



Borough of Ben Avon Heights

Tuesday, March 12, 2024 - Council Meeting Minutes

A quorum is in attendance

Present:

Council Members: Brown, Dawley, Lope (arrived at 7:29pm), Morris, Neunder (remote, 7:05pm), Stiller

Police: Chief Hanny

Fire:

Mayor:

Solicitor: Mongilio

Secretary: DiNuzzo

Residents:

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

- 1.** *A motion was made to appoint Clayton Morris Planning Commission seat (4-year term) by Mr. Stiller. Mr. Dawley seconds the motion. Motion passed.*
- 2.** **Approval of February 2024 meeting minutes:** *A motion was made by Mr. Morris to approve February 2024 meeting minutes. Mr. Stiller seconds the motion.* Mr. Brown noted that in section 3, March is not capitalized. Mr. Dawley added that in section 7, second paragraph, second sentence, he believes it should be repealing not appealing ordinance 125. Mr. Dawley requested to see the petition and Mr. Stiller stated that it will be posted along with the minutes on the website. *Motion passed with changes.*
- 3.** **Approval of February 2024 financials:** *A motion was made by Mr. Stiller to approve February 2024 financials. Mr. Dawley seconds the motion.* Mr. Brown noted that sewage income came in, but no sewage invoice as of yet. Most of the financials look in good standings. Mr. Stiller added the solicitor line was already running a bit high for the year to date. Mrs. Neunder questioned if anything has changed since the beginning of the year, as in increased fees, an uptick in right to know requests, zoning ordinance or ordinance questions, etc. Mr. Brown stated their fees have stayed the same for 2024. Mr. Stiller added it is due to an uptick in right to know requests, and ordinance guidance. *Motion passed.*
- 4. Emergency Management:**
 - a. *Fire: Not present*
 - b. *Police:* Report below. Mr. Brown noted that the report was more detailed and thanked Chief Hanny again for this.
- 5. Public Comment:** There was no Public here to speak.
- 6. Infrastructure and Operations:**
 - a. *Engineers report: (Memo below):* Mr. Heyl noted the bids will be extended to April 5th as they did not have any bids yet. Mr. Brown is a bit concerned that no one bid as of yet for the LSA grant project. Mr. Heyl believes it was the time of year, this also happened with a few other municipalities they work with. Mr. Morris questioned how we find the bids. Mr. Heyl stated they use Quest. They did find that while surveying none of the sewers within the Borough have easements on them; they will need to prepare easement documents. Mr. Brown questioned how this would work. Mr. Mongilio noted that what they have done in the past with other municipalities they work with is for the Borough to approach the homeowner of the property with an easement agreement explaining why one needs to be

put in as well as where. If you do come across someone who does not agree, the next option or step would be eminent domain. LSSE is still working on the final number of properties affected. Mr. Brown questioned from a record perspective where would that be recorded. Mr. Mongilio stated that it would be recorded in the county deeds and the Borough could also keep a copy as well. LSSE will check with what PennDots requirements are for the signs before moving forward and requested to walk the borough on sign placement. Mr. Stiller agreed to walk later this week. Mr. Dawley questioned if we needed to bid the sign work out. Mr. Heyl noted that we wouldn't have to since we are working with a COSTARS-approved vendor. He also added they were looking into the solar power signs. Mr. Morris asked if anyone did a study on the long-term effectiveness of the signs. It was noted that the Borough piloted a sign coming up Perrysville last year and Council felt that it was effective. Mr. Brown added that these are PennDot roads so there's not a lot we are allowed to do to calm traffic on these roads.

- b. Roads Master Plan Review: The master plan was provided by LSSE and Mr. Stiller will align the financials with this 15-year financial planning model before the April meeting.
- c. Courtney Mill update: Mr. Brown reported he reached out to Killbuck again and they just assigned their engineer to this project. Hopefully he'll have more of an update in April's meetings.

7. Avonworth Historical Society Letter of Support: *A motion was made by Mr. Dawley to accept sending the letter of support. Mr. Stiller seconds the motion. Motion passed.*

8. Green Spaces Update: Mrs. Neunder noted that they did do some research for an eco-friendlier lawn care company but none came within budget. Mr. Lope added they are waiting on a quote from perf-a-lawn within the next week or so. They most likely will move forward with Trugreen to stay in budget and to stay on track with their schedule. Mrs. Neunder stated that they were thinking of hiring a park engineering landscaping consulting group to work with the landscape architect so they could do the general contracting type work. The green spaces subcommittee compiled a list of 14 questions they would like to ask each consultant to see which would match best with the Borough. Mr. Dawley would like to review these questions before approving these. This topic will be on the agenda for next month. Mr. Brown asked if A&N were scheduled to trim the hedges in the near future. Mrs. Neunder feels we missed the winter pruning season as they now are starting to bud. Once they bud, she'll work with A&N on that project.

9. Building, Zoning and Code Enforcement:

- a. Review of Ordinances involving hedges and intersections: Discussion took place. Council seemed to agree that either ordinance 125 needs to be repealed or combined with ordinance 244. It was noted neighboring Boroughs use sight triangles in their ordinances that touch on the topic of shrubs and bushes and intersection safety. Mrs. Neunder inquired about the possibility of Wilson and Devon becoming one-way streets with potential space for a sidewalk or bike lane. Some were hesitant that this could also fuel the speeding issue as this would make the lane wider now. It was also suggested to add stop signs at the Devon Wilson intersection as well as the Kent Wilson intersection to slow the speeding traffic coming up Wilson, potentially from the Newgate area. The solicitor added that the Borough should reach out to the engineer to see if a traffic study needs to take place before adding stop signs. Council decided to hold off enforcement for ordinances 125 and 240 that were issued in December 2023 until further action from Council.
- b. Zoning Ordinance update: Discussion took place. The prevailing thought of Council was that a lot of work went into the new zoning ordinance, and though it is flawed, they would like to edit the document in-house. Council agreed to not want to rush this process and stated several benefits over the existing ordinance that could be edited line-by-line in possible working sessions.
- c. Discuss Code Enforcement Options: Mr. Brown noted that Harshman does also provide code enforcing. He also reached out to some neighboring Boroughs for a few other options to review. Some Council members feel that we are not ready for this type of enforcement until we update our ordinances. It was noted that Council and code enforcement are separate in other municipalities, which makes it easier for all. Moving forward, Council agreed that each meeting there will be a discussion on any code enforcement issues each month for discussion for transparency.
- d. Zoning applications: Ms. DiNuzzo reported for the month of February there was one application submitted. 15 Penhurst to extend the existing rear dormer by 7 feet.

10. Administration:

- a. Working Council meeting sessions: Mr. Brown would like to have working meetings in addition to Council meetings. He suggested the 2nd and 4th Thursday of each month. Mr. Stiller raised the question if there could be a remote option. Mr. Mongilio will check on the rules of remote meetings. Mr. Dawley proposed meeting an hour before the regularly scheduled council meeting each month. *A motion was made by Mr. Dawley to tentatively have a working session from 6-7pm before each scheduled Council meeting. Mrs. Neunder seconds the motion. Mr. Brown, Mr.*

Stiller, Mr. Lope, and Mr. Morris opposed, motion does not pass. A motion was made by Mr. Lope to tentatively have a working session on the 4th Tuesday of each month at 7-9pm. Mr. Morris seconds the motion. Motion passed.
 Tentatively the 4th Tuesday of each month there will be a working session from 7-9pm. The meetings will be advertised and agendas posted prior to each meeting.

11. Meeting adjourned at: 8:47pm

Jessica DiNuzzo, Secretary

**CALL SERVICE REPORT GROUPED BY DESCRIPTION
 INCIDENTS REPORTED BETWEEN 02/01/2024 AND 02/29/2024
 BEN AVON HEIGHTS**

DESCRIPTION	FEBRUARY CALLS	YTD CALLS
Disorderly Conduct	0	1
Domestic Disturbance	1	1
DPW Request	1	7
EMS Call	0	2
Harassment	0	1
Local Ordinance Violations- Fireworks Complaint	0	1
Local Parking Ticket	0	1
Police Detail - Crossing Guard	3	4
Police Detail - Directed Patrol	55	115
Traffic Stops	2	2
Welfare Check	1	1
Traffic Citations	3	3
	66	139



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MEMO

TO: Ben Avon Heights Borough DATE: March 8, 2024

FROM: Kevin A. Brett, P.E. S. O. No.: 0452-01
 John R. Heyl, P.E., CPESC

SUBJECT: **March 12, 2024 Meeting**
 Engineering Report

cc:

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. PA Small Water and Sewer Grant awarded in the amount of \$257,053.00. LSSE has issued a SOA letter for O&M Plan Tasks that require completion in 2024 on January 26, 2024. Work has been authorized.

*2023 O&M CCTV has been completed.
2024 O&M Budget provided on December 12, 2023.*

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 which included sewer repairs identified in 2020 through 2022 CCTV contract (Years 1 through 3). Bids were opened on November 3, 2023. Bids rejected at December meeting. Surveys completed February 5, 2024 to meet current PA One Call requirements. The re-bid of the project is scheduled for an April 5, 2024 bid opening.

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5. **PA Small Water and Sewer Grant**

Borough was awarded \$257,053.00 for the remainder of the Years 1 through 3 O&M Repair and a portion of Year 4 and 5 Sanitary Sewer O&M Repairs project. Surveys completed February 5, 2024 to meet current PA One Call requirements. LSSE is preparing the bid documents for this project. Project to be bid for May 5, 2024 bid opening.

6. **Canterbury Paving**

Columbia Gas indicated their contractor would address the issue.

7. **Canterbury Sidewalk and Curb**

- a. *GEDTF Grant submitted for project. GEDTF was not awarded.*
- b. *2023 LSA Grant has been submitted.*

8. **2024 Road Paving**

LSSE provided a preliminary estimate of probable construction cost to repave the portion of Courtney Mill Road within the Borough of Ben Avon Heights and to repair the area on Canterbury Road.

9. **Electronic Speed Sign Permitting**

LSSE issued a SOA letter dated February 2, 2024.