



**Borough of Ben Avon Heights**

**Tuesday, May 10<sup>th</sup>, 2022 - Council Meeting Minutes**

A quorum is in attendance

**Present:**

Council Members: Brown, Dawley, Lope, Mihalko, Neunder, Stiller, Radcliffe

Mayor: Dismukes

Solicitor: David Mongillo

Secretary: DiNuzzo

Residents: Bob Fardo,

- 1. Call to Order:** Mr. Brown began the meeting at 7 PM.
- 2. Roll Call:** There was a roll call of Council Members. A quorum is present.
- 3. Approval of March 2022 meeting minutes:** *A motion was made to approve the March 2022 meeting minutes by Mr. Stiller. Mr. Lope seconds the motion. Mr. Mihalko abstained. Motion passed.*
- 4. Approval of February 2022 financials:** *A motion was made by Mr. Dawley to approve the February 2022 financials. Mrs. Neunder seconds the motion. The motion passed unanimously.*
- 5. Approval of April 2022 meeting minutes:** *A motion was made by Mr. Dawley to approve the April 2022 meeting minutes. Mrs. Neunder seconds the motion. The motion passed unanimously.*
- 6. Approval of March 2022 financials:** *A motion was made by Mr. Dawley to approve the March 2022 financials. Mr. Mihalko seconds the motion, Mr. Brown noted that on the March 2022 P&L budget year to date, line 306.01 Verizon Franchise fees budgeted \$12,644 and we seem to be off but we get these quarterly, so this should be reflected in the April financials. Mr. Brown also noted he will be looking into line 340.01 the Reserve account as the report and what we have currently in the bank do not match. Mr. Brown also looked into the cleared checks with Ms. DiNuzzo and what the report has vs what Ms. DiNuzzo has does not match. Mr. Brown added that we are still in good financial standings regardless of these report issues. The motion passed unanimously.*
- 7. Public Comment:** Mr. Fardo at 4 Stratford Road came to check to see what council and the engineers had come up with as a plan. Mr. Heyl explained that the hold up was they needed to wait until there was a substantial amount of rain to review the curb. They did notice that the paver left the asphalt high at the driveway, they'll have them come back and mil that section and seal it to reestablish the gutter line; the property now is at grade with the asphalt right now, so it just flows right through the yard. To improve it even more they can raise the curb a little more on Biddeford. Mr. Stiller asked if there was a progressive approach where they could say they would do this first and see if that remediates the issue? Mr. Heyl stated that yes, this is the approach they would take. He stated that fixing the asphalt was the first step they would take and

the contractor would pay for that. Mrs. Neunder asked if this would be fixed on both sides of Biddeford. Mr. Heyl responded that if it's an issue on the other side, they would look into fixing it.

Mr. Fardo stated he would be willing to put a catch basin in on his driveway if the Borough would then have the piping tie into the storm water down Biddeford. Mr. Fardo wanted to confirm that the engineer did not want to raise the road currently. They confirmed that they would make it lower. Mr. Stiller asked if Mr. Fardo has a down spout that goes close or near Stratford. Mr. Fardo stated that it goes out to Stratford, one goes out to the storm drain in Stratford. Mr. Dawley didn't understand how the downspout fixes the issue. Mr. Fardo stated he didn't want to do anything with the downspout, he wants to put a catch basin in along his driveway, that would currently catch the water that's coming down Biddeford that then flows over his driveway and down through his yard. It would then take the water down to the storm drain on Biddeford if the catch basin was put in. Mr. Mihalko asked if it would flow into our storm sewers. Mr. Heyl stated that he understands exactly what he wants to do; the hoods that they installed, he wants to set one about 10 feet down from his driveway, he's going to put a little yard drain in his driveway about 3 feet long and pipe it right to that. So, it will go down the road, pop into his inlet and pop back out at the hood and follow the curb down to the inlet. Mr. Fardo is concerned about this because we haven't had a heavy rain like we did last year, and he believes that if we had had one of those the water would have gone into his basement.

Mr. Brown stated that since this is a new option of us, Mr. Heyl can you evaluate the option that he has because that sounds very reasonable, and why don't you come back to us so we can talk about it and make a decision at the next meeting. Mr. Heyl responded, absolutely, in the meantime we are going to do what is required by the specs.

**8. Fire Report:** For the month of April, there was one call, a false fire alarm.

**9. Police Report:** *Police report provided below.* Mr. Stiller updated Council on the Wilson Safety Project. He is working with Avalon to come up and paint the stop bar, they did tell him late Spring. They did update the signs.

**10. Motion to ratify adopted items from April Council meeting:** *A motion was made to ratify the adopted items from the April Council meeting by Mr. Stiller. Mr. Radcliffe seconds the motion. The motion passed.*

**11. Engineers report:** *See below for LSSE report. A motion was made to accept Due Diligence results of Phase II COA and to submit to ACHD by Mr. Radcliffe. Mr. Dawley seconds. The motion passed unanimously.*

**12. Approve Agenda Items:** *A motion was made by Mrs. Neunder to approve the following items: Resolution 2022-02, Resolution 2022-03, Ordinance 279, Donation for the July 4<sup>th</sup> fireworks for \$250.00. Mr. Stiller seconds the motion. Motion passed unanimously.*

**13. Green Spaces:**

- a. **Grant update:** Mrs. Neunder stated she applied for the one for ACORD and council will look into the other grant from the DCR.
- b. **Walt's Landscaping, A&N Lawn Services contact:** Mr. Radcliffe noted that A&N lawn was the lower bidder for the park services and fall leaf pick-up. Mrs. Neunder just received the park and lawn services contract, which they did start about a month ago with this service. Mrs. Neunder added that A&N has agreed to mow the lawn, trim the shrubs and low anything off the hard surfaces within the contract, and a separate piece for the leaf pick up. Currently the hold up is in the past we have had 8 pick ups in the fall but the proposal from A&N has 7 pick ups on it. Mr. Radcliffe suggested to keep 8 pick ups since this company is new and its different equipment. He added it's still cheaper than Walts. Mr. Dismukes questioned how much lower of a bidder A&N was. Mr. Radcliffe noted that it was about \$3350 total. Mr. Stiller asked if there was a termination for cause in the contract, which it does. *Mr. Dawley made a motion to approve the A&N Lawn services contract. Mr. Radcliffe seconds the motion. Mr. Mihalko opposed. Motion passes.* Leaf pick up contract will be tabled until next meeting.
- c. **Online tennis court sign-up:** Mr. Stiller set up an online tennis court sign up that all council reviewed earlier this year and he didn't hear any negative feedback. A link will be added to our website and a QR code will be put where the current binder sign up is.
- d. **Park usage and access:** Mr. Brown noted there seems to be a little confusion on who is allowed to use our park. There is currently a sign on the tennis court that says this is for Ben Avon Heights residents

and their guests and there's a lock on that, so that's pretty straight forward. However, the park itself is pretty open. Mr. Mongillo noted that if there were any DCR grants accepted, the park would have to be open to the public. You could put in a permit system so if you wanted to use the park for the baseball field etc, you could do that. However, that's hard when you have a ball field and facilities that you've been able to kind of use whenever and it's open, and then you can run into potential constitutional issues, discrimination issues, etc. Mr. Mongillo stated they can look into ordinances from other municipalities on what kind of restrictions the Borough can put in place. Mr. Brown noted that this issue reemerged as there were a group of teenagers that did not have a resident with them. They were playing baseball in the park and a resident asked them to leave.

**14. Executive session:** There was no Executive session.

**15. Adjournment:** Meeting ended at 8:16pm

Jessica DiNuzzo, Secretary

May 09, 2022

**Calls for Service - by UCR Code**  
**Incidents Reported Between 04/01/2022 and 04/30/2022**  
**BEN AVON HTS**



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
0501	ALARM - RESIDENCE	1			
2626	FALSE FIRE ALARM	1			
3855	ROAD DEPARTMENT CALL OUT	1			
3870	MEDICAL EMERGENCY/ ASSIST AMBULANCE	2			
6310	TRAFFIC POST	1			
7092	ROUTINE PATROL COMPLETED	71			
CITW	WARNING	3			
<b>Total Calls</b>		<b>80</b>			



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## MEMO

TO: Ben Avon Heights  
Borough

DATE: May 4, 2022

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

S. O. No.: 0452-01

cc:

SUBJECT: **May 10, 2022 Meeting  
Engineering Report**

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

1. **Phase II Consent Order and Agreement (COA):**

*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. **This analysis is nearly complete. The BDD report has been drafted including initial Exhibit B review, population of the BDD template provided by 3RWW, O&M updates, Lateral Ordinance review, and flow regime translation of contemporary data.***

*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 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. LSSE transmitted an updated Sanitary Sewer O&M Budget on January 17, 2022. **LSSE to provide the Borough with a SOA for the preparation of Bidding Documents upon request 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*
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. A meeting to discuss O-18 Regionalization / Phase II COA status for all municipalities in the O-18 sewershed was held on February 2, 2022. Regionalization defects were discussed in general terms at this meeting. LSSE has requested the above information from Ben Avon Borough via email dated April 4, 2022. **The next O-18 multi-municipal meeting was held April 19, 2022. It was reported at this meeting that all Ben Avon Borough Regionalization defects have been addressed. There is no further action anticipated from Ben Avon Heights.***

3. **Chapter 94 Wasteload Management Report:**

*LSSE submitted the Annual Report on February 25, 2022.*

4. **MS4 Permit:**

*PaDEP issued MS4 Waiver Approval letter on April 24, 2018. Next permit cycle is September 2023. Waiver will be submitted in by September 2022; LSSE to provide Service Order Authorization to complete.*

5. **2021 Roadway Improvement Program**

*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.. LSSE transmitted Partial Payment No. 1 in the amount of \$148,399.28 as noted in letter dated September 12, 2021. LSSE transmitted Partial Payment No. 2 in the amount of \$133,970.81 as noted in letter dated January 10, 2022. Final Walkthrough held on January 10, 2022; LSSE issued updated punchlist letter on January 25, 2022. **Punchlist items have been completed. LSSE reviewing drainage issue on Biddeford.***

6. **LSA Grant**

*LSSE transmitted resolution for 2022 Sanitary Sewer Lining Repairs for grant application. LSSE submitted grant application .*

7. **2018 Roadway Improvement Program**

*LSSE transmitted Maintenance Bond items to Contractor to address on February 25, 2022.*