



**Borough of Ben Avon Heights**

**Tuesday, May 14<sup>th</sup>, 2024 - Council Meeting Minutes**

A quorum is in attendance

**Present:**

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

Police: Sgt. Beck

Fire:

Mayor: Dismukes

Solicitor: Mongillo

Secretary: DiNuzzo

Residents: Bryan Robertson 4 Kent Road, Michelle Dawley 19 Canterbury Road, Jed Hottenstein 21 Wilson Drive, Patti Schneider 50 Wilson Drive, Jim Culley 7 Oxford Road, David Schleis 12 Clovelly Road, Kristin Schleis 12 Clovelly Road, Janae Smith 22 Banbury Lane, Suzanne Schneider 7 Biddeford Road, Heather O'Brien 25 Oxford Road, Bill Penrod 25 Banbury Lane, Jennifer Gould 13 Stratford Road, Ed Gould at 13 Stratford Road, Kathryn Finney 15 Briar Cliff Road, Eric Brightman 17 Banbury Lane, Karen Penrod 25 Banbury Lane, Andy Koldena 28 Oxford Road, Al Cuteri 22 Oxford Road, Rick O'Brien 25 Oxford Road, Bert Fary 11 Oxford Road, Lee Hebert 9 Briar Cliff Road, Frank Nedwidek 5 Banbury Lane, Jaquelyn Neunder 5 Biddeford Road

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

- 1. Approval of April 2024 meeting minutes:** *A motion was made by Mr. Lope to approve the April 2024 meeting minutes. Mrs. Neunder seconds the motion.* Ms. Berardi noted that she would like to add in the last line of 5 D, "Council will draft the letters for the thirteen properties affected and have conversations with the property owners with talking points prepared by LSSE." Mr. Lope had a few additions to add: in the greenspace updates, it should read DCNR not DCRN; in administration, it should state "Mr. Lope felt like it was communicated at the last meeting that everyone can hold off on their notices while Council works through the possibility of consolidating and updating the ordinances." Also in the same section, remove the second ordinance listed as it's not the correct number. *Motion passed.*
- 2. Approval of April 2024 financials:** *A motion was made by Mr. Stiller to approve the April 2024 financials. Mr. Lope seconds the motion.* Mr. Brown noted line 302.10 earned income tax we seem to be trending behind schedule on the amount collected. It could simply be a timing issue of when the money is hitting the account but it seems low for this time of year. He added line 316.00 there is an entry for other income for \$14790.00 and did not see any discussion points noted in the minutes as he was unable to attend that meeting. Council will look deeper into where this money belongs. He also added that proof of publication is rather high as we are waiting for reimbursement from Tucker Arsenberg for the canceled February meeting publications. Ms. DiNuzzo will follow up with Tucker Arsenberg. Mr. Brown also noted that engineering is high, and he questioned if this could be offset by the grant money and how we would go about this. Mr. Heyl will provide the Borough with step-by-step instructions. Mr. Brown also questioned if 404.2 which is also over budget would also benefit from the grant money. Mr. Heyl will provide instructions on these. *Motion passed.*
- 3. Emergency Management:**
  - a. Fire: No fire present.
  - b. Police: Report below.
- 4. Public Comment:** Bryan Roberston at 4 Kent Road came with a question on the 15-year road plan. He wanted confirmation on if we were budgeting \$50,000 a year for this project. He also asked if the new quote was 1.4 million. Mr. Stiller noted

this cost has gone up significantly and a refresh was submitted to Council last month. Mr. Robertson added that means we are \$650,000 short and will need to budget for that. Mr. Stiller added that Council already increased what they put aside for this project as last year was only \$25,000 and prior to that no reserve was booked and no 15-year plan existed.

Michelle Dawley at 19 Canterbury Road came to Council to express her objection on spending money on a landscape architect on the community park.

Patti Schneider 50 Wilson Drive agrees with what Mr. Robertson, Ms. Dawley and Mr. Hottenstein said.

Jed Hottenstein 21 Wilson Drive agrees with Ms. Dawley, disagrees with spending money on consulting. Especially when the Borough is short \$650,000 for roads.

Jim Culley at 7 Oxford Road Does not agree with moving forward on this, feels we have a unique greenspace and lovely park, and agrees updates could be needed.

David Schleis at 12 Clovelly Road agrees with Mr. Culley and is concerned over the park.

Kristin Schleis at 12 Clovelly Road agrees with those who spoke before her. Added her 20-year-old son, questioned why you would take away from that open space. She feels less is more.

Janae Smith at 22 Banbury Lane agrees with what others have said, does not feel the park is very large to begin with and to keep adding to it is not something she is for.

Suzanne Schneider at 7 Biddeford Road agrees with what those prior to her stated. She would also like to hear more about the plan so she can better understand.

Heather O'Brien at 25 Oxford Road is a landscape architect and noted if you google master plans, they are really vague and you cannot build from it. She is concerned that Council is getting ahead of themselves by adding elements to the park that people of the community are voicing they do not want.

Bill Penrod at 25 Banbury Lane has watched the park shrink over the years and feels it's perfect the way it is. Is not comfortable with taking grant money if we have to put in ADA parking.

Jennifer Gould at 13 Stratford Road came to support those who spoke before her, she feels the park is a nice size and adding the items on the list would shrink the size of the park.

Ed Gould at 13 Stratford Road is interested to hear the points on this project and would like to table the master plan until then.

Kate Finney at 15 Briar Cliff Road objects to changes in the park and feels the park looks beautiful driving up the hill.

Eric Brightman at 17 Banbury Lane would like to advocate what the community wants and understand what the money is being spent on.

Karen Penrod at 25 Banbury Lane objects to spending money to improve the park. Would like maintenance on the tennis court and landscaping.

Andy Kolenda at 28 Oxford Road objects to putting \$25,000 towards this park plan and would like to see the Borough work on reducing the sewage fees. He agrees the tennis courts need to be fixed but the park is fine as is.

Al Cuteri 22 Oxford Road does not believe you need a master plan for upgrades, he believes Council should engage the community in what they want and need. He's concerned about changes to the park, adding parking, a gazebo which could lead to other additional items such as bathrooms. He agrees that some improvements can be made but strongly encourages community engagement.

Rick O'Brien 25 Oxford Road supports tabling until further discussion with the community can take place, so there's a better understanding as to why these changes need to take place.

Bert Fary 11 Oxford Road would like to learn more about this project, expected expense, and the potential grant the Borough may be able to get. Would like to see community engagement, perhaps a poll sent out to the community to gather their ideas.

Lee Herbert 9 Briar Cliff Road Agrees with others, would like to see community engagement in this project. He noted that one issue he had while living on Penhurst prior was the number of cars that parked on the sidewalk in front of his house. Cars parking there damages the sidewalk, and it is the home owner's responsibility to maintain and repair Borough sidewalks. He would like people to rethink the possibility of adding parking to the park.

Frank Nedwidek 5 Banbury Lane stated his children enjoy the park the way it is.

Jaquelyn Neunder 9 Biddeford Road provided Council with photos of the current play structure showing rust and age. She noted from the road the park looks safe but when you get closer you see it is not. She would like to see Council manage the wear and tear of the play structure and not make a mistake of putting a sidewalk/bus stop platform which was not ADA compliant which then had to be taken out and was very costly in the long run. She also noted she would like to see Council utilize RAD funds for the project. *Mr. Cuteri wanted to add that the curb was put in to make the kids safe at the bus stop. He feels it is less safe with the sidewalk out and the PVC barricade.*

Pat Lope 21 Devon Lane noted that he understands that a lot of the community here tonight was due to a letter they received from Mr. Dawley prior to the meeting. He stated that Mr. Dawley misrepresented the situation and that there were inaccuracies in the letter. Mr. Lope stated that the whole idea of the long-term Greenspace project was to engage the community and find out what the park really needs; he feels that the letter misrepresented the intent of the project.

Joe Dawley 19 Canterbury Road noted that he was the reason many of the public was there and thanked them for attending. He believes there have been numerous discussions about walking trails and pavilions he doesn't feel is necessary. He noted there was a google survey a few years ago that was sent out to the community with only a 30% response rate. He stated that the master plan being discussed is just a gateway for adding items at the park. Though he had supported it before, Mr. Dawley changed his mind on moving forward with using outside help for a master plan, and now doesn't feel we need to hire a consultant to engage with the community. He also stated that a more affordable hedge/flower option was proposed to Council last year that Council voted down. Several Council members noted that Mr. Dawley voted "no" on it as well. Mr. Dawley agreed that he did vote no, but has since changed his mind. He added that he wanted the master plan in place so we had something in place for when grant money comes up in the future, Council would be prepared to act as he does not like making quick decisions. He now believes that the master plan will do the opposite as to what he originally thought.

Mr. Brown thanked the community for coming to voice their opinions and concerns. He noted that each year, the Borough receives RAD funding which is for community development, specifically parks that would apply to the Borough. Council has not used any of that money for at least the last 5 years and we have about \$76,000 in the account currently. He added that the Borough did send out a poll to the community and set up a Green Space subcommittee that included residents, yet Council members felt that was not enough community engagement and outside help was needed to create a long-term plan. Because of not having a plan for the entire park's five year outlook, the \$6,800 privacy/beautification project of flowers and bushes that the subcommittee proposed (created by resident Heather O'Brien), was rejected by Council last fall in a split vote. Council was divided on whether the shrubs would interfere with future projects without a plan and would have to be removed or relocated later. Council then aligned to continue to seek a long-term plan, so all projects could work in concert with one another and budgeted the project for 2024 in the fall. This year, the Greenspace committee created a list of questions to vet professionals that do this for other municipalities and have the experience and resources for a wider scale project that fully engages the community. Mr. Brown is unsure where the idea came from where Council was going to make radical changes at the park and add structures and walking trails in. In the end, Mr. Brown stated that his main focus is to ensure the park can continue to be safe and maintained for future children. He wants the play structure to be safe and well-maintained, as well as the tennis court which was fixed last year and still needs attention.

## **5. Infrastructure and Operations:**

- a. Engineers report: (Memo below):
- b. Electronic sign update: There are 4 documents that need to be addressed by Council, including a PennDot form, proposed location maps for the signs, and a resolution; the resolution is a requirement and will be voted on at the next meeting. Mr. Morris would like for Council to publish the location as to where they will be located and asked if the electronic sign can issue speeding tickets. Mr. Heyl responded "no". Mr. Morris feels these roads are local roads and people will figure out the signs just simply tell you your speed. Mr. Dawley stated that this is the best measure we were able to find currently to slow traffic down into the borough.
- c. 2024 Sewer upgrade project: Mr. Mongillo noted that there are Borough sewer lines and manholes on resident properties and sewer easements are needed to complete future work. The borough will need to pursue easements to the sewer lines with each resident, and these easements will allow the borough to access the sewers for a pipe lining project that will be funded by over \$400,000 in grant money the borough has obtained. Letters have been drafted for the thirteen residents and properties affected. Mr. Brown would like the Borough to have discussions with residents prior to sending out the letters. LSSE and Mr. Mongillo will work together in the coming days to draft wording for the Borough to use to explain to residents involved. Mr. Lope, Mrs. Neunder. Mr. Morris and Mr. Stiller volunteered to reach out to the residents on the list prior to any letters going out.
- d. Courtney Mill Road update: Mr. Brown noted that they asked Killbuck for a drainage solution to be added to the proposed scope of work and they have not heard back. Will update next meeting.
- e. West View Water letter of support: *A motion was made to approve the letter of support for West View Water to be sent to Deluzio's office by Mrs. Neunder. Mr. Stiller seconds the motion. Motion passed.*

- 6. Green Spaces Update:** Ms. Berardi started off by stating that she thanked the community for coming out to the meeting and expressing their thoughts. She also added that she thought from previous conversations and discussions at Council meetings that Council was aligned with this plan, and was not aware until the meeting that Council was no longer aligned. Mr. Brown stated that he still believes that we need someone to help us engage with the community to find out what the community wants. The Greenspace subcommittee noted they have 3 options lined up that they would like to reach out to understand how they would fit into the Borough's needs. Mr. Stiller stated the history as to how the rationale for a long term plan developed, and noted that the scope of the plan would depend on community engagement. Mr. Dawley questioned the grants he believes Council is "chasing" to fund the projects long term. Mr. Brown noted that while it is grant

season, no grants are being pursued without a plan and that the Council would like to be prepared in the future so we're not making last minute decisions to make a deadline. Mr. Lope questioned where funding would come from if we didn't apply for grants. Mr. Brown noted it would come from RAD money we are given each year, or allocated budgeted money. Mr. Lope emphasized the point of the master plan, having a consultant to engage the community and have stakeholder meetings where the whole community is welcomed to participate. Some discussion was had about the email that Mr. Dawley had sent out to select members of the community. Council stated that the first priority is to make the park safe.

Mrs. Neunder noted that A&N lawn has cleaned the inside of the tennis court and she also had them come back and pick up any branches they left behind.

**7. Building, Zoning and Code Enforcement:**

- a. Zoning Ordinance update: Mr. Brown noted that they worked through typos and definitions at our working meeting. Mr. Stiller noted that a resident was concerned with posting of the meeting minutes from the last working session. Mr. Brown noted that minutes from the working session will be approved at the next working session and posted to the website thereafter..
- b. Zoning applications: Mr. Brown noted that we have updated our building permit inspector. All contact will be on the website. Ms. DiNuzzo stated for the month of April there was 1 application for a small addition for a mudroom/entrance.
- c. Code enforcement: it was brought to Council's attention by Kilbuck Township that 50 Wilsons hedges are an intersection visibility issue again. Mr. Brown asked if Ms. Schneider (who is present) would trim the hedges down more.

**8. Administration:**

- a. Adopting Roads Funds Discussion: Mr. Mongillo stated that in a prior meeting Council asked if it was allowed to set up a specific account for roads money. He noted that Council can. Ms. DiNuzzo will research and reach out to Northwest bank to see the steps to do so and if there are any additional costs to open another account.
- b. Set Working Meeting Agenda: Mr. Brown noted that the next working meeting will be May 28<sup>th</sup>, 2024 at 7pm at Avalon fire hall where council will continue working on the drafted zoning ordinance line-by-line. Council will also approve last meeting's minutes.
- c. Memorial Day Parade donation: *A motion was made by Mr. Stiller for a \$100 dollar donation to the Memorial Day Parade. Mr. Morris seconds the motion. Motion passed.*
- d. North Borough Fireworks Donation: *A motion was made by Mr. Stiller for a \$50 dollar donation to the North Borough Fireworks. Mrs. Neunder seconds the motion. Motion passed.*
- e. Storage Rate Increase: Ms. DiNuzzo noted they received their annual rate increase. Monthly rate is being raised to \$122.00 a month.

**9.** Executive session: Public safety was discussed. 8:24pm

**10.** Executive session ended: 8:31pm

**11. Meeting adjourned at:** 8:31 pm

Jessica DiNuzzo, Secretary

**CALL SERVICE REPORT GROUPED BY DESCRIPTION  
INCIDENTS REPORTED BETWEEN 04/01/2024 AND 04/30/2024  
BEN AVON HEIGHTS**

DESCRIPTION	APRIL CALLS	YTD CALLS
Animal Complaint	1	1
Assist Other Agency	1	1
Burglary Alarm - Residence	0	1
Civil Dispute	1	1
Disorderly Conduct	0	1
Domestic Disturbance	0	2
DPW Request	0	7
EMS Call	1	5
Harassment	0	1
Local Ordinance Violations- Fireworks Complaint	0	1
Local Parking Ticket	0	1
Police Detail - Crossing Guard	0	5
Police Detail - Directed Patrol	72	259
Traffic Complaint	1	1
Traffic Stops	0	2
Welfare Check	0	1
Traffic Citations	0	3
	<b>77</b>	<b>293</b>



LSSE • Rabell • Senate

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***MEMO***

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

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

SUBJECT: **May 14, 2024 Meeting  
Engineering Report**

cc:

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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)**

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

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

*PA Small Water and Sewer Grant awarded in the amount of \$257,053.00. Request for Easements for 2023 Sanitary Sewer O&M issued March 29, 2024.*

*2023 O&M (Year 4) CCTV has been completed.*

*2024 O&M Budget provided on December 12, 2023.*

**2024 O&M (Year 5): CCTV and MHPS completed May 6, 2024 along Biddeford Road and Stratford Road. LSSE to begin review and determination of repair scope upon receipt of deliverables from contractor.**

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. Bids opened on April 5, 2024, and the Bid Report was issued on April 9, 2024 for Borough review.**

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. **Work has been authorized. Year 5 CCTV schedule to be coordinated with Robinson Pipe Cleaning Company.***

6. **Canterbury Paving**

*Columbia Gas indicated their contractor would address the issue.*

7. **Canterbury Sidewalk and Curb**

a. *2023 LSA Grant has been submitted.*

8. **2024 Road Paving**

*The 2024 Update to the Roadway Operation and Maintenance Report was provided to the Borough on March 7, 2024.*

9. **Electronic Speed Sign Permitting**

**The survey work has been completed. LSSE is preparing the Highway Occupancy Permit application. LSSE is preparing an ARLE grant application.**