



Borough of Ben Avon Heights

Tuesday, December 8, 2020 - Council Meeting Minutes

A quorum is in attendance

Present:

Council Members: Cuteri, Dawley, Mihalko, Neunder, Radcliffe

Mayor: Dismukes

Solicitor: Vogel, Tucker Arensberg

OTPD: Chief Hanny

Fire: Chief Berie

Secretary: DiNuzzo

Residents:

Mr. Cuteri began the meeting at 7:00 PM.

- 1. Approval of November meeting minutes: A motion was made by Mr. Radcliffe to approve the meeting minutes. Mrs. Neunder seconds the motion.** Mrs. Neunder found a typo in the minutes; it was a Mr. DiNuzzo instead of a Ms/Mrs DiNuzzo located in the public comment section. **The motion passed unanimously with the correction.**
- 2. Approval of October financials:** Mr. Dismukes did not feel that the financials should be sent for approval today as council had such little time to review. Mr. Cuteri agreed that council could hold off until next meeting to approve. Mrs. Neunder also agreed. Mr. Dawley questioned if there were any key takeaways if we held off. Mr. Cuteri said the Borough was about \$1000,000 under budget at this point, therefore the month November, December should even out and we seem to be tracking on budget for the year. Mr. Cuteri asked Ms. DiNuzzo if we had transferred the month into the reserve account as discussed last meeting. Ms. DiNuzzo responded that she had not as she wanted to check with council as she had checked with the accountant to see how much we originally had transferred this spring and we had only transferred \$10,000. She wanted to see if council still wanted to transfer \$128,000 now knowing we originally transferred much less, or transfer a different amount. Mr. Cuteri looked over the balances of the accounts and decided to transfer \$100,000. Due to the reports being submitted late, council decided to take more time to review the October financials at the January 2021 meeting along with the November financials.
- 3. Fire Report:** For the month of November was also a quiet month. Chief Berie asked council if they had an idea for Santa in the Park this year. Ms. DiNuzzo noted that Chief in a prior conversation stated he had an idea he would like to present to council. Chief stated that they were just going to drive around with Santa on the truck. Ms. DiNuzzo asked is Chief Berie and Avalon would still have a form for residents to fill out to request a stop by Santa. Chief Berie confirmed they would and will be working with Avalon over the next few days about the details. Mr. DiNuzzo requested that Chief Berie keep her in the loop so she can communicate the information to the residents in a timely manner. Mr. Cuteri asked what the form was. Mrs. Neunder stated that the form has information such as the child's age and first name, the address they would like the truck to stop at as well as the parents name, and you bring the form down to the Avalon Town Hall. Chief Berie wanted to confirm that we would like to continue this on Christmas eve, council agreed that they would.
- 4. Police Report:** For the month of November Chief stated it was a quiet month, typical patrols, small minor calls, a few cars were gone through on the edge of Ben Avon; the cars were unlocked, items taken out. Chief also noted that he likes to remind communities, especially this time of year to take the packages out of your

cars and to lock your cars. Mr. Disumkes also added, that if you see something, say something. Chief Hanny asked if council if Santa in the park was still happening this year. Mr. Cuteri responded that Chief Berie was supposed to give us some ideas but he had to step out for a moment. Chief Hanny stated to just let him know if we are and he'll make sure that he has some police up here for assistance.

5. **Approval of August Financials: A motion was made by Mr. Radcliffe to approve the July financials. Mr. Mihalko seconds the motion. The motion passed unanimously.**
6. **Engineers report:** Mr. Cuteri stated he didn't feel we needed to engineer present at this meeting, but they did provide council with a schedule for the curb improvements. Mr. Cuteri stated to council that LSSE completed the survey work in December. He also sent them the signed agreement. He also stated that they are going to prepare packages and plans in January. Then advertise for bids in March. He stated that this is pretty typical and then once we get a contractor on board, they really put us into their work schedule depending on priorities and the scale of work. They'll get it done in a calendar year. Although we will not know that for sure until we know who is doing the work. Mr. Radcliffe had concerns about the work scope for curbs, spot repair etc. Mr. Cuteri stated that LSSE is doing a survey so they can design the road for drainage, curbs and other work. The bid is all unit prices. He requested that Mr. Radcliffe send LSSE what he wants to verify with the engineers as they prepare to design before the bidding process.
7. **Public Comment:** No Public was present to comment.
8. **Approve 2021 budget:** Mr. Voltz stated that there are two items for council to discuss and review today. A Resolution to adopt the budget and also an ordinance setting the millage rate. These are required to pass every year. Mr. Cuteri added that the millage rate is the same, we are not changing it. **A motion was made to adopt Resolution 2020-02 for the 2021 budget by Mr. Radcliffe. Mrs. Neunder seconds the motion. The motion passed unanimously. A Motion was made for Ben Avon Heights ordinance 345 fixing the tax rate for 2021 at 7.95 mils by Mr. Radcliffe. Mr. Mihalko seconds the motion. The motion passed unanimously.**
9. **Comcast agreement:** Mr. Voltz informed council that Mr. Vogel has been negotiating with comcast over the terms of the renewal of the franchise agreement for the majority of 2020. He feels this is as good of an agreement as we're going to negotiate with comcast, this is a pretty standard agreement. Mr. Mihalko questioned why we use comcast when there are other cable providers in the area. Mr. Voltz stated that this wouldn't block Fios or other cable providers. Mr. Cuteri noted that comcast is the government approved vendor. **A motion was made to adopt the franchise agreement with comcast by Mr. Radcliffe. Mr. Mihalko seconds the motion. The motion passed unanimously.**
10. **Snow & Salt Agreement:** Mr. Dawley while looking over the agreement, had a question. He questioned how communication with Avalon works with snow removal; do we the Borough contact them? Mr. Cuteri stated that the police or dispatch contacts Avalon. The only time the Borough will reach out to them is if they missed something or if Ben Avon Heights had snow and Avalon has not, which has happened in the past. **A motion was made to pass the snow and salt agreement with Avalon Borough by Mr. Radcliffe. Mrs. Neunder seconds the motion. The motion passed unanimously.** Mr. Mihalko questioned if the rate was for one man per truck. Mr. Cuteri stated he believed so.
11. **Glass recycling program:** Mr. Dismukes presented a concept to council where the Borough gets behind a permanent glass recycling location. We've supported a temporary drop off in the past, but feel we need a permanent location. Mr. Dismukes wanted to see if council would be willing to entertain discussions on the topic. His thought would be to have discussions with the five Boroughs and if there's interest, speak to ACHORD board on using the parking lot across the street from the pool. Mr. Radcliffe has a question, since Valley Waste no longer accepts glass is there commercial liability for glass right now, and if we had this drop off, what would happen to that glass after it was removed. Mr. Dismukes stated that it gets reclaimed, PRC works with an entity called CAP glass which is a domestic recycler of glass which uses that and produces glass by melting the product down. Mr. Radcliffe then asked so this would be going into a waste stream. Mr. Dismukes responded that it would not be going into a waste stream and it's recycled domestically. Mr. Mihalko questioned if they sorted it by color. Mr. Dismukes responded no, which surprised him. He also stated that the waste entities have said that it's not commercially viable to reclaim glass, which based on the work PRC has done has been demonstrated to not be true.

Mr. Cuteri asked what would be done on this site to make it a permanent location. Mr. Dismukes stated he did not have those details. Mrs. Neunder noted that in the state of New York there are usually big bins with shuts to collect the glass. Mr. Dismukes stated he understands there are questions like how this site would be managed etc. He wouldn't want to start a conversation unless Ben Avon Heights Council felt comfortable

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with this. Mr. Dawley questioned if this discussion was already going on or if it was brand new. Mr. Cuteri stated he did not have a problem being part of the dialogue so long as there is no commitment from Ben Avon Heights Council. All council members present agreed. Mr. Dawley raised a question on where the recycling goes from the Borough, he thought it would be nice to have a report from Valley Waste. He also noted if it's not in our current contract that in the future we should look into adding the report as something they need to provide us. Mr. Radcliffe believes they should have this available for us. Mr. Cuteri asked if Ms. DiNuzzo could contact Valley Waste for this report.

Mrs. Neunder raised a question on why the Borough does not have big blue recycling bins for all of the residents. Mr. Cuteri responded that we have the small green bins that were provided by the collector. Mrs. Neunder wanted to know if would could look into the larger bins. Mr. Radcliffe noted that the little green bins were perfect for his household, but this brings up a good point, you can buy them at the hardware store. Mrs. Neunder stated that she understood this, but would like to encourage her neighbors who don't recycle if they perhaps had a big blue bin. Mr. Dismukes stated he would ask at the PRC as they do provide these on a community-based basis after they have received a grant. Mr. Cuteri asked if Ms. DiNuzzo could reach out to Valley Waste to see if they have extra bins. If they have some, we can have a centralized pick-up spot for those residents who need them.

- 12. Remote Meeting Discussion:** Mr. Cuteri mentioned that this topic keeps reoccurring as it has been requested throughout the pandemic. Mr. Vogel informed council at the last meeting that there is no directive from the state on this topic. Mr. Voltz stated that ACT 15 is still in effect because there is still a declaration of emergency, so we are permitted to have meetings remotely. You would have to run an advertisement with the meeting information as well as if it will meet via zoom or telephone and then also provide the log in information on your website, so members of the public can click on it to participate. Mr. Dismukes added that if the connection is broken, your notification specifically has to say that either the public meeting at that point has ended, or in 5 minutes call back under this number and we will restart the meeting once people are able to call back in. this is out of a recent case in the state of Pennsylvania. Mr. Voltz added that a school board had a case where they were going to lay off 10 or more custodial employees and the meeting went dead and no one could participate and they decided to power through the meeting; one of the people who were laid off challenged this through the sunshine act and the court agreed.

After more discussion, Mr. Cuteri asked council what they would like to do, he did have a request from a resident, he stated that he did respond to her that they couldn't do a remote meeting for this meeting as we had not advertised it; if we want to do this, we're going to have to figure out how to get the zoom set up and communications.

Mr. Dismukes stated that he thinks at a public meeting we should have masks, and to consider the video meetings. He also feels we should for the first quarter allow council members to attend by video. Mr. Cuteri asked Mr. Voltz if council members can attend by phone. Mr. Voltz responded that yes, if we take advantage of ACT 15. Mr. Cuteri stated that council members can attend by phone and the public can call in by phone. Mr. Voltz responded again, you've raised the executive session issues, separating the council members from the public, you can have a separate conference line. Mr. Mihalko questioned how we can make that secure having the second line for executive session. Mr. Cuteri responded that we would have a separate number. Mr. Voltz stated that the law simply states that you're allowed a quorum by authorized telecommunications anything at a minimum lets you hear and be heard. If you do that you need to post the appropriate notice and we can give you the details on that; on your website, on a newspaper or both. Mr. Cuteri asked if that would satisfy everyone's needs if we did that, just call in you don't have to come in for a meeting and call in to a different number for executive session. Mr. Cuteri added that he understands that people have concerns over COVID-19 and don't want to meet in person. We'll set this up for January and Februarys meeting and reevaluate in the spring.

- 13. Zoning applications:** For the month of November there were two submissions: 11 Banbury lane to demolish current garage, replace with new garage/office/gym space and was approved. The second was at 1 Windemere for the site development for the fitness center and racket facilities and two tennis courts, also approved. Mr. Cuteri asked Ms. DiNuzzo if we ever received the SALDO Meeting Minutes. Mr. DiNuzzo would check. Mr. Cuteri also stated that they were supposed to get in touch with Mr. Vogel over a letter. Mr. Voltz

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also stated that he would check. Mr. DiNuzzo believes through email communication they may have informed the Borough that they were able to find someone to do the letter.

14. Executive session: Began at 8:02pm

Regular session began at 8:09pm

Meeting ended at 8:10pm

The next scheduled meeting is January 12, 2021 at 7:00 pm and will be telephonic.

Jessica DiNuzzo, Secretary