



**Borough of Ben Avon Heights**

**Tuesday, August 10<sup>th</sup>, 2021 - Council Meeting Minutes**

A quorum is in attendance

**Present:**

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

Mayor: Dismukes

Solicitor: Beers, Tucker Arensberg

OTPD: Chief Hanny

Fire: Chief Berie

Secretary: DiNuzzo

Residents: Lea Ann and Patrick Lope, Susann Schneider

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

- 1. Approval of July meeting minutes: A motion was made by Mr. Radcliffe to approve the July meeting minutes. Mr. Stiller seconds the motion. Motion passed unanimously.**
- 2. Approval of June financials:** Mr. Brown explained to council that they met with the accountant this afternoon to discuss the issues and questions he's had in the past with our month financial reports. At the end of the meeting, it was decided that council leads will review their section to confirm the invoices are being entered in the correct line. Ms. DiNuzzo will send invoices to the lead to review. Mr. Cuteri stated that they would table June's financials until next meeting.
- 3. Police Report:** Chief Hanny reported for the month of July that there was a total of 108 calls, 85 were routine patrols. He let council know that they had a few fraud calls, with unemployment scams high, scamming the unemployment office. A few traffic stops, 6 traffic citations, and some soliciting complaints. Chief Hanny stated that they issue the soliciting permits from his office, and there are fees for the permits which are transferred over to the Borough. The soliciting permit is name specific, not company specific. Those individuals who are on the permit do go through a background check. After these steps, some companies decide to still send whomever they want, and that individual may not have all the information they need, such as the no knock list. Chief Hanny urges residents to ask to see the individuals permit. If you're on the list, let the police know so they can let the company know of the issue. Chief Hanny did add that we have the jurisdiction to pull a company's permit, but then you do run into refunding the permit balance.
- 4. Fire Report:** Chief Berie reported for the month of July that there were no calls. He also let council know they are having another purse bash on September 11<sup>th</sup>; he'll send the information along to Ms. DiNuzzo. He also let council know they have a new member from our neighborhood. Chief also stated he was uncertain if they would be able to do their Christmas tree sales this year. He's been having a real hard time finding a wholesale tree farm available. Ms. DiNuzzo stated she may have a contact or two she'd share with Chief Berie.
- 5. Engineers Report:** LSSE reported that 3 rivers will be releasing the consent order any day now. The CCTV work is still on hold as the company's small camera is still not repaired. The road schedule program is back to work on the project but have had some issues. Concrete work should be done by the end of the week, there was an issue with the subcontractor not paying attention to his work and they went back through to fix driveways. LSSE also reported that they formally requested a schedule, and they have yet to receive this. Council asked if we could hold funds until the work was complete. Mr. Cuteri responded that we haven't paid them yet. Mrs. Neunder expressed her frustration over her pull-off area. After much discussion it was stated that the pull-off in her yard was placed after the project was bid. Mr. Heyl added if the Borough does want to

change that so it's a flushed curb, there will be a cost to that. Mr. Stiller questioned if the contractor is going to change the curb on Devon. Mr. Heyl stated they're required to change that section per the contract. Mr. Dismukes asked the Lopes who happened to attend this meeting if they would want the curb changed, because what you got is not what we contracted for. If you do not want it changed, maybe there could be an exchange for the pull off curb cut for Neunder. The Lopes state they're indifferent, and if it would help, they would be just fine with keeping it. Mr. Cuteri asked Mr. Heyl to see if the contractor will agree to this.

Mr. Mihalko stated there's a portion of road near his house on Banbury where the gas company over cut the road, but they didn't compact it properly and now the road is sinking. Mr. Cuter indicated this is an issue that should be brought to LSSE's attention.

Mr. Stiller asked if the contractor questioned the work added on Oxford. Mr. Heyl stated that it's in the contract. Mr. Stiller stated he was just trying to coordinate when to have the lines painted for the kids going back to school. Mr. Cuteri explained to Mr. Stiller to still have Avalon paint the lines regardless of the curb work so that the lines are in place for school.

- 6. Public Comment:** Lee Ann and Patrick Lope at 21 Devon Lane came to council to discuss the picnic in the park. Lee Ann stated that Michelle graciously asked us to coordinate the gathering this year and we've accumulated information from Michelle and the Faders on how it's been done in the past. We're excited to do it, because we know what a big day it is for the neighborhood. We acknowledge the tradition and the formula for how it's always been, but we have been trying to think of ways to maybe bring a little variety, and try and make it as comfortable for everyone in the face of the pandemic. So, as we were talking about it more, the idea of maybe using food trucks or a food service came up and we wanted to just get your opinion and viewpoints on it, thinking that it might be a way of making people feel more comfortable without handling a lot of food and people preparing the food with the grill and that type of thing. With that being said, we contacted a lot of food truck operators, and we haven't had a lot of success finding people that are available on September 11<sup>th</sup>, just because it's a little bit last minute. Patrick added, it's probably a moot point for this year but we thought we would just bring it up for future years, I guess. Mr. Cuteri questioned where would you envision putting the trucks if you do have them come? Lee Ann replied I think probably when you came down the path, right there. Rather than parallel to the tennis courts because I don't think there's a lot of room to get by. You know where we usually have the grille? I don't think there's a lot of space in-between that one independent fence and the tennis court fence. We're thinking about maybe just having them come down the path, between the swings and the fence.

Mrs. Neunder stated that she loves this because I don't think that people should be touching other people's food during a pandemic. Mr. Cuteri added that Mrs. Neunder keep the food truck idea in mind when you figure out the new layout for the playground area. Because you'll probably need things there for the trucks, and it might be good to have that stuff available, whether its power, or whatever, if that's going to be a future way of doing it. If you love that idea, and you want to do it, let's make it work well and safely.

Mr. Dismukes added I enjoy going down to Ben Avon on Fridays. Mrs. Lope added well that's where we got the idea, I talked to Chrissy Liberati, who has organized the food trucks, so that's where we got the list of the trucks that have been successful there. But we just haven't had a lot of luck. Mr. Brown added, I think it's a great idea.

Mt. Cuteri added one thing we should think about, it will be hard to get multiple trucks because they need to make a certain amount of money to be there so depending on your attendance; we did a food truck for a party once and there's a certain amount they need to be able to generate to make it worthwhile so. Mr. Lope responded they were quoting 600 dollars I think that they would have to make, round about 10-dollar meals so maybe 2 trucks. Mr. Cuteri added the other thing you need to do is have a plan of what you're going to do, you need to let the police and fire know what is planned as they will be up to check on things during the picnic and sleepover.

Mrs. Neunder responded I think my only question would be normally Chief Berie does something on that day for the kids or has in the past and last year for the impromptu picnic in the park, bring your own

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food thing that was kind of underground put together, they were running the hose lines for the trucks and having the kids spray the hose, so it might just be for them to coordinate how much space they need, if that's

something you guys would want to continue with, just as a don't forget about them. Mr. Stiller added I think that was the first year that they had fire with the picnic at the park though, I think that's usually been separate. Mrs. Neunder responded with a question; it is? This past year I convinced them to let the kids spray the nozzle. Which was a highlight let me tell you. It was a big hit.

Mr. Mihalko added can I say something as an alternative? I like the food truck idea, if you're having trouble with them. I'm thinking that maybe in leu of having an open buffet thing, maybe just have like brown bag sandwiches or something. You could get like 4 filet mignons and cut them in and make sliders out of them. Ms. Lope responded well that was the other thing we were thinking about was because we didn't have a lot of success with food trucks was doing something like catered or prepared. Mr. Lope added maybe catered sides and maybe still run the grille and maybe someone serving the sides? Mrs. Neunder added I mean Shannopin does luncheons all the time, maybe have them? Mr. Lope asked do you think if we keep it in the same price range that something like that might be okay? Even for this year, with catered sides? Mr. Cuteri responded, yeah, I mean the thing is if things go well and you need any coordination I would just go through Jessica and get the fire chief to look at it. But other than that, I just think if we're going to do some modifications there, because if you can't get trucks all the time and you want it catered, then maybe having some other utilities in that area for future events. So, if you want to have warming plates or whatever. Mr. Dismukes added catering may be the appropriate route this year. Ms. Lope asked do you think that maybe having it be BYOB would cut costs? Mr. Cuteri asked how do the financials usual work? Normally you have to pay 5 or 10 bucks, I guess? Mr. Lope added the last two years they spent around 500 dollars on wine and liquor. Could we take those 500 dollars and just have a keg or two of beer? Rather than getting all the bottles and things like that and the cleanup that goes along with that. Mr. Cuteri then asked I guess what I'm asking is if the picnic has paid for itself in the past. Mr. Lope responded it looks as if it's canceled out in the past. Mrs. Neunder added you could always do pizzas; you know what I mean? I mean if you're struggling this year for what to do, you know you could always hit up a couple of different pizza shops and that way it's not overwhelming on one place. Mr. Lope responded we've always liked the grille, it's always fun, we just wanted to make sure it was okay to change it up a little. Mr. Lope added the last question was there have been some confusion in the past in the wording of it by calling it the sleep over in the park, people didn't know it was a picnic, they talked about including community picnic and sleep over in the park. Mr. Cuteri replied I think it used to be called the community picnic when I first got here. Mr. Brown added, you guys are in charge. We just want to make sure it's safe, consistent with the ordinance, but you guys are in charge. Mr. Lope responded just wanted to run these ideas by council. Mrs. Neunder asked can we get like farm animals? Because I like to break the rules and we're not allowed to have farm animals, so I'd like farm animals for my kids. I have a lot of parent support if you want to petition. Mr. Cuteri responded you're just now allowed to raise animals at your house. You can have a petting zoo if you want. Mrs. Neunder added do you want to do pony rides? I have a contact for you. Mr. Cuteri added thank you for taking it on, we really appreciate it.

Mr. Cuteri asked Suzann Schneider if she had anything to say. Ms. Schneider responded it's really a moot point now because the drainpipe that Joe and I reported this morning the rigged a fix and it's not covered in gravel, so we have no idea what's going on. Mr. Cuteri asked, okay so where is the drainpipe? Ms. Schneider responded right in front of Joes house. Mr. Cuteri responded well that's all going to be replaced down through there. They're putting a new storm inlet down at the bottom of the hill. Ms. Schneider responded well what I saw going on today or this morning before I left was some weird piece of pipe in there. Mr. Cuteri added corrugated pipe? Yeah. Ms. Schneider continued well the problem is if you saw the pipe coming out and I think there was a gas line? So, the pipe that the gas line is back here, so it's not like, it would have to be some type of elbow of something. Mr. Cuteri responded, well I wouldn't worry about it, there's an inspector there. Mr. Dismukes added I think that's an old terracotta. It's like a pipe that's 12 inches or bigger in diameter, then there's a smaller terracotta pipe. Ms. Schneider responded well I know they re-did that whole area. Mr. Dismukes continued, that's all old, and that's all disconnected. Ms. Schneider added the water company was there yesterday and I don't think that's what the water company says. I'm just saying it's a moot point, it's covered under, and we'll find out if it's a problem in the future. I mean this whole thing have been a pain. Mr. Cuteri responded well I think people don't realize what's going on and I know it's –

what I want to know is if they put your gravel in. Ms. Schneider replied yes! And that's how I got here today. So yes, I'm free, so thank you for that.

Ms. Schneider added what's interesting is, out of all our people on our street, mine was the only one like that. So now that I have the gravel, now everyone else wants the gravel and it's coming. Mr. Cuteri responded, there were two other driveways

- 7. Greenspaces:** Mr. Radcliffe updated council on the park and green spaces in the community. The basketball court and asphalt will be sealed on the 27<sup>th</sup> of August and re-paint the lines for the basketball hoop. Mr. Radcliffe added that the fence company should be in in the next week or two.
- 8. ALCOSAN Pre-treatment regulations – vote to adopt:** Mr. Cuteri explained that this is more for industrial sites, but we should accept it, it really won't affect us. ***A motion was made by Mr. Brown to adopt ordinance 347. Mr. Stiller seconds the motion. The motion passed unanimously.***
- 9. Ordinance – vote to advertise if acceptable:** Mr. Stiller stated that he noticed in other Borough ordinances that were similar, about where you can park vehicles on their property and how visible they are. Currently in this drafted ordinance it doesn't state you can't park it in your backyard. It stated you cannot park it in the front, but can be in the driveway, but it doesn't tackle the visibility issue. Mr. Cuteri added it would be difficult to write something like that in due to the size of the properties. It also states you are permitted to park in the driveway, but that means you can't park in the backyard or front yard. Mr. Cuteri reminded council this ordinance was created so we can have the police enforce this, rather than the zoning officer. Mr. Brown asked Mr. Stiller if he wanted it written so it stated it can only be parked in the driveway so it's clearer? Mr. Stiller read what another Borough has, a trailer or boat, is not visible from any adjoining lot public sidewalk or public right of way. They use site lines as opposed to location on the property. Mr. Dismukes noted to council that section one is limited to the driveway whereas, section two is limited to the front yard. Mr. Cuteri feels it should be amended to say that no owner, occupant or any residential premises shall permit there on the storing on the property or parking in the driveway of a junked or abandoned or partial dismember vehicle. That would exclude it from being on the property. Mr. Stiller questioned council if it was okay to store a junked car in your garage as that is still on your property. Council stated yes. Ms. Beers read back to council what the changes were that they want made. So, section 1 will say no owner, occupant or operator of any residential premises shall permit thereon the storing on the property or parking in the driveway, so on and so forth. And then for section 2 at the second sentence, say they may only be parked in a driveway, etc. ***A motion was made to advertise the amended ordinance as discussed by Mr. Radcliffe. Mrs. Neunder seconds the motion. The motion passed unanimously.*** Ms. Beers will send Ms. DiNuzzo the revised ordinance to be advertised. Ms. DiNuzzo will also send it to Mr. Brown to be added to the Borough website.
- 10. Planning Commission Hearing:** Mr. Cuteri informed council that we're going to schedule another meeting.
- 11. Ecode360:** Ms. DiNuzzo update council on the conversation she had with ecode360. They needed to investigate our ordinances to give a definitive quote but gave her a ballpark quote of between \$8,000-\$10,000. Council felt that was too high for our Borough. Mr. Brown stated he's been working with Mr. Ferry on these documents, and he believes he can get them all on our website for a few hundred dollars with upgrading our storage capacity.
- 12. Executive session:** There was no executive session this meeting.

Meeting ended at 7:56pm

The next scheduled meeting is September 14<sup>th</sup>, 2021, at 7:00 pm at Shannopin Country Club

Jessica DiNuzzo, Secretary