



DRAFT - Borough of Ben Avon Heights

Tuesday, May 26, 2020 - Council Meeting Minutes

The regular meeting of council was held via GoToMeeting due to the Covid-19 Pandemic and Pennsylvania Stay at Home order

A quorum is in attendance

Present:

Council Members: Brown, Cuteri, Dawley, Neunder, Stiller, Radcliffe

Mayor: Dismukes

Solicitor: Vogel, Tucker Arensberg

OTPD: Chief Hanny

Secretary: DiNuzzo

Residents: None

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

- 1. Approval of March Financials: A motion was made by Mr. Radcliffe to approve the February financials. Mr. Brown seconds the motion. The motion passed unanimously.** Mr. Brown wanted to confirm that the Borough is up to date with local tax collection Due to Stay at Home Order. Local Tax collection and wage tax due date was moved to July 15th. The Borough will not see these collections until August. The Borough has \$433,990.69 in the Reserve fund; The Borough is in good standing financially and has enough cash on hand to run the Borough.
- 2. Approval of April 2020 minutes:** Council edited the minutes while in session, once complete, council passed the edits.
- 3. Fire Report:** There was no representation present for Fire.
- 4. Police Report:** For the Month of April there were 99 calls, 90 of those were routine. One resident reported that they heard gunshots, when this was looked into, it was just a car that backfired. Officers have been patrolling the Wilson and Penhurst intersection, they have noticed people not fully stopping at the intersection. Once the county is in the yellow phase officers will ramp up their patrolling.
- 5. Covid-19 Impact Dates:** The current Stay at Home order put in place due to the Covid-19 Global Pandemic affects the following:
 - a. **Allegheny County to be yellow on May 15th, 2020:** Mr. Dawley raised the question if the picnic in the park would take place this year. Council agreed that it would be a good idea to wait until July 5th to come up with a game plan, with a possible "rain date" in place, like Halloween. The Community Club is still in search for someone to take over the picnic in the park as the Fader home recently moved. The Community Club will hold off on continuing their search until possibly July.
 - b. **Shelter in Place order extended to June 5th, 2020:** We will continue to monitor the Governors decisions for the State of Pennsylvania
- 6. Public Comment:** Mr. Dismukes as a resident wanted to point out that the work that Columbia Gas did on Cambridge, the road was not closed properly and wanted to make sure they were not complete with the project. Ms. DiNuzzo will check in on the status. See Engineers report below.

Engineer's Report:

2018 Road Improvement Program

Mr. Heyl reported for the most part work has been completed. Minor punch list items still remain and were unfortunately put on hold when the Stay at Home order was set in place. The Contractor is being notified to correct the wedge curb on Briar Cliff that residents pointed out to council. Mr. Cuteri noted that Shields was out on Oxford cutting and sealing the road expansion joint so they are working on completing the work..

Cambridge Road:

Mr. Heyl reported that at the request of the Borough LSSE contacted Tri State Maintenance the week of March 9, 2020 and requested a proposal to complete the outfall improvements along Cambridge Road. LSSE spoke with Tri State Maintenance again on April 6, 2020 and answered some questions. Tri State Maintenance is finalizing their proposal, due to the Stay at Home order they were a little behind.

Curb Study:

LSSE provided council the table for the Borough to review in March as well as the curb study to review in April. Council requested more time to be able to discuss more in depth at the May meeting. In the document that LSSE provided, they gave the Borough various options for plans, such as maintenance options. After Mr. Heyl presented the document and presented the data in the document to council, there was extensive discussion amongst council.

The main discussion revolved around clarification on who owned the sidewalks throughout the Borough, who is responsible for maintenance and what can be done to get sidewalks replaced. Some council members want to replace sidewalks, but the method of that would need to be vetted both due to existing ordinances, state law and the cost.

Mr. Cuteri raised several questions regarding how we would proceed with sidewalks, if the Owners can be compelled by the Borough to pay the cost of their sidewalk replacement. Mr. Vogel will have this looked into and provide response to Council.

Mr. Vogel shed some light on this topic and explained that when the sidewalks were installed, there were deemed the property owners. Properties that may be in question as to who would own them would be those on New Brighton as those are state roads.

A question was raised if we were legally allowed to have individual home owners pay for their sidewalks through a replacement contract of the Borough. Mr. Cuteri indicated that was not permitted when Shannopin asked to do that for the paving of the roads. Mr. Vogel indicated that that was due to the fact that the project had already been bid. Mr. Cuteri Indicated he did not see how this was different.

It was also asked if the really hazardous sidewalks could be bid out.

The question was also raised regarding replacement of the sidewalks with regard to ADA requirements, curb wheel chair ramps and other requirements.

Mr. Cuteri Requested that Mr. Vogel investigate current ordinances regarding sidewalks and curbs and the maintenance and repair of same with regard to all the items discussed above.

LSSE will incorporate information on the sidewalks for the next meeting.

2020 Road Program:

LSSE is provided an opinion of probable cost to the Borough for review. This OPC was for repaving Devon Lane, Kent Road and Briar Cliff Road. Discussion began among council, many wanted to know why these three roads were chosen when some council members felt there were other roads such as parts of Biddeford Road and all of Stratford Road needed attention to as well. Mr. Cuteri explained that there was a road program in place, that all roads in the Borough would be attended to according to the road program schedule.

This is also why it is very important for council to have a 5 year budget plan and meeting, so we can have a better understanding of where we can allocate money in the future.

- 7. 5 year budget plan:** Mr. Cuteri did not have the numbers completed for this meeting, will table this topic for the next meeting in June.
- 8. Comcast agreement:** Mr. Vogel will review this for the Borough and compare with neighboring Boroughs. Ms. DiNuzzo will reach out to Comcast to inform them that council and legal are reviewing. Mr. Radcliffe asked if this was the type of agreement we're allowed to "shop around". Mr. Vogel explained this is not that type of agreement.
- 9. Zoning applications:** For the month of April there were two zoning applications submitted: 1 Penhurst for a backyard fire place and 5 Biddeford for a fence. Both have been approved since submitting.
- 10. Executive session:** began at 8:28pm
Executive session ended at 8:29pm
Meeting was adjourned at 8:30pm

The next scheduled meeting is June 9th, 2020 at Shannopin Country Club at 7:00 PM.

Respectfully Submitted,

Jessica DiNuzzo, Borough Secretary