



Borough of Ben Avon Heights

Tuesday, July 11th 2023 - Council Meeting Minutes

A quorum is in attendance

Present:

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

Police: Hanny

Fire: Not Present

Mayor: Dismukes

Solicitor: Mongilio

Secretary: DiNuzzo

Residents: Janae Smith 22 Banbury Lane, Betsy Radcliffe 14 Wilson Drive, Travis Everly 17 New Brighton Road

Call to Order: Mr. Brown started the meeting at 7pm

- 1. Roll Call:** There was a roll call of Council Members. A quorum is present.
- 2. Approval of June 2023 meeting minutes:** *A motion was made by Mr. Mihalko to approve the June 2023 meeting minutes. Mr. Stiller seconds the motion.* Mr. Brown just noted there was an error, it stated in the financials that the meeting minutes passed. Ms. DiNuzzo will fix this prior to posting. *Motion passed.*
- 3. Approval of June 2023 financials:** *A motion was made by Mr. Lope to approve the June 2023 financials. Mr. Mihalko seconds the motion.* Mr. Brown noted that we caught a few errors made by the accountant. He also noted that we did receive our liquid fuels in March 2023, they were deposited into the wrong account by the state. Ms. DiNuzzo allocated these funds to the correct account. He noted we are in good standings; real estate taxes are beginning to come in and we had the unexpected lawsuit money from the class action lawsuit. He also added that advertising has increased significantly as The Citizen went out of business, and Pittsburgh Post Gazette is significantly more expensive. Mr. Stiller added that we received the LSA grant which we plan for future use. The bulk of our spend in engineering so far is due to scoping and submission of current and future projects. *Motion passed.*
- 4. Fire Report:** No fire was present
- 5. Police Report:** *See report below.* Mr. Stiller asked the Chief his thoughts on getting a permanent speed sign on Perrysville similar to the temporary one Ohio Township put up for a few weeks. He felt it really helped make people more aware of their speed coming up to the crosswalk. He understands we'll need to get approval from PennDot as that's a state road. Chief agrees that these are really helpful.
- 6. Public Comment:**

Janae Smith at 22 Banbury Lane wanted to note that she has noticed more people blowing through the stop signs at New Brighton and Perrysville Road. Mr. Stiller agrees this area is a hot area and we really need to look into this from a safety perspective. He also added that Avalon re-paints the cross walks closer to the beginning of the school year. He'll see if we can have it painted a little sooner.

Betsy Radcliffe at 14 Wilson Drive stated that over the weekend she sent Council members an email stating her concerns. Of these concerns, she brought some to the Public Comment section of the meeting. Her first concern was over the timeline to replace any of the Planning Commission members so there are 3 active members. Mr. Brown responded that as soon as Council is notified that a member is stepping down, Council will begin the process of filling the open position. Ms. Radcliffe also asked if the Planning Commission update would be a regular agenda item in August. Mr. Brown responded that it has been a regular agenda item for the past few months and will continue to be one until this is complete. Ms. Radcliffe also informed Council and the public present at this meeting that she had a sidebar conversation with Mr. Price, our Zoning Officer on the permit process in the Borough. After her conversation with Mr. Price, she feels there are holes in the permit process. She would like the Council to strengthen the permit process. She also added that after her conversation, a letter from Council

or the Solicitor to the real estate agent on the Banbury listing should be notified. She also wants to know what Council is doing about the properties with garages with second floor space being used. She also raised concerns over Council members not having official Borough emails as she has learned over this past month after submitting some Right to Know requests that Council members do not have to divulge emails from their personal emails. She was hoping the Borough would assign members emails and use a Borough server. Mr. Brown responded that he and Mr. Stiller have created Borough president and Vice President email accounts, where moving forward, emails will be retained and these email addresses can just be passed on to the next president and vice presidents. We do not have our own email server. Mr. Stiller added that Council members use their personal laptops and cell phones and the technology that is used in the Borough has cost certainty in mind. He feels that Ben Avon Heights is a smaller borough municipality and cannot be compared to larger borough and school districts as far as technology and resources are concerned. Concerning accessory dwelling units, Mr. Brown also spoke with Mr. Raves and as far as he knows, no one was granted a variance for an accessory unit. Mr. Brown noted he is unaware of where these dwelling units are, if Ms. Radcliffe knows Mr. Brown would have the zoning officer look into it, not Council. Mr. Brown also added that you do not need an occupancy permit if someone has an office in the second-floor space, you would need one if someone was living there.

Travis Everly at 17 New Brighton Road came to Council to express his concerns over the shed size in the current drafted zoning ordinance, he feels a 10' x 10' shed is too small, he doesn't feel larger sheds look too industrial or unsightly and would like to see a 10' x 16' shed as the maximum size.

- 7. Engineers report:** *Memo below*
- 8. Green Spaces Update:** Mr. Radcliffe noted that Pave Care completed their project last month. He added that he met with Ms. Fary on a community project in the park of adding mulch to the playground. She plans to have this prior to the Picnic in the Park. He added that they would also like to add bushes along New Brighton to cut down on the traffic noise. Heather O'Brien has volunteered to work with us and has a background in landscape design. He also reached out to A&N for a rough estimate and to purchase and install burning bushes would be about \$7500. Mr. Brown questioned if this was part of the 5 year plan as Council has yet to receive a 5 year plan from the green space committee. Mr. Stiller questioned the timeline. A draft plan and cost estimate will need to be presented at August's meeting to ensure a fall installation and approval by Council.
- 9. Planning Commission Update:** Mr. Brown noted that there were a few updates. Council now has the zoning meeting minutes; they are up on the website. Mr. Brown noted that we do not have edits for the latest zoning ordinance as of yet, Mr. Cuteri needs to work with the consultant on this, and hopefully Council will have them at the end of the week. Mr. Brown also requested the document for responses to Allegheny County, Mr. Cuteri would release this after he completed the edits. Mr. Radcliffe questioned why the Council would not be able to review right away. Mr. Brown noted that he would like to review the document to ensure it's in line with expectations and direction from the last Planning Commission meeting. The Planning Commission will have another meeting to approve what they have, then send it to Council and once that happens, Council has ownership and continues the process.
- 10. Storage Update:** Mr. Lope noted that Devon Storage still has the space open for \$75 dollars a month. Mr. Brown stated that we should jump on this. Council will work on moving units around the July 31 timeframe.
- 11. Valley Waste:** Mr. Mihalko voiced his concerns over Valley Waste missing Briar Cliff 2 weeks in a row, he feels they used the tree work as an excuse. He's also concerned over the large truck going down Cambridge, as that truck is too heavy to go down Cambridge. Mr. Mihalko suggested asking Valley Waste to come back with a smaller truck if a road is blocked and going down Cambridge. Mr. Mihalko would like to add appropriate language into the next contract regarding using a smaller truck on Cambridge and a penalty for not coming back promptly with a smaller truck. Mr. Stiller added that we have a log keeping tracking of issues and that we have language written into the contract to exercise short paying Valley Waste if council chooses to exercise them. Ms. DiNuzzo did note that Valley Waste was in contact with the Borough to inform us of why they missed. Ms. DiNuzzo added that she encourages residents who have issues with Valley Waste to also reach out to their customer service so it's also documented on their log as well.
- 12. Zoning Applications:** For the month of June, there were two applications submitted: 21 Oxford to replace a deck and 22 Oxford for removing rotted roof over side porch, expanding porch foot-print, installing new roof structure. Open porch with roof as currently existing/ square off front stoop at front of house, cover in blue stone pavers. Mr. Mihalko noted to make sure the setbacks are not in violation. Mr. Brown asked if these were approved, Ms. DiNuzzo noted they were in the month of July.
- 13. Community Directory:** Mr. Stiller questioned who was in charge of updating this. Mr. Dismukes responded that it's always been a Community Club item.
- 14. Meeting adjourned at:** 8:05pm

July 10, 2023

Calls for Service - by UCR Code
Incidents Reported Between 06/01/2023 and 06/30/2023
BEN AVON HTS



| Code | Description | Primary Count | Secondary UCR Count | | |
|--------------------|--|------------------|---------------------|--------|--------|
| | | | Code 2 | Code 3 | Code 4 |
| 3870 | MEDICAL EMERGENCY/ ASSIST AMBULANCE | 1 | | | |
| 5004 | LOST & FOUND - FOUND ARTICLES | 1 | | | |
| 6004 | TRAFFIC ACCIDENT INVOLVING PROPERTY DAMA | 1 | | | |
| 6310 | TRAFFIC POST | 1 | | | |
| 7092 | ROUTINE PATROL COMPLETED | 61 | | | |
| CITW | WARNING | 3 | | | |
| Total Calls | | 68 | | | |



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

TO: Ben Avon Heights Borough

DATE: July 6, 2023

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

S. O. No.: 0452-01

cc:

SUBJECT: **July 11, 2023 Meeting
Engineering Report**

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

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

Task for the remainder of the Order include continued O&M and reporting of SSOs.

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

Repair scope for the 2021 and 2022 have been drafted and project has been submitted for a PA Small Water Grant. PA Small Water Grant application has been submitted. 2023 O&M CCTV has been completed.

A SOA for the 2023 Sanitary Sewer O&M Repairs project tasks was provided at the May 2023 Council meeting.

A SOA for the 2023 O&M CCTV/MHPS tasks was provided at the April 2023 Council Meeting.

3. **MS4 Permit**

MS4 Waiver was approved through 2028.

4. **LSA Grant**

Borough was awarded \$149,905.00 for the 2023 Sanitary Sewer O&M Repairs project. LSSE provided a scope summary in a memorandum dated May 3, 2023.

5. **Basketball Court Resurfacing**

LSSE provided preliminary opinion of probable costs on March 1, 2023. LSSE submitted a DCNR grant application for Park Improvements on April 5, 2023.