



Borough of Ben Avon Heights

Tuesday, November 10, 2020 - Council Meeting Minutes

A quorum is in attendance

Present:

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

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 October meeting minutes: A motion was made by Mr. Radcliffe to approve the meeting minutes. Mr. Stiller seconds the motion.** Mr. Brown had a question on the real estate tax line listed on the budget performance for September 2020. He stated that it looked as though we were down 20,000. He also stated that he had spoken with the Borough tax collector, and she said that it is very unlikely that we would get more money after this time. Mr. Brown wondered if we were expecting to be 20,000 down. Mr. Cuteri noted that every year we have some delinquent real estate taxes to collect, but not sure why we're down 20,000; this is something the Borough will have to look into, as normally it's around 4 to 5,000. Mr. Stiller asked if we could just ask the tax collector what was delinquent. Mr. Cuteri stated that, that is part of the process. Mr. Vogel the Borough solicitor stated that for these taxes that haven't been paid, they still can be paid but with a 10% penalty. At the end of this year, and early 2021 Jordan tax will begin putting liens the properties. Once they have a lien, that's when interests accrue at 6% a year. Jordan will send them a letter as a first step. Most governments run the same way; the goal is to avoid a sheriff's sale.

Mr. Brown also raised a question on the second page, listed as miscellaneous expenses – engineering meetings. He stated that he knew we've had a lot, but it didn't look as if we had budgeted for the engineers and we're almost at 20,000. Mr. Cuteri stated that we have a general budget line for engineering services and we compare that to the budget. He didn't recall any design work but he can check into that. Mr. Stiller also noticed that the year to date budget to actual, it looked as if the line was removed or put somewhere else because it's like it's in two different reports. Mr. Cuteri noted that we are still fixing the financial reports, by putting all of the engineering services under engineering services, etc. Mr. Brown had another question on the reconciliation detail page, he wanted to know who Herbert, Rowland and Grubic are as the Borough has cut three checks to them. Ms. DiNuzzo noted that Herbert, Rowland and Grubic, also known as HRG was the engineering company we are working with to edit and revise the new zoning ordinance. Mr. Brown also made a request that the financials report have the general fund numbers added. He noted that the general fund looks as if there was about 380,000, which is good but questioned if we should move some of that into an account to accrue interest. Solicitor commented on investment of borough funds and the limitations covered by law. Mr. Cuteri noted that the reimbursement from Columbia Gas should be placed in the reserve fund and Ms. DiNuzzo agreed and will take care of it which would be about \$128,000.

Mr. Stiller has a question on the year to date budget to actual, the trash collection we've paid 18,000 but we have nothing budgeted for leaf collection. Mr. Cuteri noted that health and sanitation's

budget is at 36,000 and we're at 28,000 it's not limited per service. He also stated he will talk to the accountant about the leaf line. **The motion passed unanimously.**

2. **Approval of September financials: A motion was made by Mr. Radcliffe to approve the September financials. Mr. Brown seconds the motion. The motion passed unanimously.**
3. **Police Report:** For the month of October there were a total of 105 calls, 93 of those were routine. Mr. Stiller thanked Chief for the response to his question last month regarding the call time for the accident on New Brighton.
4. **Fire Report:** For the month of October there were no calls. Halloween was a good turnout, seemed like there were more kids out than normal. Christmas tree sales will begin on Friday, November 26th 2020. Mr. Radcliffe noted that the fire crew did a great job in clearing the downed tree on Briar Cliff this past month.
5. **Engineers report: Copy Attached**
6. LSSE provided Service Order Authorization for Design services for 2021 road improvement design and engineering service. Copy Attached
The revised proposal which is to be voted on includes topographic survey work to ensure accurate location of right of ways and drainage conditions. Mr. Stiller questioned why it says "per diem" on the proposal. Mr. Cuteri stated that the lump sum is the per diem, a lump sum fee. Mr. Dawley questioned if there was a target date on when the design work would be complete. Mr. Cuteri stated that if we get this bid out in the spring, we need to move ahead with the engineering services as they'll need a few months to do the work. A lot of asphalt bidding takes place in February and March; it would be a good idea to approve and move ahead with these services today to continue forward with the phase 1 roads that we talked about. Mr. Dawley questioned if we should give them a completion date for this project. Mr. Cuteri stated that they will give us a schedule once we authorize them to do the work. **A motion was made to adopt the Service Order Authorization for the Borough by Mr. Radcliffe. Mr. Mihalko seconds the motion. The motion passed unanimously.**
7. **Public Comment:**
Betsy Radcliffe at 14 Wilson Drive came to council a Copy of her statement is attached.

Larry Skerlong at 1 Stratford Road came to council to discuss the signage issue at the park. He stated that when the signs went up, not only from Ben Avon Heights residents, but from people who just happened to be passing by, they even posted on the social media site NextDoor that they were posting signs. Several people complained and wrote letters to council and they didn't receive any response. A couple of residents decided that it was time that we tried to do something. Larry sent an email to about 30 residents and with no political affiliation, about 15 responded, the other half did not and 1 was opposed to the petition.

A copy of the petition is attached.

Mr. Cuteri requested a copy of the petition for inclusion in the record. Mr. Cuteri wanted clarification on how many individuals did Mr. Skerlong send the petition to. Mr. Skerlong stated that he initially sent it to 30 people, 15 responded the other did not and 1 objected to it. Mr. Skerlong stated "The feeling is that the park is there for the residents of the Height, for the kids to play, it should be an apolitical environment. The signage that went up made it a public venue for anyone who happened to be passing by. Some were straight political signs, some were not." Mr. Cuteri also questioned if the information about who Mr. Skerlong send it to and how many responded is also included in the petition document he gave to Ms. DiNuzzo.

Mr. Dawley questioned why that was relevant, as he's giving council a petition with 60 names on it. Mr. Cuteri indicated he can ask any questions he wants and is requesting some clarification. How many people were surveyed in the Borough, you stated prior that he sent it to 30 and 60 households are represented, therefore the question is was there no husband and wives who signed? Mr. Skerlong responded that it was 60 households, in some cases there were husband and wives who signed. Mr. Cuteri indicated so there are many more than 60 signatures and Mr. Skerlong agreed.

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Jim Georgalas at 15 Banbury Lane also came to discuss his thoughts on the signs in the park. He stated that the previous speaker made a reference to the public square, under the English democracy, the public square is a cherished place where people can express their opinions theoretically just like in London someone could put a soap box in the middle of the park, as long as it wasn't interfering with any games and start spewing out whatever crazy thought they had. His real concern is, you can't write an ordinance that says that a certain type of speech is prohibited while allowing others. If you allow certain signs, like very useful signs for the community, such as events at the school, I think you're not allowed to ban political signs.

Mr. Vogel stated that the law keeps changing on this topic, you can have a general ban only really for esthetic purposes. Commercial speech gets less protection than political speech. As far as between community and political signs that say vote for joe or let's honor joe on his 50th birthday, the courts haven't really decided on that. There's an argument being made that you can't distinguish between supporting Avonworth baseball or Joe Smith for Mayor.

Mr. Georg alas thinks you shouldn't stop signs. He doesn't think political signs are that useful, however if someone is stalking in the night and spray paints that sign blacked out, the guy who owns that sign just won the jackpot. It seems to him that the little section at the park is harmless, and thinks this is a constitutional issue.

Alexis McCune at 14 Oxford Road feels that there is division in the community and she doesn't know if it's the signs or the vandalism. She works in a business that promotes place making and community building, one of the reasons they moved to this community was because it was a neighborhood. On a public park from what she understood from ordinances, people were allowed to post signs in their neighborhood, they needed to be down in a certain time period of the time of events. From a community perspective, the park is a central part of our neighborhood. It's a place where people gather, it's a place where people walk, it's a place where children can play and place where they can wait for the bus. To try and explain to children what was happening is an embarrassment. Her 3-year-old looked at the signs and said it looks like the periodic table of elements, why does it look like that mommy. For community purposes we need to promote community and unity. It's not a matter of what's right, but the right thing to do. A community park should be neutral, Borough property should be neutral. Community events, we have Facebook pages, we have other ways of providing that venue to advertise those things. I would rather have nothing in a neutral place. I didn't move to a community to have division. Community in unity is the word you need. I know I speak for others as well. For a community who cares on how it looks and is perceived, it doesn't look good, and it's not perceived well.

Leigh Culley at 7 Oxford Road also came to council to support the petition that Larry presented to council. She also agrees with Alexis and with the many points she made. She doesn't believe the signs reflected the election or what the election was about; it was a spectacle. The news was there reporting on it, friends from different communities were calling her about it. That space should be a community space.

Mr. Georgalas wanted to note that political signs, or for the high school were the type of signs he was speaking of, if there were and pornographic signs that I missed that does not have constitutional protection.

Maggie Good at 45 Wilson Drive commented that she thinks we should require everyone to wear masks at a public meeting based on the Governors directions. Her second comment, she personally would like to see community signs up, but if she had to say yes or no to the political signs she saw, or the Borough just not having any, if it's that black and white due to the law, then she would choose no signs. Mr. Cuteri questioned if her objection was to the signs or the graffiti and vandalism of the signs. Ms. Good stated it was the signs, she just didn't feel they're appropriate for the neighborhood.

Mr. Skerlong also added that it was to his understanding that ACHORD park has a prohibition on political signs, they allow community signs based that they are approved by the board. He also heard that in other municipalities as well. Moving forward, that something to take a look at. Also, to have restrictions of signs and placement.

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Mr. Vogel noted that what makes sense and what a court says can be two different things. What you're suggesting has understandable logic and as long as no one sues, you're fine. But, unfortunately under legal guidance, I wish it was clearer.

Mr. Dawley added that if Larry is talking about authorization or a permit requirement, where it has to go through an approval process and it's a non-discriminatory approval process, he didn't know why that would be prohibited by the constitution. Mr. Cuteri questioned how could it be non-discriminatory if you don't want political signs? Mr. Dawley stated you would have to allow political signs, you can regulate the size of the political signs, the origin of the political signs.

Mr. Vogel stated that is the difference, the origination, what's meant by that? Again, what happens is the courts don't see it that way, they don't see the difference between community versus political. Mr. Dawley clarified that he was speaking about the homemade signs versus the political campaign signs. Mr. Vogel stated that no, that won't go. Perhaps with how tense things were that there will be a case to shed some light on this topic.

Larry Martin at 11 Devon Lane Stated that he is a republican for 20 years here in Ben Avon Heights. He did sign the petition as he felt like there was a lack of stability that this had caused in our community. We're had a strong community that comes together and this had not been the case this year, it just got messy.

Mr. Cuteri wanted to thank all for coming to tonight's meeting and expressing your concerns. We value your opinion and we have documented your comments and they will be published in the approved meeting minutes coming up. Council will consider what you have said as well as other opinions as our responsibility to the community before we take any kind of actions that include additional and individual discussions with residents and he just wanted to thank you for your time and glad you chose to join us this month and hopes to see you again next month.

Alexis McCune added additional comment, she stated that we were in a middle of a public health crisis now, and was wondering why the council meetings are not online, not everyone can participate or some may not feel like coming into a room, particularly when 33% are not wearing facial coverings. So, why are these not online. Mr. Cuteri stated that we did have a few online in the beginning of the pandemic, it's a little difficult to conduct business remote. Mr. Stiller noted that when the county was in the red phase we met virtually, now we're currently in the yellow. Mr. Vogel stated that you're allowed to do it so we've seen elsewhere the line keeps moving, obviously if the Governor orders change than we follow. Unfortunately, whenever a lot of this stuff began there's not a clear legislation in hand. The legislation really wasn't, or Harrisburg really wasn't too willing to set up clear guidance and guidelines.

Ms. McCune also asked if it was possible to have the minutes posted sooner than later, the September minutes aren't up on the website so you're not able to attend it's really difficult to follow what's happening. Mr. Cuteri stated that the September minutes were late to be posted, but for example, tonight's minutes can't be posted until they're approved. Mr. Dismukes had a question on that, his other municipal meeting exposure, not in Ben Avon Heights, their meeting minutes are posted on the website in draft form, subject to approval. Mr. Cuteri stated he would not be in favor in doing that, he thinks it would just cause more volatility. Just make sure the minutes are right and then approve them and then publish them. There was a lot of stuff at last months meeting where we had to go back as there was a lot of discussion to add back in. I'm not in favor of that.

Mr. Dawley stated that we didn't make any changes to last months meeting. Mr. Cuteri noted that he did, he and Ms. DiNuzzo went back to the recording, that's the process of what happens before I send the draft minutes to all of council to make sure it's fairly complete and accurate. If we're going to publish the draft minutes then, we can publish what we're going to vote on, is that what you're talking about? Many council members replied yes. Mr. Cuteri stated then yes, we can do that, there's no problem in doing that. Mr. Dismukes noted that each page can be watermarked with draft.

Mr. Vogel wanted to remind all to keep in mind that in your community, minutes have to follow what was said, not congressional minutes.

- 8. Police Contract:** Mr. Cuteri informed council that there were actually 2 renewals, for the year 2021 and 2022 and he didn't see a reason not to do both of them, the two extensions would be from January 1, 2021 to December 31, 2021 and January 1, 2022 to December 31, 2022. It was set up this way so if the Borough council changed you would have stability. This year cost is 52,516, next year is 52,594 and then it goes up to 53,997 for the 5th year. Mr. Dismukes added it was just over 1%. **A motion was made by Mr. Brown to accept and approve the 4th and 5th year police contract extension. Mr. Stiller seconds the motion. The motion passed unanimously.** Mr. Dismukes stated he would reach out to Ohio Township on the Boroughs behalf.
- 9. Zoning applications:** For the month of October there was one submission: 25 Oxford to replace block windows with an egress window kit, this was also approved. Mr. Mihalko questioned if there was an active permit for 24 Banbury, he believed to be the address ad they've been doing a lot of work over at the property. Ms. DiNuzzo confirmed that they applied for and were approve a zoning application. Mr. Mihalko stated he believed they were digging a foundation. Mr. Cuteri suggested Mr. DiNuzzo reach out to the building inspectors to see if they had taken the next steps in applying for a building permit.
- 10. Local Governments:** Mr. Dismukes stated that this could either be a short discussion or longer, longer in the terms as if we have discussions. The council of governments is really not sure how to characterize it, call it as a inter municipal political entity, stays in the tune with example, with the development issues they're having on route 65, and planning into the future. I also know that they've been able to apply their collective efforts to get, I have been told, better rates for salt, better rates for paving, maybe. I have always wondered since I've been on council, why we have not been a member of the council of governments, the majority of our neighboring boroughs are. Mr. Cuteri stated that his understanding is we get the benefit of this perk because Avalon buys salt through the COG, since we buy all of our services, fire, police and all that, it didn't seem like there was much value to us, it's 2,000.00 to be a member, I don't know what else. Mr. Dismukes stated that we could use that to repair a few pot holes too. Mr. Cuteri stated that he didn't know if it's as beneficial to us as the bigger municipalities. Mr. Dawley raised the question of what type of time commitment does it involve? Ms. Dismukes stated as much as you would like to give it. Mr. Stiller raised the question if Avalon was a member? And if so, they get their price through the COG and we're subcontracting through them? Mr. Cuteri stated that we already get the benefits through Avalon. Mr. Dismukes stated that he was not advocating for membership, he thinks it should be brought up from time to time so we can evaluate weather we're in or out. It was decided we would keep the membership on the Maory council but let the COG lapse to save the money in the budget.
- 11. 2021 Preliminary Budget Discussion:** Mr. Cuteri sent council a preliminary draft to council of the budget so council could start the dialogue. Most council members are available to 19th of November for a meeting, he'll also add video as an option. Ms. DiNuzzo is waiting for confirmation from Shannopin on space availability. Mr. Cuteri stated that will all of the politics we forgot about the budget meeting, as we did have our 5-year budget meeting a few months ago. Mr. Brown stated that we could at least have a general conversation about the budget. Mr. Dawley questioned if this was just a continuation of the discussion, we had this summer or are there changes. Mr. Cuteri stated that he put in budget numbers as a draft, as a starting point.

Mr. Vogel added that council needs to pass a budget by the end of the year. The next voting meeting is December 8th, before council leaves the meeting space, council will need to make a motion to authorize advertising for the proposed budget and tax levy. The key is council pretty much needs to have the ad run 10 days before council actually passes the budget. He wasn't certain on the lead time the citizen needs. Ms. DiNuzzo stated that if you need something published in the citizen which runs on a Friday, you need to submit no later than that Wednesday at noon. Mr. Vogel stated that on the 19th if you somehow agreed on a budget, then you could get it in to the citizen and have just enough time. Mr. Radcliffe stated

that he felt very few people look at the citizen anymore and he understands that you have to have a publication of record, which makes sense but, could we also use the Ben Avon Heights site to show the documents we're putting in the citizen. Mr. Cuteri noted that we put the budget on the website. Mr. Brown questioned if that counted as advertising. Mr. Cuteri stated that no it wouldn't count as advertising; you can do it as an addition to the citizen. Mr. Stiller questioned if we posted the budget on our website. Mr. Cuteri stated that we do not publish our budget in the excel file but we publish the high-level budgets. Mr. Stiller also noted that that includes the tax and millage.

Mr. Stiller questioned if the road work that we voted on reflected in the spread sheet, plus what the quote would be as well? Mr. Cuteri stated that he put 35,700 there for engineering in this budget right now. The light green on the spread sheet means it's in contract, for example, leaf pick up, park clean up. Mr. Brown questioned if we were ready to start discussing the budget? He stated that we should start with the basics: income. The millage reduced to 311 i have a hard time believing real estate tax is going to go down significantly. Mr. Cuteri noted that the millage we would change, we were looking at trying to reduce our millage, that was our goal. Mr. Brown stated that if you just look at the total expenditures, the income line is at 246, we are running a significant deficit.

Mr. Cuteri noted that he adjusted the spending side, not the income side, so these numbers are all wrong. He had to move the columns over, and didn't go back and check everything. Some of those expenditures include the sidewalks. 200,000 a year for rep-paving, for the next 4 years, so that tells you what we have to cut from the budget. Mrs. Neunder questioned if the budget stated the millage was lowered? Mr. Cuteri stated that yes, the income side, you'll noticed we reduced the millage. He also stated that the Columbia Gas number us from last year, we need to zero that out, that shouldn't be an expense. Mr. Brown questioned, when you did the budget, what were the big deltas from the current budget, that's what we really should be looking at. Mr. Cuteri stated that we start dropping the millage after 2022, that's a game changer, the expense side is really the road work, which we're spending 200,000 a year.

Mrs. Neunder questioned if we did any in 2020. Mr. Cuteri stated that in 2020 we completed the Columbia Gas work, this year we're going to do those things, I put 75,000 and you'll see the next 4 years I just put 200,000 per year because I thought if we're doing all this sidewalk and curbing it should be about that much, each year, that the big delta. Another delta in a couple of years will be the tennis courts and that's going to be 15,000 or so. Mr. Stiller questioned if that is kind of the main strategic discussion down the road, lowering the millage versus the cost of curbs, sidewalks and paving? Because we all know how expensive the road project is.

Mr. Cuteri stated that when we were discussing curbs and sidewalk cost, we were also trying to reduce the millage. We had raised the millage to pave the roads because of the consent decree. We put over \$750,000 dollars complying with the consent decree order, so we couldn't do our roads, so we borrowed money to do our roads, so we had to raise the millage to pay for that. We have had a goal of getting back to a lower tax base if we could. Because we're higher than we've traditionally been. If we don't need the money, we shouldn't be taxing the residents.

The other goal is to get our reserve to 500,000 which we could be there after next year. Mr. Brown noted that Mr. Cuteri stated earlier that we needed to move 128,000 back into the reserve. Ms. DiNuzzo confirmed this transfer has not happened yet and we will discuss with the accountant. Mr. Dismukes stated that the reserve amount was established 10-15 years ago and questioned if it was sufficient in today's world or should it be raised to \$750,000 dollars for example. I think we should have that discussion. Mr. Cuteri stated that to his recollection the reserve account only had to be at 350-400,000 but that was 15 years ago. Construction costs double every 10-20 years. Mr. Stiller questioned if there was a standard based on the worth of the community, or a formula. Mr. Cuteri stated that we use the reserve fund when the road collapsed on Cambridge. That was about 200,000 repair job that we had to pay out of pocket until the emergency relief funds arrived. Then we use that from time to time to offset unexpected expenditures.

Mr. Brown stated that if you just look at the money we have, so we have roughly a million in all of our funds combined. My understanding is we're not allowed to touch the sewage fund, so essentially you can

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run a deficit of 300,000, right? Mr. Cuteri noted that our monthly expenses are about 20,000 or so. Mr. Brown then stated that now looking at 300,000 it can either grow or decrease based upon your budget. Over no circumstance over 5 years can we have more than 300,000. Otherwise we have to dip into our reserve. So we should consider that when we consider our budget if that mean that we have to decrease to 200,000 each year, to make sure the deficit amount is only say 50,000 a year, maybe that's a better course of action I think we should think big picture and not what we want. Me. Cuteri questioned where these numbers were coming from for the general fund. Mr. Brown stated that if you look at the detail at the very top it says 392 and then if you look – Mr. Cuteri chimed in that that was the ending balance, that's the register balance.

Mrs. Neunder raised the question if we were paying a high interest rate on the loans. Mr. Stiller stated that no, we were paying 0.4%. Mr. Cuteri noted that once we get this first phase of work, we'll have some bid numbers to look at. The we can budget more effectively for the rest of the curb and sidewalk. Mr. Stiller stated that after 2022 there's only one outstanding loan. There's one we paid off this year, there's two more coming up in 2022 and the final loan in 2026. Mr. Cuteri noted the payments decrease each year, which helps us with expenditures. Because our general fund is so high, he believes we can eliminate the deficit for this coming year. We want to get the roadwork done and still be in good shape for the following years.

Mr. Dismuke's chimed in that we should not forget that there is a strategic issue with the Borough maintaining some debit. Because municipalities are capped at what they're allowed to borrow. Which is the discussion Mr. Dismukes and Mr. Cuteri had on the wet weather project, and sort of ended up in debit is good, because then the state is going to have to do something with us to address are ability to raise more money if we get a huge bill for the wet weather project for example if we're tapped out. Mr. Cuteri stated that he thought that by having the sewage fund would remediate that problem. Mr. Cuteri does not want to borrow money, just to borrow money. Mr. Brown stated that he didn't think that they needed to go into detail on every line item but he did think that all needed to focus on the surplus minus the deficit and make sure it's over the 5 year period no more than 200,000. Mr. Dawley added that then there are two variables, one is the curbs and sidewalks, and the other variable is if we change the millage.

Mrs. Nuender asked the question whether council was taking into consideration the number of people in the community that were laid off due to Covid and then were not getting their 1% income, are we counting for this at all? Is there any way to project this? Mr. Dismukes stated that there would be a reduction in the EIT. Mr. Brown noted that if you look, we're tracking as we should. Mr. Cuteri stated that the next big thing is to look at our expenditures; he looked at the accounting and we had budgeted 12,000 instead of 10,000, it's been less than we thought, we're going to do a little more work since we're trying to get this alignment between the QuickBooks and our budgeting, everything else has pretty much stayed the same. Mrs. Neunder questioned if we had taken into account the crossing guards working double the amount. Mr. Cuteri noted that he did increase the budget on it, and the payroll taxes.

Mr. Radcliffe asked as far as line 451 community green space is concerned, Walt's landscaping is on the low side from what they really are, and there are some things we need to do, so basically, we're in at 21,000 for 2021 and to get things done and maintained. Mr. Brown noted that Mr. Radcliffe did a really great job this past year with budgeting. Mr. Cuteri asked if they could go over the numbers: park and safety is at 1,500. Mr. Radcliffe would like to increase that to 2,500 as the park needs new wood chips. Mrs. Neunder raised a question, she stated that she remembered it was approved last year for the purchase of a handicap swing for the park. Mr. Radcliffe responded that it was discussed last year but nothing has been done. Mrs. Neunder asked if she could share quotes for a swing and Mr. Radcliffe responded sure. Mr. Radcliffe stated that 10,000 for leave collection is fine, the leaf dumping fee – Mr. Cuteri chimed in that that is on a per truck basis, the 4-line items being discussed are contractual, we left it the same this year. Mr. Radcliffe responded that the problem is we're figuring about 1,000 for leaf dumping and the actual number is 3,250 totals from last year and we're probably on schedule for this year. He also stated that Walt's leaf collection in the spring is fine, the park cleans up should be at 4,280 because his lawn cutting could be up to 30 lawn cuttings a year plus shrub cutting.

Pickle ball court maintenance, 2,000 is needed because we get the tennis court cleaned every year and they re-paint it. The painting we pay for is spot re-pair. Mr. Cuteri noted that in two years out he put in for the resurfacing of the tennis courts. Mr. Radcliffe also stated that he feels we're at the point where we

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should have the asphalt re-sealed. One of the problems the surface doesn't seem to be holding the sealer. There was some discussion among council as to when the last time the asphalt was resurfaced, no clear answer. Mr. Brown appreciated the detail the Mr. Radcliffe was going into but he suggested just submitting the numbers to Mr. Cuteri so he can go ahead and put them in. Mrs. Nuender asked if we could put in a firepit at the old dumping site and rent it out for revenue. Many council members said no. Mrs. Neunder also asked why the baseball field was no longer a baseball field. Mr. Radcliffe stated it's really not used for the purpose anymore.

Mr. Stiller had a question on the zoning, he wanted to know what the next step would be. Mr. Cuteri stated that he was waiting for council members to give him comments back from the latest version. Mr. Stiller also had a question on the sign discussion. He questioned if we should make it an agenda item for next time so we can deliberate in front for the public so we can discuss the next course of action. Mr. Cuteri stated that we can deliberate when we discuss the zoning ordinance as that's part of the zoning ordinance.

Mr. Brown also raised a question; that given the fact that we had a citizen who went around and got 60 signatures for a petition, would it behoove us as council to send out a survey with that simple question with a yes or no. Mr. Cuteri responded that he did not think it's a public opinion issue. Mr. Brown stated but every citizen has the right to vote. Mr. Mihalko spoke up, everyone has been making comments about these signs, but these candidates that are running for office their people come over and they stick their signs in the grass, that's not the community doing that. On voting day, all the signs ended up being ripped down at the park and Mr. Mihalko put every sign back up for both parties. It's really sad that someone just went over there and ripped them off the fence. Mr. Brown added that the political parties were not putting up the homemade signs.

Mrs. Neunder had a question for council, that Larry hand picked 30 people to email, and she understands Jason's point in having the entire community to get a chance to voice their concern. Because we were not asked and I had people approach me and say, I was basically forced to sign this, I didn't want to but he wouldn't stop. Mr. Stiller then responded with a question, so we're trying to undermined the legitimacy of a petition? Mr. Dawley asked if he had a gun? Mrs. Neunder responded it was a female actually.

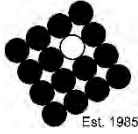
Mr. Cuteri stated that it isn't the signs, it's the people, the people are the problem. Getting rid of the signs is not going to get rid of the problem. People have the right to express their opinions they have the right to be in the public square, I don't understand how we can sit here and think we can regulate that.

Mr. Dawley chimed in that we can make that decision; we can choose as a body. Mr. Brown also added that he feels everyone should be allowed their opinion and their own voice and they should put it in their own yard. Mr. Cuteri stated that he has a right to go to any public square and make a speech. We can't just look at this as what concerns us individually. Mr. Dawley chimed in that it's a safety hazard. Mr. Cuteri stated that it is not a safety hazard. Mr. Stiller raised the question that he thought there was a police report from the crossing guard. Mr. Cuteri stated that no, she was unhappy about the signs there was no safety hazard. Mr. DiNuzzo did note that for the month of November, so it was not reported this month, the crossing guard did inform her that she did call the police and it was over the signs at the park. We'll have to revisit this in December. Ms. DiNuzzo then went into more detail of the said event which was the driver ran over a cone a dragged it down the street, once the driver stopped, she said she was looking at the signs. Mrs. Neunder claims the same type of event happened when there were no signs. We can discuss with the Chief when we get a report on what happened. **Mr. Brown moved that we adjourn the meeting. Mr. Mihalko seconds.** Meeting is adjourn.

12. Executive session: there was no executive session, the meeting ended at 8:38pm

The next scheduled meeting is December 8th 2020, at 7pm at Avalon Volunteer Fire Hall.

Jessica DiNuzzo, Secretary



MEMO

Lennon, Smith, Souleret Engineering, Inc.

Civil Engineers and Surveyors
846 Fourth Avenue, Coraopolis, PA 15108
(412) 264-4400 • (412) 264-1200 Fax
info@lsse.com • www.lsse.com

TO: Ben Avon Heights Borough DATE: November 3, 2020

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

SUBJECT: **November 10, 2020
Meeting
Engineering Report**

cc:

Following is a summary of the engineering services provided since the last Engineering Report:

1. Administrative Consent Order (ACO):

COA anticipated to be released in late June. Likely a 10% reduction in flows will be incorporated into order. COA has not been issued to date. On June 16, 2020 the Borough submitted a Sewer Cap Extensions request that included 15 additional taps within Ben Avon Heights Borough.

*Borough Council approved the update to the Operations and Maintenance Plan at the May 2020 meeting. LSSE to prepare structure physical inspections as CCTV work occurs. LSSE issued RFPs for CCTV and cleaning of sanitary sewers on July 1, 2020. Work was awarded to Robinson Pipe Cleaning Company in the amount of \$39,072.50 as noted in letter dated August 13, 2020. **The Year 1 CCTV work has been completed and a digital copy of the results has been provided to LSSE. Robinson Pipe to submit hard copies of the results to the Borough. LSSE is reviewing the videos and will provide a summary report to the Borough of the defects that will need to be addressed.***

2. MS4 Permit:

*PaDEP issued MS4 Waiver Approval letter on April 24, 2018. **Next permit cycle is September of 2022.***

3. Long Term Road, Sidewalk and Curb Plan

LSSE to meet with Road Committee and walk the roadways and develop an updated Opinion of Probable Construction Cost by street. LSSE performed walkthrough with the Borough on August 24, 2020. LSSE provided 5-Year Road Plan and Opinion of Probable Costs to Borough for review.

4. 2021 Roadway Improvement Program

LSSE provided Service Order Authorization for Borough's review on October 26, 2020. Base Bid to include Stratford (Clovelly to Biddeford); the Add Alternates to include Devon (Pennhurst to Wilson), and Kent (Wilson to Dead End); and rolled curbs for three roads listed.

Re: Minutes for October 13 BAH Council Meeting

Last month at the October 13 BAH Council Meeting, my Facebook Group Page "Ben Avon Heights Centennial- 100 years", was criticized by several residents in front of Council. In spite of the fact that this Group Page is managed by me personally and is not under the purview of the Borough or Council, the complaints were raised and discussed at the Council meeting and are now memorialized in the minutes from that meeting. Since I was unaware of the organized group and unable to defend myself at the meeting last month, I'd like the opportunity tonight to clear both my name and the Facebook Group Page that I manage. The accusations made by Hope Lucas, in particular, last month were blatantly false and unsubstantiated.

Since the Centennial Page's inception in 2012, there was never any pretense by me or the Borough Council that the Page was an official social media site for Ben Avon Heights. In fact, EVERY post on this Group Page is identified and has always been identified as "published by Betsy Smyth Radcliffe" - my full name that I use on my personal Facebook post.

Since 2012, I have shared pictures and notices about the community that I personally have felt would be of interest to former and current residents. The October 10th post, entitled, "Sad to report that free speech is under attack" was a photo collage of political signs at the BAH Park and at the bottom of the hill, vandalized with BLM (Black Lives Matter) letters, and a statement that BLM = Anti-Free Speech, indicating who vandalized the signs.

During the discussion at the Council meeting on October 13, Ben Avon Heights resident Hope Lucas not only made several false claims about the post, but also maligned my character by accusing me of making racist comments in a setting where I was not present to defend myself and where the conversation was recorded for the meeting minutes.

After learning that night about the accusations, I emailed Hope Lucas immediately, with copies to all of the Council members and most of the other attendees at the meeting. I challenged Hope to provide proof of any and all of her accusations, which are now memorialized in the Council minutes - that "that people were referred to as Nazis"; and that I had called HER "a Nazi or fascist" ("I didn't like being called a Nazi or fascist").

After I exchanged several emails with her between October 13-15 asking for proof of these slanderous accusations, she was unable to provide any substantiation, because there is none. Nowhere on my Group Page for the October 10th post or ANY posts before or since were the words Nazi or fascist written by me or anyone else engaged in the comment section.

It is important to me that this statement be included in tonight's minutes to set the record straight that Hope Lucas' offensive claims made at the October 13th Council meeting against me and the Facebook Group page are unsupported by any truth or evidence.

Petition to Ben Avon Heights Borough Council

We, the undersigned residents of Ben Avon Heights, in the interest of maintaining our BAH Community Park as an apolitical BAH community recreational resource, petition our elected Borough Council to amend the relevant Borough Ordinance to prohibit the placement of all signage at the BAH Community Park. This amended Ordinance is intended to prohibit the placement of any and all signs on Park property including property within the fence, on the fence and on the adjacent property outside the fence.

While the preference of the undersigned would be to only prohibit the placement of political signs, we understand that the Borough cannot discriminate regarding the nature and content of posted signs and, therefore, request that the Ordinance prohibit the posting of all signs on the Community Park property.

Dated: 11/10/2020

Banbury

#9 Von Lehman/Hudson
#19 Liska
#11 Berardi
#24 Wolfe-Izzo
#5 Nedwidek
#17 Brightman

Biddeford

#12 Kramer
#7 Schneider

Briar Cliff

#5 Burgun
#9 Hebert
#11 Bolam
#7 Weir
#17 Opalko/Pfister
#25 Neubieser

Cambridge

#19 Cregan

Canterbury

#1 Bechtold
#5 Plakida/Mosey
#9 Colaianni
#11 Whitcraft/Angelli
#17 Eadie
#19 Michelle Dawley

Clovelly

#10 Hasdalen
#12 Schleis
#16 Lucas
#22 Susan Dismukes
#35 Martin

Devon

#10 Wendy
#11 Martin/Wensel
#15 Phillis/Power
#21 Lope

Lynton

#6 Raves

New Brighton

#4 Corcoran/Griffith
#11 Wallis
#17 Everly
#15 Barber
#21 Anna Stiller
#22 Pacione

Newgate

#51 Hulm

Oxford

#1 Scrabis
#4 Isherwood
#5 Busatto
#6 Hustert
#7 Culley
#11 Fary
#17 Hickman
#14 Secosky
#24 Mindy Cropper
#26 Fontana

Penhurst

#4 Klimchak
#9 Miller
#1 Prezgay
#15 Thompson

Stratford

#1 Skerlong
#13 Gould
#15 Stragar
#10 Kokoski

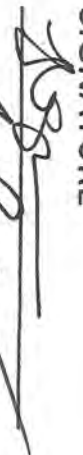



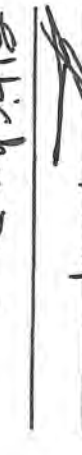







Wilson

#4 Rovitto
#15 Daniels

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NAME	STREET ADDRESS	SIGNATURE	DATE
Leigh Colley	7 Oxford		11/8/20
Jim Colley	7 Oxford		11/8/20
Beetley	11 Oxford		11/8/20
Jenna Fry	11 Oxford		11/8/20
Nindy Cropper	21 Oxford		11/8/20
Mia Fauthin	26 Oxford		11/8/20
Rich Mackinn	17 Oxford		11/8/20
Smily Mackinn	17 Oxford		11/8/20
Al Secosky	14 Oxford		11/8/20
Matthew Secosky	14 Oxford		11/8/20
Kristin Schleit	12 Cleavelly		11/8/20
Jenni Wolfe	24 Barbary Lane		11/8/20

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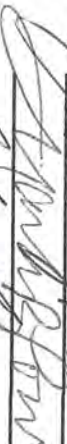









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NAME	STREET ADDRESS	SIGNATURE	DATE
Trevi's Evers	17 New Brighton		11/6/20
Sheron Wallace	11 New Brighton Rd		11/6/20
Rob Wallace	11 New Brighton Rd		11-6-20
Tim Cozzani	4 New Brighton Rd		11/7/2020
Justin Griffith	4 New Brighton Rd		11/7/20
Micahel Rovitto	1 Wilson Dr.		11/7/2020
Jamett L. Barber	15 New Brighton Rd		11/7/2020
Spencer J. Clemick	4 Penhurst Rd.		11/7/2020
Gene DiCimino	4 Penhurst Rd.		11/7/2020
David David	10 Devon Lane		11/7/2020
Katy Miller	9 Penhurst Rd		11/8/2020
Alan C Miller	9 Penhurst Rd.		11/8/2020

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NAME	STREET ADDRESS	SIGNATURE	DATE
MATTHEW J. WEINSEL	11 DEVON LN		11-4-20
LAURENCE J. MARTIN	11 DEVON LN		November 4 2020
MARK R. POWEL	15 DEVON LANE		November 4, 2020
MARK T. RULLS	15 DEVON LN		11-4-2020
ANNA B. SHILLER	21 NEW BRIGHAM RD.		11/4/20
STEWART D. SHILLER	21 NEW BRIGHAM RD.		11/5/20
CHRIS PRIGONE	22 NEW BELLEVUE RD		11/5/20
JEANIFER PACIONE	22 NEW BRIGHAM RD.		11/5/20
KATHY SORBOIS	1 OXFORD RD		11/5/20
DAN SCARBIS	1 OXFORD RD		11/5/20
Denise Rouse	6 Lynton LA		11/5/20
Lea Ann Lope	21 Devon lane		11/6/20

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NAME	STREET ADDRESS	SIGNATURE	DATE
John Bechtold	1 Spitzerbury		11/7/20
Rebeck Bechtold	1 Spitzerbury		11/7/20
Jim Floridis	8 Spitzerbury		11/7/2020
John Moscy	9 Spitzerbury		11/7/2020
Phyllis Poliani	9 Spitzerbury		11-7-20
Nichole Schmitt	9 Spitzerbury		11/7/20
Josh Wutzbach	11 Spitzerbury		11/7/20
S. Angellelli	11 Spitzerbury		11/7/20
Michelle Druddy	19 Spitzerbury		11/9/20
Zoe Endicott	17 Spitzerbury		11/7/2020
Christy Bisatta	5 Oxford Road		11/7/2020

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NAME	STREET ADDRESS	SIGNATURE	DATE
Andy Sister	17 Briar Cliff		11/7/20
Jessie Opalko Sister	17 Briar Cliff		11/7/2020
Pat Bohm	11 Briar Cliff		11/7/2020
Nancy Bohm	11 Briar Cliff		11/7/2020
Robert	9 Briar Cliff		11/7/2020
Virginia Webster	9 Briar Cliff		11/7/2020
Brehael Weir	7 Briar Cliff		11/7/2020
Elizabeth Weir	7 Briar Cliff		11/7/2020
Daniel Bohm	5 Briar Cliff		11-7-2020
Emily Cain	5 Briar Cliff		11-7-2020
MARA Weir	19 Cambridge		11-7-2020

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NAME	STREET ADDRESS	SIGNATURE	DATE
KATHY VAN LEHMAN	9 B BROADBURY		11-8-2020
SUZAN HUDSON	9 B BROADBURY		11-8-2020
JENNIE LISKA	19 B BROADBURY		11-9-2020
PAMULA LISKA	19 B BROADBURY		11-9-2020
GILL B. CARADI	11 B BROADBURY		11-8-20
RICHY BERNARDI	11 B BROADBURY		11-8-20
MIKE RICHARDS	210 B BROADBURY		11-8-2020
LYZ RICHARDS	210 B BROADBURY		11/8/20
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
KATHY BERNARDI	4 OXFORD		11-8-20
SUSAN SCHNEIDER	7 Biddsford		11-8-20

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NAME	STREET ADDRESS	SIGNATURE	DATE
Ken Gould	13 Stratford		11/7/20
Ed Gould	13 Stratford		11-7-20
Kelly Kovoski	10 Stratford		11-7-20
Don Kovoski	10 Stratford		11-7-20
Patricia Straker	15 Stratford		11-7-20
Steve Straker	15 Stratford		11/7/20
Chris Stralona	1 Stratford		11/7/20
Larry Stralona	1 Stratford		11/5/20
John Wilm	51 Newgate		11/7/2020

on other list

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NAME	STREET ADDRESS	SIGNATURE	DATE
Kate Westdalen	10 Slovella	<i>Kate Westdalen</i>	11/7/2020
Ron Westdalen	10 Slovella	<i>Ron Westdalen</i>	11-7-2020
Hops Locks	16 Slovella	<i>Hops Locks</i>	11-7-2020
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Linda Martin	25 Slovella	<i>Linda Martin</i>	11-7-2020
Paul Martin	25 Slovella	<i>Paul Martin</i>	11-7-2020
Susan D Swikes	22 Slovella	<i>Susan D Swikes</i>	11-7-2020
Kristin Schless	12 Slovella	<i>Kristin Schless</i>	
David W. Schless	12 Slovella	<i>David W. Schless</i>	11-7-2020

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NAME	STREET ADDRESS	SIGNATURE	DATE
<i>Pat Lope</i>	<i>21 Devon Ln</i>	<i>[Signature]</i>	<i>11/17/2020</i>
<i>Scott Stezo</i>	<i>24 Barbury</i>	<i>[Signature]</i>	<i>11/7/2020</i>
<i>Robert Thompson</i>	<i>15 Barstow</i>	<i>[Signature]</i>	<i>11/09/2020</i>
<i>David Prezgay</i>	<i>1 Penhurst Rd</i>	<i>[Signature]</i>	<i>11/9/2020</i>
<i>Dore Daniels</i>	<i>15 Wilson</i>	<i>Signed below</i>	
<i>Kati Neudresser</i>	<i>25 Briar Cliff</i>	<i>[Signature]</i>	<i>11/10/20</i>

