



**Borough of Ben Avon Heights**

**Tuesday, April 13, 2021 - Council Meeting Minutes**

A quorum is in attendance

**Present:**

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

Mayor: Dismukes

Solicitor: Vogel, Tucker Arensberg

OTPD: Chief Hanny

Fire:

Secretary: DiNuzzo

Residents: Joe Dawley

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

- 1. Approval of March meeting minutes: A motion was made by Mr. Radcliffe to approve the meeting minutes. Mr. Stiller seconds the motion. The motion passed unanimously.**
- 2. Approval of February financials: A motion was made by Mr. Brown to approve the January financials. Mr. Radcliffe seconds the motion.** Mr. Stiller noticed that the Borough was trending high for crossing guards and wondered if this would continue for the rest of the school year. Mr. Cuteri reminded Mr. Stiller that we are ahead due to the Covid schedule with Avonworth School district, but they did go back full time as of this week; hours will return to normal. Mr. Stiller also wondered if we should have the amended budget included in the financials. Mr. Cuteri stated that once we have the agreements signed, we will have the accountant include this information. **The motion passed unanimously.**
- 3. Fire Report:** Fire representation at the meeting as Fire had been called to two different calls right before the meeting began.
- 4. Police Report:** For the month of March there was an emergency vehicle accident where the driver went to swerve to miss hitting an animal in the road and the car ran into the park fence. There was one call out for bad weather, and 85 routine patrols. The road detour has increased traffic in the area, Chief has requested officers increase their patrols in the area while the detour continues for the next 4-6 weeks.
  - a. Vehicle accident in park:** A young lady swerved to miss hitting a rabbit in the road, and ended up hitting the fence and wall of the tennis court. The police have all of the driver's information in case there is damage. It was also noted that the TruGreen lawn guy forgot he put the pole back in and backed into it as he tried to exit the park. The pole has already been replaced.
  - b. Untagged vehicle in yard:** There were two complaints for a vehicle parked in the resident's driveway of 6 Stratford. The officer stopped and spoke with the owner's son who were currently doing work inside the house preparing it to sell, and they felt having a car in the driveway made it appear as if someone was there. The second call was similar. The question for the police was does the Borough have an ordinance against abandoned vehicles, which they do not; it would then fall back to the State and the State does not have anything that would cover private property. After much discussion amongst council, Chief Hanny will forward Neville Island and Emsworths ordinances which cover abandoned vehicles to Ms. DiNuzzo for council and the Borough solicitor to review. Further discussion of an ordinance to cover this topic will be discussed at a future meeting.

**5. Engineers Report:**

- a. **Copy of April 7, 2021 Report is attached**
- b. **2021 sewer line repair budget and cctv report:** LSEE reported that they do not have the updated consent order, but possibly by next meeting. They contacted Robinson pipe for the CCTV work, and they are waiting to hear back on the schedule from them.
- c. **Road repair contracts and schedule work:** The road program contracts are here for signature, as soon as they are signed, LSSE will schedule a pre-construction meeting w/contractor and get the schedule from them.
- d. **Shannopin developer's agreement:** Shannopin country club had sent over their developers' agreement for their fitness center to the Borough office for signature. After sending to the Borough solicitor to review, the Borough was made aware that LSSE had not reviewed the plans for this project. Ms. DiNuzzo transmitted the blue prints to LSSE at the meeting and will supply any other documentation LSSE needs while this agreement awaits the Boroughs signature. Further discussion of this will be tabled for our May meeting when LSSE has had time to review the documentation. Mr. Heyl also noted this will be the first developer's agreement the Borough has and the Borough does not have an MS4 permit yet, but under the ordinance we adopted there's a fee for annual inspection. All storm water facilities within your community, the municipality is responsible to inspect at least once a year to make sure they're operating properly. This is something the Borough will have to develop once the facility is complete.

**6. Public Comment: Public Comment:** Joe Dawley requested to speak as a public comment: " The annual trash pickup along Ben Avon Heights Road, the family who oversees that would like to resume, I don't know if it needs councils blessing or not. I know Mr. Cuteri doesn't agree with this but the community organizations, community club, in the past relied on and had been granted access to the distribution list from the Borough and that suddenly stopped. Mr. Cuteri responded, that we have ever made access to the Borough distribution list. Mr. Dawley replied it has. Because my wife has been in charge of the community club for many years and always whether it was Denise or Jessica, so without the ability to communicate with the community, either through the Borough secretary or getting access to the email list, we can't do anything. Because we're not going to sit around and create emails lists, that too much time, too much or a burden. So, I would like to have a little discussion amongst ourselves, how can we get an email list that enables the trash pickup, Easter egg hunt, for those folks to communicate. Without having to go one by one, to make an email list, it's a great burden. Jason Brown responded that there are a few ways to do that, one you already have a Borough list it gets sent to you about every year with people's email addresses on there, make your own. Second, ask the Borough secretary to send the notification out. Third, start a twitter feed and tag the Borough.

Mr. Cuteri interrupted, let me clarify, something. When we went under Covid, the Borough Council decided the Borough would not sponsor these types of activities. Council Agreed to that. This is only until Covid is over and after that they can send the information to Jessica to distribute, that's it. We have the email to communicate Borough business, that's what we do. It's inconvenient I know; I don't think it's appropriate for the Borough to hand out everyone's email address, that list is provided to the Borough for Borough Business we have no authorization to allow third parties to use it. Mr. Stiller interrupted, so just to be clear, once Covid is over. Mr. Cuteri said; we'll do exactly what we've always done. Mr. Cuteri said that we talked about this last year. There are liability issues and no consistency on any information on Covid. Why would we expose ourselves to that? Don't we have a Facebook page where people can post this on? Mr. Stiller responded that yes, we do have a Facebook page. Mr. Cuteri restated that that's what we agreed to last year. Because by sponsoring these events if we're not enforcing precautions for Covid, we could be liable. I don't know if that's true, but that was the concern. Mr. Vogel also noted that legally I understand your point you don't want to be putting something out as a Borough that's in violation of State rules on social distancing. Mr. Dawley stated that he misunderstood that. It seemed like it was a done deal forever.

**7. Hazard Mitigation Resolution: A motion was made by Mr. Radcliffe to adopt the Resolution 2021-01 Ben Avon Heights Hazard Mitigation Resolution. Mr. Stiller seconds the motion. Three opposed, majority ruled and motion passed.**

**8. EIT Tax Deferral:** Mr. Dismukes noted this as a draft document. Mr. Stiller questioned if a resolution needed to be made for this. Mr. Cuteri questioned what keystones position on this was. Mr. Vogel stated no resolution is needed and their position is that they're being compelled by the State to keep the due date

when it is, or the 17<sup>th</sup> of May and legislation must authorize this. Mr. Brown feels what they are suggesting is reasonable as he feels any average citizen would believe taxes are not due until the 17<sup>th</sup>. Mr. Cuteri questioned if there is any legal jeopardy for us if we allow people and don't penalize since the law has not changed per the legislature. Mr. Vogel suggested the Borough would make a motion to authorize Keystone on behalf of the Borough to extend the filing deadline to May 17<sup>th</sup>, 2021. **A motion was made by Mr. Brown to authorize Keystone on behalf of the Borough to extend the filing deadline to May 17<sup>th</sup>, 2021. Mr. Stiller seconds the motion. The motion passed unanimously.**

- 9. Borough Street Signage Update & Greenspaces:** Mr. Radcliffe updated council on this project. He stated that Avalon reviewed signage in the Borough and will submit their estimate on this project and the Borough can move forward on the project either all at once or in pieces depending on the cost. Mr. Cuteri raised the question on the time length on this project, he was under the impression this was to be done over three years. Mr. Stiller stated that the Borough had \$10,000 put aside for this project last year, and he did not think we used it. But if the signs are in, did they go against 2020's budget or 2021? Ms. DiNuzzo confirmed the signs ordered last year went against the 2020 budget. Mr. Radcliffe hopes to have the estimate for our next meeting.

The second item Mr. Radcliffe had was that the backboards at the park are rusted, his plan was to replace one with a fiberglass one. His question to council was do they think we need to keep the second one as it has no hoop. He suggested taking that one down. The history as to why there is no second hoop as there were games being scheduled all weekend by outside residents from all over as well as graffiti. Mr. Radcliffe has spoken with a few fencing companies on getting an estimate on getting the fence and backboard taken down. Mr. Cuteri suggested a second playground with ADA compliant equipment could be put in that new open space. Mr. Stiller questioned how involved the community was in the last playground installation. Mr. Cuteri stated the community was very involved, a group of mothers went out and researched play structures and presented to council. Mr. Stiller stated he felt it would be great to get the community involved in this project like the last one. Mr. Cuteri suggested that Mr. Radcliffe reach out to Mrs. Neunder as she was very passionate about this in the past.

- 10. Set Date for Final Zoning Ordinance Draft Approval:** Council agreed to meet May 6<sup>th</sup>, 2021 at 7pm at Shannopin Country Club. Ms. DiNuzzo will advertise in The Citizen.
- 11. Verizon Agreement:** Mr. Vogel has no updates on this for us.
- 12. 2020 Annual Report:** Council reviewed and had no additional updates to add. Mr. Brown will post this on our website. He did remind us that this is a public website and to be mindful of not posting personal information. Ms. DiNuzzo noted that she noticed in past reports the new residents' addresses were also listed, she took their addresses out as she knew this would be on our website.
- 13. Zoning applications:** For the month of March there was one application at 7 New Brighton to remove the existing retaining walls in the back and front, and build new retaining walls with correct backfill. This was approved by the zoning officer.
- 14. Executive session:** There will be no executive session this evening.

Meeting ended at 8:12 pm

The next scheduled meeting is May 11<sup>th</sup>, 2021 at 7:00 pm at Shannopin Country Club

Jessica DiNuzzo, Secretary