



Borough of Ben Avon Heights

Tuesday, January 14, 2025 - Council Meeting Minutes

A quorum is in attendance

Present:

Council Members: Berardi, Brown, Lope, Morris, Neunder, Stiller

Police: Chief Hanny

Fire:

EMS: Assistant Chief Campbell

Mayor: Dismukes

Solicitor: Mongilio

Secretary: DiNuzzo

Residents: Potential future residents of 10 Oxford Road, Charlie and Maggie Dagnal. Jim McHaffrey 134 West Cruikshank Road, Butler PA. These "residents" were invited by Mr. Stiller to speak during public comment due to the unique situation involving the sale of 10 Oxford Road.

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

1. **Approval of December 2024 meeting minutes:** *A motion was made by Mr. Stiller to approve the December 2024 meeting minutes. Ms. Berardi seconds the motion. Motion passed.*

2. **Approval of December 2024 financials:** *A motion was made by Mr. Stiller to approve the December 2024 financials. Mr. Lope seconds the motion.* Key points made by Mr. Brown on the financial reports were, the Borough transferred \$49,000 from the general fund into the new roads account in 2024; Looking at the performance vs budget report, GL 340, the Borough did not transfer money out of the reserve account this year as in past years. The Borough also did not use any RAD fund monies as the park master plan is not complete. The Borough transferred \$20,558.17 into the general fund, from the liquid fuels account at the end of December 2024 to cover items used for liquid fuels for the year. He added that there is \$20,000 more income than anticipated and from an income standpoint the Borough is doing very well. He continued on the expense side, for the year publication costs were still running higher than expected; the solicitor was also higher than in 2023; grant money will help cover some of those fees. The engineer budget is also over by \$35,000 due to grant projects, which should also be covered by grant money. He ended with that he would like the greenspace subcommittee to nominate a member to review invoices to confirm and fix the codes their invoices are being assigned to as he believes they are incorrectly entered. Mr. Stiller wanted to confirm if the accountant received the edits that were made to the budget, Mr. Brown stated he would send those over to the accountant. In *Motion passed.*

3. **Emergency Management:**
 - a. Fire: *No fire present.*
 - b. Police: *Report below.* Mr. Brown raised the concern over the safety of Perrysville, part of New Brighton and Ben Avon Heights Road during the recent winter storms. The Borough and Mr. Stiller have continuously reached out to PennDot over the lack of snow maintenance on these roads; PennDot gives both conflicting information. Chief Hanny confirmed Ohio Township Police have also been in contact with PennDot over the lack of snow maintenance on these roads, also receiving conflicting information. Chief Hanny will be in close contact with the Borough while they get to the bottom of this issue.
 - c. Northwest EMS: Assistant Chief Campbell noted there were no critical life-threatening codes to report; there were two E2 calls of an average response time of 9 minutes. Mr. Brown questioned if Northwest EMS had an average response time they aim for. Assistant Chief Campbell noted Northwest services 60 municipalities; some are more rural than others but would like to average around 8 minutes. Critical calls are averaging 6-8 minutes.

4. Public Comment: Charlie and Maggie Dagnal, potential buyers of 10 Oxford Road came to Council for some guidance on what the next steps would be for them to be able to close on the property at 10 Oxford Road. Due to the failed sanitary sewer camera work, they have missed their closing date. Both parties are looking for guidance. Mr. Dagnal is hoping the Borough could grant a Temporary Certificate of Compliance for the Lateral Sewer Line.

Jim McHaffrey at 134 West Cruikshank Road in Butler PA, is the brother of Eugenia Raviola the current owner of 10 Oxford Road; he is also the current power of attorney for Eugenia. Mr. McHaffrey stated he has not seen a report from Terry's Plumbing, but he was also able to review the camera footage of the sewer line; he raised concerns over the lack of references as to what you are viewing on the footage, therefore he is unsure how the civil engineer can make a determination of what is being viewed. He continued that 10 Oxford Road received a letter in 2002 stating the sewer line was up to code, yet now in 2025 when it's time to sell the home, the sewer line fails and is no longer to code. In his opinion the crack visible on the camera footage is on the Borough side, not 10 Oxford Road.

Mr. Stiller wanted to remind Council and inform those who attended, the Borough put into place ordinance #349 in 2022 due to the Wet Weather Act and the Allegheny Health Department Consent Decree as municipalities are mandated to reduce the infiltration of groundwater into sewer lines, including homeowners' lateral lines; Council chose to go with the option of adding CCTV review of laterals upon closing of property sale to complete Phase II of the consent decree mandate. Previously, the Borough only required the dye test portion for the evidence of compliance—however, like many other Boroughs in the area, moved to add CCTV to the process. Once the Borough's engineer reviews the camera footage, they then provide the Borough a memo on any findings and any failures they may see; they grade them and depending on the grade level pass or fail the test; if failed, the homeowner must remediate the failure prior to closing. Mr. Heyl added the area that failed on this particular test, was a level 4 failure. This level of failure means the pipe either needs to be repaired or replaced. He continued that the plumber did not have the equipment to continue to CCTV the sewer line further down to the main line, as stated in the memo provided, and that there was still a portion of the line that the status was unknown. Mr. Brown asked Mr. Heyl in his opinion what would be the guesstimate price difference to dig the line up and replace it over lining the cracked line to fix it. Discussion took place. Mr. Brown proposed the Dagnals enter into an escrow agreement of a percentage amount from a quote provided by a chosen and registered plumber, and fix the sewer line within 6 months; this would also include a new dye test and sanitary sewer line certificate be complete to ensure a fixed line. The Borough agreed to investigate the possibility of issuing a Temporary Certificate of Compliance which as part of the ordinance would allow for the continuation of the sale on 10 Oxford Road.

5. Infrastructure and Operations:

- a. Engineers report: (Memo below):
- b. LSA grant sewer project update: Mr. Brown noted that he requested the solicitor and engineer to go through their invoices and come up with the amounts that were dedicated to our sewer easement project in 2024. He also added that Jet Jack just submitted their first partial payment request of \$162,383.50 for the project. Mr. Heyl added to make sure the Borough receives Jet Jack's certified payroll prior to paying them.
- c. Canterbury Road sidewalk grant award update: Project discovery and design will start in the spring. Mr. Heyl added that he will need the copy of the agreement to confirm that all parties have signed. The grant awarded for this project must be fully signed before the engineer can begin.
- d. Signs update: Mr. Stiller updated Council that the new Cambridge Road signs have been ordered and will be installed in the next few weeks. He added that Avalon will also fix the guard rail that was damaged when the tree fell during the holiday break. Mr. Morris suggested looking into submitting an insurance claim for the guard rail work. The insurance subcommittee will reach out to the provider. Mr. Brown questioned if there were any grants that could be applied to the speed sign project, Mr. Heyl noted that the Borough did apply for the ARLE grant but have not heard as of yet; he feels this means we were not awarded any grant money from this. It was added that Liquid fuels money can go towards this as well. Mr. Stiller added that the vendor for the speed signs did confirm they would honor the original quote, but he's uncertain for how long. He continued that the vendor is Co-Stars approved and would not require bidding; he will look into proceeding before the next Council meeting.

6. Service/Contracts:

- a. 2026 Waste/Recycling Contract: Mr. Stiller noted that our waste/recycling contract is up at the end of this year. A cost-effective option for the Borough is to consider joining other municipalities in an agreement for waste management. There are a few options offered in Ben Avon Heights that make our waste management agreement unique; Ben Avon Heights residents do not pay for waste services unless they use the backyard pick up option—this option is when the workers go to where your trash and recycling is located vs having it curbside. The Borough also allows unlimited trash and recycling pick up; many other municipalities are only allowed single designated waste bins, anything not in those will not be picked up or the resident will be charged. Mr. Stiller feels that we should aim to offer our residents the same level of service, if possible. Council and Mr. Stiller will continue to work on this over the coming months to prepare for bidding. Mr. Brown feels Council should consider two different bids, one

traditional to what Ben Avon Heights is accustomed to with unlimited trash, the other, limited and more cost efficient.

7. Green Spaces Update:

- a. Park Maintenance Update: Mr. Lope noted that the maintenance of the playground has been delayed due to weather. Mr. Brown raised the concern over the state of the tennis court surface as there are a lot of cracks. He wanted to confirm this was on the park subcommittees radar.
- b. Beautification Plan update: Ms. Berardi updated Council, noting they were able to meet with LSSE prior to Christmas. LSSE presented a suggested timeline and process for the Borough; the greenspace is still working through the proposed timeline. They are currently working on the survey which will be the first step in engaging with the community. Ms. Berardi is hopeful to have the survey sent out before Council's next meeting. She will present the survey to Council for comment prior to sending out to residents. Once the results are collected from the survey and distributed to the residents, LSSE will analyze the results, followed by 2-3 stakeholder meetings with the Greenspace committee, LSSE, and residents. From there, Council will decide the next steps to take in the Beautification Plan.
- c. Park Sign "Ben Avon Heights Residents Only": Mrs. Neunder reminded Council of the sign that is currently posted on the backstop of the basketball court fence, facing the entry of the park on Wilson Drive. The sign states "*Notice playground facilities are for the use of Ben Avon Heights Resident taxpayers and their guests. Police shall be called to enforce this ordinance.*" She continued, Council has come to know that the Borough received public grant money in the past, therefore the sign would only apply to the Borough tennis court. New residents in the Borough have voiced their experience of feeling uncomfortable by others questioning if they were Ben Avon Heights residents because of the sign. Mr. Stiller stated that the challenges expressed by prior Councils and the reason the sign was erected was no longer relevant, questioned enforcement, and agreed that the sign should be removed. After discussion, the prevailing thought of Council was to remove the sign, and replace it with a sign of different verbiage on the tennis court. Mr. Lope agreed to lead the effort to remove the current sign immediately. It was suggested the new sign on the tennis court should be in place by spring—the beginning of tennis court usage. Mr. Brown added that the tennis court will remain for Ben Avon Heights residents only.

8. Building, Zoning and Code Enforcement:

- a. Zoning Ordinance update: Mrs. Neunder questioned if Greenspace could use any of these working session meetings for the future stakeholder meetings. Mr. Brown agreed, but Council will not use the time for two different topics, i.e. stakeholder meeting and the drafted zoning ordinance.
- b. January Working Session agenda: Mr. Stiller updated Council that they will continue their work on the drafted zoning ordinance on January 28th 2025. Working session dates can be found on the calendar on the Borough's website. He continued that this meeting will be for the drafted zoning ordinance, beginning in sections 314, section table 5B.
- c. Code enforcement issues: There were no issues submitted and or reported for the month of December. Mr. Stiller did want the Borough to send out a reminder to the residents about keeping their sidewalks clean of snow and ice; he noted that an area near the Oxford bus stop has not been maintained which is hazardous for the kids walking to the bus stop. Mr. Brown proposed that the mayor draft a letter for residents as a reminder, referring to ordinance #287.
- d. Zoning Applications, Building Permits: There were none for the month of December.
- e. Joint Comprehensive Plan Update:
 - i. Comprehensive Plan Project Procedure: Council was provided a document to review for this meeting on what procedure the Joint Comprehensive Planning commission and next steps to bid out for a third party to lead the effort. Considering grants are being used, continuing participating in the Joint Comprehensive Plan would be a minimal cost; and the Borough has \$23,000 in their planning commission account for these purposes. Mr. Brown noticed a plan to connect the walk ways; Mr. Morris stated this is very early in the planning and process but Bellevue feels very strong about this. *A motion was made by Mr. Morris to continue to participate in the Joint Comprehensive Plan and approve the procedure for RFP. Mrs. Neunder seconds the motion. Motion passed.*
 - ii. Planning Commission, zoning hearing board: Mr. Stiller informed Council there are a few open seats, and would like to send out a notice to the community to see if there is any interest. Mr. Brown added that the planning commission needs to appoint a chairperson once they get a third member.

9. Administration:

- a. Parking Permit Requests: none were submitted for the month of December.
- b. 2024 Annual Report: Mr. Stiller noted that he will reach out to each subcommittee to update their sections. He will request these edits be submitted to him by January 31st.

10. Meeting adjourned at: 8:36pm

Jessica DiNuzzo, Secretary

**CALL SERVICE REPORT GROUPED BY DESCRIPTION
INCIDENTS REPORTED BETWEEN 12/01/2024 AND 12/31/2024
BEN AVON HEIGHTS**

DESCRIPTION	DECEMBER CALLS	YTD CALLS
Abandoned Vehicle	0	2
Accident/Hit-Run	0	1
Accident/Non-Reportable	0	1
Animal Complaint	0	1
Animal Complaint - Injured/Deceased Deer	0	1
Assist Other Agency	0	1
Burglar Alarm-Business	0	1
Burglary Alarm - Residence	0	1
Civil Dispute	0	1
County Ordinance Violation	0	1
Disorderly Conduct	0	1
Domestic Disturbance	1	3
DPW Request	1	8
EMS Call	2	17
Fire Alarm - Natural Gas	0	1
Fire Call	1	1
Fraud	1	2
Hazardous Conditions	1	1
Harassment	0	1
Juvenile Disturbance	0	1
Local Ordinance Violations- Fireworks Complaint	0	1
Local Parking Ticket	0	7
Lost/Found	0	1
Mental Health	0	1
Parking Complaint	0	3
Parking Tickets	0	29
Police Detail - Crossing Guard	0	12
Police Detail - Directed Patrol	67	821
Police Info.	0	1
Property Damage	0	1
Road Hazard	0	3
Suspicious Persons	0	3
Suspicious Incident	0	1
Traffic Citations	0	29
Traffic Complaint	0	3
Traffic Post	0	2
Traffic Stops	0	5

Trees on Wires	0	1
Utility Complaint	0	1
Warnings - Traffic	0	7
Welfare Check	0	1
Wires Down	0	1
	74	981



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MEMO

TO: Ben Avon Heights Borough DATE: January 7, 2025

FROM: Kevin A. Brett, P.E. S. O. No.: 452-01
 John R. Heyl, P.E., CPESC

cc:

SUBJECT: **January 14, 2025 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)**

Phase I O&M Repairs – Contract No. 23-S1 (Re-Bid):

- *Borough was awarded \$149,905.00 LSA Grant*
- *Base Bid and Add Alternate No. 1 were awarded via letter dated August 2, 2024 to Jet Jack, Inc.*
- *A Pre-Construction field meeting was held on September 16, 2024.*
- *The Notice to Proceed was transmitted to the Borough on September 24, 2024.*
- *PennDOT Highway Occupancy Permit has been renewed on November 4, 2024.*
- **Change Order No. 1 (increase of \$46,010.00) was issued to the Borough on December 6, 2024 for additional work regarding partial sewer collapse requiring in-trench repair (Attachment A).**
- **Sanitary sewer repair work complete. Final roadway restoration items remain.**

Phase II O&M Repairs:

- *PA Small Water and Sewer Grant awarded in the amount of \$257,053.00.*
- *Design completed and to include Add Alternates 2, 3 and 4 from Contract No. 23-S1.*
- **Bidding tentatively scheduled for early 2025.**

Phase III Sanitary Sewer O&M Repairs:

- *LSSE has developed a repair scope and project design has been initiated.*
- *LSSE has submitted the 2024 grant application for the Local Share Account (LSA) Statewide.*
- **A letter and exhibit summarizing the Construction Phases I, II, and III for Year 1-5 of O&M CCTV inspection footage was transmitted to the Borough on December 4, 2024 (Attachment B).**

3. MS4 Permit

MS4 Waiver was approved through 2028.

4. Canterbury Road Sidewalk and Curb Improvements

Ben Avon Heights Borough received an LSA Grant in the amount of \$181,000.

5. Electronic Speed Sign Permitting

All HOP permits in place.

The final executed ARLE Grant application documents were submitted and a copy transmitted to the Borough on June 27, 2024

6. Park Maintenance and Beautification Plan

LSSE has met with the Greenspace Committee twice and has meeting scheduled every Friday. A draft of Phase 1 (public input) including schedule, on-line survey and funding timeline have been provided to the Greenspace Committee for final review. Greenspace Committee to provide final feedback during the Teams call on Friday, January 10. Objective of this meeting is to finalize on-line survey and project schedule for approval.

7. Miscellaneous

- **10 Oxford Sanitary Lateral: Plumber has submitted the documentation on the lateral. LSSE is in the process of reviewing the data. A memorandum of findings will be provided to the Borough.**