



Borough of Ben Avon Heights

Tuesday, November 8th, 2022 - Council Meeting Minutes

A quorum is in attendance

Present:

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

Police: Chief Hanny

Fire: Interim Chief Ensminger

Mayor: Dismukes

Solicitor: David Mongillo

Secretary: DiNuzzo

Residents: Steve Stiller

- 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 October 2022 meeting minutes:** A motion was made to approve the October 2022 meeting minutes by Mr. Radcliffe. Mr. Mihalko seconds the motion. Mr. Dismukes noted he was at the meeting; he is missing in the meeting minute attendees. The motion passed unanimously.
- 4. Approval of October 2022 financials:** A motion was made by Mr. Stiller to approve the October 2022 meeting minutes. Mr. Radcliffe seconds the motion. Mr. Brown noted that we're tracking with the Real Estate tax that's been collected thus far this year. Earned income, we are above what we had budgeted. We also need to check on the Verizon franchise fee as it looks as if we've only received one payment this year. Mr. Brown also noted the Borough is above their phone and internet budget, we looked into this and they increased the amount back in May. He would like to shop around for some other offers. Mr. Brown also noted that it does look as if we will break even by the end of the year. Motion passed unanimously.
- 5. Public Comment:** Mr. Stiller at 21 New Brighton would like to see the Borough start sending out welcome packs to new residents in the community again. He found his welcome packet and he thought the information was very informative. He feels it will help drive the sense of community in the neighborhood and raise awareness of local history and tradition. Council agreed that this would be helpful for residents and will support Mr. Stiller and Ms. DiNuzzo as they lead this effort. Mr. Stiller will put together an email blast to reach out to the community to gather volunteers for a "Welcome Committee".
- 6. Fire Report:** No fire report for the month of October.
- 7. Police Report:** Police report provided below for the month of October.
 - a. Parking:** Mr. Brown noted that parking in general has become problematic in the Borough. We have an ordinance that does state that there is no parking overnight, with a few streets excluded. He wondered what type of advice the Chief had for the Borough. Chief Hanny stated that they would start by issuing warnings. They would give the residents some time to figure out what they are going to do about parking. The next step would be a citation. If they refuse to pay, it then goes to the local magistrate for more and you would have to go down in front of a judge. He did add, even though it is in the ordinance, if it's not marked appropriately, it will most likely not hold up in court if the resident chooses to take it that far. Mr. Brown noted that the parking ordinance in question is ordinance 225. Mr. Brown also commented that I would follow up with the local magistrate on what is enforceable regarding parking near a corner and parking overnight.

8. Engineers report: *See below for LSSE report.*

- a. **Resolution to apply for PA MTF grant for ADA sidewalks/curbs:** Mr. Stiller worked with the borough engineer to put together a MTF grant proposal for ADA compliant sidewalk and curb replacement. Mr. Brown noted this grant would be used for Canterbury Road. *A motion was made to approve the resolution by Mr. Stiller. Mr. Dawley seconds the motion.* Discussion took place. Questions and concerns were raised on what would happen if our bids were more than the grant amount awarded, if there had been any thought on possibly widening Canterbury as it's a very busy road for how narrow it is, and if we received the grant money, if we decided we no longer were going to pursue the project, could we return the grant money. A question was also raised as to what would happen if we apply for the grant and are rejected. It was noted that residents are technically responsible for the sidewalks that are in front of their property, and typically if you return the grant money, or decline it once awarded, it will be difficult to receive future MTF grant awards. Mr. Vogel also added nothing will happen if the Borough is rejected from the grant. Mr. Stiller also noted that the purpose of this project is to bring our Borough up to ADA compliance which may require the sidewalk to be widened to five feet; council would have to figure out the best way to do this should the grant be awarded under this requirement but would have up to two years to do so. Mr. Brown suggested Council should break it down into three parts: 1 sidewalk, 2 O&M increasing the size of the road and 3, Shannopin also has shown desire to install lighted speed signs. Mr. Brown requested that Mr. Heyl give an updated amount to request and factor in inflation as best he can as well as additional work on the other side of Canterbury. *A motion was made by Mr. Radcliffe to move ahead with the project with the adjusted amount for the inflationary costs and work on the right side of Canterbury. Mr. Stiller seconds the motion. The motion passed unanimously.*
- b. **Ben Avon Heights Consent Decree Phase II Satisfied:** Mr. Stiller noted that we received a letter via email stating that the Borough has satisfied phase II of the Consent Decree. Formal letters will be sent out soon.

9. Authorize to advertise budget: *A motion was made by Mr. Radcliffe to advertise the public budget for 2023. Mrs. Neunder seconds the motion. The motion passed unanimously.*

10. Motion to approve Greenspace rules ordinance #352: *A motion was made by Mr. Radcliffe to approve the Greenspace rules ordinance #352. Mr. Stiller seconds the motion. Mr. Dawley opposed. Motion still passes.*

11. Greenspace update:

- a. **Spotted Lantern Fly update:** Mr. Radcliffe noted that Davey tree removed the trees of heaven and used a chemical to kill the root system.
- b. **Playground update:** Mrs. Neunder noted that A&N completed the dig out and mulch replacement project. It was suggested that the Greenspace committee draft an email to residents with more detail explaining why the Borough did this project.
- c. **Leaf pickup:** With A&N new to the Borough, Mr. Radcliffe walked through the Borough to explain the streets and areas that need to be tended to. Mr. Brown wanted to check in and make sure they are satisfied. Council members agreed that this fall has been a heavy leaf collection so far. Many trees seem to be bare at this point.

12. Avalon Snow/Salt & DPW agreements for 2023: Mr. Brown noted that he worked with Lorraine at Avalon and explained the Borough would like a 3-year contract. After some discussion, Mr. Brown decided to move forward with resolutions. Mr. Brown would like to work next year with Avalon for a 3-year agreement as well as expand our options.

- a. **Resolution for Snow Removal:** *A motion was made by Mr. Dawley to accept the snow removal resolution. Mrs. Neunder seconds the motion. The motion passed unanimously.*
- b. **Resolution for DPW Services:** *A motion was made by Mr. Dawley to accept the DPW services resolution. MR. Stiller seconds the motion. The motion passed unanimously.*

13. Waste Management and Recycling Contract/Bid: Ms. DiNuzzo noted that we received one bid, from Valley Waste. Mr. Brown added that he did reach out to two other companies, Zero Waste Wrangler was excited

but at this time, was not able to provide the services we need. He hopes to submit for 2025. It was noted that Valley Waste increased about 70% from 2022. After much discussion, Council felt that we must provide Waste and Recycling to our residents in 2025 and we did not have enough time to go out and re-bid. Mr. Brown would like us to really work on researching and creating relationships that will help us have a better bid selection in 2025 as well as discuss with Valley Waste and other non-bidders as to how we can change the bid package to get more bids, .A motion was made by Mr. Dawley to accept Valley Wastes bid. Mr. Stiller seconds the motion. Mr. Mihalko opposed. Motion still passed.

- 14. Legal Advertising:** Mr. Brown noted that at the end of 2022 The Citizen will no longer be in print. Due to this, the Borough needs to find an alternative for printing legal ads. There's the Post-Gazette which occasionally goes on strike which can hinder the ads we need to run, along with a higher print price. Mr. Radcliffe suggested we look into the Sewickley Herald; they have a printed version. Mr. Radcliffe will reach out to the Sewickley Herald. Mr. Vogel will look into whether or not Mr. Brown can start his own paper per Mr. Brown's request.
- 15. Planning Commission Update:** Mr. Brown noted that the Planning Commission has released the latest draft of the zoning ordinance for public review. They will have another public hearing on December 1st 2022 at 7pm at Avalon Fire Hall. It is also available on the website. Mr. Dismukes stated that he will not be in town on the 1st and asked who he should send comments to in his absence. Mr. Brown noted that he should send them to Mr. Cuteri and also hand them to someone who is going to attend the meeting.
- 16. Noise Ordinance Progress Update:** Mr. Dawley noted that the noise section is being removed from the zoning ordinance therefore we need to now create an ordinance for noise. He added looking at the current section for Ben Avon Heights, he felt the language is confusing. He reviewed Ben Avons and shared it with the Council. He strongly suggested going with Ben Avons or a version similar to it. Mr. Brown suggested we reach out to Chief Hanny on his thoughts. Mr. Dawley will be on the agenda for next month's meeting to provide a recommendation to council.
- 17. Zoning applications:** There were no applications submitted for the month of October.
- 18. Holiday Luncheon:** Shannopin will hold their annual luncheon on December 16th, 2022.
- 19. Executive session began at:** 8:39 pm
- 20. Regular meeting began at:** 8:44 pm
- 21. Meeting adjourned at:** 8:45 pm

Jessica DiNuzzo, Secretary

November 07, 2022

Calls for Service - by UCR Code
Incidents Reported Between 10/01/2022 and 10/31/2022
BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3610	DISTURBANCES-JUVENILE	1			
6310	TRAFFIC POST	2			
7092	ROUTINE PATROL COMPLETED	82			
Total Calls		85			

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: November 8, 2022 Meeting
Engineering Report**

DATE: November 1, 2022

S. O. No.: 0452-01

cc:

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. The BDD report was submitted to ACHD on May 26, 2022 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. The Phase II COA Annual Progress Report was submitted to ACHD on June 27, 2022.

2. Sanitary Sewer Operations and Maintenance (O&M):

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 transmitted an updated Sanitary Sewer O&M Budget on January 17, 2022.

*2022 O&M CCTV and MHPS were completed July 25, 2022. LSSE has reviewed the CCTV videos and invoice in the amount of \$8,426.28 provided by Robinson Pipe Cleaning Co. LSSE submitted a letter recommending payment, and has initiated evaluation of the defects for a future repair scope. **Ongoing.***

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. LSSE submitted Waiver Renewal to PADEP. **MS4 Waiver was approved (Attachment A).***

5. **LSA Grant**

LSSE submitted grant application.

6. **PA Small Water Grant**

LSSE preparing an application and resolution for the Borough's execution for completion of O&M Improvements, Years 1, 2 and 3.

7. **2018 Roadway Improvement Program**

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

8. **Storm Sewer Cleaning**

*LSSE provided a proposal from Tri-State for Borough signature; executed copy has been returned to contractor. **Cleaning work has been completed.***