29, 2021 to review the order. ACHD is requesting that signed COAs be forwarded back to ACHD by October 31, 2021. **LSSE reviewing the Exhibit 'B' information as part of the 6-month baseline due diligence period. A report documenting the findings of this review will be drafted for submittal to ACHD in April / May 2022.**

Borough Council approved the update to the Operations and Maintenance Plan at the May 2020 meeting. Work was awarded to Robinson Pipe Cleaning Company in the amount of \$39,072.50 as noted in letter dated August 13, 2020. A repair scope for the Year 1 area including an Opinion of Probable Cost has been drafted. Four manholes were unable to be located, and CCTV for two sewer lines were incomplete because of access issues. **A repair scope for Years 1 and 2 of the O&M Program has been submitted to the Borough for review. LSSE to assist Borough with the preparation of Bid Documents for the repair scope identified by the Borough.**

2. **ALCOSAN Regionalization:**

Ben Avon Borough sent a March 19, 2020 letter in regards to the potential repairs and maintenance required to transfer ownership over to ALCOSAN for a portion of the multi- municipal sanitary sewer line tributary to ALCOSAN POC O-18. The letter mentions splitting up the cost of repairs and maintenance based on tributary EDUs from each upstream community. LSSE has prepared a summary of available information. To evaluate this methodology fully, the following information is required for review:

1. *Scope of work required to complete repairs*
2. *Opinion of Probable Cost to complete repairs*

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3. *Cost Allocation EDU split by community*
4. *Preliminary schedule to complete work*
5. *Draft Agreement for Repair / Maintenance of the shared sewer facilities*

**LSSE awaiting additional information from Ben Avon Borough to proceed.**

3. **MS4 Permit:**

PaDEP issued MS4 Waiver Approval letter on April 24, 2018. Next permit cycle is September 2023. **Waiver will be submitted in early 2023.**

4. **2021 Roadway Improvement Program**

Bids were opened on March 5, 2021. LSSE provided Borough with a Bid Report on March 5, 2021. Project was awarded to A. Liberoni, Inc. in the amount of \$255,408.74 (Base Bid, Add Alternate Nos. 1, 2, 3, 4, 5 and 6) as noted in letter dated March 23, 2021. Pre- Construction Meeting held on April

23, 2021. LSSE transmitted Change Order No. 1 to the Borough for execution on July 16, 2021; this change order is for extra storm sewer work on Bidderford Road and the removal of the concrete sidewalk on Oxford Road. Concrete work has been completed. LSSE transmitted Partial Payment No. 1 in the amount of \$148,399.28 as noted in letter dated September 12, 2021. **All paving work is completed. Final walkthrough was held on November 29, 2021. Punchlist items remain to be completed.**